



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

ROY COOPER • Governor  
MANDY COHEN, MD, MPH • Secretary  
MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

April 9, 2020

Melissa Shearer  
[Melissa.Shearer@conehealth.com](mailto:Melissa.Shearer@conehealth.com)

**No Review**

**Record #:** 3253  
**Facility Name:** Cone Health  
**FID #:** 943494  
**Business Name:** The Moses H. Come Memorial Hospital  
**Business #:** 1811  
**Project Description:** Emergent relocation of hospital-based outpatient department due to COVID-19  
**County:** Guilford

Dear Ms. Shearer:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence regarding the above referenced proposal. Based on the CON law **in effect on the date of this response to your request**, the proposal described in that correspondence is not governed by, and therefore, does not currently require a certificate of need. If the CON law is subsequently amended such that the above referenced proposal would require a certificate of need, this determination does not authorize you to proceed to develop the above referenced proposal when the new law becomes effective.

You may need to contact the Agency's Acute and Home Care Licensure and Certification Section to determine if they have any requirements for development of the proposed project.

This determination is binding only for the facts represented in your correspondence. If changes are made in the project or in the facts provided in the correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by this office.

Please do not hesitate to contact this office if you have any questions.

Sincerely,

Celia C. Inman  
Project Analyst

Martha J. Frisone  
Chief

cc: Construction Section, DHSR  
Acute and Home Care Licensure and Certification Section, DHSR

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION**  
**HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION**

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603  
MAILING ADDRESS: 809 Ruggles Drive, 2704 Mail Service Center, Raleigh, NC 27699-2704  
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3873

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

March 30, 2020

Ms. Martha J. Frisone, Chief  
Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation, NC DHHS  
2704 Mail Service Center  
Raleigh, NC 27699-2704

RE: Notice for Emergent Relocation of Hospital-Based Outpatient Department Due to COVID-19 Response Plan

Dear Ms. Frisone:

I am writing to you today to make you aware of necessary changes to the location of one of Cone Health's hospital-based outpatient departments (HOPD) in light of Cone Health's COVID-19 response plan. As you are aware, on March 12, 2020, DHSR Director Mark Payne waived the requirements under 10A NCAC 13B .3111 for acute care hospitals to add additional bed capacity. On March 27, 2020, Cone Health notified Azzie Conley, Chief, Acute and Home Care Licensure and Certification Section, per Mark Payne's letter of its intent to temporarily add 116 acute care beds to the Cone Health license (#H0159) to care for COVID-19 patients. These beds will be located at the former Women's Hospital campus. A copy of the letter sent to Ms. Conley is included as *Attachment 1*, and a copy of her response, received March 27, 2020, is included as *Attachment 2*.

As you are also aware, the former Women's Hospital campus no longer operates acute care beds or operating rooms, as those services were relocated to a new tower at Moses Cone Hospital on February 23, 2020 pursuant to CON Project ID# G-11104-15; however, there are still a few remaining outpatient clinical services still operating on the former Women's Hospital campus. Most of those services are non-hospital based and are not subject to CON review. However, the maternal-fetal medicine clinic (MFM) is hospital-based and must remain operational during the COVID-19 outbreak. This MFM service primarily treats high-risk obstetric patients, who cannot receive services in the same physical location as patients with a virulent infectious disease.

On February 15, 2020, Cone Health filed a CON application to relocate the MFM service, along with outpatient rehabilitation and other non-hospital-based departments, to a new, off-campus location. This application is currently under review as Project ID# G-11859-20. Given the new circumstances around the former Women's Hospital

campus, Cone Health cannot wait for approval of this project or construction of the proposed exempt medical office building at the new location to relocate this service.

Therefore, Cone Health will relocate maternal-fetal medicine services to existing medical office space within the Sydney F. LeBauer Medical Center (LeBauer Building) at 520 N. Elam Avenue in Greensboro, NC. This space was vacated by the LeBauer Pulmonary clinic when they moved into newly leased medical office space in 2019. LeBauer HealthCare plans to expand other physician offices into the vacated space. However, those plans will be placed on hold to temporarily allow maternal-fetal medicine to occupy this space until such time that it can occupy new space upon approval of CON Project ID# G-11859-20 and the completion of the construction of the new medical office building at that site. The LeBauer Building is located directly across N. Elam Avenue from Wesley Long Hospital, a satellite campus of Cone Health, under the same license (Lic#H0159).

This project does not meet any of the definitions of new institutional health service as defined in NCGS § 131E-176 (16). This relocation does not establish a new health service facility, as the hospital department will be located on the Wesley Long Hospital campus and as the LeBauer Building is “not separated by more than a public right-of way” from Wesley Long Hospital as defined in NCGS § 131E-176 (2c). Both properties are owned by The Moses H. Cone Memorial Hospital. The capital expenditure for this relocation will not exceed \$2 million because this is an existing medical office building that will be adapted for temporary use. For CON review purposes, this relocation is immaterial to the facts presented in Cone Health’s application and, therefore, is not an amendment to the application as per 10A NCAC 14C .0204.

If you have any questions about this important project, please feel free to contact me at [melissa.shearer@conehealth.com](mailto:melissa.shearer@conehealth.com).

Sincerely,



Melissa K. Shearer  
Executive Director  
Strategy and Planning

## **Attachment 1**

**Cone Health Letter to DHSR re:  
Temporary Bed Increase for COVID-19  
Patients**

March 27, 2020

Ms. Azzie Conley, Chief  
Acute and Home Care Licensure and Certification Section  
Division of Health Service Regulation, NC DHHS  
2712 Mail Service Center  
Raleigh, NC 27699-2712  
[Azzie.Conley@dhhs.nc.gov](mailto:Azzie.Conley@dhhs.nc.gov)

Re: Temporary Bed Increase in Response to COVID-19

Dear Ms. Conley:

I am writing to you to ask for a temporary increase in bed capacity at Cone Health, an acute care hospital licensed under License Number H0159, to treat patients that may be infected with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and exhibiting signs and symptoms of COVID-19. Cone Health proposes to temporarily increase its licensed acute care bed capacity by 116 acute care beds and locate the beds at the former site of Women's Hospital at 801 Green Valley Road. This temporary increase in bed capacity is authorized by the Governor's declaration of a State of Emergency and the DHSR Director's letter dated March 12, 2020, which waives certain restrictions on temporary increases in bed capacity specified in 10A NCAC 13B.3111. As detailed in this letter, Cone Health's proposed temporary increase in bed capacity meets the requirements of the DHSR Director's letter. By locating COVID-19 patients on a separate campus that does not currently provide acute care services, Cone Health can isolate these patients from other hospitalized patients to safeguard all patients and providers to the highest extent possible.

Acute care services were very recently relocated to a new tower at Moses Cone Hospital on February 23, 2020. Non-acute hospital-based services continue to be offered from this site; however, those sites will be relocated to other Cone Health locations so their patients will not be exposed to COVID-19. The majority of these temporary beds (100) will be housed in former adult units – birthing suites, mother/baby, antenatal, medical/surgical, and intensive care. The remaining 16 beds will be located in the former neonatal ICU. The neonatal ICU was equipped for 36 NICU beds. As such, there is sufficient physical space, medical gas outlets, electrical gas outlets, and other requirements for 16 adult beds. Please see *Attachment 1* for blueprints showing where the beds will be located. Cone Health intends to operate these beds for the duration of the State of Emergency.

These beds are necessary to safeguard the public health and safety of the Piedmont Triad. The physical facilities were used as an acute care hospital as recently as one month ago, meet federal life safety requirements, and remain adequate to safeguard the health and safety of patients and will be operated in accordance with CMS hospital conditions of participation and any applicable temporary CMS requirements for inpatient care and all hospital patients will receive appropriate care and their health and safety will be safeguarded.

Please let me know if you need any additional information to approve this important request to protect the health and safety of our patients and our community.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrence B. Akin". The signature is fluid and cursive, with a prominent initial "T" and "A".

Terrence B. Akin, FACHE  
Chief Executive Officer  
Cone Health

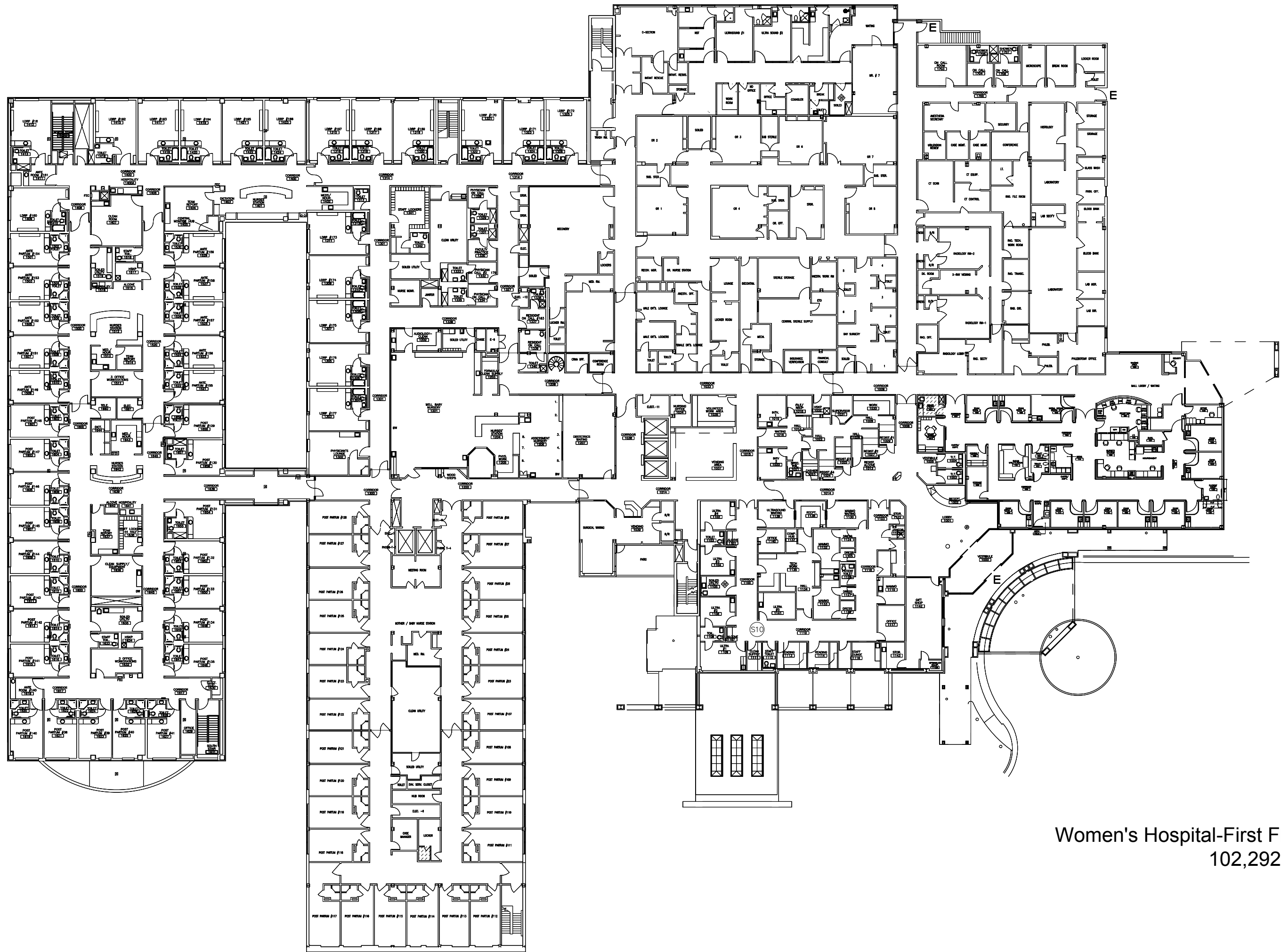
# **Attachment 1**

## **Blueprints for Green Valley Campus**

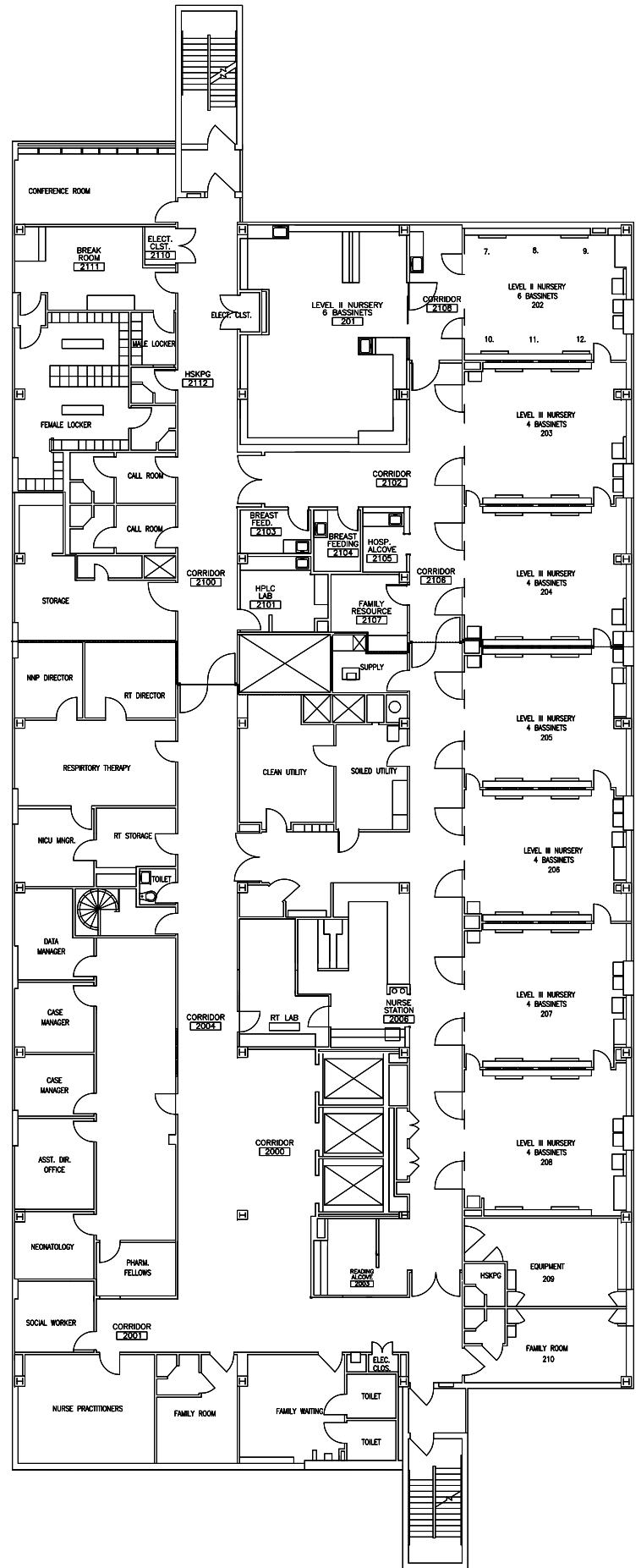


Women's Hospital-Ground Floor  
63,800 gsf

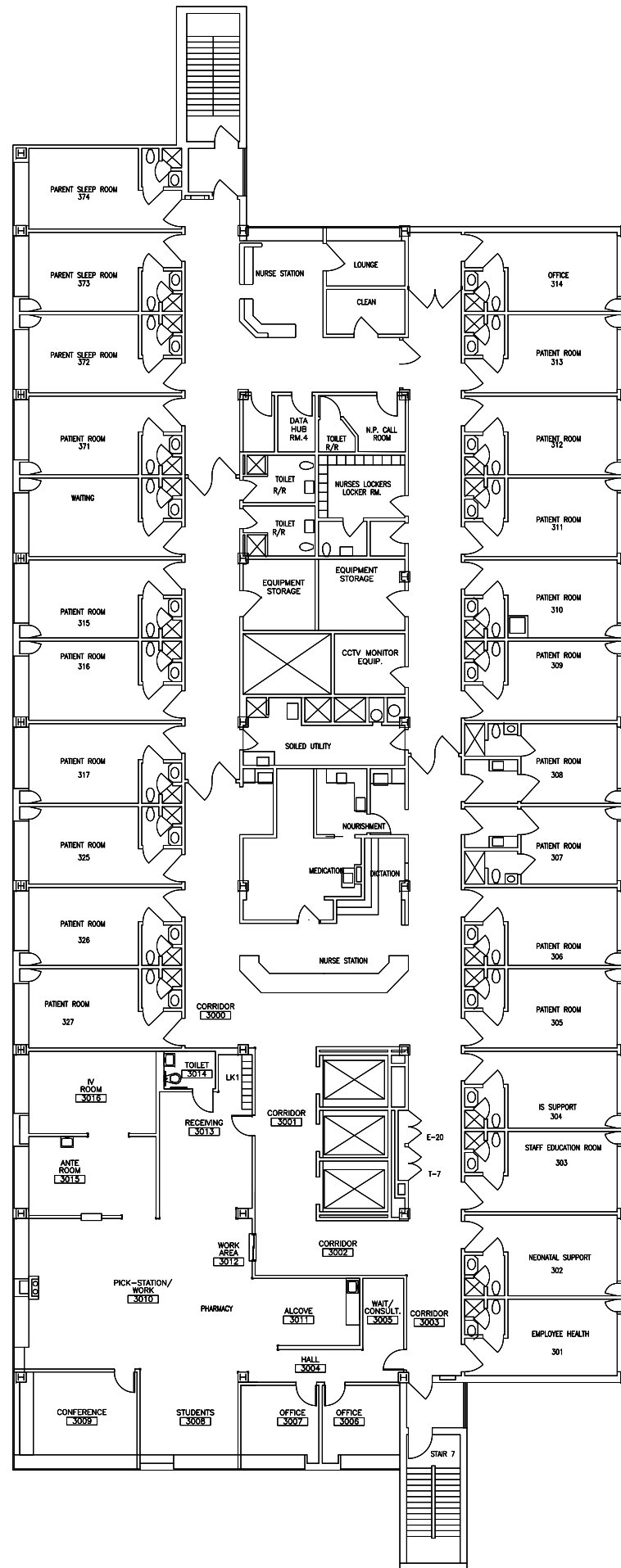




Women's Hospital-First Floor  
102,292 gsf



Women's Hospital-Second Floor  
16950 gsf



Women's Hospital-Third Floor  
16,950 gsf

## **Attachment 2**

**DHSR Response to Cone Health re:  
Temporary Bed Increase for COVID-19  
Patients**



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**  
Division of Health Service Regulation

**ROY COOPER** • Governor  
**MANDY COHEN, MD, MPH** • Secretary  
**MARK PAYNE** • Director

March 27, 2020

*VIA EMAIL*

Mr. Terrence B. Akin, FACHE  
Chief Executive Officer, Cone Health  
1200 North Elm Street  
Greensboro, NC 27401-1020

**RE: Temporary Request for Licensed Acute Care Bed Increase  
Cone Health Hospital, Inc. (H0159)  
COVID-19 preparedness (116 beds)**

Dear Mr. Akin:

This letter is in response to your correspondence of **March 25, 2020** requesting a temporary bed increase of **116 beds**. Based on review of the information you submitted, the request to temporarily activate the sum total of **116** additional beds is approved effective **March 27, 2020** through **July 25, 2020**. *At the end of the 120 days, we will be glad to reevaluate your need for an extension.* Please let us know if the need changes and an adjustment is warranted.

It should be noted that this determination is based solely on the facts represented by you and that any change in the facts as represented would require further consideration by this Agency and a separate determination. Should you have questions, please do not hesitate to contact me at the (919) 855-4646 or number below.

Sincerely,

***Azzie Y. Conley***

Azzie Y. Conley, RN,  
[Azzie.Conley@dhhs.nc.gov](mailto:Azzie.Conley@dhhs.nc.gov)

cc: Section Chief, Certificate of Need (via email)  
Jeff Harms, Acting Assistant Chief, Construction Section (via email)  
Linda Johnson, Acute and Home Care Licensure & Certification Section (via email)

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION**

**ACUTE AND HOME CARE LICENSURE AND CERTIFICATION SECTION**

LOCATION: 1205 Umstead Drive, Lineberger Building, Raleigh, NC 27603  
MAILING ADDRESS: 2712 Mail Service Center, Raleigh, NC 27699-2712  
[www.ncdhhs.gov/dhstr/](http://www.ncdhhs.gov/dhstr/) • TEL: 919-855-4620 • FAX: 919-715-3073

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