

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor KODY H. KINSLEY • Secretary MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY February 13, 2023

Kenneth Burgess kburgess@bakerdonelson.com

Exempt from Review

Record #:	4132
Date of Request:	February 6, 2023
Facility Name:	Mission Hospital
FID #:	943349
Business Name:	MH Mission Hospital, LLLP
Business #:	3045
Project Description:	Consolidate clinical laboratory spaces on the main campus
County:	Buncombe

Dear Mr. Burgess:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency), determined that the above referenced proposal is exempt from certificate of need review in accordance with G.S. 131E-184(g). Therefore, you may proceed to offer, develop or establish the above referenced project without a certificate of need.

It should be noted that this determination is binding only for the facts represented by you. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by the Agency. Changes in a project include but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate; (3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Ena Lightbourne, Project Analyst

Micheala Mitche

Micheala Mitchell, 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

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KENNETH LEE BURGESS, SHAREHOLDER Direct Dial: 919.294.0802 Direct Fax: 919.338.7696 E-Mail Address: kburgess@bakerdonelson.com

February 6, 2023

VIA E-MAIL

Micheala Mitchell, Chief Ena Lightbourne, Project Analyst N.C. Department of Health and Human Services N.C. Division of Health Service Regulation Certificate of Need Section 809 Ruggles Drive, Raleigh, N.C. 27603

RE: Notice of Exemption for the Consolidation and Upgrade of Labs at MH Mission Hospital, LLLP

Dear Micheala and Ena:

I am writing on behalf of our client MH Mission Hospital, LLLP ("Mission") to provide the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Certificate of Need Section ("the CON Section" or "the Agency") with prior written notice of the consolidation of clinical laboratory spaces at Mission Hospital, as described further below (the "Project"). For the reasons set forth below, we do not believe that the Project is subject to review by the Agency or that Mission is required to obtain a certificate of need ("CON") before proceeding with the Project because the Project qualifies for an exemption pursuant to N.C. Gen. Stat. § 131E-184(g).

Background

Since approximately 2014, Mission has been gradually moving all clinical services from the St. Joseph's facility, located on the Mission Hospital main campus, to the Mission Hospital main building. Mission has advised the Agency of these relocations via a series of Exemption Notices beginning in 2014.¹ Currently, Mission's clinical laboratory services are located both at the Mission main hospital building and also at the St. Joseph's building, both of which are located on the Mission main campus in Asheville, North Carolina.

Mission is continuing its relocation of clinical services from the St. Joseph's Building to the main Mission Hospital building, as described in this Notice. The Project which is the subject of this Exemption Notice is designed to consolidate all laboratory services into one location at the main Mission Hospital building. The Project will be developed in two phases and involves the following:

- Prior to the initiation of Phase 1, Mission will relocate existing histology, pathology and most microbiology lab services to its market reference lab.
- In Phase 1, Mission will:

¹ Copies of Mission's 2014 and 2018 Exemption Notices addressing the relocation of clinical services from the St. Joseph's facility to the Mission Hospital main building are available to the Agency. Mission is happy to provide copies of those, with supporting exhibits, upon request if needed.

- Expand the existing lab at Mission Hospital's main building, by renovating adjacent vacant space that previously housed the kitchen and dietary department, prior to the opening of Mission's North Tower in 2019. This space will be renovated to accommodate hematology, specimen processing and chemistry functions of the laboratory and related support space. This area will also include space for a microbiology rapid lab.
- Also in Phase 1, a vacant portion of the existing laboratory will be renovated to create a new space for phlebotomy, which will be relocated from the J Tower at the Mission main building, and space for reference testing, a call center and storage.
- In Phase 2, Mission will renovate most of its existing laboratory at the main hospital building to provide lab support space, including a conference room, staff lounge, offices and lab storage.
- One Phase 2 is completed, the existing laboratory services currently being performed at St. Joseph's will be relocated into the expanded lab services at the main hospital building.
- The Project will utilize as much existing laboratory equipment as possible, but some additional equipment will be required (discussed below).
- The Project involves the renovation of approximately 19,206 square feet at Mission Hospital's main building.

The consolidation of laboratory services in one location, in an improved and expanded space, will provide efficiencies, including reducing the need to rely on couriers to transport lab samples from St. Joseph's to the main Mission Hospital building, and will improve staff, patient and physician satisfaction through improved turnaround times and generally enhance lab services. The last major renovation of Mission's lab services and spaces was nearly 20 years ago. For the reasons stated below, this consolidation and enhancement of Mission's laboratory services is exempt from CON Section review, and thus does not require that Mission obtain a CON, pursuant to N.C. Gen. Stat. § 131E-184(g). See Exhibit 3 (diagrams showing the location of Mission's existing laboratory space and the space to be renovated).

Applicable Legal Authorities

The CON Law precludes any person from offering or developing a "new institutional health service" without first obtaining a CON. N.C. Gen. Stat. § 131E-178(a). The definition of "new institutional health service" includes, *inter alia*, the following:

• Incurring an obligation for a capital expenditure that exceeds \$4,000,000.00 to develop or expand a health service or health service facility, or which "relates" to the provision of a health service.

N.C. Gen. Stat. §§ 131E-176(16)(b). However, the CON Law includes a specific exemption for healthrelated capital expenditures in excess of \$2,000,000.00 where the sole purpose of the capital expenditure is "to renovate, replace on the same site, or expand the entirety or a portion of an existing health service facility located on the main campus." N.C. Gen. Stat. § 131E-184(g). That exemption, where applicable, eliminates the need to obtain a CON before incurring the capital expenditure. The Project which is the subject of this Exemption Notice involves a capital expenditure in excess of \$2,000,000.00. The estimated total capital cost for the project is \$14,662,00.00. However, the project is exempt from CON Section review based upon the exemption at N.C. Gen. Stat. § 131E-184(g). That exemption is described below.

Specifically, the CON Law includes an exemption for health-related capital expenditures in excess of \$2,000,000.00 where the sole purpose of the capital expenditure is "to renovate, replace on the same site, or expand the entirety or a portion of an existing health service facility located on the main campus." N.C. Gen. Stat. § 131E-184(g)². That exemption, where applicable, eliminates the need to obtain a CON before

² The capital cost threshold expenditure identified in N.C. Gen. Stat. § 131E-176(16)b was recently increased from \$2,000,000 to \$4,000,000 by the North Carolina General Assembly. However, the related exemption at N.C. Gen. Stat. § 131E-184(f) was not increased to that same amount. As a result, that

incurring the capital expenditure. To the extent the Agency determines that this exemption applies to the Project, Mission's Project satisfies the elements of the exemption, which is described below.

The Statutory Exemption For Renovation, Replacement Or Expansion Of An Existing Health Facility On The Same Campus

N.C. Gen. Stat. § 131E-184(g) provides an express exemption from CON Section review for capital expenditures that exceed \$2,000,000.00 where:

- 1. The sole purpose of the capital expenditure is to renovate, replace on the same site, or expand the entirety or a portion of an existing health service facility located on the main campus;
- 2. So long as the capital expenditure does not result in:
 - a. A change in bed capacity as defined in G.S. 131E-176(5); or
 - b. The addition of a health service facility or any other new institutional health service other than that allowed by G.S. 131E-176(16)b; and
 - c. The CON Section receives prior written notice of the planned expenditure along with documentation demonstrating that the provider meets the exemption.

The Project Involves The Relocation Of Mission's Existing Laboratory Services On Mission's Main Campus

The Project which is the subject of this Notice is projected to cost in excess of \$2,000,000.00. Please see Attachment 1, a Certified Projected Capital Cost Worksheet reflecting that the total project cost is anticipated to be \$14,662,000.00. Of that amount, \$11,939,000.00 will be expended on construction and renovation related to renovating existing space at Mission Hospital. The remaining costs include: \$1,337,000.00 in equipment, \$640,000.00 in information systems costs, \$130,000.00 in unified communications costs and \$616,000.00 in interest costs.

The Project qualifies for the statutory exemption at N.C. Gen. Stat. § 131E-184(g) because the sole purpose of the project and related expenditure is to renovate, relocate and replace a portion of an existing health service facility on the hospital's main campus. The project consists of consolidating Mission's existing laboratory services, including relocating certain existing lab services now housed at the St. Joseph's building to the Mission Hospital main building. Both the St. Joseph's Building and the Mission Hospital main building are located on the hospital's main campus.

The term "campus" is defined at N.C. Gen. Stat. § 131E-176(2c) as "the adjacent grounds and buildings, or grounds and buildings not separated by more than a public right-of-way, of a health service facility and related health care entities." For the purposes of the exemption at N.C. Gen. Stat. § 131E-184(g), "main campus" is defined as:

- a. The site of the main building from which a licensed health service facility provides clinical patient services and exercises financial and administrative control over the entire facility, including the buildings and grounds adjacent to that main building; and
- b. Other areas and structures that are not strictly contiguous to the main building but are located within 250 yards of the main building.

N.C. Gen. Stat. § 131E-176(14n).

Both the St. Joseph's Building and the Mission Hospital main building are part of a single licensed hospital located on grounds that are adjacent and not separated by more than a public right of way. The Mission

exemption still refers to replacement, renovation and expansion projects that cost in excess of \$2,000,000.

Hospital main building is the site from which the hospital exercises clinical and administrative control over the entire hospital. See Attachment 4, reflecting the location of the St. Joseph's Building (item 6 on the diagram) and the Mission Hospital main building (item 1 on the diagram). See also, Attachment 2 (Statement of Mission's COO). The CON Section has previously determined that the St. Joseph's Building and the Mission Hospital main building are both on the hospital's main campus and, specifically, that the relocation of clinical spaces from the St. Joseph's Building to Mission Hospital's main building qualifies for the exemption at N.C. Gen. Stat. § 131E-184(g). See Attachment 5 (Mission's 2009 Exemption Notice regarding the relocation of an operating room from the St. Joseph's Building to the Mission Hospital main building and the Agency's approval thereof).

Mission's Project Does Not Involve A Change In Bed Capacity

The Project does not involve a change in bed capacity as defined by N.C. Gen. Stat. § 131E-176(5). That section defines "change in bed capacity" in pertinent part as: (i) any relocation of health service facility beds from one licensed facility or campus to another, or (ii) any redistribution of health service facility bed capacity among the categories of health service facility beds defined in N.C. Gen. Stat. § 131E-176(9c), or (iii) any increase in the number of health service facility beds. The Project involves only the relocation and renovation of existing laboratory spaces on Mission's main campus, and does not involve any relocation of health service facility beds from one licensed campus to another, any increase in the number of health service beds or any redistribution of health service facility beds among the categories identified at N.C. Gen. Stat. § 131E-176(9c).

The Equipment To Be Acquired And Installed As Part Of The Project Does Not Constitute Major Medical Equipment Under The CON Statute

The CON Statute treats as a "new institutional health service" requiring a CON the acquisition of major medical equipment. N.C. Gen. Stat. § 131E-176(16)p. Major medical equipment is defined as "a single unit or single system of components with related functions which is used to provide medical and other health services and which costs more than two million dollars ("2,000,000)." N.C. Gen. Stat. 131E-176(14o).

Mission's Project does not involve the acquisition of medical equipment which meets the definition of "major medical equipment" under the CON Statute. The total equipment budget for the Project is approximately \$1,337,000.00. See Attachment 1 (capital cost worksheet). No single item or single system of components to be included in the Project comes anywhere close to the \$2,000,000.00.00 major medical equipment threshold in terms of cost.

Also, the Project does not include the acquisition of any of the major medical equipment designated at N.C. Gen. Stat. § 131E-176(16)f1 which would require Mission to obtain a CON before acquiring the equipment.

Conclusion

For the reasons recited herein, the Project qualifies under the exemption from CON Section review set forth at N.C. Gen. Stat. § 131E-184(g). Please allow this letter to serve as the advance written notice required by N.C. Gen. Stat. § 131E-184(g). We would appreciate the CON Section acknowledging at its earliest opportunity that Mission's Project, as described herein, is not subject to CON Section Review and that Mission may proceed with the project without first obtaining a CON.

Please let me know if you have questions or need further information regarding this notice.

Very truly yours,

Kenneth L. Buyeas

Kenneth L. Burgess

cc: Sondra Smith Cathi Durham

Exhibits

Building Purchase Price	\$0.00
Purchase Price of Land	\$0.00
Closing Costs	\$0.00
Site Preparation	\$0.00
Construction/Renovation Contract(s)	\$11,939,000.00
Landscaping	\$0.00
Architect / Engineering Fees	\$0.00
Medical Equipment	\$1,337,000.00
Non-Medical Equipment	\$0.00
Furniture	\$0.00
Consultant Fees (specify)	\$0.00
Financing Costs	\$0.00
Interest during Construction	\$616,000.00
Other (IT and Telecom)	\$770,000.00
Total Capital Cost	\$14,662,000.00

Projected Capital Cost Form Mission Hospital Lab Consolidation

CERTIFICATION BY A LICENSED ARCHITECT OR ENGINEER

I certify that, to the best of my knowledge, the projected capital cost for the proposed project is complete and correct.

Date Signed: _____2/2/2023

Signature of Licensed Architect or Engineer

CERTIFICATION BY AN OFFICER OR AGENT FOR THE PROPONENT

I certify that, to the best of my knowledge, the projected total capital cost for the proposed project is complete and correct and that it is our intent to carry out the proposed project as described.

ne

Signature of Officer/Agent

Name Title of Officer/Agent Date Signed: 12423



Attachment 2

STATEMENT OF JOSEPH R. RUDISILL

1. I am the Chief Operating Officer for MH Mission Hospital, LLLP ("Mission"). I am personally familiar with Mission Hospital's plan to relocate certain of Mission's existing laboratory spaces in the St. Joseph's building to the main hospital building at Mission Hospital, and to renovate existing space at the Mission Hospital main building laboratory. Both the St. Joseph's building and the Mission main hospital building are located on the Mission main campus. I make this statement in support of Mission's Exemption Notice to the N.C. Certificate of Need Section.

2. As part of my duties as Chief Operating Officer, I am responsible for the oversight of all operations of Mission Hospital, which includes the Laboratory Department.

3. I am personally familiar with the proposed project which involves the relocation of laboratory services currently housed at the St. Joseph's building to the Mission Hospital main building and the renovation of existing laboratory space at Mission Hospital.

4. I certify that the total costs of the project are approximately FOURTEEN MILLION, SIX HUNDRED AND SIXTY-TWO THOUSAND DOLLARS (\$14,662,000.00).

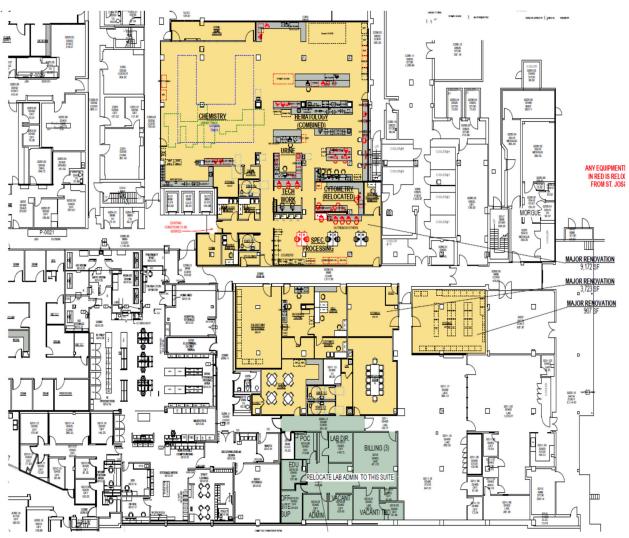
5. Furthermore, as part of this project, Mission Hospital will not acquire any new major medical equipment, increase total bed capacity, increase total operating room capacity or develop any other new institutional health services described in N.C. Gen. Stat. §131E-176 (16).

This the _11_ day of January, 2023.

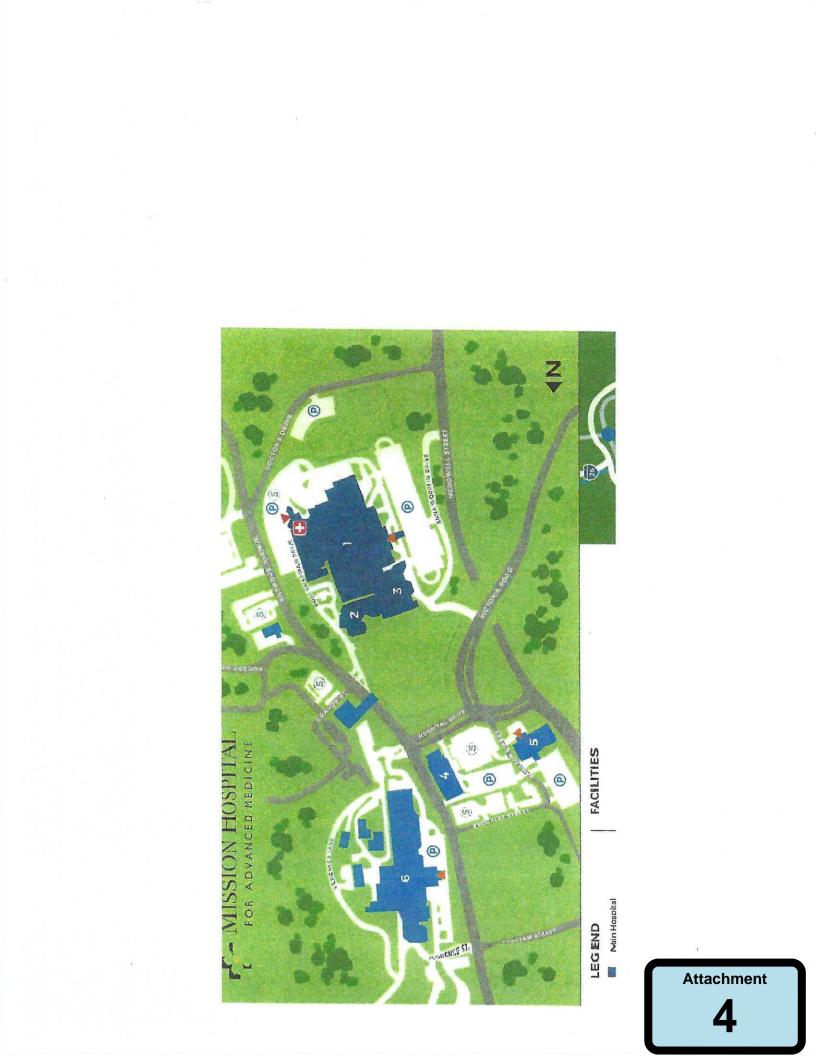


Attachment

JOSEPH R. RUDISILL Chief Operating Officer MH Mission Hospital, LLLP



Mission Laboratory Consolidation and Renovation





Attachment

September 11, 2009

Lee B. Hoffman, Chief Certificate of Need Section Division of Health Service Regulation North Carolina Department of Health and Human Services 2704 Mail Service Center Raleigh, North Carolina 27699-2704

RE: Mission Hospital Letter of Non Review: Relocation of an OR from the St. Joseph's building to a current GYN procedure room in the Memorial building

Dear Ms. Hoffman:

Mission Hospital ("Mission") submits this letter as prior written notice that it plans to relocate an OR ourrently located in the St. Joseph's building to a current GYN procedure room in the Memorial building. The Memorial building and the St. Joseph's building are located on the same campus as defined within the meaning of N.C.G.S. 131E-176 (2c) "adjacent grounds and buildings not separated by more than one public right-of-way" and therefore not subject to CON review. In an email correspondence Lee Hoffman noted, "Because St. Joseph and Mission are a single licensed hospital that are located on a single campus (i.e. grounds that are adjacent and not separated by more than one public right of way) operating rooms may be moved between buildings on this campus that are licensed as part of Mission Hospital without a CON if the cost of the project is less than \$2 million."

Construction for this project is due to begin October, 2009 and will be completed November 30, 2009. Upon completion of this project, the space once occupied by OR 5 in the St. Joseph's building will be used to expand the existing sterile core. Expansion of the sterile core will provide a more centrally located area for all sterile supplies. Currently, surgical supplies in the St. Joseph's building are located in two separate areas and need to be combined. In addition, relocating an OR from the St. Joseph's building to the Memorial building will result in improved efficiencies associated with redundant staffing and costs within Mission's surgical services. Having an additional OR in the Women's services department will provide space where emergent and urgent surgeries for pregnant patients, elective C-Sections and elective GYN cases can be preformed all in one area. This will also provide a more family oriented area for delivering mothers and their personal support. Having an additional OR room in Women's Services will allow GYN/OB cases to be performed closer to Labor and Delivery keeping surgeons within close proximity to other laboring patients. In addition, supplies are currently located in three different areas in the Memorial building to accommodate Women's surgical services which are, at times, performed on a separate floor. If Women's surgical services are in the same area staffing will be more consistent thus saving on excesses of staffing three different areas. See attached floor plans of the current location of OR 5 in the St. Joseph's building along with the floor plan of the new OR location in Women's Services at the Memorial building. The

509 Bilimore Avenue, Asheville, North Carolina 26801 (828) 213-1111 www.missionhospitals.org

procedure room in the Memorial building will not be relocated. The procedure room will be upgraded to an OR once OR 5 has been relocated.

Relocating the OR from St. Joseph's building to the Memorial building will not increase the total number of licensed OR's at Mission Hospital. The proposed changes would not involve the acquisition of any major medical equipment or equipment otherwise covered under the CON Act. Please see the table on the next page for a breakout of the original and proposed OR's in the St. Joseph's and Memorial buildings.

Type of Operating Room	Memorial Hospital	St. Joseph's Hospital	Asheville Surgery Center	Total
Dedicated Open Heart Surgery	6	0	0	6
Other Dedicated Inpatient Surgery*	15	2	0	17
Dedicated Ambulatory Surgery	0	4	9	13
Shared-Inpatient/Ambulatory Surgery	2	9	0	11 .
Total Operating Rooms	23	15	9	AT

Pre New OBGYN 3rd OR and Decommissioning of SIOR 5

Type of Operating Room	Memorial Hospital	St. Joseph's Hospital	Asheville Surgery Center	Total
Dedicated Open Heart Surgery	6	0	0	6
Other Dedicated Inpatient Surgery*	1.5	2	O	17
Dedicated Ambulatory Surgery	Ö	4	9	13
Shared-Inpatient/Ambulatory Surgery	3	8	0	11
Total Operating Rooms	24	-14	9	47

Mission seeks confirmation that the replacement of the GYN procedure room does not constitute a new institutional health service subject to CON review within the meaning of NCGS 131E-176 (16)(b). The North Carolina law defining those services which require a CON contains no provisions applicable to the proposed project. The definition of "new institutional health services" requiring a CON which potentially could apply to the proposed project is "The obligation by any person of a capital expenditure exceeding two million dollars (\$2,000,000) to develop or expand a health service or a health service facility. This project will cost \$332,000 to complete including construction, equipment, and contingency. These costs are only for the upgrade of the procedure room to an OR. The procedure room located in the Memorial building will not be relocated. There will be no additional costs associated with expansion of the sterile core in the St, Joseph's building. The OR is located currently located in the same area as the sterile core. See the attached drawings of the current location of OR 5 in the St. Joseph's building. A projected capital cost verification form signed by the architect, Steven Bowers of Bowers, Ellis and Watson Architects, PA, is attached.

We look forward to receiving your letter confirming that Mission's relocation of an existing OR from the St. Joseph's building to the Memorial Building on the same campus. All components are exempt from certificate of need review pursuant to N.C. Gen. Stat. § NCGS 131E-176 (16)(b). Please contact me at (828) 213-3509 if there is any additional information I can provide to facilitate your review of this request.

Sincerely,

. . ;

1

Brian Moore Director of Strategic Planning



North Carolina Department of Health and Human Services Division of Health Service Regulation Certificate of Need Section 2704 Mail Service Center Raleigh, North Carolina 27699-2704

Beverly Eaves Perdue, Governor Lanier M. Cansler, Secretary

www.ncdhhs.gov/dhsr

September 30, 2009

Lee Hoffman, Section Chief Phone: 919-855-3873 Fax: 919-733-8139

Brian Moore Director of Strategic Planning Mission Hospitals 509 Biltmore Avenue Asheville, NC 28801

RE: No Review/ Mission Hospitals/ Relocation of one OR from the St. Joseph Building to a Procedure Room in the Memorial Building/ Buncombe County FID #943349

Dear Mr. Moore:

The Certificate of Need (CON) Section received your letter of September 11, 2009 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 your correspondence is not governed by, and therefore, does not currently require a certificate of need. However, please note that 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.

It should be noted that this determination is binding only for the facts represented by you. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by the Certificate of Need Section. Changes in a project include, but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate; (3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed.

In addition, you should contact the Construction Section, DHSR to determine if they have any requirements for development of the proposed project. Please contact the CON Section if you have any questions. Also, in all future correspondence you should reference the Facility I.D.# (FID) if the facility is licensed.

Sincerely

Paula Quirin, Project Analyst

cc: Construction Section, DHSR

ee B. Hoffman.

Lee B. Hoffman, Chief Certificate of Need Section



Location: 701 Barbour Drive Dorothea Dix Hospital Campus & Raleigh, N.C. 27603 An Equal Opportunity / Affirmative Action Employer

From:	<u>Mitchell, Micheala L</u>
To:	<u>Stancil, Tiffany C</u>
Cc:	Lightbourne, Ena
Subject:	FW: [External] Notice of Exemption For Mission Hospital"s Consolidation and Renovation of Laboratory Spaces
Date:	Monday, February 6, 2023 1:10:19 PM
Attachments:	4860-2359-7135 v.1 Mission Lab Consolidation Exemption Notice w-attachments - 2023-02-06.pdf

Tiffany- would you mind logging this as an exemption and assigning to Ena?

Thanks,

Micheala Mitchell, JD

(she/her/hers) Section Chief, Healthcare Planning and CON Section <u>NC Department of Health and Human Services</u> <u>Division of Health Service Regulation</u> 809 Ruggles Drive, Edgerton Building 2704 Mail Service Center Raleigh, NC 27699-2704 Office: 919 855 3879 <u>Micheala.Mitchell@dhhs.nc.gov</u>

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From: Burgess, Ken <kburgess@bakerdonelson.com>

Sent: Monday, February 6, 2023 1:08 PM

To: Mitchell, Micheala L < Micheala. Mitchell@dhhs.nc.gov>; Lightbourne, Ena

<ena.lightbourne@dhhs.nc.gov>

Subject: [External] Notice of Exemption For Mission Hospital's Consolidation and Renovation of Laboratory Spaces

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to <u>Report Spam.</u>

Micheala and Ena, attached please find a Notice of Exemption I am filing on behalf of our client, Mission Hospital, in connection with the consolidation and renovation of laboratory spaces on the Mission main campus. Please let me know if you have any questions or need additional information. Thanks so much, Ken Burgess

PLEASE NOTE NEW ADDRESS

Kenneth (Ken) L. Burgess Shareholder Baker, Donelson, Bearman, Caldwell & Berkowitz, PC 2235 Gate Access Point Suite 220 Raleigh, N.C. 27607 Phone: 919-294-0802 Cell: 919-449-4754 Email address: <u>kburgess@bakerdonelson.com</u> www.bakerdonelson.com

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