

VIA EMAIL ONLY

July 9, 2024

Emily Comer emily.cromer@unchealth.unc.edu

NC DEPARTMENT OF

HUMAN SERVICES

Orange

HEALTH AND

Exempt from Review Record #: 4468 Date of Request: June 20, 2024 Facility Name: University of North Carolina Medical Center FID #: 923517 Business Name: University of North Carolina Hospitals at Chapel Hill Business #: 1900 Project Description: Updates to previous exemption determinations (Record #s 2311, 3371 and 4260) for the development of a new surgical tower

County:

Dear Ms. Comer:

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,

Cynthia Bradford, Project Analyst

Micheala Mitchell

Micheala Mitchell, Chief

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



June 20, 2024

VIA ELECTRONIC MAIL

Micheala Mitchell, Chief Mike McKillip, Team Leader CON Section Division of Health Service Regulation 2704 Mail Services Center Raleigh, NC 27699-2704

Re: Update to Issued CON Exemption Construct New Surgical Tower on UNC Hospitals Main Campus; FID # 923517 Record #s 2311, 3371 and 4260

Dear Ms. Mitchell and Mr. McKillip:

UNC Hospitals ("UNCH") is providing this updated notice regarding the CON exemption (the "2023 Exemption") issued by the Agency on August 28, 2023 (Record # 4260) for UNCH's construction of a new surgical tower on its main campus (the "Surgical Tower") to accommodate, among other non-regulated assets, the relocation of existing operating rooms ("ORs") and licensed acute care beds.¹ See Exhibit 1. UNCH now provides this prior written notice to inform the Agency about some minor planned changes to the development of the Surgical Tower. Importantly, none of these changes impact UNCH's satisfaction of the requirements of the Main Campus Exemption in N.C. Gen. Stat. § 131E-184(g), as explained below.

I. <u>Continued Design Work Has Resulted in Planned Adjustments.</u>

In the course of designing and developing the Surgical Tower project, UNCH has analyzed how to make the building as efficient as possible and maximize the clinical capabilities of the space. As a result of this analysis, and as explained in the 2023 Exemption, UNCH determined that as compared to its plans outlined in the 2020 Exemption, it can optimize the Surgical Tower space by operationalizing 80 licensed acute care beds, maximizing the full 80-bed space capacity of the Surgical Tower while not increasing UNCH's licensed bed capacity. This can be accomplished by pursuing alternative opportunities for developing OR and acute care bed capacity in the Surgical Tower, which will require the relocation of fewer existing ORs and acute care beds as detailed in the 2023 Exemption and in Part III below.

¹ The August 28, 2023 exemption was an update to the CON exemption issued by the Agency on June 30, 2017 (Record # 2311).

On a crowded and congested main campus of an Academic Medical Center, it is critical for UNCH to take advantage of these opportunities to optimize the Surgical Tower space. This notice to the Agency describes the planned adjustments to the project and requests written confirmation that the development of the Surgical Tower as described herein continues to meet the requirements of the Main Campus Exemption in N.C. Gen. Stat. § 131E-184(g).

II. Requirements of CON Main Campus Exemption

As outlined in prior exemption notices for this Surgical Tower, the exemption from CON law provided by N.C. Gen. Stat. § 131E-184(g) (the "Main Campus Exemption") states that:

"(g) The Department <u>shall</u> exempt from certificate of need review any capital expenditure that exceeds the four million dollar (\$4,000,000) threshold set forth in G.S. 131E-176(16)b. if all of the following conditions are met:

- (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 that is located on the main campus.
- (2) The capital expenditure does not result in (i) a change in bed capacity as defined in G.S. 131E-176(5) or (ii) the addition of a health service facility or any other new institutional health service other than that allowed in G.S. 131E-176(16)b.
- (3) The licensed health service facility proposing to incur the capital expenditure shall provide prior written notice to the Department, along with supporting documentation to demonstrate that it meets the exemption criteria of this subsection."

According to N.C. Gen. Stat. § 131E-176(14n), "main campus" means all of the following for purposes of N.C. Gen. Stat. § 131E-184(f) and (g) only:

- 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.
- b. Other areas and structures that are not strictly contiguous to the main building but are located within 250 yards of the main building.

As your Agency has previously found, the Surgical Tower project meets all criteria outlined above for the Main Campus Exemption to CON Law. See Exhibit 1. As explained herein, the sole purpose of the capital expenditure is to renovate, replace, and expand existing surgical and inpatient services on the main campus of UNCH, an existing health service facility, in accordance with N.C. Gen. Stat. § 131E-184(g)(1). This will be accomplished through the relocation of existing ORs and acute care beds, and the development and expansion of related ancillary spaces to support the surgical services and ICU level inpatient

services that will be provided in the new Surgical Tower.²

Importantly, in accordance with N.C. Gen. Stat. § 131E-184(g)(2), this project will <u>not</u> result in any change in bed capacity (as defined by N.C. Gen. Stat. § 131E-176(5)) or add any other health service facility or new institutional health service other than that allowed by N.C. Gen. Stat. § 131E-176(16b). In other words, the only portion of the definition of "new institutional health service" that could be implicated by the exempt project is the \$4 million cost threshold in N.C. Gen. Stat. § 131E-176(16b), but that threshold is not applicable in the context of the Main Campus Exemption. The Surgical Tower project does not otherwise propose any development of a "new institutional health service."³

Finally, in accordance with N.C. Gen. Stat. § 131E-184(g)(3), the Surgical Tower is located on the UNCH main campus in Chapel Hill, which is the site of the main building from which UNCH provides clinical patient services and exercises financial and administrative control over the entire facility. See Exhibit 2 for a map identifying the location of the Surgical Tower development on the UNCH main campus.

III. <u>Changes to Levels 5 and 6 Meet the Requirements of the Main Campus</u> <u>Exemption.</u>

Despite a change to the development of beds on levels 5 and 6 of the Surgical Tower as described below, the project still meets the Main Campus Exemption. Levels 5 and 6 of the Surgical Tower are designed to accommodate a total of 80 bed spaces. As explained in the 2023 Exemption, UNCH planned to maximize the 80 bed spaces in the tower by developing all 80 beds as licensed acute care beds to be used for various ICU service lines, with the 80 licensed acute care beds to originate from the following sources:

- Relocation of Cardiothoracic Step-down Unit (13)
- Acute care beds displaced by NICU expansion project (22)
- Conversion of semi-private rooms to private rooms (23)
- CON-approved, undeveloped acute care beds (22)⁴

While UNCH still plans to relocate its cardiothoracic step-down unit (CTSU) service line to the Surgical Tower, since submission of the 2023 Exemption, UNCH has determined that it needs to maintain the existing 13-bed CTSU space as a step-down unit to meet patients' care needs. To allow for continuous operation of the existing 13-bed CTSU as a step-down unit with no disruption in services, UNCH now intends to develop 13 additional CON-

 $^{^2}$ In some instances as described in the 2023 Exemption and below, the Surgical Tower will also house some CON-approved beds and operating rooms as authorized by the Agency and the CONs issued for those projects; those costs will be accounted for and tracked as part of those respective CON approved budgets and are not included in the exemption.

³ Again, certain CON approved assets will be developed in the Surgical Tower, but those projects remain governed by their respective CON approvals and are not implicated by this Exemption for the remainder of the Surgical Tower.

⁴ Including 13 beds from Project ID # J11164-16 and 9 beds from Project ID # J-11337-17. See Exhibit 3.

approved, undeveloped acute care beds in the Surgical Tower rather than relocate those 13 bed licenses. On May 28, 2024, UNCH received material compliance approval from the Agency to develop 13 additional beds from its previously approved Project ID # J-11164-16 in the Surgical Tower. See Exhibit 3.

As such, the current sources for the 80 licensed acute care beds to be developed in the Surgical Tower are as follows:

- Acute care beds displaced by NICU expansion project (22)
- Conversion of semi-private rooms to private rooms (23)
- CON-approved, undeveloped acute care beds (35)⁵

Based on material compliance determinations related to the CON-approved, undeveloped acute care beds (See Exhibit 3), the Agency has approved the development of these 35 additional CON-approved beds (26 + 9) in the Surgical Tower. These beds will be developed pursuant to the respective CONs issued, and costs for these beds will be tracked accordingly. UNCH recognizes that these beds are <u>not</u> a part of the Surgical Tower Exemption *per se*, but this information is provided to allow the Agency to have the full context for the project, which remains in large part exempt from CON review despite having some discrete CON regulated portions (i.e. the assets being developed in the tower pursuant to CON approvals).

There may be minor adjustments to the surgical tower plan going forward, in terms of exactly which ICU service lines will be relocated to operate in the acute care beds in the Surgical Tower, but the current plan is to relocate 45 of UNCH's existing licensed acute care beds from the main hospital building to the new Surgical Tower on the main campus.⁶ The remaining 35 (of 80) actue care beds in the Surgical Tower will result from the development of the 35 CON-approved, undeveloped beds described in this Part III. This move of existing beds and development of CON-approved beds will not increase UNCH's existing and approved licensed bed capacity. These changes reflect the dynamic nature of a large academic medical center with multiple inter-related construction projects and UNCH's assessment of the optimal approach to developing and operationalizing these acute care beds on the main campus.

IV. Conclusion

As demonstrated above, UNCH seeks to maximize the clinical capabilities of this Surgical Tower space while staying within the regulatory framework required by the relevant CON statutes, the development of CON-approved projects, and the CON Main Campus Exemption. It is our understanding and belief that all aspects of this project not specifically the subject of a CON approval are exempt from CON review pursuant to N.C. Gen. Stat. §

⁵ Including 26 beds from Project ID # J11164-16 and 9 beds from Project ID # J-11337-17.

⁶ The 45 acute care beds to be relocated from the main hospital building include: 22 beds displaced by the NICU expansion project and 23 beds resulting from the conversion of 23 semi-private rooms to private rooms.

131E-184(g), and UNCH requests written confirmation of such understanding. Please do not hesitate to contact me at emily.cromer@unchealth.unc.edu if you have any questions, and thank you in advance for your attention to this matter.

Sincerely,

Emily Cromer

Emily Cromer Director of Regulatory Affairs & Facility Strategy UNC Health



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

August 28, 2023

Emily Cromer Director of Regulatory Affairs & Facility Strategy Emily.cromer@unchealth.unc.edu

Exempt from Review	
Record #:	4260
Date of Request:	August 17, 2023
Facility Name:	University of North Carolina Medical Center
FID #:	923517
Business Name:	UNC Healthcare System
Business #:	2991
Project Description:	Updates to a previous exemption determination (Record #3371) for the development of a new surgical tower
County:	Orange

Dear Ms. Cromer:

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,

Cynthia Bradford, Project Analyst

Micheala Mitchell

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



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

October 22, 2020

Elizabeth Runyon Elizabeth.Runyon@unchealth.unc.edu

Exempt from Review	
Record #:	3371
Facility Name:	University of North Carolina Hospitals
FID #:	923517
Business Name:	University of North Carolina Hospitals at Chapel Hill
Business #:	1900
Project Description:	Changes to the project described in Record #2311 involving accommodation of an observation bed unit, relocating 63 existing licensed acute care beds (instead of 56) and adding procedure rooms to the Surgical Tower Project on UNC Hospitals Main Campus
County:	Orange

Dear Ms. Runyon:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency), determined that based on your letter of September 30, 2020, the above referenced proposal continues to be exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(g). Therefore, you may proceed to offer, develop or establish the above referenced project without a certificate of need.

However, you need to contact the Agency's Construction and Acute and Home Care Licensure and Certification Sections to determine if they have any requirements for development of the proposed project.

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,

Ku Megnandi

Kim Meymandi Project Analyst

Martha J. Frisone

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

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DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER GOVERNOR

MANDY COHEN, MD, MPH SECRETARY

> MARK PAYNE DIRECTOR

June 30, 2017

Gary S. Qualls 430 Davis Drive, Suite 400 Morrisville, NC 27560

Exempt from Review	
Record #:	2311
Facility Name:	University of North Carolina Hospitals
FID #:	923517
Business Name:	University of North Carolina Hospitals at Chapel Hill
Business #:	1900
Project Description:	Construct a new surgical tower to accommodate the relocation of 24 existing operating rooms, 56 existing licensed acute care beds, central sterile processing, educational conference rooms and classrooms
County:	Orange

County:

Dear Mr. Qualls:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency), determined that based on your letter of June 22, 2017 the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. \$131E-184(g). Therefore, you may proceed to offer, develop or establish the above referenced project without a certificate of need.

However, you need to contact the Agency's Construction and Acute and Home Care Licensure and Certification Sections to determine if they have any requirements for development of the proposed project.

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,

Bernette Have Williams

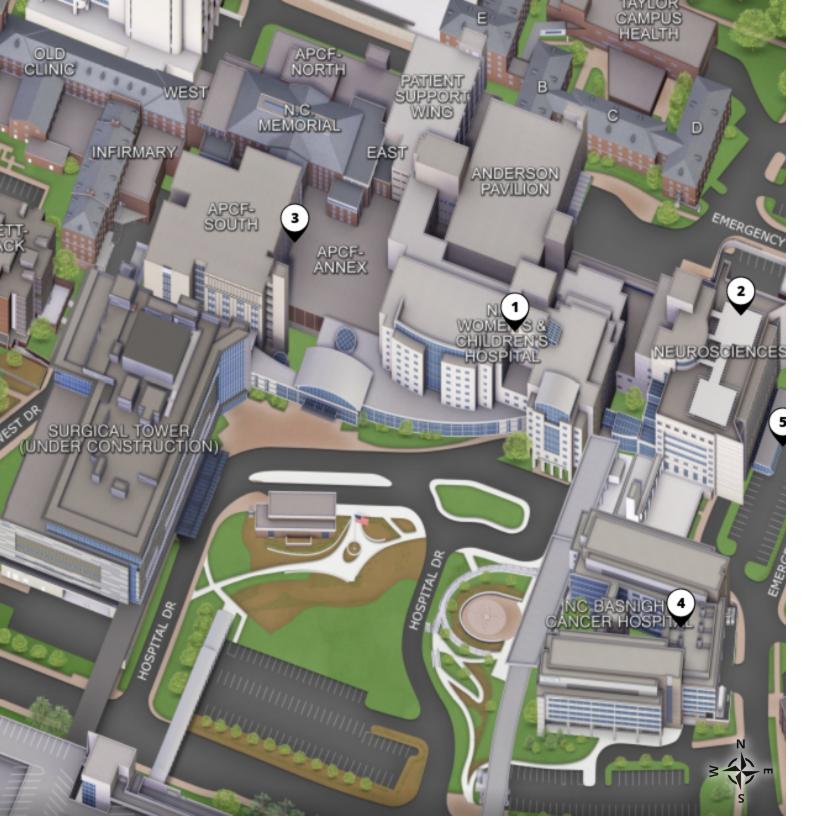
Bernetta Thorne-Williams Project Analyst

Frisone

Martha J. Frisone Chief, Healthcare Planning and Certificate of Need Section

Construction Section, DHSR cc: Acute and Home Care Licensure and Certification Section, DHSR Paige Bennett, Assistant Chief, Healthcare Planning, DHSR

> HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION WWW.NCDHHS.GOV TELEPHONE 919-855-3873 LOCATION: EDGERTON BUILDING • 809 RUGGLES DRIVE • RALEIGH, NC 27603 MAILING ADDRESS: 2704 MAIL SERVICE CENTER • RALEIGH, NC 27699-2704 AN EQUAL OPPORTUNITY/ AFFIRMATIVE ACTION EMPLOYER







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

August 4, 2023

Emily Cromer Director of Regulatory Affairs & Facility Strategy Emily.Cromer@unchealth.unc.edu

Material Compliance Approval

Project ID #:	J-11164-16
Facility:	University of North Carolian Hospitals
Project Description:	Develop no more than 55 additional acute care beds on the Chapel Hill campus for a total of no more than 789 acute care beds on the Chapel Hill campus and a total of no more than 890 acute care beds on the license
County:	Orange
FID #:	923517

Dear Ms. Cromer:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) has determined that the proposed change is in material compliance with representations made in the application. These changes include the development of 13 of the additional acute care beds in the new surgical tower.

It should be noted that the Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this office and a separate determination.

Moreover, if the proposed changes described above will not be incorporated into the project as developed, the certificate holder must notify the Agency in writing.

If you have any questions concerning this matter, please feel free to contact this office. Please refer to the Project ID # and Facility ID # (FID) in all correspondence.

Sincerely,

Cynthia Bradford, Project Analyst

Micheala Mitchell

Micheala Mitchell, Chief

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

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

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VIA EMAIL ONLY

August 4, 2023

Emily Cromer Director of Regulatory Affairs & Facility Strategy Emily.Cromer@unchealth.unc.edu

Material Compliance Approval

Project ID #:	J-11337-17
Facility:	University of North Carolina Hospitals
Project Description:	Add nine new acute care beds on the Chapel Hill campus for a total of
	798 acute care beds on that campus and 931 on the hospital license
County:	Orange
FID #:	923517

Dear Ms. Cromer:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) has determined that the proposed change is in material compliance with representations made in the application. These changes include the development of the nine additional acute care beds in the new surgical tower rather than in Unit 4 West of the hospital.

It should be noted that the Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this office and a separate determination.

Moreover, **if** the proposed changes described above will **not** be incorporated into the project as developed, the certificate holder must notify the Agency in writing.

If you have any questions concerning this matter, please feel free to contact this office. Please refer to the Project ID # and Facility ID # (FID) in all correspondence.

Sincerely,

Cynthia Bradford, Project Analyst

Micheala Mitraolo

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

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VIA EMAIL ONLY

May 28, 2024

Emily Cromer emily.cromer@unchealth.unc.edu

Material Compliance Approval

Project ID #:	J-11164-16
Facility:	University of North Carolina Hospitals
Project Description:	Develop no more than 55 additional acute care beds on the Chapel Hill campus
	for a total of no more than 789 acute care beds on the Chapel Hill Campus and a
	total of no more than 890 acute care beds on the license
County:	Orange
FID #:	923517

Dear Ms. Cromer:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) has determined that the proposed change is in material compliance with representations made in the application. These changes include the development of 25 rather than 38 acute care beds in the space vacated by the relocation of the rehabilitation beds to the Hillsborough Campus (Project ID # J-11163-16) and developing the remaining 13 beds in the surgical tower.

It should be noted that the Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this office and a separate determination.

Moreover, **if** the proposed changes described above will **not** be incorporated into the project as developed, the certificate holder must notify the Agency in writing.

If you have any questions concerning this matter, please feel free to contact this office. Please refer to the Project ID # and Facility ID # (FID) in all correspondence.

Sincerely,

Cynthia Bradford, Project Analyst

Micheala Mitraell

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

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From:	<u>Mitchell, Micheala L</u>
То:	Stancil, Tiffany C
Cc:	<u>Mckillip, Mike</u>
Subject:	FW: [External] UNC Hospitals Main Campus Surgical Tower Exemption Update
Date:	Thursday, June 20, 2024 4:44:40 PM
Attachments:	image001.png
	2024.6 Update to Surgical Tower Main Campus CON Exemption Notice.pdf

For you Tiffany. If Mike already sent this, please disregard.

Thank you.

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

From: Cromer, Emily <Emily.Cromer@unchealth.unc.edu>
Sent: Thursday, June 20, 2024 4:00 PM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>; Mckillip, Mike
<mike.mckillip@dhhs.nc.gov>
Subject: [External] UNC Hospitals Main Campus Surgical Tower Exemption Update

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Mike and Micheala,

Please find attached an update to UNC's main campus Surgical Tower exemption.

We look forward to your response. Please let me know if you have any questions in the meantime.

Thank you, Emily

Emily Cromer | Director of Regulatory Affairs & Facility Strategy UNC Health p (984) 215-6213 | m (919) 884-6213 emily.cromer@unchealth.unc.edu



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