



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

May 29, 2024

Catherine Cummer
Catherine.cummer@duke.edu

Exempt from Review

Record #: 4448
Date of Request: May 10, 2024
Facility Name: Duke University Hospital
FID #: 943138
Business Name: Duke University Health System, Inc.
Business #: 640
Project Description: Renovation of space in the Duke North bed tower to accommodate a dedicated obstetric triage space
County: Durham

Dear Ms. Cummer:

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
Chief

cc: 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



Catharine W. Cummer
Regulatory Counsel, Strategic Planning

May 10, 2024

Via Electronic Mail

Ms. Micheala Mitchell
Chief
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
2704 Mail Service Center
Raleigh, NC 27699-2704

Re: Exempt Linear Accelerator Replacement Project at Duke University Hospital

Dear Ms. Mitchell:

The purpose of this letter is to provide written notice of planned renovation activities on the Duke University Hospital main campus that will cost in excess of the capital cost threshold for a new institutional health service established in G.S. 131E-176(16)b. The project includes the renovation of space in the Duke North bed tower to accommodate a dedicated obstetric triage space, which is designed to improve patient care. The project will not include the development of any inpatient beds or other regulated assets.

Section 131E-184(g) provides that “The Department shall exempt from certificate of need review any capital expenditure that exceeds the monetary 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 G.S. 131E-184 documentation to demonstrate that it meets the exemption criteria of this subsection.”

As set forth below, we believe that Duke University Hospital's project is exempt from certificate of need review.

(1) Main Campus

The purpose of this project is facility renovation on the "main campus" of Duke University Hospital, a licensed hospital. The "main campus" of the facility is defined in N.C.G.S. 131E-176(14n) to include both "[t]he 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 "[o]ther areas and structures that are not strictly contiguous to the main building but are located within 250 yards of the main building." In this case, Duke University Hospital is a licensed health service facility, and the main hospital building from which Duke University Hospital provides its clinical services and exercises financial and administrative control is the physically contiguous structure that includes Duke South, Duke North (where this project will be implemented), the Duke Children's Hospital, the Duke Medical Pavilion, the Duke Central Tower, the Morris Clinic, the Duke Cancer Center, the Wadsworth Building, and the Hudson Building.

(2) No New Institutional Health Services

The sole purpose of the project at this time is to renovate a portion of the existing health service facility to accommodate existing services. This project will not change Duke's existing bed capacity or inventory of regulated assets or otherwise constitute any other new institutional health service.

(3) Prior Written Notice

Please let this letter serve as the required prior written notice of this project.

Thank you for your attention to this request. If you have questions about this information, please let me know.

Very truly yours,

Catharine W. Cummer

Catharine W. Cummer

From: [Catharine Cummer](#)
To: [Stancil, Tiffany C](#)
Cc: [Lara Orgain](#)
Subject: [External] Exemption/no review letters
Date: Friday, May 10, 2024 11:29:00 AM
Attachments: [To State Exemption Notice DUH OB unit.pdf](#)
[To State LONR CT3.pdf](#)

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.

Tiffany,
I hope you're doing well. Please see the attached letters for the Duke University Health System.
Thank you and have a great weekend,
Catharine

Catharine W. Cummer
Regulatory Counsel, Strategic Planning, Duke University Health System
Office 919-668-0857 | Cell 919-423-6928