



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

October 15, 2024

Denise M. Gunter

denise.gunter@nelsonmullins.com

Exempt from Review

Record #: 4608
Date of Request: September 23, 2024
Facility Name: FirstHealth Moore Regional Hospital-Richmond
FID #: 933431
Business Name: FirstHealth of the Carolinas, Inc.
Business #: 737
Project Description: Replace air handler units in the intensive care unit
County: Richmond

Dear Ms. Gunter:

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(a)(4). 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 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

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

September 23, 2024

Via E-mail

Micheala Mitchell, Chief
Healthcare Planning and Certificate of Need Section
North Carolina Department of Health and Human Services
Division of Health Service Regulation
809 Ruggles Drive
Raleigh, North Carolina 27603

RE: Air Handler Unit Replacement at FirstHealth Richmond Memorial Hospital's ICU
Hospital License # H0158
FID # 933431
Richmond County
Health Service Area V

Dear Ms. Mitchell:

On behalf of FirstHealth Richmond Memorial Hospital ("FHRMH") in Rockingham, North Carolina, I am writing to inform the Agency that FHRMH intends to replace the air handler units in its Intensive Care Unit ("ICU"). An air handler unit circulates conditioned air through a space and is integral to heating and cooling. In addition to maintaining a comfortable environment for patients and staff, an ICU's heating, ventilation and air conditioning ("HVAC"), including the air handler units, is critically important in infection control.¹

The air handler units in FMRH's ICU are at the end of their useful life and need to be replaced. The estimated capital cost of the project is less than \$400,000, and therefore below any applicable CON cost threshold. See, e.g., N.C. Gen. Stat. § 131E-176(16)b.(\$4 million capital cost threshold for new institutional health services).

¹ For more information about the importance of HVAC systems in hospital ICUs, please see [https://ccforum.biomedcentral.com/articles/10.1186/s13054-020-02907-5#:~:text=Heating%2C%20ventilation%20and%20air%2Dconditioning%20\(HVAC\)%20has%20a,visitors%20%5B1%2C%20%5D](https://ccforum.biomedcentral.com/articles/10.1186/s13054-020-02907-5#:~:text=Heating%2C%20ventilation%20and%20air%2Dconditioning%20(HVAC)%20has%20a,visitors%20%5B1%2C%20%5D.). (last visited 9/21/24).

Micheala Mitchell
September 23, 2024
Page 2

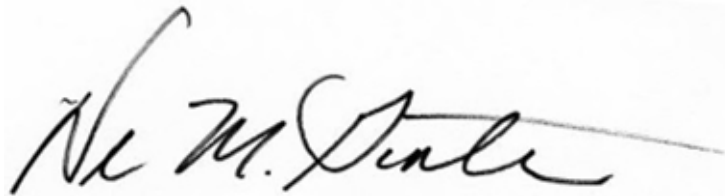
Moreover, N.C. Gen. Stat. § §131E-184(a)(4) expressly exempts this project from CON regulation. This statute exempts from CON review projects “[t]o provide parking, heating or cooling systems, elevators, or other basic plant or mechanical improvements, unless these activities are integral portions of a project that involves the construction of a new health service facility or portion thereof and that is subject to certificate of need review.”

The project described in this letter does not involve the construction of a new health service facility or portion thereof that is subject to CON review.

Accordingly, we respectfully ask for the Agency’s written confirmation that the project described in this letter is not subject to CON review. If you need further information, please let me know.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise M. Gunter", written in a cursive style. The signature is positioned above the printed name.

Denise M. Gunter

From: [Denise Gunter](#)
To: [Waller, Martha K](#); [Stancil, Tiffany C](#); [Tanya, Saporito](#)
Subject: [External] Exemption Request
Date: Monday, September 23, 2024 9:31:03 AM
Attachments: [FirstHealth Air Handler Unit Letter.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.

Good morning Martha, Tiffany and Tanya,

I hope you had a nice weekend.

Attached for processing is an exemption request for FirstHealth Richmond Memorial Hospital in Richmond County (Health Service Area V).

Could you please confirm that you have received it?

Thanks.



DENISE M. GUNTER PARTNER
denise.gunter@nelsonmullins.com

She/Her/Hers

THE KNOLLWOOD | SUITE 530
380 KNOLLWOOD STREET | WINSTON-SALEM, NC 27103
T 336.774.3322 F 336.774.3299

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.