



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 28, 2021

Catharine Cummer
Catharine.cummer@duke.edu

Exempt from Review

Record #: 3547
Date of Request: April 21, 2021
Facility Name: Duke University Hospital
FID #: 943138
Business Name: Duke University Health System, Inc.
Business #: 640
Project Description: Renovate the kitchen at Duke North in the primary inpatient tower at Duke University Hospital
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,

Handwritten signature of Kim Meymandi

Kim Meymandi
Project Analyst

Handwritten signature of Lisa Pittman for

Lisa Pittman
Acting Chief, Certificate of Need

cc: 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



**Catharine W. Cummer**  
Regulatory Counsel, Strategic Planning

April 21, 2021

Via Electronic Mail and Federal Express

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

Re: Exempt Replacement Project at Duke University Hospital

Dear Ms. Pittman:

The purpose of this letter is to request the Section's written confirmation that a renovation project at Duke University Hospital is exempt from certificate of need review under the exemption provisions located at N.C.G.S. 131E-184(g) for on-site renovations at a licensed health care facility. That section provides:

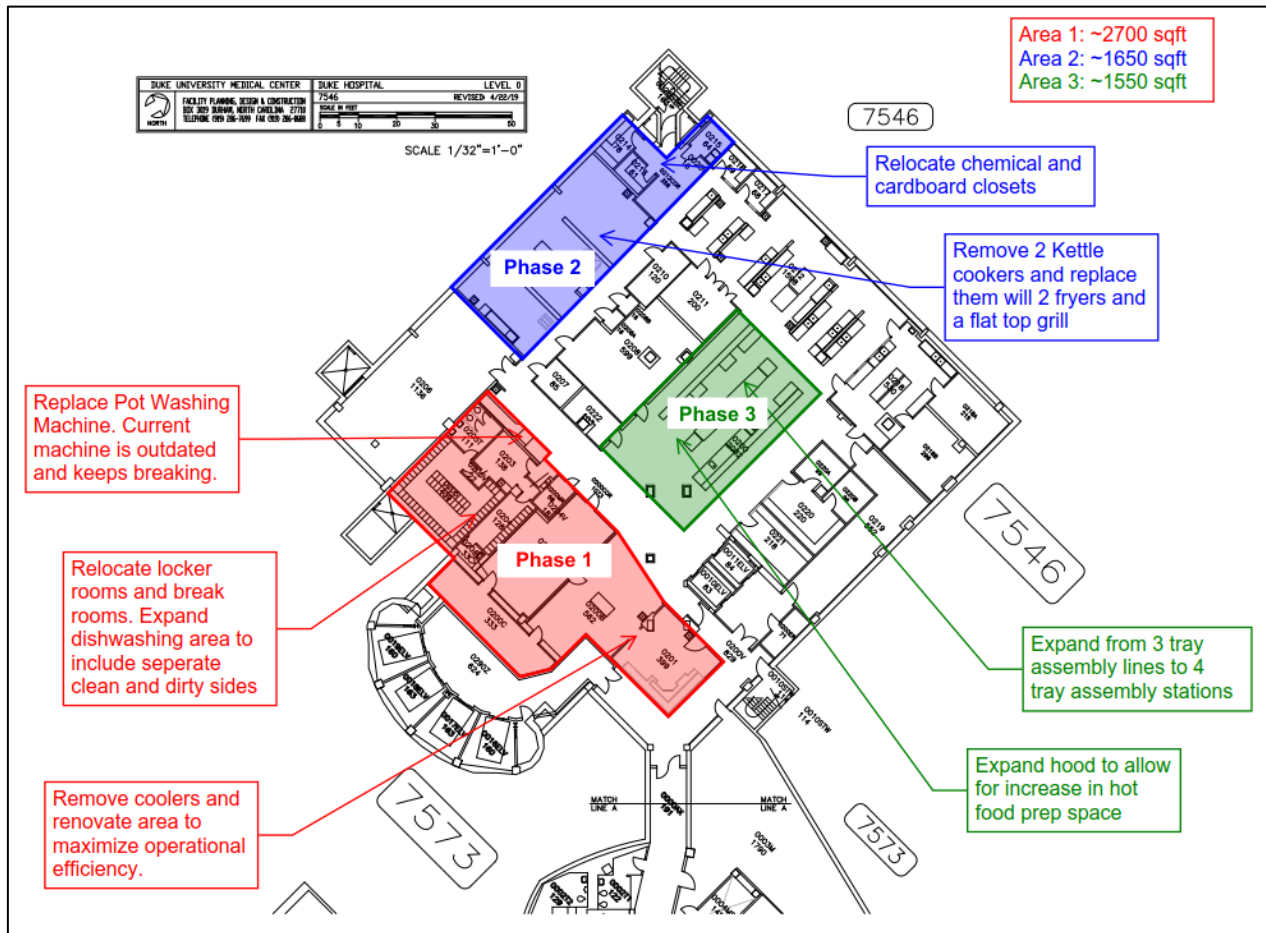
The Department shall exempt from certificate of need review any capital expenditure that exceeds the two million dollar (\$2,000,000) threshold set forth in G.S. 131E-176(16)b. if all of the following conditions are met:

- (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.

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A renovation of the kitchen in Duke North, the primary inpatient bed tower at Duke University Hospital, will be undertaken to modernize the facility and make food preparation for patients more efficient. Phases of the project include:

- **Phase I:**
  - Replace and upgrade the current, outdated pot-washing machine
  - Relocate the locker rooms and break rooms in order to expand the current dishwashing area
  - Remove coolers and renovate area to reconfigure workflow and maximize operational efficiency
  - Add a wall to separate dirty and clean dishes
  - Add a secondary entrance into the kitchen that will provide access directly from the kitchen to the elevators and allow for more direct trash and cardboard removal
  - Replace dishwashing sinks and add a cart washing station
  
- **Phase II:**
  - Relocate chemical and cardboard closets
  - Remove two kettle cookers
  - Add two deep-fryers and one flat top grill
  - Remove two offices and create additional food preparation space
  
- **Phase III:**
  - Expand from three tray assembly lines to four tray assembly stations
  - Expand overhead hood to allow for increase in hot food preparation space



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

- (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.

As set forth in the application, the sole purpose of this project is to renovate the existing Duke North kitchen. The sections of Duke North to be renovated are a “portion of an existing health service facility that is located on the main campus” of Duke University 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.”

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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, the Duke Children’s Hospital, the Duke Medical Pavilion, the Morris Clinic, the Duke Cancer Center, and the Duke Eye Center. Duke University Hospital’s chief executive officer and administrative team (as well as the Duke University Health System chancellor) currently have their offices within the Duke South section of this facility. Duke North is the site of the majority of Duke University Hospital’s inpatient beds and shared operating rooms.

- (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.

This project is for a kitchen renovation and does not result in a change in bed capacity, the addition of a health service facility, the acquisition of any major medical equipment that would require a certificate of need, 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.

Please allow this letter to serve as prior written notice for this project. If the CON Section confirms that this project is exempt from certificate of need review, Duke will withdraw its certificate of need application 35 days after such confirmation.

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*

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