



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

December 20, 2022

Kenneth Burgess  
[kburgess@bakerdonelson.com](mailto:kburgess@bakerdonelson.com)

**Exempt from Review**

**Record #:** 4097  
**Date of Request:** December 5, 2022  
**Facility Name:** Mission Hospital  
**FID #:** 943349  
**Business Name:** MH Mission Hospital, LLLP  
**Business #:** 3045  
**Project Description:** Relocate and renovate the hyperbolic oxygen therapy department 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 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

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

December 5, 2022

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: *No Review Determination Request or, in the Alternative, Notice of Exemption for the Relocation of Hyperbolic Oxygen Therapy Department 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 relocation of Mission's hyperbaric oxygen chambers and department ("HBO Department") from the St. Joseph's Building on Mission's main campus to the main hospital building on the Mission main campus and an expansion of the HBO Department ("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 CON before proceeding with the Project. In the alternative, if the CON Section concludes that the Project is subject to the Certificate of Need ("CON") Statute, then it 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.<sup>1</sup>

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<sup>2</sup> and through Mission's plans to relocate its existing HBO Department from the St. Joseph's Building to the main hospital building. The project which is the subject of this Exemption Notice involves the following:

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<sup>1</sup> 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.

<sup>2</sup> Mission has styled this Notice as a No Review Determination Request or, in the Alternative, a Notice of Exemption. For consistency of reference, the term "Notice" will be used herein to describe this notification to the Agency.

- Renovating approximately 6,200 square feet of the now-vacated, former emergency department located near Entrance 6 to Mission Hospital to house the relocated HBO Department;
- Relocating Mission's two existing HBO chambers from the St. Joseph's Building to the renovated space at Mission; and
- Developing sufficient space to house two future additional HBO chambers in the HBO Department and to house certain ancillary space, including four holding bays, a nurses' station, a consulting room, dressing rooms for patients, patient toilets, a workroom, four offices, a clean supply room, an EVS closet, a soiled utility room and a staff toilet. A staff lounge will also be constructed across from the HBO Department.

The relocation of Mission's HBO Department will place it near Mission's wound clinic and burn clinic<sup>3</sup>. Currently, Mission patients are having to travel longer distances than optimal from the HBO Department to Mission's wound clinic. For the reasons stated below, this relocation and expansion of Mission's HBO Department is either not subject to Agency review or, in the alternative, 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 wound care and planned outpatient burn clinic and the new location of Mission's HBO Department).

### **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). The Project does not involve a capital expenditure that exceeds \$4,000,000.00. The total capital costs for the Project are \$3,082,000.00. See Exhibits 1 (Capital Cost Worksheet) and 2 (Statement of Mission's Chief Operating Officer). The CON Statute currently contains an anomaly in that it establishes a "new institutional health service" capital expenditure threshold of \$4,000,000.00, but simultaneously creates exemptions for projects with capital costs in excess of \$2,000,000.00.

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)<sup>4</sup>. That exemption, where applicable, eliminates the need to obtain a CON before 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.

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<sup>3</sup> Mission's burn clinic was approved by the CON Section via approval of an Exemption Notice dated August 10, 2021.

<sup>4</sup> 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 exemption still refers to replacement, renovation and expansion projects that cost in excess of \$2,000,000.

**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 HBO Department 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 \$3,082,000.00. Of that amount, \$2,558,000.00 will be expended on construction and renovation related to renovating existing space at Mission Hospital. The remaining costs include: \$180,000.00 in architect and engineering fees, \$48,396.00 for medical equipment, \$22,539.00 for non-medical equipment, \$29,065.00 for furniture, \$48,000.00 for interest during construction and \$196,000.00 for miscellaneous costs including Telecom and IT 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 moving Mission's HBO Department, including two existing HBO chambers, from the St. Joseph's campus and relocating them 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 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 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 located 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 replacement of the existing HBO Department 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 medical equipment budget for the Project is approximately \$48,396.00. 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 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 is either not a new institutional health service or, in the alternative, 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. Burgess**  
Shareholder

Michaela Mitchell  
Ena Lightbourne  
December 5, 2022  
Page 5

cc: Sondra Smith  
Cathi Durham

Exhibits

# Exhibit 1

**Projected Capital Cost Form  
Mission Hospital HBO Relocation Project**

Building Purchase Price	\$0.00
Purchase Price of Land	\$0.00
Closing Costs	\$0.00
Site Preparation	\$0.00
Construction/Renovation Contract(s)	\$2,558,000.00
Landscaping	\$0.00
Architect / Engineering Fees	\$180,000.00
Medical Equipment	\$48,396.00
Non-Medical Equipment	\$22,539.00
Furniture	\$29,065.00
Consultant Fees (specify)	\$0.00
Financing Costs	\$0.00
Interest during Construction	\$48,000.00
Other (Telecom & ITS)	\$196,000.00
<b>Total Capital Cost</b>	<b>\$3,082,000.00</b>

**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.

 R. A. E. L.

Date Signed: 12/1/2022

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.

 Eddie Ruckett

Date Signed: 12/1/22

Signature of Officer/Agent

Name **Eddie Ruckett**  
Title of Officer/Agent **CONSTRUCTION MGR**





# Exhibit 2

Attachment 2

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STATEMENT OF JOSEPH R. RUDISILL

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1. I am the Chief Operating Officer for MH Mission Hospital, LLLP (“Mission”). I am personally familiar with Mission Hospital’s plan to relocate Mission’s Hyperbaric Oxygen (HBO) Center from the St. Joseph’s building to the main hospital building at Mission Hospital, both located on the Mission main campus. I make this statement in support of Mission’s No Review Determination Request or, in the Alternative, 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 HBO Center.

3. I am personally familiar with the proposed project which involves the relocation of the HBO chambers from the St. Joseph’s building to the Mission Hospital main building and the renovation of space at Mission Hospital to house the HBO Center.

4. I certify that the total costs of the project are approximately THREE MILLION, EIGHT-TWO THOUSAND DOLLARS (\$3,082,000.00).

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 29 day of November, 2022.

Digitally signed by  
Joseph R. Rudisill  
Date: 2022.11.29  
19:33:44 -05'00'

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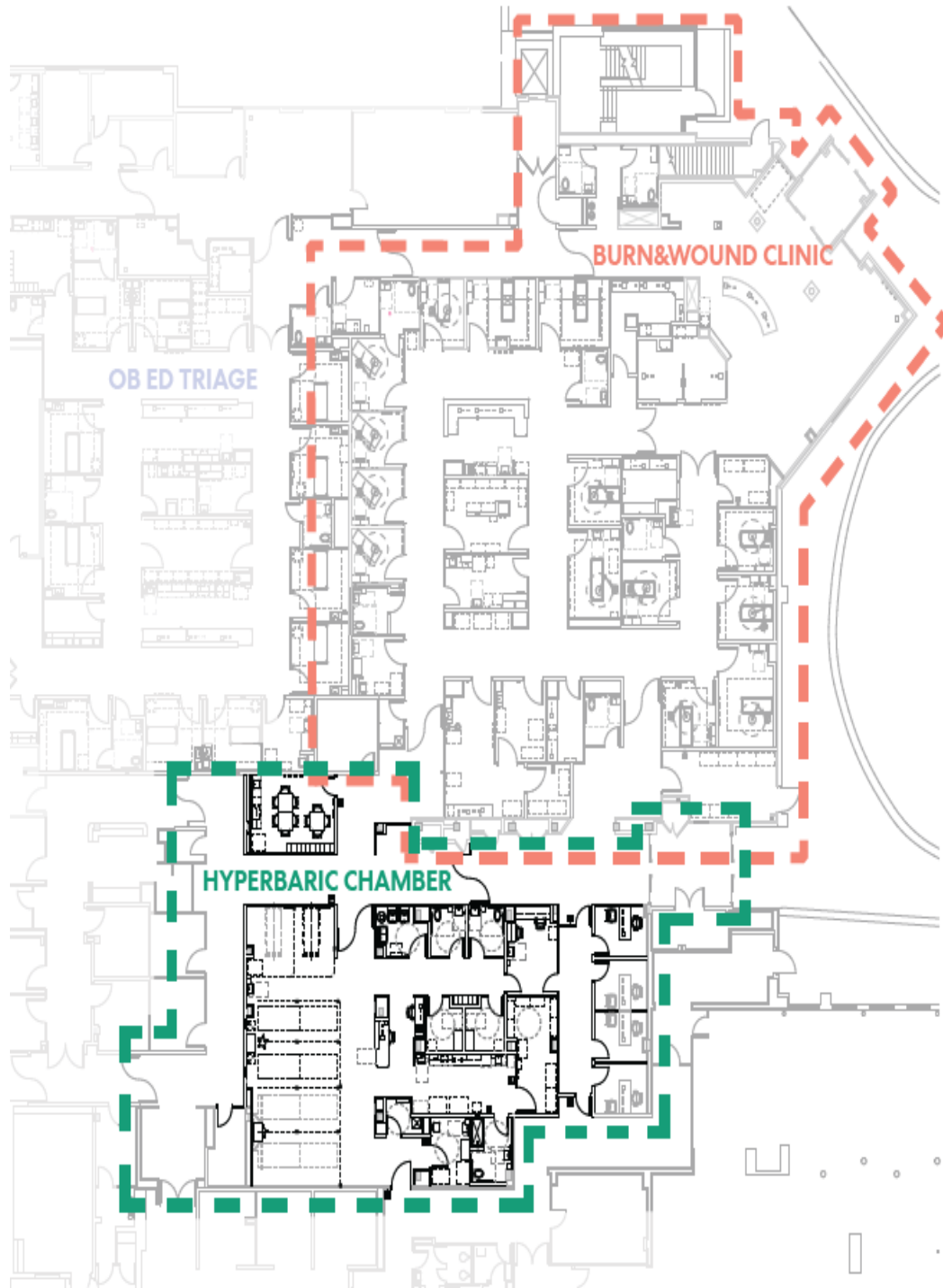
JOSEPH R. RUDISILL  
Chief Operating Officer  
MH Mission Hospital, LLLP

EXHIBIT

2

# Exhibit 3

# Hyperbaric Oxygen Department Diagram



**BURN CLINIC: COMPONENT 01**  
MAJOR RENOVATION - 3,004 SF

**WOUND CLINIC: COMPONENT 02**  
MAJOR RENOVATION: 1,609 SF

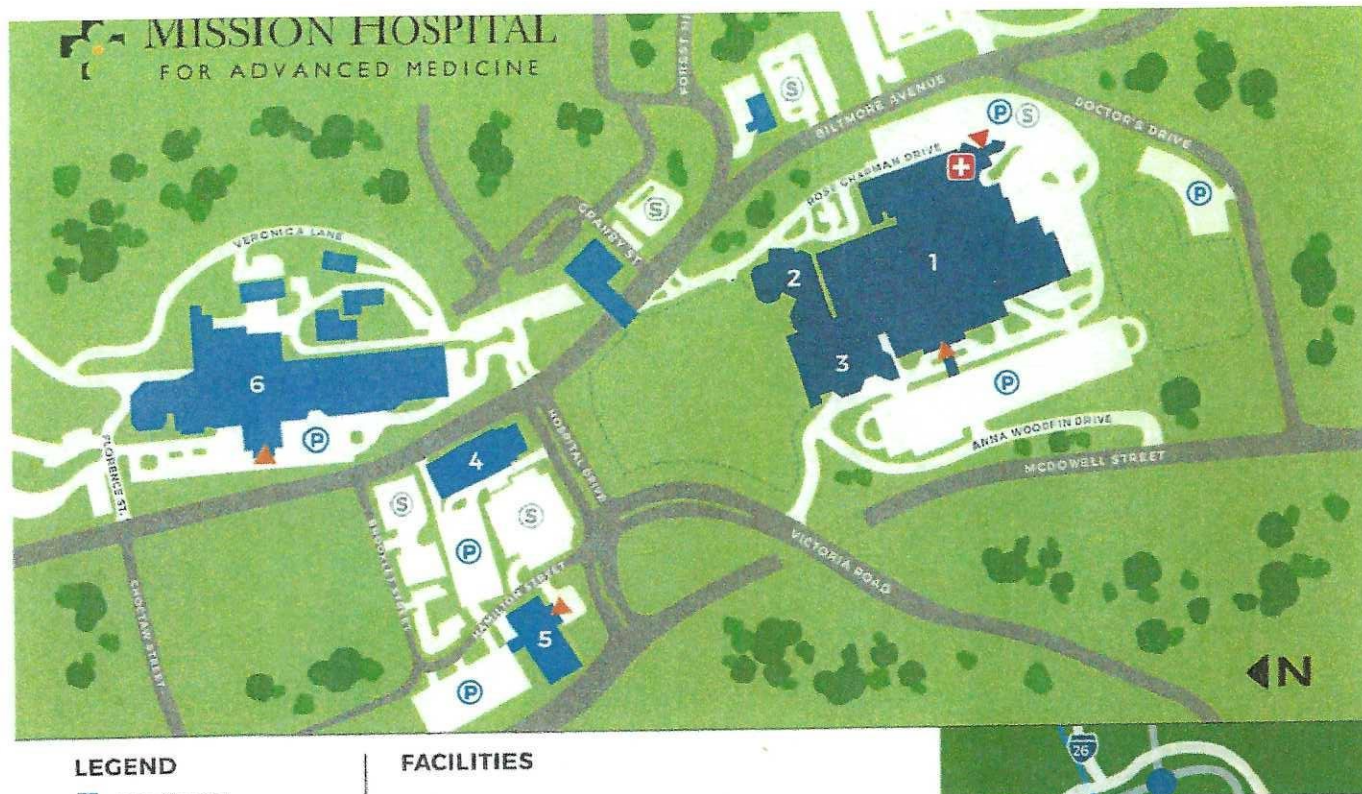
**BURN CLINIC: COMPONENT 01**  
COSMETIC RENOVATION - 1,881 SF

**BURN CLINIC: COMPONENT 01**  
MINOR RENOVATION - 2,763 SF

**WOUND CLINIC: COMPONENT 02**  
MINOR RENOVATION: 485 SF



# Exhibit 4



# Exhibit 5





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 currently 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

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.

**Pre New OBGYN 3rd OR and Decommissioning of SJOR 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*	15	2	0	17
Dedicated Ambulatory Surgery	0	4	9	13
Shared-Inpatient/Ambulatory Surgery	2	9	0	11
<b>Total Operating Rooms</b>	<b>23</b>	<b>15</b>	<b>9</b>	<b>47</b>

**Post New OBGYN 3rd OR and Decommissioning of SJOR 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*	15	2	0	17
Dedicated Ambulatory Surgery	0	4	9	13
Shared-Inpatient/Ambulatory Surgery	3	8	0	11
<b>Total Operating Rooms</b>	<b>24</b>	<b>14</b>	<b>9</b>	<b>47</b>

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 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,



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 Beaves Perdue, Governor  
Lanier M. Cansler, Secretary

[www.ncdhhs.gov/dhsr](http://www.ncdhhs.gov/dhsr)

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

September 30, 2009

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

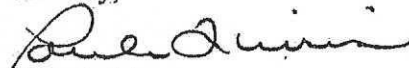
Dear Mr. Moore:

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

  
Lee B. Hoffman, Chief  
Certificate of Need Section

cc: Construction Section, DHSR



Location: 701 Barbour Drive ■ Dorothea Dix Hospital Campus ■ Raleigh, N.C. 27603  
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**From:** [Mitchell, Micheala L](#)  
**To:** [Stancil, Tiffany C](#)  
**Cc:** [Lightbourne, Ena](#)  
**Subject:** FW: [External] No Review / Notice of Exemption: MH Mission Hospital, LLLP HBO Department Relocation and Renovation  
**Date:** Monday, December 5, 2022 10:08:47 AM  
**Attachments:** [4869-1092-6914 v.1 HBO Relocation Exemption Notice w-Exhs - 2022-12-05.pdf](#)

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Tiffany,

Would you mind logging this as a no review for us? I think it goes to Ena.

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

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**From:** Burgess, Ken <kburgess@bakerdonelson.com>  
**Sent:** Monday, December 5, 2022 10:07 AM  
**To:** Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>; Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>  
**Subject:** [External] No Review / Notice of Exemption: MH Mission Hospital, LLLP HBO Department Relocation and Renovation

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Good morning Micheala and Ena, attached please find a No Review Determination Request or, in the alternative, Notice of Exemption for the relocation and renovation of Mission Hospital's hyperbaric oxygen department which we are filing on behalf of our client MH Mission Hospital, LLLP. Please let

me know if you have questions or need additional information regarding this project. Thanks, Ken Burgess

Kenneth (Ken) L. Burgess  
Shareholder  
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC  
2530 Meridian Parkway, Suite 300  
Durham, NC 27713

Phone: 919-294-0802  
Cell: 919-449-4754  
Email address: [kburgess@bakerdonelson.com](mailto:kburgess@bakerdonelson.com)  
[www.bakerdonelson.com](http://www.bakerdonelson.com)

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