



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 12, 2022

Catharine Cummer, Regulatory Counsel, Strategic Planning
Catharine.cummer@duke.edu

Exempt from Review

Record #: 4071
Date of Request: October 24, 2022
Business Name: Duke University Health System, Inc.
Business #: 640
Project Description: Acquisition of additional storage capacity for the health system's electronic medical records system
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(3). 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,

Michael J. McKillip
Project Analyst

Micheala Mitchell
Chief

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

From: [Mckillip, Mike](#)
To: [Catharine Cummer](#)
Cc: [Waller, Martha K](#); [Stancil, Tiffany C](#)
Subject: RE: [External] RE: Prior Written Notice of Acquisition of Data Processing Equipment
Date: Tuesday, October 25, 2022 4:39:34 PM

Thanks, Catharine. I will copy Martha and Tiffany on this so they can log your exemption letter request.

Mike

Michael McKillip

Team Leader, Certificate of Need
Division of Health Service Regulation, Healthcare Planning and Certificate of Need
[NC Department of Health and Human Services](#)

Office: 919-855-3877 (I am in the office on Wednesday and Friday, and can best be reached by email on Monday, Tuesday and Thursday.)
mike.mckillip@dhhs.nc.gov

809 Ruggles Drive, Edgerton
2704 Mail Service Center
Raleigh, NC 27699

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From: Catharine Cummer <catharine.cummer@duke.edu>
Sent: Monday, October 24, 2022 4:33 PM
To: Mckillip, Mike <mike.mckillip@dhhs.nc.gov>
Subject: [External] RE: Prior Written Notice of Acquisition of Data Processing Equipment

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Dear. Mr. Mckillip,

The purpose of this letter is to provide prior written notice of a project to be undertaken by the Duke University Health System and to seek confirmation that this project does not require a certificate of need. If you need me to provide this notice to anyone else at the agency for filing, could you please let me know?

Duke Health Technology Solutions (DHTS) intends to invest in excess of \$4 million to expand Epic (EMR) storage capacity. Existing storage capacity is projected to be exhausted in 2023, and additional capacity is critical to support and maintain Duke's

Maestro Care electronic medical record system.

As this capital expenditure is to be used for the maintenance and expansion of an electronic health record system to collect and assemble information for use and analysis, and as the system will not provide any diagnostic or therapeutic services, we believe that this expenditure is exempt from CON review as necessary “to provide data processing equipment.” GS 131E-184(3).

We would appreciate it if you would review this request, and if the project qualifies, provide us confirmation of the exemption at your earliest convenience. If you need further information about the project, please let me know.

Thank you very much for your attention to this request.

Yours,

Catharine Cummer

Catharine W. Cummer
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