



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

catharine.cummer@duke.edu

No Review

Record #: 4449

Date of Request: May 10, 2024

Facility Name: Duke University Hospital

FID #: 943138

Business Name: Duke University Health System, Inc.

Business #: 640

Project Description: Place an out-of-service CT scanner back into service for regular clinical use whenever needed

County: Durham

Dear Ms. Cummer:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence regarding the project described above. Based on the CON law **in effect on the date of this response to your request**, the project as described is not governed by, and therefore, does not currently require a certificate of need. 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.

This determination is binding only for the facts represented in your correspondence. If changes are made in the project or in the facts provided in the correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by this office.

Please do not hesitate to contact this office if you have any questions.

Sincerely,

Cynthia Bradford, Project Analyst

Micheala Mitchell, Chief

cc: Radiation Protection 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: Clinical Use of Existing CT Scanner at Duke University Hospital

Dear Ms. Mitchell:

The purpose of this letter is to seek confirmation that Duke University Hospital may place existing CT equipment currently out of service for regular clinical use in the future.

On April 30, 2021, Duke received approval to replace an existing CT scanner (see CON record 3552). At that time, the existing CT scanner was taken out of service but kept physically on site at the hospital. Beginning in 2022, Duke has received approval on several occasions that it could use that equipment as a temporary replacement while other scanners were out of service for maintenance and repair (e.g., CON record 3800). Each time, this equipment is taken out of service again when the regular equipment is back online.

As these temporary replacements to address service disruptions have become more frequent, Duke now seeks confirmation that it can place this equipment into regular use so that it can be available whenever it is needed for clinical care without seeking temporary replacement approval. The original gross purchase price in 2012 of this equipment was \$1.37 million. It is now fully depreciated. Accordingly, the cost and fair market value of the equipment are less than the current threshold for major medical equipment. The equipment has been out of service (except as specifically approved) for several years consistent with the original equipment replacement notice. Therefore, it is our understanding that it may properly be implemented for regular clinical service as equipment that does not constitute the acquisition of “major medical equipment” that would require a certificate of need.

Approval of this proposal will allow Duke to maximize the use of existing resources to ensure continuity of patient care and to avoid the disruption that can be caused by unexpected equipment maintenance needs.

We appreciate your consideration of this request.

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