

**JOSH STEIN
ATTORNEY GENERAL**



REPLY TO:
LLOGAN R. WALTERS
ASSISTANT ATTORNEY
GENERAL
LWALTERS@NCDOJ.GOV

September 29, 2023

Greg Lowe
President, North Carolina Division, HCA Health Care,
509 Biltmore Avenue
Asheville, NC 28801
Greg.Lowe@hcahealthcare.com

Dear Mr. Lowe,

As you are aware, for several months now, our office has been investigating concerns that HCA is failing to provide oncology services in western North Carolina, in violation of the Purchase Agreement that HCA signed with the Attorney General. Two recent public reports exacerbate our concerns and require an urgent response from you.

First, we have learned that Messino Cancer Group has determined that it can no longer safely provide inpatient complex hematology treatment at Mission Hospital to adults with leukemia or lymphoma. Our understanding is that Messino Cancer Group reached this conclusion because HCA failed to provide adequate staffing and resources to support acute hematology chemotherapy treatment. As a result, western North Carolinians with one of the most severe forms of cancer must now travel to Charlotte, the Research Triangle Park area, or out of state to receive lifesaving treatment.

Second, our office recently learned that GenesisCare, another practice group whose doctors contracted with Mission Hospital for certain oncology services, has declared bankruptcy. Our office has already noted that Mission Hospital itself employs a single medical oncologist. The loss of GenesisCare's oncologists leaves Mission Hospital's oncology practice further understaffed.

The people of western North Carolina deserve access to high quality cancer care in their own community, not several hours away from their families and support systems. That is why the Attorney General conditioned his approval of HCA's acquisition of Mission Health System on HCA's commitment to continue providing oncology services in the area. Forcing the most acute cancer patients to travel hundreds of miles to receive care is plainly inconsistent with that commitment.

To help us understand the impact of these developments on HCA's provision of cancer services in western North Carolina, please advise us at your earliest convenience, of the following:

- (1) Whether and how HCA has addressed the care delivery issues that led Messino Cancer Center to determine that it could not safely provide inpatient complex hematology treatment at Mission Hospital;
- (2) What discussions, if any, HCA has had with Messino Cancer Center about the possibility of Messino Cancer Center continuing leukemia and lymphoma treatment at Mission Hospital;
- (3) How many patients received inpatient complex hematology treatment at Mission Hospital per year for each year since 2019;
- (4) How many Mission Hospital patients were transferred to a non-Mission facility for inpatient hematology treatment *prior to* September 20, 2023.
- (5) Whether HCA has any plans to provide inpatient hematology treatment at Mission Hospital if Messino Cancer Center continues to determine it cannot safely do so;
- (6) Any information about the anticipated effect of GenesisCare's bankruptcy on oncology services at Mission Hospital and how HCA plans to ameliorate any negative effects on oncology services.

In the immediate term, our office will continue to investigate HCA's compliance with the Purchase Agreement and is considering all options at its disposal to protect patients' access to critical care.

Sincerely,

Llogan R. Walters
Assistant General Counsel

cc: Jason Ehrlinspiel, Senior Litigation Counsel, HCA Healthcare, Inc.
Lori Krill, Vice President for Government Relations – North Carolina Division, HCA Healthcare, Inc.
Rachel Ryan, General Counsel, Dogwood Health Trust
Ronald Winters, Principal, Gibbins Advisors, LLC
Sarah G. Boyce, General Counsel and Deputy Attorney General
Jasmine McGhee, Senior Deputy Attorney General
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