



North Carolina Department of Health and Human Services
Division of Health Service Regulation

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Ambassador (Ret.)
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Drexdal Pratt
Division Director

June 16, 2014

Franklin Scott Templeton
Nelson Mullins Riley & Scarborough LLP
380 Knollwood Street, Suite 530
Winston-Salem, North Carolina 27103

No Review

Facility or Business: Professional Nursing Service
Project Description: Acquisition of home care agency
County: Onslow
FID #: 954083

Dear Mr. Templeton:

The Certificate of Need Section (CON Section) received your letters of March 28, 2014 and April 24, 2014 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.

Moreover, you need to contact the Acute and Home Care Licensure and Certification Section, of the Division of Health Service Regulation (DHSR) to determine if they have any requirements for development of the proposed project.

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.



Certificate of Need Section

www.ncdhhs.gov

Telephone: 919-855-3873 • Fax: 919-733-8139

Location: Edgerton Building • 809 Ruggles Drive • Raleigh, NC 27603

Mailing Address: 2704 Mail Service Center • Raleigh, NC 27699-2704

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Scott Templeton
June 16, 2014
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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,



Jane Rhoe-Jones, Project Analyst



Martha J. Frisone, Interim Chief
Certificate of Need Section

cc: Medical Facilities Planning Branch, DHR
Acute and Home Care Licensure and Certification Section, DHR

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
380 Knollwood Street / Suite 530 / Winston-Salem, NC 27103
Tel: 336.774.3300 Fax: 336.774.3378
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April 24, 2014

By email and first class mail
Martha.Frisone@dhhs.nc.gov

Martha J. Frisone, Interim Chief
Certificate of Need Section – DHSR/DHHS
2704 Mail Service Center
Raleigh, NC 27699-2704

Re: Supplemental Information Relating to Notice of Exempt Acquisition
Professional Nursing Service, Inc. (J-5207-95)

Dear Ms. Frisone:

I am writing on behalf of our clients LHC Group, Inc., and its wholly owned subsidiaries North Carolina Health Care Group, LLC and LHCG L, LLC.

On March 28, our clients provided the CON Section with a notice of exempt acquisition regarding their planned May 1 acquisition of the assets of Professional Nursing Service, Inc. (copy attached). In order to avoid any uncertainty or potential misunderstanding regarding the scope of the planned acquisition, I want to clarify that the planned acquisition encompasses substantially all of the assets of Professional Nursing Service, Inc., including its home health agency as well as several sites that provide home care services. For your convenience, all of the sites being acquired are identified below:


Type	Location	Facility ID	License No.
Home Health	Garner	955700	HC1437
Home Care	Goldsboro	944085	HC1044
Home Care	Jacksonville	954083	HC0444
Home Care	Morehead City	944084	HC0238
Home Care	New Bern	944087	HC0079

Martha J. Frisone, Interim Chief
April 24, 2014
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We hope this is helpful information. As discussed in my client's March 28 letter, this acquisition is exempted from CON review pursuant to the advance notice provisions of N.C. Gen. Stat. § 131E-184(a)(8), but do not hesitate to contact me should you have any questions. As also noted in my client's letter, we would appreciate the CON Section providing its written confirmation for our client's files regarding the exempt nature of the acquisition.

We look forward to hearing from you.

Sincerely
Nelson Mullins Riley & Scarborough LLP



Franklin Scott Templeton

Attachment

cc: LHC Group, Inc.



Home Health • Hospice • Long-Term Acute Care • Community-Based Services

March 28, 2014

Via Federal Express

Certificate of Need Section
Division of Health Service Regulation
North Carolina Department of Health & Human Services
2704 Mail Service Center
Raleigh, NC 27699-2704

**Re: Notice of Exempt Acquisition of an Existing Health Service Facility Pursuant to
N.C. Gen. Stat. §131E-184(a)(8)**

Dear Sir / Madam:

I am writing on behalf of LHCG L, LLC ("LHCG") to provide notice of the exempt acquisition of Professional Nursing Service, Inc. d/b/a Professional Nursing Service and Home Health (HC1437).

As background, LHCG is a subsidiary of North Carolina Health Care Group, LLC. North Carolina Health Care Group, LLC is a wholly owned subsidiary of LHC Group, Inc. LHC Group, Inc. has a network of home health agencies, hospice agencies, inpatient rehabilitation facilities, and private duty nursing agencies totaling over 300 locations.

The current owner of Professional Nursing Service and Home Health (HC1437) is Professional Nursing Service, Inc. As a result of the acquisition, the assets for this facility will be transferred to a new Limited Liability Company called LHCG L, LLC. The anticipated closing date for this transaction is May 1, 2014.

The CON Law provides that, upon receiving prior written notice, the CON Section shall exempt from CON review the acquisition of "an existing health service facility, including equipment owned by the health service facility at the time of acquisition." N.C. Gen. Stat. §131E-184(a)(8). The CON Law further provides that a home health agency is a type of health service facilities. See N.C. Gen. Stat. §131E-176(9b).

Can you please provide written confirmation that the acquisition of Professional Nursing Service and Home Health as described above is exempt from CON review?

Should you have any questions or require additional information regarding this transaction, please contact me at (337) 233-1307, ext. 210714.

Sincerely,

Angel Richard
Senior Corporate Paralegal

It's All About Helping People.®

420 West Pinhook Road, Lafayette, LA 70503 • Toll Free: 1.866.LHC Group • Phone: 337.233.1307

LHCgroup.com