



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

Pat McCrory
Governor

Richard O. Brajer
Secretary DHHS

Mark Payne
Assistant Secretary for Audit and
Health Service Regulation

February 11, 2016

Nathan T. Jackson
12900 Foster, Suite 400
Overland Park, KS 66213

Exempt from Review – Acquisition of Facility

Record #: 1870
Facility Name: Catawba County Home Health Agency
Type of Facility: Home Health Agency
FID #: 943670
Acquisition by: Capital Care Resources, LLC
Business #: 2251
County: Catawba

Dear Mr. Jackson:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of January 11, 2016, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(8). Therefore, Capital Care Resources, LLC may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Agency's Acute and Home Care Licensure and Certification Section to obtain instructions for changing ownership of the existing facility. Note that pursuant to G.S. 131E-181(b): "*A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need.*"

It should be noted that this Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this Agency and a separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Julie Halatek
Project Analyst

Martha J. Frisone,
Assistant Chief, Certificate of Need

cc: Acute and Home Care Licensure and Certification Section, DHHS
Kelli Fisk, Program Assistant, Healthcare Planning, DHHS

Healthcare Planning and Certificate of Need Section

www.ncdhhs.gov

Telephone: 919-855-3873 • Fax: 919-715-4413

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

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

An Equal Opportunity/ Affirmative Action Employer



Inman, Celia C

From: Schwartz, Ruth <Ruth.Schwartz@gentiva.com>
Sent: Wednesday, February 10, 2016 5:48 PM
To: Inman, Celia C
Subject: FW: Attached Request for CON Exemption

Good Afternoon Celia,

I really hate to bother you but am at a bit of a loss now. Having had the pleasure of working with both you and Kim Randolph over the past several years on requests for CON exemptions relating to ownership changes, I am surprised to receive the below response from Julie Halatek.

When you and I last spoke, I believe you mentioned that I could reach out to you again if questions come up and I find myself at that point now. I'd appreciate any insight or assistance you can lend to this situation. It appears that something may have derailed a bit after we last talked and the email request did not get forwarded by the department's office manager over to Julie??

As always, appreciate your time and let me apologize upfront for any inconvenience this may be causing. We are anticipating releasing the CHOW license application packet soon and have always found that it is extremely beneficial to include the CON exemption letter in the packet. And I'd like to do so again with this one if at all possible.

Thank you!!!

Best,

Ruth

From: Halatek, Julie F [mailto:julie.halatek@dhhs.nc.gov]
Sent: Wednesday, February 10, 2016 11:26 AM
To: Schwartz, Ruth; Jackson, Nathan
Subject: RE: Attached Request for CON Exemption

It's entirely possible that's what Celia did, and perhaps the email got lost in the shuffle – because the letter I have was a letter that was mailed into me. I'll see what I can find out, and rest assured I am working as quickly as I can to get the letter processed. Please don't hesitate to reach out to follow up again.

Julie Halatek, Esq.

Project Analyst, Certificate of Need
Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section
North Carolina Department of Health and Human Services

919 855 3873 office
Julie.Halatek@dhhs.nc.gov

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



Nothing Compares

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

[Twitter](#) [YouTube](#)

Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this e-mail in error, please notify the sender immediately and delete all records of this e-mail.

From: Schwartz, Ruth [<mailto:Ruth.Schwartz@gentiva.com>]
Sent: Wednesday, February 10, 2016 12:24 PM
To: Halatek, Julie F <julie.halatek@dhhs.nc.gov>; Jackson, Nathan <Nathan.Jackson@gentiva.com>
Subject: RE: Attached Request for CON Exemption

Julie,
Thank you so much for following up and will look forward to hearing back. I had spoken with Celia Inman who I believe had forwarded the January 11th email to your office manager, who, in turn, I believe would have assigned the request to you since Catawba County is your area.
Again, thank you for checking into this a bit further. We anticipate filing the CHOW state license application packet in near future and have found that it is extremely helpful to include a copy of the CON exemption response in the packet that goes to the Licensing Unit.

Best,
Ruth

From: Halatek, Julie F [<mailto:julie.halatek@dhhs.nc.gov>]
Sent: Wednesday, February 10, 2016 11:15 AM
To: Schwartz, Ruth; Jackson, Nathan
Subject: RE: Attached Request for CON Exemption

Ruth, I'm not sure. I wasn't the person who was emailed the January 11 information, so I can't speak to the reasons for acceptance or not. All I know is that the mailed copy of the letter was placed on my desk with a date stamp of January 21, 2016 on it. You are correct that we ordinarily do accept email transmissions. I will reach out and see if I can find out what happened with any disconnect.

Julie Halatek, Esq.
Project Analyst, Certificate of Need
Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section
North Carolina Department of Health and Human Services

919 855 3873 office
Julie.Halatek@dhhs.nc.gov

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



Nothing Compares

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

[Twitter](#) [YouTube](#)

Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this e-mail in error, please notify the sender immediately and delete all records of this e-mail.

From: Schwartz, Ruth [<mailto:Ruth.Schwartz@gentiva.com>]
Sent: Wednesday, February 10, 2016 12:07 PM
To: Halatek, Julie F <julie.halatek@dhhs.nc.gov>; Jackson, Nathan <Nathan.Jackson@gentiva.com>
Subject: RE: Attached Request for CON Exemption

Julie,

Could you let us know why the January 11, 2016 email transmission was not accepted? I ask only because in the past your office had always accepted and responded to requests for exemptions when the request was submitted via an email. If that practice has been discontinued, it would be good to know for possible future reference.

Thank you!

Regards,

Ruth Schwartz

From: Halatek, Julie F [<mailto:julie.halatek@dhhs.nc.gov>]
Sent: Wednesday, February 10, 2016 10:28 AM
To: Jackson, Nathan; Schwartz, Ruth
Cc: Combs, Janet
Subject: RE: Attached Request for CON Exemption

Nathan,

The request is still under review at this time. Part of what may explain the length of time is that we did not receive the request until January 21. I anticipate having it reviewed soon and I will send you a copy of our return correspondence via email as well.

Julie Halatek, Esq.

Project Analyst, Certificate of Need

Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section

North Carolina Department of Health and Human Services

919 855 3873 office

Julie.Halatek@dhhs.nc.gov

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



Nothing Compares

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

[Twitter](#) [YouTube](#)

Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this e-mail in error, please notify the sender immediately and delete all records of this e-mail.

From: Jackson, Nathan [<mailto:Nathan.Jackson@gentiva.com>]
Sent: Wednesday, February 10, 2016 11:10 AM
To: Halatek, Julie F <julie.halatek@dhhs.nc.gov>; Schwartz, Ruth <Ruth.Schwartz@gentiva.com>
Cc: Combs, Janet <Janet.Combs@gentiva.com>
Subject: RE: Attached Request for CON Exemption

Julie:

Good morning. I am contacting you to follow up on the attached correspondence sent on 01/11/2016. Any update on this matter would be appreciated.

Again, thank you for your assistance. Have a pleasant rest of your week.

Nathan T. Jackson

Licensing & Certification Specialist
Gentiva Health Services
An Affiliate of Kindred at Home
12900 Foster | Suite 400 | Overland Park, KS 66213-2696
Tel: 913-814-2077
Fax: 913-814-5607
www.gentiva.com
Great healthcare has come home®

From: Halatek, Julie F [<mailto:julie.halatek@dhhs.nc.gov>]
Sent: Thursday, January 28, 2016 9:00 AM
To: Schwartz, Ruth
Cc: Jackson, Nathan; Combs, Janet
Subject: RE: Attached Request for CON Exemption

Ruth,

The request is currently being reviewed. We strive to respond to all requests for reviews within 20 business days; of course, that depends on our workload and how they fit in with our statutorily-mandated reviews. I will send you a copy of the letter once a determination is made. Please don't hesitate to reach out to ask again at any time.

Julie Halatek, Esq.
Project Analyst, Certificate of Need
Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section
North Carolina Department of Health and Human Services

919 855 3873 office
Julie.Halatek@dhhs.nc.gov

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



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

[Twitter](#) [YouTube](#)

Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this e-mail in error, please notify the sender immediately and delete all records of this e-mail.

From: Schwartz, Ruth [<mailto:Ruth.Schwartz@gentiva.com>]
Sent: Tuesday, January 26, 2016 4:15 PM
To: Halatek, Julie F <julie.halatek@dhhs.nc.gov>
Cc: Jackson, Nathan <Nathan.Jackson@gentiva.com>; Combs, Janet <Janet.Combs@gentiva.com>
Subject: Attached Request for CON Exemption
Importance: High

Julie,
I understand the attached request letter was assigned to you for review. We anticipate releasing the state license CHOW packet in the near future and would like to know the status of our request letter.
Thanking you in advance for your time and assistance. If possible, could you send a copy of your response letter to my attention via email at Ruth.Schwartz@Gentiva.Com or to my associate Nathan.Jackson@Gentiva.Com. Upon receipt, we will be able to include the copy with our state license CHOW packet.

Best Regards,
Ruth

Ruth C. Schwartz
Assistant Vice President, Licensing & Certification
Gentiva® Health Services

An Affiliate of Kindred at Home
12900 Foster, Suite 400, Overland Park, KS 66210
Tel: 913-814-2288
Fax: 913-814-4270
www.gentiva.com
Great healthcare has come home®



Nathan T. Jackson
Licensing & Certification Specialist
Gentiva® Health Services
12900 Foster, Suite 400
Overland Park, KS 66213
(Nathan.Jackson@Gentiva.com)
Tel: (913) 814-2077
Fax: (913) 814-5607

January 11, 2016

VIA US MAIL AND EMAIL (celia.inman@dhhs.nc.gov)

Ms. Celia Inman
North Carolina Department of Human Resources
Division of Health Service Regulation – Certificate of Need
809 Ruggles Drive
Raleigh, NC 27603

Re: *Transfer of Ownership Notice;
Catawba County Health Department
3070 11th Avenue Drive SE
Hickory, NC 28602-8336
Facility #943670
HHA License #HC0490*



Dear Ms. Inman:

This letter is to request a determination of exemption from certificate-of-need ("CON") review by your office regarding our acquisition of the above-referenced existing health service facility under N.C.G.S § 131E-184(a)(8).

Currently, Catawba County Health Department ("Seller") owns and operates a state-licensed, Medicare-certified home health agency at the address listed above. Through a limited asset sale transaction, Capital Care Resources, LLC ("Buyer") will become the new owner and operator of Seller's home service facility.

Pending execution of an asset purchase agreement and receipt of required regulatory approvals, Buyer will continue operating the health service facility in Catawba County. The proposed transfer of ownership will not constitute the development of a new institutional health service or materially affect the State Health Plan Services for home health agencies. The transfer of ownership is anticipated to be completed on or about February 29, 2016. Accordingly, we respectfully request that the Division of Facility Services issue an exemption from CON review.

Thank you for your time and assistance. Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nathan T. Jackson".

Nathan T. Jackson

Cc: Ruth Schwartz (ruth.schwartz@gentiva.com)



Nathan T. Jackson
Licensing & Certification Specialist
Gentiva® Health Services
12900 Foster, Suite 400
Overland Park, KS 66213
(Nathan.Jackson@Gentiva.com)
Tel: (913) 814-2077
Fax: (913) 814-5607

January 11, 2016

VIA US MAIL AND EMAIL (celia.inman@dhhs.nc.gov)

Ms. Celia Inman
North Carolina Department of Human Resources
Division of Health Service Regulation – Certificate of Need
809 Ruggles Drive
Raleigh, NC 27603



Re: *Transfer of Ownership Notice;
Catawba County Health Department
3070 11th Avenue Drive SE
Hickory, NC 28602-8336
Facility #943670
HHA License #HC0490*

Dear Ms. Inman:

This letter is to request a determination of exemption from certificate-of-need (“CON”) review by your office regarding our acquisition of the above-referenced existing health service facility under N.C.G.S § 131E-184(a)(8).

Currently, Catawba County Health Department (“Seller”) owns and operates a state-licensed, Medicare-certified home health agency at the address listed above. Through a limited asset sale transaction, Capital Care Resources, LLC (“Buyer”) will become the new owner and operator of Seller’s home service facility.

Pending execution of an asset purchase agreement and receipt of required regulatory approvals, Buyer will continue operating the health service facility in Catawba County. The proposed transfer of ownership will not constitute the development of a new institutional health service or materially affect the State Health Plan Services for home health agencies. The transfer of ownership is anticipated to be completed on or about February 29, 2016. Accordingly, we respectfully request that the Division of Facility Services issue an exemption from CON review.

Thank you for your time and assistance. Please contact me if you have any questions.

Very truly yours,

Nathan T. Jackson

Cc: Ruth Schwartz (ruth.schwartz@gentiva.com)