



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

Pat McCrory
Governor

Richard O. Brajer
Secretary DHHS

Mark Payne, Director
Health Service Regulation

September 13, 2016

Ruth C. Schwartz
Kindred at Home
12900 Foster St., Suite 400
Overland Park, KS 66213

Exempt from Review – Acquisition of Facility

Record #: 2044
Facility Name: HealthKeeperz, Inc.
Type of Facility: Home health
FID #: 925074
Acquisition by: KAH Development 10, LLC
County: Robeson

Dear Ms. Schwartz:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter dated August 18, 2016 and received on August 22, 2016, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(8). Therefore, KAH Development 10, 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 & (Section Name) 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,

Tanya S. Rupp
Project Analyst

Martha J. Frisone
Assistant Chief, Certificate of Need

cc: Construction Section, DHSR
Acute and Home Care Licensure and Certification Section, DHSR
Paige Bennett, Assistant Chief, Healthcare Planning, DHSR



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

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Rupp, Tanya

From: Frisone, Martha
Sent: Thursday, September 01, 2016 11:24 AM
To: 'Schwartz, Ruth'; Combs, Janet
Cc: Rupp, Tanya
Subject: RE: Request for CON Non-Reviewability Determination

Yes, your explanation was just what we needed.

Martha J. Frisone

Assistant Chief 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
Martha.Frisone@dhhs.nc.gov

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



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From: Schwartz, Ruth [mailto:Ruth.Schwartz@gentiva.com]
Sent: Thursday, September 01, 2016 11:18 AM
To: Frisone, Martha; Combs, Janet
Cc: Rupp, Tanya; Hemphill, Alicia
Subject: RE: Request for CON Non-Reviewability Determination

Good Morning Martha,

The buyer, KAH Development 10, LLC, is a Kindred at Home subsidiary. The letter was signed by me as the Assistant Vice President, Licensing & Certification, for all of Kindred at Home's subsidiaries, including "KAH Development 10, LLC." There is no legal entity by the name "Kindred at Home." Rather, "Kindred at Home" is a trade name used by 99% of our subsidiaries, including the buyer entity, KAH Development 10, LLC.

I hope the above explanation provides sufficient clarification; however, if not please let me know.

Regards,
Ruth

Ruth C. Schwartz

Assistant Vice President, Licensing & Certification
Kindred at Home, Formerly Gentiva Health Services
12900 Foster, Suite 400 Overland Park, KS 66213
Tel: 913-814-2288 or 800-677-2244, ext. 2288
Fax: 913-814-4270
www.kindredathome.com

From: Frisone, Martha [<mailto:martha.frisone@dhhs.nc.gov>]
Sent: Thursday, September 01, 2016 9:18 AM
To: Combs, Janet
Cc: Schwartz, Ruth; Rupp, Tanya; Hemphill, Alicia
Subject: [EXTERNAL] RE: Request for CON Non-Reviewability Determination

Pursuant to G.S. 131E-184(a), notice of a proposal to acquire an existing health service facility must be provided by the **buyer**. I am confused about why an agent of a company named Kindred at Home is writing a letter about a proposal whereby a company named KAH Development 10, LLC would acquire the HealthKeeperz, Inc. facility in Robeson County.

Martha J. Frisone

Assistant Chief 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
Martha.Frisone@dhhs.nc.gov

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



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From: Combs, Janet [<mailto:Janet.Combs@gentiva.com>]
Sent: Thursday, September 01, 2016 9:58 AM
To: Rupp, Tanya; Frisone, Martha
Cc: Schwartz, Ruth
Subject: Request for CON Non-Reviewability Determination

Tanya / Martha:

The attached request for CON Non-Reviewability determination was sent via overnight mail on August 18, 2016.

Would you please be so kind as to provide us with an idea of when we might expect to receive the determination response letter?

Thank you!

Janet Combs

Licensing & Certification Specialist
Kindred at Home
Formerly Gentiva® Health Services
12900 Foster, Suite 400, Overland Park, KS 66213
Direct Tel: (913) 814-2013
Toll Free: (800) 677-2244, ext. 2013
Fax: (913) 814-4929
www.kindredathome.com

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Rupp, Tanya

From: Combs, Janet <Janet.Combs@gentiva.com>
Sent: Thursday, September 01, 2016 9:58 AM
To: Rupp, Tanya; Frisone, Martha
Cc: Schwartz, Ruth
Subject: Request for CON Non-Reviewability Determination
Attachments: License # HC1185 - Request for CON Non-Reviewability Determination.pdf



Tanya / Martha:

The attached request for CON Non-Reviewability determination was sent via overnight mail on August 18, 2016.

Would you please be so kind as to provide us with an idea of when we might expect to receive the determination response letter?

Thank you!

Janet Combs

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Toll Free: (800) 677-2244, ext. 2013
Fax: (913) 814-4929
www.kindredathome.com



August 18, 2016

VIA OVERNIGHT MAIL SERVICE

Ms. Martha Frisone, Assistant Chief
Ms. Tanya Rupp, Project Analyst
Healthcare Planning and Certificate of Need Section
North Carolina Department of Health and Human Services
Division of Health Service Regulation
809 Ruggles Drive, Edgerton Bldg.
Raleigh, NC 27603



NR id 2044

RE: Transfer of Ownership Notice –
HealthKeeperz, Inc.
812 Candy Park Road, Suite 6101-B
Pembroke, NC
Facility ID: 925074
License # HC1185

Dear Mses. Frisone and Rupp:

Please accept this written request for a determination from the Healthcare Planning and Certificate of Need Section (the "CON Section") of exemption from certificate of need ("CON") review in accordance with N.C.G.S. 131E-184(a)(8) for the acquisition of an existing health care facility providing home health services.

HealthKeeperz, Inc. ("Seller") owns and operates a state-licensed and Medicare-approved home health agency located at the above address. Through a limited asset purchase transaction, KAH Development 10, LLC ("Buyer") will become the prospective new owner and operator of the Seller's home health business. The proposed transfer of ownership is expected to be completed on or after October 1, 2016.

In addition, Buyer has reviewed the CON originally issued in 1999 for this home health agency. Buyer will continue to serve the population described in the conditions to that CON.

Whereas the proposed transfer of ownership will not constitute the development of a new institutional health services, I am respectfully requesting the CON Section to issue an exemption from certificate-of-need review based on the facts represented in this letter. Please forward the CON Section's response to the undersigned at your earliest convenience via email or fax.

Ms. Martha Frisone, Assistant Chief
Ms. Tanya Rupp, Project Analyst
Healthcare Planning and Certificate of Need Section
August 18, 2016
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Thanking you in advance for your assistance and timely response. Please contact the undersigned if you should require any additional information before rendering a final decision.

Best Regards,



Ruth C. Schwartz
Assistant Vice President, Licensing & Certification
Kindred at Home, formerly known as Gentiva Health Services
12900 Foster St., Suite 400
Overland Park, KS 66213
Ruth.Schwartz@Gentiva.Com
913-814-2288
913-814-4270 (fax)

Cc: Erin Roberts, Esquire
S. Todd Hemphill, Esquire