



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

January 26, 2017

Ruth C. Schwartz
12900 Foster, Suite 400
Overland Park, KS 66213

Exempt from Review – Acquisition of Facility

Record #: 2135
Facility Name: Harnett County Home Health Agency
Type of Facility: Home Health Agency
FID #: 943785
Acquisition by: KAH Development 12, LLC
Business #: 2544
County: Harnett

Dear Ms. Schwartz:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of January 4, 2017, the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, KAH Development 12, 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 N.C. Gen. Stat. §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

HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION

WWW.NCDHHS.GOV

TELEPHONE: 919-855-3873

LOCATION: EDGERTON BUILDING • 809 RUGGLES DRIVE • RALEIGH, NC 27603

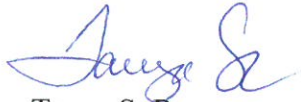
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separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,



Tanya S. Rupp
Project Analyst



Martha J. Frisone
Assistant Chief, Certificate of Need

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



January 4, 2017

Ms. Tanya Rupp, CON Project Analyst, Via Email Address: Tanya.Rupp@dhhs.nc.gov
Ms. Veronica Moore, Support Staff, Via Email Address: Veronica.Moore@dhhs.nc.gov
Division of Health Service Regulation
Healthcare Planning & Certificate-of-Need Section
North Carolina Department of Health & Human Services
809 Ruggles Drive, Edgerton Building
Raleigh, NC 27603



RE: Transfer of Ownership Notice –
Harnett County Home Health Agency
307 Cornelius Harnett Blvd.
Lillington, NC 27546-0400
Facility ID: 943785
License #: HC0503

Dear Ms. Rupp:

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

Harnett County Home Health Agency 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 12, LLC, a Kindred Health Care subsidiary, ("Buyer") will assume ownership and file all applicable state license and Medicare certification change of ownership forms with the Department's Acute & Home Care Licensure & Certification Section.

Pending execution of an asset purchase agreement and receipt of the required regulatory approvals, the Buyer will continue operating the health care facility in Harnett County. The proposed transfer of ownership is expected to be completed on or around February 1, 2017.

Whereas the proposed transfer of ownership will not constitute the development of a new institutional health service or in any way materially affect the State Health Plan, I am respectfully requesting your office to issue an exemption from certificate-of-need based on the facts represented in this letter. Please forward your response to the undersigned at your earliest convenience via email or fax. Thanking you in advance for your time and assistance in this matter.

Best Regards,

Ruth C. Schwartz
Assistant Vice President, Licensing & Certification
Kindred at Home
12900 Foster, Suite 400
Overland Park, KS 66213
(Email) ruth.schwartz@gentiva.com
(PH) 913-814-2288
(Toll Free) 800-677-2244, ext. 2288
(Fax) 913-814-4270

12900 Foster, Overland Park, Kansas 66213 · 913.814.2800

www.kindredathome.com

Rupp, Tanya

From: Schwartz, Ruth <Ruth.Schwartz@gentiva.com>
Sent: Wednesday, January 11, 2017 3:39 PM
To: Rupp, Tanya
Subject: RE: Request for CON Exemption

Tanya,
I hadn't heard and thanks for the update. Could you send me a scanned copy via email on Friday so that I receive before "snail" mail gets the letter to me?
Thanks for your assistance and take care.

Ruth

From: Rupp, Tanya [mailto:tanya.rupp@dhhs.nc.gov]
Sent: Wednesday, January 11, 2017 11:06 AM
To: Schwartz, Ruth
Subject: [EXTERNAL] RE: Request for CON Exemption

Hi Ruth,

Yes, I have received your request. We have had adverse weather issues here for the past three days, so I have not been in the office. I will do my best to get your response in Friday's mail.

Will that be okay?

Thank you – please feel free to call me if you need to, at 919-855-3886.

Tanya S. Rupp, JD
Project Analyst
Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section
North Carolina Department of Health and Human Services

919-855-3873 office
Tanya.rupp@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: Monday, January 09, 2017 1:01 PM
To: Rupp, Tanya <tanya.rupp@dhhs.nc.gov>
Subject: FW: Request for CON Exemption

Good Afternoon Tanya. Want to confirm with you that you have received attached request and if you can give me an ETA on when to expect your response?
We anticipate filing the state license CHOW paperwork this week and will need to include a copy of the CON response, if at all possible.

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: Schwartz, Ruth
Sent: Wednesday, January 04, 2017 3:30 PM
To: Rupp, Tanya
Cc: veronica.moore@dhhs.nc.gov
Subject: Request for CON Exemption
Importance: High

Ms. Rupp,

Please accept the attached letter requesting CON exemption. I would appreciate receiving your response at your very earliest convenience either by email or fax so that we may proceed with filing the necessary change of ownership state license and certification paperwork with the Division of Health Service Regulation, Acute and Home Care, Licensing & Certification Section.

Regards,

Ruth C. Schwartz

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