



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

August 21, 2018

Colleen M. Crowley
555 Fayetteville Street, Suite 720
Raleigh, NC 27601

Exempt from Review – Acquisition of Facility


Record #: 2680
Facility Name: Nash County Home Health Agency
Type of Facility: Home Health Agency
FID #: 954002
Acquisition by: HealthView Home Health & Hospice, LLC
Business #: 2892
County: Nash

Dear Ms. Crowley:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter August 14, 2018, the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, HealthView Home Health & Hospice, 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, DHSR 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 separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,


Jane Rhoe-Jones
Project Analyst


Martha J. Frisone
Chief, Healthcare Planning and
Certificate of Need Section

cc: Acute and Home Care Licensure and Certification Section, DHSR
Melinda Boyette, Administrative Assistant, Healthcare Planning, DHSR

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603
MAILING ADDRESS: 2701 Mail Service Center, Raleigh, NC 27699-2701
www.ncdhhs.gov/dhsr/ • TEL: 919-855-3750 • FAX: 919-733-2757



555 Fayetteville Street, Suite 720, Raleigh, NC 27601 • (919) 832-1744



August 14, 2018

Colleen M. Crowley
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ccrowley@polsinelli.com

VIA HAND DELIVERY

Ms. Martha Frisone, Chief
Certificate of Need Section
North Carolina Department of Health and
Human Service
Division of Health Service Regulation
Health Planning and Certificate of Need
Section
809 Ruggles Drive
Raleigh, North Carolina 27603

**Re: Exemption Notice for Acquisition of Nash County Health Department
Home Health Agency by HealthView Home Health & Hospice, LLC**

(License Number: HCO0520)

Dear Ms. Frisone:

The purpose of this letter is to inform you of a proposed transaction involving the acquisition of Nash County Home Health Agency (“Nash County Home Health”) by HealthView Home Health & Hospice, LLC (“HealthView”). We are requesting that the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Health Planning and Certificate of Need Section (the “Agency”) confirm that this transaction is exempt from review pursuant to N.C. Gen. Stat. § 131E-184(a)(8).

The General Assembly has chosen to exempt certain, otherwise reviewable events from Certificate of Need (“CON”) review, including the acquisition of a health service facility, along with the equipment owned by the health service facility at the time of the acquisition. See N.C. Gen. Stat. § 131E-184(a)(8). Under N.C. Gen. Stat. § 131E-176(9b), a home health agency office is a “health service facility.” HealthView will be acquiring Nash County Home Health as an existing “health service facility.” After the acquisition, HealthView will continue to operate the health service facility as a home health agency. Since the transaction involves only an existing health service facility, it is exempt from CON review.

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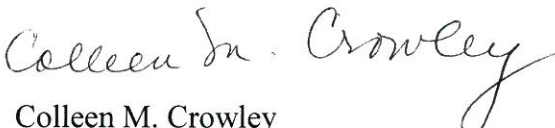
Ms. Martha Frisone
August 14, 2018
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Based on the foregoing information, we hereby request the Agency confirm this transaction is exempt from CON review under N.C. Gen. Stat. § 131E-184(a)(8). Nash County Home Health is represented by Erin J. Roberts at Nelson Mullins Riley & Scarborough LLP, and she has authorized submission of this letter and will receive a copy as well.

Since the effective date of this acquisition is currently anticipated to be September 1, 2018, we respectfully request your expedited review.

Thank you for your assistance with this matter. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,


Colleen M. Crowley

cc: Erin J. Roberts, Esq.