



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

VIA EMAIL ONLY

July 21, 2021

Ross E. Sallade
rsallade@polsinelli.com

Exempt from Review – Acquisition of Facility

Record #: 3615
Date of Request: July 16, 2021
Facility Name: Advanced Home Health (formerly Dare Home Health and Dare Hospice)
Type of Facility: Home Health Care Services
FID #: 943718
Acquisition by: Adoration Home Health Care Virginia, LLC
Business #: 3167
County: Dare

Dear Mr. Sallade:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that the project described above is exempt from certificate of need (CON) review in accordance with G.S. 131E-184(a)(8). Therefore, the above referenced business may proceed to acquire the health service facility identified above and change the name of the facility without first obtaining a CON. The Agency’s determination is limited to the question of whether the above referenced business would have to obtain a CON if the current owners of the health service facility do in fact sell it to the business listed above. 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.”

If the business listed above does acquire the facility, you should contact the Agency’s Acute and Home Care Licensure and Certification Section to obtain instructions for changing ownership of the existing facility.

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 regarding whether a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

[Handwritten signature of Gregory F. Yakaboski]

Gregory F. Yakaboski
Project Analyst

[Handwritten signature of Micheala Mitchell]

Micheala Mitchell
Section Chief, Healthcare Planning and Certificate of Need

cc: erin@robertslawnc.com
Acute and Home Care Licensure and Certification Section, 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: 809 Ruggles Drive, 2704 Mail Service Center, Raleigh, NC 27699-2704
https://info.ncdhs.gov/dhsr/ • TEL: 919-855-3873

Wilson, Fatimah

From: Erin Roberts <erin@robertslawnc.com>
Sent: Friday, July 16, 2021 1:22 PM
To: Yakaboski, Greg
Cc: RSallade@Polsinelli.com; lkelecich@polsinelli.com
Subject: [External] Exemption Notice for CON - Dare Home Health Dare Hospice - License No. HC0494/FID 943718
Attachments: Exemption Notice for CON Section (Dare Home Health Dare Hospice)_Submission 7.16.21 (78900740v1)-c.pdf; 2021 NC HH&H License.pdf
Importance: High

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Greg,

Thank you again for your time earlier today. Attached, please find a copy of the current license for Dare Home Health and Dare Hospice (HC0494/FID 943718).

Dare County currently owns the home health and hospice agency, which it operates utilizing the name Dare Home Health & Dare Hospice (the "Agency"), and will be selling the assets used in connection with Agency to Adoration Home Health Care Virginia, LLC d/b/a Advanced Home Health ("Adoration").

Adoration will not continue to utilize the name Dare Home Health & Dare Hospice post-closing, and instead will operate the home health and hospice agency utilizing the name Advanced Home Health.

Lynette Kelecich is the best person to contact if you need additional information from Adoration/the Buyer. Lynette is copied on this e-mail and her phone number is: 312.463.6366.

To the extent you have any questions, or need any additional information from me, please let me know. Thanks again for your help! Erin

Erin J. Roberts

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5 West Hargett Street, Suite 1100
Raleigh, North Carolina 27601
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From: Erin Roberts
Sent: Friday, July 16, 2021 12:14 PM
To: greg.yakaboski@dhhs.nc.gov
Cc: RSallade@Polsinelli.com; lkelecich@polsinelli.com; fatimah.wilson@dhhs.nc.gov
Subject: FW: Exemption Notice for CON - Dare Home Health Dare Hospice - License No. HC0494

Mr. Yakaboski,

I spoke with Ms. Fatimah Wilson this morning regarding this request, and she indicated that given this Agency's location in HSA-6, that you would be reviewing this Exemption Notice. The parties are hoping to close the transaction by August 1 (our apologies for the time sensitive request), and any help you can provide to meet this goal would be greatly appreciated.

Thank you in advance for your time and assistance.

Erin J. Roberts

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From: Lynette Kelecich <lkelecich@polsinelli.com>
Sent: Friday, July 16, 2021 11:41 AM
To: Micheala.Mitchell@dhhs.nc.gov
Cc: Ross Sallade <RSallade@Polsinelli.com>; Erin Roberts <erin@robertslawnc.com>
Subject: Exemption Notice for CON - Dare Home Health Dare Hospice - License No. HC0494

Ms. Mitchell – For your review, please find attached the Exemption Notice for CON on behalf of Adoration Home Health Care Virginia, LLC d/b/a Advanced Home Health (“Adoration”). Adoration intends to acquire Dare Home Health & Dare Hospice, located at 109 Exeter Street, Manteo, NC.

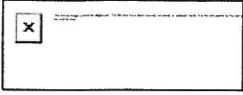
Please let me know if you have any questions or require any additional documentation.

Thank you

Lynette Kelecich

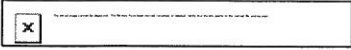
Practice Group Paralegal Manager

lkelecich@polsinelli.com
312.463.6366
150 N. Riverside Plaza, Suite 3000
Chicago, IL 60606



Polsinelli PC, Polsinelli LLP in California

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July 16, 2021

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VIA ELECTRONIC MAIL AND U.S. MAIL

Micheala.Mitchell@dhhs.nc.gov

Ms. Micheala Mitchell, Chief
North Carolina Department of Health and Human Services
Division of Health Service Regulation
Health Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, NC 27699-2704

Re: Exemption Notice for Acquisition of Dare County Home Health & Dare Hospice (License Number HC0494) – Dare County

Dear Ms. Mitchell:

I am writing on behalf of our client, Adoration Home Health Care Virginia, LLC, d/b/a Advanced Home Health ("Adoration") to provide notice to the N.C. Department of Health and Human Services, Division of Health Service Regulation, Certificate of Need Section ("the Agency") of Adoration's intent to acquire the Dare Home Health & Dare Hospice (License Number HC0494) located at 109 Exeter Street, Manteo, North Carolina, from the Dare County Health Department. For your convenience, we have included a copy of the license with this letter.

The parties are working towards closing as soon as possible. As you know, 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). A home health agency office is a health service facility. Id. at § 131E-176(9b). The Transaction will also not result in the development or establishment of any new health service facility, nor will it result in the offering, development, or establishment of any institutional health service that is not exempt in connection with this Transaction.

I would therefore ask to receive written confirmation that the acquisition of the facility listed above is exempt from CON review. Our client is also in communication with the Acute

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Polsinelli PC, Polsinelli LLP in California

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