



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

Pat McCrory
Governor

Aldona Z. Vos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

September 27, 2013

Susan Benoit
3525 Whitehall Park Drive, Suite 220
Charlotte, NC 28273

Disapproval

Project I.D. #: O-10121-13
Facility: Gentiva Health Services
Project Description: Develop a Medicare-certified home health agency in Brunswick County
County: Brunswick
FID #: 130173

Dear Ms. Benoit:

The Certificate of Need Section, Division of Health Service Regulation, Department of Health and Human Services has disapproved the above referenced certificate of need application. This decision was made after a review of the applications submitted for this cycle and after consideration of the Certificate of Need Law, G.S. 131E-175 et. seq. and regulations promulgated there under, the State Medical Facilities Plan, and other applicable information. Written notice of all findings and conclusions upon which the decision was based will be provided to the applicants within five business days after the date of the decision in accordance with G.S. 131E-186.

A legal proponent or any person aggrieved by this decision may file a petition for a contested case hearing in accordance with G.S. 150B, Article 3, as amended. This petition must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 within thirty (30) days of the decision. [Note: Effective October 1, 2009, OAH requires a filing fee with submittal of petitions for contested cases. Please direct all questions regarding this fee to OAH Clerk's Office (919-431-3000).]

If you file a petition for a contested case hearing, you must serve a copy of the petition on the Department of Health and Human Services by mailing a copy of your petition to:



Certificate of Need Section

www.ncdhhs.gov

Telephone 919-855-3873 • Fax 919-733-8139

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



Emery Milliken
Department of Health and Human Services,
Office of Legal Affairs,
Adams Building – Room 154
2001 Mail Service Center
Raleigh, North Carolina, 27699-2001

It is requested that a copy of the petition also be served on the Certificate of Need Section.

Please be advised that in accordance with G.S. 131E-188, as a condition precedent to proceeding with a contested case hearing on the approval of an applicant for a certificate of need, the petitioner shall deposit a bond with the clerk of superior court where the new institutional health service that is the subject of the petition is proposed to be located. The bond shall be secured by cash or its equivalent in an amount equal to five percent (5%) of the cost of the proposed new institutional health service that is the subject to the petition, but may not be less than five thousand dollars (\$5,000) and may not exceed fifty thousand dollars (\$50,000). Moreover, the applicant who received approval for the new institutional health service that is the subject of the petition may bring an action against a bond filed under this subsection in the superior court of the county where the bond was filed. Upon finding the petition for a contested case was frivolous or filed to delay the applicant, the court may award the applicant part or all of the bond filed.

Please refer to the Project I.D.# and Facility I.D.# (FID) in all correspondence.

Sincerely,

Gregory F. Yakaboski, Project Analyst

Martha J. Frisone, Assistant Chief
Certificate of Need Section

GFY:MJF:mw

Attachment

cc: Medical Facilities Planning Section, DHSR

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing notice of conditional approval on the following person by placing a copy in an official depository of the United States Postal Service in a postage-paid, first class envelope addressed as follows:

Aneel Gill
1626 Jeurgens Court
Norcross, GA 30093

Project I.D. # O-10113-13
FID # 130168

I hereby certify that I have served the foregoing notice of disapproval on the following persons by placing a copy in an official depository of the United States Postal Service in a postage-paid, first class envelopes addressed as follows:

Ruth Glaser
507 East Fremont Street
Burgaw, NC 28425
Project I.D. # O-10117-13
FID # 130172

Joel C. Mills
4001 Piedmont Parkway
High Point, NC 27265
Project I.D. # O-10118-13
FID # 130171

Tim Brooks
509 W. 3rd Street
Pembroke, NC 28372
Project I.D. # O-10119-13
FID # 130174

Mike Raney
7227 Lee De Forest Drive
Columbia, MD 21046
Project I.D. # O-10120-13
FID # 130175

Susan Benoit
3525 Whitehall Park Drive, Suite 220
Charlotte, NC 28273
Project I.D. # O-10121-13
FID # 130173

Max Mason
223 Hwy 70 East
Garner, NC 27529
Project I.D. # O-10122-13
FID # 130177

This the 27th day of September, 2013.

Gregory F. Yakaboski, Project Analyst