



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

Pat McCrory
Governor

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

Drexdal Pratt
Division Director

April 26, 2013

Wallace C. Hollowell, III
Nelson Mullins Riley & Scarborough
4140 Parklake Avenue
Raleigh, NC 27612

No Review

Facility or Business: Hospice & Palliative CareCenter
Project Description: Separately license home care services, including Medicare-certified home health services, from hospice home care services
County: Forsyth
FID #: 953897

Dear Mr. Hollowell:

The Certificate of Need (CON) Section received your letter of April 18, 2013 regarding the above referenced proposal. Based on the CON law **in effect on the date of this response to your request**, the proposal described in your correspondence is not governed by, and therefore, does not currently require a certificate of need. However, please note that if the CON law is subsequently amended such that the above referenced proposal would require a certificate of need, this determination does not authorize you to proceed to develop the above referenced proposal when the new law becomes effective.

Moreover, you need to contact the Acute and Home Care Licensure and Certification Section of the Division of Health Service Regulation to determine if they have any requirements for development of the proposed project.

It should be noted that this determination is binding only for the facts represented by you. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by the Certificate of Need Section. Changes in a project include, but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate; (3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed.

Please contact the CON Section if you have any questions. Also, in all future correspondence you should reference the Facility I.D. # (FID) if the facility is licensed.

Certificate of Need Section

www.ncdhhs.gov

Telephone 919-855-3873


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



Sincerely,


Kim Randolph, Project Analyst


Craig R. Smith, Chief
Certificate of Need Section

cc: Medical Facilities Planning Section, DHSR
Acute and Home Care Licensure and Certification Section, DHSR

Nelson Mullins

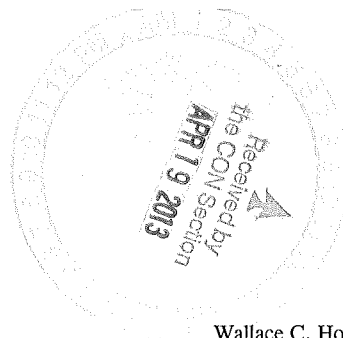
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April 18, 2013

Via U.S. Mail and Electronic Mail

Craig Smith, Chief
Certificate of Need Section
Division of Health Service Regulation
N.C. Dept. of Health and Human Services
2704 Mail Service Center
Raleigh, NC 27699-2704
Craig.Smith@dhhs.nc.gov

Re: No Review Request for Hospice & Palliative CareCenter

Dear Craig:

I am writing on behalf of Hospice & Palliative CareCenter ("HPCC"). HPCC currently has a license to provide Home Care Services, which specifically includes nursing care, infusion nursing, in-home aide, medical social, physical therapy, occupational therapy, speech therapy, clinical respiratory, nursing pool, hospice, companion, sitter, and respite services, and Medicare-certified home health services. All of these services are listed on a single license -- License No. HC0409 (copy enclosed).

HPCC is currently in discussions regarding the sale of its Home Care Services business described above, *with the exception of its hospice services business*, and its Medicare-certified home health services business to another provider. To emphasize, these sale discussions **do not include** the sale of HPCC's hospice services business. HPCC would continue to own and operate that hospice services business following the sale.

In order to pursue this transaction, HPCC would like to work with the Acute and Home Care Licensure & Certification Section to have its current license (License No. HC0409) divided into two separate licenses -- one for its licensed hospice services business and the other for all of the remaining Home Care Services and Medicare-certified home health services. Once the licenses are divided, HPCC would then move forward with the sale of the separately-licensed Home Care Services and Medicare-certified home health business to the prospective

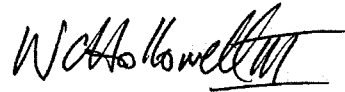
Craig Smith, Chief
April 18, 2013
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buyer. At that time, we would anticipate the prospective buyer would provide the Certificate of Need Section with prior written notice of the exempt acquisition of an existing health service facility pursuant to N.C. Gen. Stat. § 131E-184(a)(8).

It is our understanding that because HPCC is already licensed to provide all of these services, and has been for approximately 30 years, the issuance of two separate licenses for these services by the Licensure & Certification Section would not require any certificate of need review. We respectfully request that you confirm that no certificate of need review would be required prior to the Licensure & Certification Section issuing two separate licenses for these services as described above.

If you have any questions, or should you need additional information, please let me know. Thank you in advance for your attention to this request.

Very truly yours,

A handwritten signature in black ink, appearing to read "W.C. Hollowell III", with a horizontal line underneath.

Wallace C. Hollowell, III

Enclosure

cc: Linda Darden
Ross E. Sallade, Esq.

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

Effective January 01, 2012, this license is issued to
Hospice & Palliative CareCenter

to operate an agency known as
Hospice & Palliative CareCenter

located at 101 Hospice Lane
City of Winston Salem, North Carolina.

This license is issued subject to the statutes of the
State of North Carolina, is not transferable and shall expire
midnight December 31, 2012.

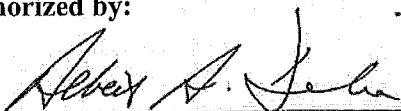
Facility ID: 953897

License Number: HC0409

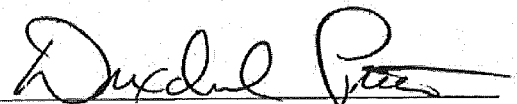
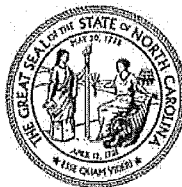
Home Care Services: Nursing Care , Infusion Nursing , In-home Aide , Medical Social Services, Physical Therapy, Occupational Therapy, Speech Therapy, Clinical Respiratory, Nursing Pool Services, Hospice Services, Companion, Sitter, Respite

This agency is authorized to provide Medicare-certified home health services.

Authorized by:



Acting Secretary, N.C. Department of Health and Human Services



Director, Division of Health Service Regulation