



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

Pat McCrory  
Governor

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Ambassador (Ret.)  
Secretary DHHS

Drexdal Pratt  
Division Director

May 12, 2015

Daniel C. Patten  
511 Union Street, Suite 2700  
Nashville, TN 37219-8966

**Inquiry – Acquisition of Existing Facility**

Facility: Mountain Home Nursing Service, Inc.  
Type of Facility: Home Care Agency  
Acquisition by: Mountain Home Health Services, LLC  
County: Clay  
FID #: 943999

Dear Mr. Patten:

In response to your correspondence of April 9, 2015, the Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) has determined that:

1. Mountain Home Nursing Service, Inc. was acquired by Mountain Home Health Services, LLC on December 16, 2014.
2. Mountain Home Health Services, LLC provided no prior notice to the Agency of its acquisition of Mountain Home Nursing Service, Inc.
3. N.C.G.S. 131E-184(a)(8) states: *“Except as provided in subsection (b), the department shall exempt from certificate of need review a new institutional health service if it receives prior written notice [emphasis added] from the entity proposing the new institutional health service, which notice includes an explanation of why the new institutional health service is required, for any of the following: ... (8) To acquire an existing health service facility, including equipment owned by the health service facility at the time of acquisition.”*
4. No penalty or any other sanction will be assessed against Mountain Home Health Services, LLC for failure to provide prior written notice to the Agency of the acquisition of Mountain Home Nursing Service, Inc.



Healthcare Planning and Certificate of Need Section

[www.ncdhhs.gov](http://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

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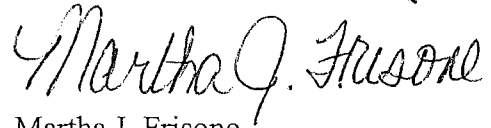
Daniel C. Patton  
May 12, 2015  
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It should be noted that this Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this office and a separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,



Julie Halatek  
Project Analyst



Martha J. Frisone  
Assistant Chief, Certificate of Need

# waller

Waller Lansden Dortch & Davis, LLP  
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Daniel C. Patten  
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April 9, 2015

**VIA OVERNIGHT COURIER**

Julie Halatek  
NC DHHS  
Healthcare Planning and Certificate of Need Section  
2704 Mail Service Center  
Raleigh, NC 27699-2704

Re: Acquisition of Mountain Home Nursing Service, Inc.

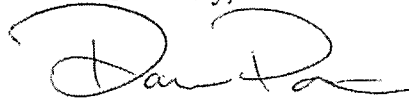
Dear Ms. Halatek:

We are writing to inform you that on December 16, 2014, our client, Mountain Home Health Services, LLC, a North Carolina limited liability company ("Buyer"), acquired the assets of a North Carolina licensed, Medicare-Medicaid certified home health provider, Mountain Home Nursing Service, Inc., a North Carolina non-profit corporation ("Seller"). Although intending to continue operations of Seller's home health agency under a new license, Buyer did not provide written notice of the acquisition to your Department prior to closing. Therefore, your Department was unable to approve the acquisition as exempt from certificate of need review.

Please accept this letter as the notice of the acquisition. Furthermore, we request that your Department approve the acquisition as exempt from certificate of need review.

If you should have any questions or need additional information, please contact Colbey Reagan at (615) 850-8798 or colbey.reagan@wallerlaw.com. Thank you for your assistance.

Sincerely,



Daniel C. Patten

DCP:

## Halatek, Julie F

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**From:** Daniel Patten <Daniel.Patten@wallerlaw.com>  
**Sent:** Thursday, April 09, 2015 6:49 PM  
**To:** Halatek, Julie F  
**Cc:** Colbey Reagan  
**Subject:** Notice Letter; follow-up on behalf of Colbey Reagan  
**Attachments:** Julie Halatek ltr re Acq. of Mountain Home Nursing Service, Inc..pdf

Good evening Ms. Halatek,

I understand you spoke with my colleague, Colbey Reagan, re: the acquisition of Mountain Home Nursing Service, Inc. and your Department's need for a notice letter. The letter should arrive to your office tomorrow. A copy of the letter is attached to this email for your convenience. Thank you.

### **Daniel C. Patten**

Associate

**waller**

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