



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER  
GOVERNOR

MANDY COHEN, MD, MPH  
SECRETARY

MARK PAYNE  
DIRECTOR

December 13, 2017

James C. Wrenn, Jr.  
111 Gilliam Street  
Oxford, NC 27565

**No Review**

**Record #:** 2453  
**Facility Name:** JATZ Home Care Services  
**FID #:** 091033  
**Business Name:** S&S Companion Care of Oxford NC LLC  
**Business #:** 2751  
**Project Description:** Acquisition of the agency through an asset purchase agreement  
**County:** Granville

Dear Mr. Wrenn:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your letter of December 1, 2017 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.

However, you need to contact the Agency's Acute and Home Care Licensure Section 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 in your correspondence. 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 this office. 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 this office if you have any questions. Also, in all future correspondence you should reference the Facility ID # (FID) if the facility is licensed.

**HEALTHCARE PLANNING AND 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,



Bernetta Thorne-Williams  
Project Analyst



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

cc: Acute and Home Care Licensure and Certification Section, DHSR  
Sharetta Blackwell, Program Assistant, Healthcare Planning, DHSR

FID# 091033  
Record# 2453

LAW OFFICES OF  
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December 1, 2017

Ms. Martha Frisone, Chief  
Ms. Bernetta Thorne-Williams, Project Analyst  
Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation  
North Carolina Department of Health and Human Services  
2704 Mail Service Center  
Raleigh, NC 27699-2704



*Via first class mail and e-mail transmission to [martha.frisone@dhhs.nc.gov](mailto:martha.frisone@dhhs.nc.gov) and [bernetta.williams@dhhs.nc.gov](mailto:bernetta.williams@dhhs.nc.gov)*

RE: Confirmation that acquisition of JATZ Home Care Services is not subject to Article 9, Chapter 131E of the North Carolina General Statutes

Dear Ms. Frisone and Ms. Thorne-Williams:

Our client, S&S Companion Care of Oxford NC LLC ("SSCC") is planning to acquire a home care agency (as defined by N.C. Gen. Stat. §131E-136(2)) currently known JATZ Home Care Services (hereafter the "Agency"). The Agency's office is located at 125 Old Warehouse Square, Oxford, NC 27565.

SSCC is seeking to purchase the Agency through an asset purchase agreement. The purpose of this letter is to provide prior notice of this acquisition, which we believe is not subject to Certificate of Need ("CON") review, to the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section (the "CON Section"). SSCC seeks confirmation that its acquisition of the Agency is not subject to review by the CON Section.

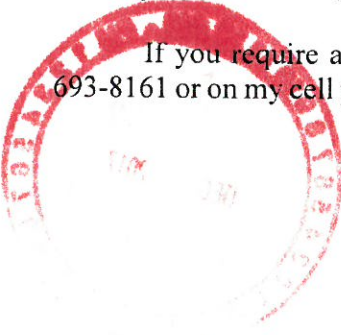
As of this date, April Seibles d/b/a JATZ Home Care Services leases the office from which the Agency is operated. The Agency is a "home care agency" as that term is defined in N.C. Gen. Stat. § 131E-136(2)<sup>1</sup>. Upon information and belief, JATZ Home Care Services is the current licensee. SSCC will purchase the Agency and will be the new licensee. The Agency is not currently certified to receive Medicare or Medicaid reimbursement for providing nursing care, therapy, medical social services, and home health aide services on a part-time, intermittent basis

<sup>1</sup> "'Home care agency' means a private or public organization that provides home care services." N.C. Gen. Stat. §131E-136(2).

and will not be certified to receive Medicare or Medicaid reimbursement for providing nursing care, therapy, medical social services, and home health aide services on a part-time, intermittent basis after the acquisition. Therefore, it is our opinion that the Agency is not a "home health agency" as defined at N.C. Gen. Stat. § 131E-136(4)<sup>2</sup> and, as a result, is not subject to Article 9, Chapter 131E of the North Carolina General Statutes.

Please provide me with written confirmation that this transaction is not governed by and is not subject to Article 9, Chapter 131E of the North Carolina General Statutes.

If you require additional information to consider this request, please contact us at (919) 693-8161 or on my cell phone at (919) 939-1012. Thank you for your consideration of this request.



Sincerely,

A handwritten signature in black ink, appearing to read "James C. Wrenn, Jr.".

James C. Wrenn, Jr.

JCWjr/aee

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<sup>2</sup> "Home health agency" means a home care agency which is certified to receive Medicare and Medicaid reimbursement for providing nursing care, therapy, medical social services, and home health aide services on a part-time, intermittent basis as set out in G.S. 131E-176(12), and is thereby also subject to Article 9 of Chapter 131E." N.C. Gen. Stat. §131E-136(4).