



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

January 18, 2019

Annette Kiser
akiser@fourseasonscfl.org

No Review

Record #: 2753
Business Name: Hospice of Henderson County, Inc.
Business #: 987
Project Description: Develop an administrative building
County: Buncombe

Dear Ms. Kiser:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence of October 18, 2018, December 6, 2018, and January 12, 2019, 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 that correspondence is not governed by, and therefore, does not currently require a certificate of need. 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.

You may need to contact the Agency's Construction and Acute and Home Care Certification Sections to determine if they have any requirements for development of the proposed project.

This determination is binding only for the facts represented in your correspondence. If changes are made in the project or in the facts provided in the correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by this office.

Please do not hesitate to contact this office if you have any questions.

Sincerely,

Handwritten signatures of Julie M. Faenza and Martha J. Frisone

Julie M. Faenza
Project Analyst

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

cc: Construction Section, DHSR
Acute and Home Care Licensure and Certification Section, DHSR
Melinda Boyette, Administrative Assistant, Healthcare Planning, 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
www.ncdhhs.gov/dhsr • TEL: 919-855-3873

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Faenza, Julie M

From: Annette Kiser <akiser@teleioscn.org>
Sent: Saturday, January 12, 2019 9:19 PM
To: Faenza, Julie M
Subject: RE: [External] Request for Exemption from Review
Attachments: Four Seasons Exemption Request Draft Budget 12.18.xlsx

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Hi Julie, I want to give you more information on your two items.

1. I have attached a preliminary draft budget for the two projects.
2. Our R&D department is a very small team of staff that conducts clinical research – studies on pain and symptom management for instance. That department is a net zero line item in the Four Seasons administrative budget. The revenue they generate covers their cost. As you'll see on the draft budget, the R&D department is a very small portion of the square footage of each project.

Please let me know if you have other questions.

Thank you,
Annette

Annette Kiser, MSN, RN, NE-BC
Chief Compliance Officer
Four Seasons
akiser@teleioscn.org
704-508-1735



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From: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>
Sent: Tuesday, December 11, 2018 4:44 PM
To: Annette Kiser <akiser@teleioscn.org>
Subject: RE: [External] Request for Exemption from Review

Thanks, Annette.

After talking with the section chief, I need one, and potentially two, additional pieces of information:

1. I need the aforementioned capital cost worksheets for the projects. Do you know when you'll be able to get those to me, or is it too far off to know?
2. I need to know what the Research & Development department is. Is that part of the hospice? Administration? It comes into play if the capital cost is greater than \$2 million. If it is \$2 million or less, I won't need that information, but it will have to be clearly \$2 million or less on the capital cost worksheet.

Even if you can't get me that information right away, if you can give me an estimated time frame on when you'll be able to get those to me, I'd appreciate it. Thanks!

Julie M. Faenza, Esq.

Project Analyst

Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section

NC Department of Health and Human Services

Office: 919-855-3873

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From: Annette Kiser [mailto:akiser@teleioscn.org]

Sent: Thursday, December 06, 2018 12:40 AM

To: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>

Subject: RE: [External] Request for Exemption from Review

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Hey Julie, I want to follow up on your request for more information.

We do not yet have a capital cost worksheet for this project. Below is the explanation of the relationships of the entities and the planned use for the project space.

- Hospice of Henderson County, Inc. does business as Four Seasons Compassion for Life to provide hospice services.
- Compassionate Home Care is a separately licensed home care agency owned by Hospice of Henderson County, Inc. Compassionate Home Care will use the space as a workstation until such time as the moratorium on in-home aides is lifted and they can obtain a new license that would allow for IHA services in Buncombe County.
- Hospice services will not be provided from the Buncombe County office building. It may be used as a workstation for hospice staff, but hospice will not be advertised from that location. DHSR guidance for no hospice signage, no published hospice number, no medical records stored there, etc. will be followed.
- From the Buncombe location, Four Seasons may operate a physician clinic to provide palliative care services.
- In addition, our Research & Development department and hospice foundation will have office space there.

Let me know if there are additional questions. You can usually reach me on my cell phone at 704-902-1993.

Thank you,
Annette

Annette Kiser, MSN, RN, NE-BC
Chief Compliance Officer
Four Seasons
akiser@teleioscn.org
704-508-1735



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From: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>
Sent: Wednesday, November 14, 2018 12:41 PM
To: Annette Kiser <akiser@teleioscn.org>
Subject: FW: [External] Request for Exemption from Review

Julie M. Faenza, Esq.
Project Analyst
Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section
NC Department of Health and Human Services
Office: 919-855-3873

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From: Faenza, Julie M
Sent: Wednesday, October 31, 2018 11:31 AM
To: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>
Subject: RE: [External] Request for Exemption from Review

Annette, I need a little bit more information about the Buncombe County office building. After discussing the information provided with the Chief of the CON Section, she wants to more clearly understand the relationship between the Hospice of Henderson County, Inc. and the entities that will be using the proposed administrative building. What is the relationship between Compassionate Home Care and Hospice of Henderson County, Inc.? Will the Hospice of Henderson County, Inc. be using this building at all, and if so, for what purposes – purely for the palliative care clinic, or for additional operations, or operations of related entities? There isn't enough detail for the Chief to feel comfortable determining whether or not this would be exempt if it was any greater than \$2,000,000. Alternatively, if you can provide more concrete financial documentation to demonstrate that the building will cost \$2 million or less – such as a proposed capital cost worksheet signed by an architect – that will also suffice.

If you have any questions, please let me know.

Julie M. Faenza, Esq.
Project Analyst

Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section
NC Department of Health and Human Services
Office: 919-855-3873

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From: Faenza, Julie M
Sent: Monday, October 22, 2018 3:20 PM
To: Annette Kiser <akiser@teleioscn.org>
Subject: RE: [External] Request for Exemption from Review

Thanks! And yes, I was a bit disappointed by the leaves! I had expected more by this time, but it wasn't until I had gotten to Asheville that I could say I saw what could generously be described as color – and then it disappeared practically as soon as I crossed into Henderson County. Oh well. There'll be other trips. Thanks for the cleanup of the letter!

Julie M. Faenza, Esq.
Project Analyst
Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section
NC Department of Health and Human Services
Office: 919-855-3873

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From: Annette Kiser [<mailto:akiser@teleioscn.org>]
Sent: Monday, October 22, 2018 3:17 PM
To: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>
Subject: RE: [External] Request for Exemption from Review

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I hope you enjoyed your trip west. It would have been a better drive if the leaves had been more colorful. But at least it got you out of the office.

Drats on the oversight in that earlier paragraph! I thought I had it cleaned up. Here you go – third time is a charm.

Thank you,
Annette

From: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>
Sent: Monday, October 22, 2018 2:46 PM
To: Annette Kiser <akiser@teleioscn.org>
Subject: RE: [External] Request for Exemption from Review

Thanks, Annette. Sorry for the delay in responding – I was actually out in your neck of the woods on Thursday and Friday! I had a public hearing Friday morning at the county library.

At any rate, the resubmitted letter helps, but it still references a mobile palliative care clinic vehicle. Could you please delete that line and resubmit it? I know it's in a format where I could do that if necessary, but it would be better all around if the revision was done by you.

Thanks!

Julie M. Faenza, Esq.

Project Analyst

Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section

NC Department of Health and Human Services

Office: 919-855-3873

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From: Annette Kiser [<mailto:akiser@teleioscn.org>]

Sent: Thursday, October 18, 2018 1:26 PM

To: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>

Subject: RE: [External] Request for Exemption from Review

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Hi Julie, I apologize for the delayed reply. I have been waiting on additional information on the roving clinic and have not obtained that. So I want to remove that request and have the other 2 requests processed. I have attached an updated letter in case that is easier to move this forward.

Thank you for your assistance,
Annette

Annette Kiser, MSN, RN, NE-BC

Chief Compliance Officer

Teleios Collaborative Network

akiser@teleioscn.org

704-508-1735 Direct

704-902-1993 Mobile



Our Mission: *Equipping community based not for profit hospice and palliative care programs to succeed.*

Our Vision: *Care as it should be.*

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From: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>

Sent: Tuesday, September 25, 2018 11:00 AM

To: Annette Kiser <akiser@teleioscn.org>

Subject: RE: [External] Request for Exemption from Review

Annette, I'm just following up after our phone call in July. You told me you'd look into the details about whether you wished to proceed with these requests. I've not heard anything back from you. Do you wish to proceed with any or all of these requests? Thanks.

Julie M. Faenza, Esq.

Project Analyst

Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section

NC Department of Health and Human Services

Office: 919-855-3873

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From: Annette Kiser [<mailto:akiser@teleioscn.org>]
Sent: Wednesday, July 25, 2018 6:53 PM
To: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>
Subject: RE: [External] Request for Exemption from Review

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I'll call you before 9 AM. Thanks

From: Faenza, Julie M [<mailto:Julie.Faenza@dhhs.nc.gov>]
Sent: Wednesday, July 25, 2018 4:49 PM
To: Annette Kiser <akiser@teleioscn.org>
Subject: RE: [External] Request for Exemption from Review

As I predicted, I do have another question! This is a fairly easy one, though. I'm on my way out the door now (Wednesday) but I should be around tomorrow (Thursday) between 8-9am and also after 4pm for a bit. Could you give me a call one of those times? Thanks!

Julie M. Faenza, Esq.

Project Analyst

Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section

NC Department of Health and Human Services

Office: 919-855-3873

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From: Annette Kiser [<mailto:akiser@teleioscn.org>]
Sent: Wednesday, July 25, 2018 9:27 AM
To: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>
Subject: RE: [External] Request for Exemption from Review

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Hey Julie, I will call after 4 PM. If my meeting runs a bit late it may be closer to 4:30, but I'll definitely call. Thanks!

From: Faenza, Julie M [mailto:Julie.Faenza@dhhs.nc.gov]
Sent: Wednesday, July 25, 2018 7:53 AM
To: Annette Kiser <akiser@fourseasonscfl.org>
Subject: RE: [External] Request for Exemption from Review

Annette, I will be here today (Wednesday) until about 5:30pm. If you can let me know that you'll plan to call today after 4pm, I'll try to stick close to my phone. My direct line is 919-855-3880.

Julie M. Faenza, Esq.
Project Analyst
Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section
NC Department of Health and Human Services
Office: 919-855-3873

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From: Annette Kiser [mailto:akiser@fourseasonscfl.org]
Sent: Tuesday, July 24, 2018 9:23 PM
To: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>
Subject: RE: [External] Request for Exemption from Review

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Hi Julie, thank you for the quick reply. I am in meetings much of the next 2 days. I am open as follows:

- Wednesday after 4:00 PM
- Thursday 8:00-9:00 AM or after 4:00 PM
- Friday 8:00-9:00, 11-12:00, or after 2:00 PM

It would be easier for me to call you since I'll be traveling so let me know the best number for you.

Thanks!
Annette

From: Faenza, Julie M [mailto:Julie.Faenza@dhhs.nc.gov]
Sent: Tuesday, July 24, 2018 4:48 PM
To: Annette Kiser <akiser@fourseasonscfl.org>
Subject: RE: [External] Request for Exemption from Review

Annette, I will need some additional information in order to make this determination. When is a good time in the next few days to call you?

Julie M. Faenza, Esq.
Project Analyst
Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section
NC Department of Health and Human Services
Office: 919-855-3873

From: Annette Kiser [<mailto:akiser@fourseasonscfl.org>]
Sent: Tuesday, July 24, 2018 11:58 AM
To: Faenza, Julie M <Julie.Faenza@dhhs.nc.gov>
Cc: Frisone, Martha <martha.frisone@dhhs.nc.gov>
Subject: [External] Request for Exemption from Review

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Hello Julie, please find attached a request from Four Seasons Compassion for Life, a dba of Hospice of Henderson County, Inc., to obtain an exemption from Certificate of Need review for projects we plan to develop to address the growing needs in our service area. You and I discussed these plans by phone in mid-June and we are now ready to move ahead. I appreciate the time that you gave me to answer my questions as you were most helpful.

Please let me know if you need additional information. My contact information is in the letter and below.

Thank you,
Annette

Annette Kiser, MSN, RN, NE-BC
Chief Compliance Officer
Four Seasons
akiser@teleioscn.org
704-902-1993



Compassion for Life



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DRAFT - DRAFT - DRAFT - DRAFT - DRAFT

Four Seasons Community Care and Innovation Center



Location:	Hendersonville	Buncombe
Department	Projected Sq Footage	Projected Sq Footage
Pall Care Clinic	2,000	1,000
R&D FSCG	1,600	500
Care Navigation	500	500
TCN	1,500	500
CHC	1,600	600
CHC Family Meeting Room	400	400
Foundation	2,000	2,000
Meeting Conf Room Space	2,200	800
Wellness Center	900	1,500
Add'l sq ft.	8,000	2,500
Total Sq Ftg	20,700	10,300
Price Per Sq Ft.	\$ 150.00 x	\$ 150.00
Cost of Bldg	\$ 3,105,000	\$ 1,545,000
Property Costs	\$ 1,500,000 x	\$ -
Building/Site Improvements	\$ 500,000	\$ 249,000
Other Costs:		
Furniture and Fixtures	\$ 250,000	\$ 120,000.00
Professional Fees	\$ 500,000	
Change Orders	500,000	
Traffic Consultant study	15,000	
Feasibility Studies	\$ 85,000	
Traffic Light	\$ 150,000	
Total Other Costs	\$ 1,500,000	\$ 120,000
Potential Total Cost	\$ 6,605,000	\$ 1,914,000



October 18, 2018

Ms. Martha J. Frisone, Chief
Ms. Julie M. Faenza, Esq., Project Analyst
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
2704 Mail Service Center
Raleigh, NC 27699-2704

RE: Notice of Development of Exempt Administrative Office Space / Palliative Care Clinic (Physician Office) and Office Space / Mobile Palliative Care Clinic

Dear Ms. Frisone and Ms. Faenza:

The purpose of this letter is to notify you that Hospice of Henderson County, Inc. doing business as Four Seasons Compassion for Life intends to develop several projects that qualify for exemption or no review under State statute. None of the projects outlined below will constitute a new institutional health service as defined in NCGS 131E-176 (16). These projects will provide much needed office space to accommodate the growth of our programs as we strive to meet the needs of a rapidly growing community and its shifting demographics.

We plan to develop a community care center to include a palliative care clinic in Henderson County and an administrative building in Buncombe County.

The Community Care & Innovation Center in Henderson County will serve as a palliative care clinic as well as office space for Compassionate Home Care, Palliative Care, and our Research & Development department. We will also use it for a learning center for staff and the community. The cost of this project is estimated at \$6,000,000. Four Seasons will not offer any new institutional health services in the office building without first seeking any necessary approvals from the Department.

The Buncombe Administrative Building will be new construction to provide a modern facility comprising approximately 10,300 square feet of office space at an estimated cost of \$2,000,000 dollars. This building will house the Four Seasons Foundation and a palliative care clinic. In addition, offices will be used by Compassionate Home Care (CHC). CHC is a licensed home care agency that does not provide certified home health services. Hospice staff will be able to utilize the building as a workstation only in

accordance with the Department guidelines, and not as hospice office space.

North Carolina G.S. Section 131E-184, "Exemption from Review," identifies certain projects as exempt from Certificate of Need review upon prior written notice. The exemption at (a)(9) is applicable to these projects which include physician offices for palliative care services: "To develop or acquire a physician office building regardless of cost, unless a new institutional health service other than defined in G.S. 131E-176 (16)(b) is offered or developed in the building." These projects do not include any new institutional health services.

We would appreciate your prompt acknowledgment that Department approval is not required for these projects. Please let me know if I can provide any additional information or answer any questions for you. I can be reached at akiser@fourseasonscfl.org or 704-902-1993.

Sincerely,



Annette Kiser, MSN, RN, NE-BC
Chief Compliance Officer
Four Seasons Compassion for Life