



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

March 14, 2023

Damian Rodgers

Damian.rodgers@promedica.org

Ernessa Brawley

ebrawley@bakerlaw.com

Exempt from Review – Acquisition of Facility

Record #: 4147
Date of Request: February 22, 2023
Facility Name: ProMedica Hospice
Type of Facility: Hospice
FID #: 030071
Acquisition by: Curo Health Services, LLC
Business #: 3681
County: Wake

Dear Mr. Pile:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that the project described above is exempt from certificate of need (CON) review in accordance with G.S. 131E-184(a)(8). Therefore, the above referenced business may proceed to acquire the health service facility identified above without first obtaining a CON. The Agency's determination is limited to the question of whether the above referenced business would have to obtain a CON if the current owners of the health service facility do in fact sell it to the business listed above. Note that pursuant to G.S. 131E-181(b): *"A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need."*

If the business listed above does acquire the facility, you should contact the Agency's Acute and Home Care Licensure and Certification Section to obtain instructions for changing ownership of the existing facility.

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 Agency and a separate determination regarding whether a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Cynthia Bradford, Project Analyst

Micheala Mitchell, Chief

cc: Acute and Home Care Licensure and Certification Section, 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
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3873

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



February 22, 2023

BY ELECTRONIC MAIL micheala.mitchell@dhhs.nc.gov

Micheala Mitchell
North Carolina Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
Chief, Certificate of Need
2704 Mail Service Center
Raleigh, NC 27699-2704

Re: Curo Health Services, LLC - Letter of Proposed Acquisition of Existing Hospice Agency

Dear Ms. Mitchell:

On behalf of ProMedica Skilled Nursing and Rehabilitation and its affiliated hospice entity, In Home Health, LLC d/b/a ProMedica Hospice (Raleigh) as set forth in **Attachment A** (the “Licensed Hospice Agency”), this correspondence is to notify the North Carolina Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section of its intent to transfer the operations of the Licensed Hospice Agency to Curo Health Services, LLC (the “Proposed Transaction”). The closing of the Proposed Transaction is scheduled to occur on or about June 1, 2023.

Pursuant to the terms of the Proposed Transaction, the Licensed Hospice Agency will continue operating in the same manner. The services offered by the Licensed Hospice Agency will not change and the geographic service area will remain the same. We request the Department’s confirmation that this acquisition is non-reviewable because it does not constitute a new hospice office, but rather the acquisition of an existing health service facility as provided in the NC Certificate of Need (CON) law under NC General Statute 131E-184(8).

In addition to this notification, the parties will file the appropriate state licensure application to reflect the change of ownership. Therefore, please confirm that this proposed hospice acquisition is exempt from CON review because it does not constitute a new institutional health service.

Should you have any questions or need additional information, please contact Damian Rodgers (Assistant General Counsel, ProMedica) at damian.rodgers@promedica.org or Janet Combs (Vice President of Licensure, Gentiva) at Jcombs@gentivaahs.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "LTP", is positioned above the typed name.

Luke Pile
President

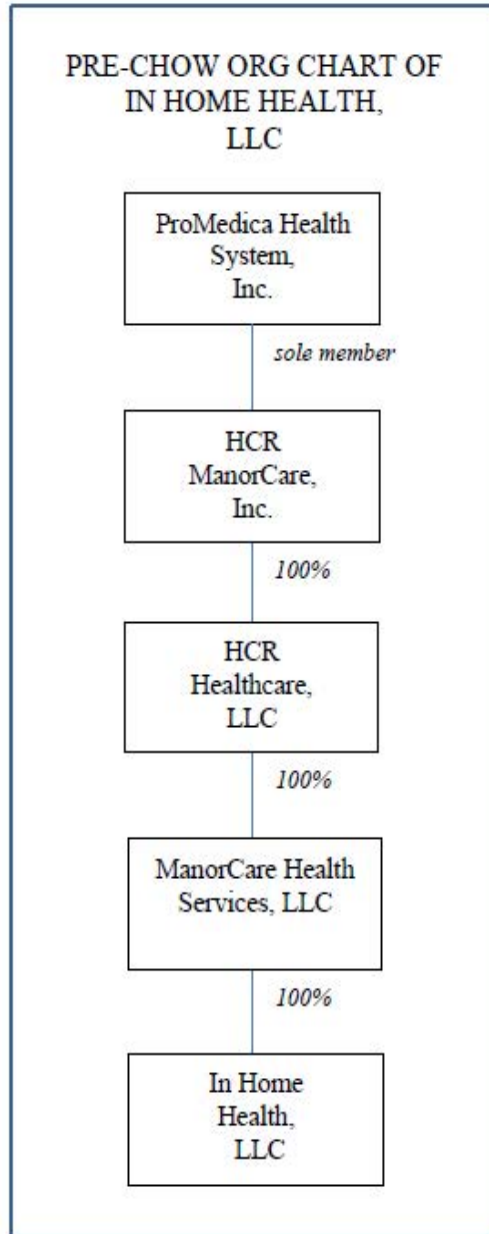
Enclosures

ATTACHMENT A: LICENSED HOSPICE AGENCY

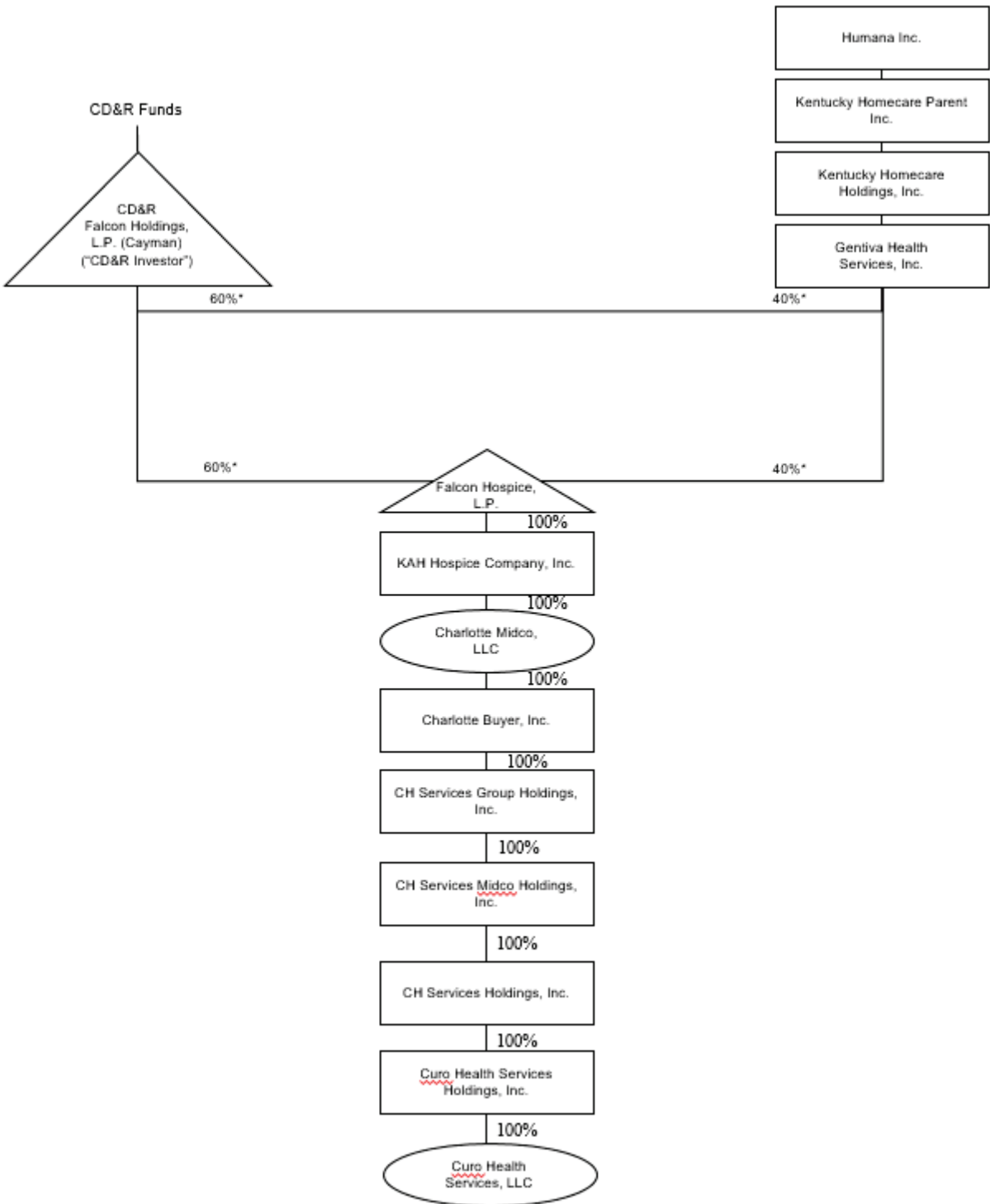
In Home Health, LLC *
d/b/a ProMedica Hospice (Raleigh)
4505 Falls of Neuse Road, Suite 650
Raleigh, NC 27609-2523
License Number: HOS2281; Facility ID: 030071
Administrator: Patricia Brantley

*Palliative Care is also offered by this Provider.

ATTACHMENT B: PRE AND POST OWNERSHIP CHART



Post-Close Structure



From: [Mitchell, Micheala L](#)
To: [Stancil, Tiffany C](#); [Mckillip, Mike](#)
Subject: FW: [External] Hospice Request for Exemption from CON Review
Date: Thursday, February 23, 2023 8:33:13 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[NC CON - Letter of Proposed Acquisition \(Executed\).pdf](#)

Good morning Mike and Tiffany,

Attached is an exemption request for Wake County that needs to be logged and assigned. I usually let Tiffany know who they go to. I've copied both of you on this one because when I looked at the staff assignment chart for Wake, it states that Mike is the contact person.

Mike- I know you're swamped. This is a pretty easy one. Can we give it to Cindy if she's not too busy? Let Tiffany and me know when you log on.

Thanks,

Micheala Mitchell, JD
(*she/her/hers*)
Section Chief, Healthcare Planning and CON Section
[NC Department of Health and Human Services](#)
[Division of Health Service Regulation](#)
809 Ruggles Drive, Edgerton Building
2704 Mail Service Center
Raleigh, NC 27699-2704
Office: 919 855 3879
Micheala.Mitchell@dhhs.nc.gov

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From: Brawley, Ernessa M. <ebrawley@bakerlaw.com>
Sent: Wednesday, February 22, 2023 11:23 PM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>

Cc: Rodgers, Damian <Damian.Rodgers@ProMedica.org>; Jenny Tyler <jenny.tyler@gentivahs.com>; Amanda Jacobs-Baker <Amanda.JBaker@gentivahs.com>; Saran, John <John.Saran@ropesgray.com>; Schaefer, Dustin <Dustin.Schaefer@ropesgray.com>
Subject: [External] Hospice Request for Exemption from CON Review

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Dear Ms. Mitchell:

I am writing on behalf of ProMedica Health System, Inc. and its affiliated hospice entity, In Home Health, LLC d/b/a ProMedica Hospice (Raleigh) regarding a change of ownership for the agency on or about June 1, 2023. We respectfully request your confirmation that the transaction, as described in the attached correspondence, is exempt from CON review.

Please let me know if you have any additional questions.

Thank you in advance,

Ernessa

Ernessa Brawley
Partner

BakerHostetler

1170 Peachtree Street | Suite 2400
Atlanta, GA 30309-7676
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ebrawley@bakerlaw.com

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