

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

Pat McCrory Governor Richard O. Brajer Secretary DHHS

Mark Payne, Director Health Service Regulation

November 18, 2016

James V. Chin P.O. Box 1928 Lexington, SC 29701-1928

Exempt from Review – Acquisition of Facility

Record #:

2093

Facility Name:

Native Angels Home Care & Hospice

Type of Facility:

Hospice

FID#:

021202

Acquisition by:

MSA Home Health and Hospice of NC, Inc.

Business #:

2312

County:

Robeson

Dear Mr. Chin:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter dated October 18, 2016 and received on October 20, 2016, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(8). Therefore, MSA Home Health and Hospice of NC, Inc.may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Agency's Acute and Home Care Licensure and Certification Section to obtain instructions for changing ownership of the existing facility. 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."

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. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Tanya S. Rupp

Project Analyst

Martha J. Frisone

Assistant Chief, Certificate of Need

cc:

Acute and Home Care Licensure and Certification Section, DHSR Paige Bennett, Assistant Chief, Healthcare Planning, DHSR



P.O. Box 1928 (29071-1928) • 171-A Monroe Lane (29072-3904) • Lexington, SC Phone (803) 957-0500 Toll-Free (800) 845-5850 Fax (888) 342-6190

MEDICAL SERVICES OF AMERICA, INC.

October 18, 2016

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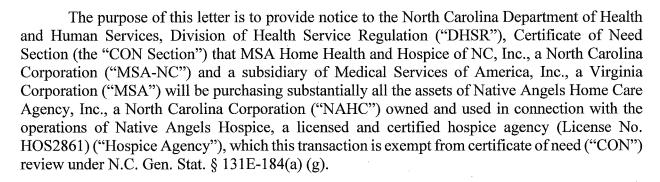
Ms. Martha Frisone Chief, Certificate of Need Section Division of Health Service Regulation NC Department of Health & Human Services 2704 Mail Service Center Raleigh, North Carolina 27699-2704

DR 1d 2093 Bus 1d 2009 2312

RE: NATIVE ANGELS HOSPICE – EXEMPTION NOTICE HOSPICE AGENCY – LICENSE NUMBER: H O S 2 8 6 1

FID 021202

Dear Ms. Frisone:



#### I. THE PROPOSAL

Effective on or about December 1, 2016, MSA-NC will be acquiring substantially all of the Hospice Assets of NAHC with respect to the Hospice Agency. MSA-NC is a wholly owned subsidiary of MSA based out of Lexington, SC. The real property associated with the Hospice Agency is currently owned by NAHC and will be leased to MSA-NC effective as of closing of the transaction pursuant to a separate lease agreement. MSA-NC also will be submitting a change of ownership application to DHSR to effectuate the transfer of the Hospice Agency License.

### II. EXEMPTION NOTICE

Under North Carolina law, a CON is required prior to offering or developing a "new institution health service." A "new institutional health service" includes a variety of equipment, services and activities, including the establishment of a hospital or a hospice agency office. However, the North Carolina General Assembly has exempted certain types of proposals from



CON review under N.C. Stat. § 131E-184, including the acquisition of an existing health service facility.<sup>1</sup>

In the transaction, MSA-NC will be acquiring an existing "health service facility", and after the transaction, MSA-NC will continue to operate this health service facility as a hospice agency at its current location. Furthermore, the proposed transaction does not entail the acquisition of any major medical equipment or any per se reviewable equipment as defined in N.C. Gen. Stat. §§ 131E-176(14)(o) and (16)(f1). Likewise, the transaction does not include the offering of any per se reviewable services except those already offered by the existing health service facility. Thus, given the transaction involves only the sale of an existing health service facility, it is exempt from CON review.

#### III. CONCLUSION

Based on the foregoing information, we hereby request the Agency's confirmation that the transaction described in Section II above is exempt from CON review, under N.C. Gen. Stat. §131E-184(a)(8).

If you require additional information, please contact us at the above number (X6716) or you can email me at <u>ichin@msa-corp.com</u>. Thank you in advance for your review of this notice.

Sincerely,

& God Bless

Jámes V. Chin, MHA Corporate Director

Cc:

Nancy Joyce, Administrative Office (NC Division of Health Service Regulation) Bobbie Jacobs-Ghaffar, Owner (NAHC)

Encl:

NC Hospice License Certificate: Native Angels Hospice

USPS Tracking #: 9405 5169 0184 1079 5902 41

<sup>&</sup>lt;sup>1</sup> See N.C. Gen Stat § 131E-184(a)(g)

<sup>&</sup>lt;sup>2</sup> See id § 131E-176(16)(f)

# State at Auth Carality Services Department of Health and Human Services Division of Health Service Regulation

Effective January 01, 2016, this license is issued to Native Angels Home Care Agency, Inc.

> to operate a hospice known as Native Angels Hospice

located at 201 East Livermore Drive City of Pembroke, North Carolina, Robeson County.

This license is issued subject to the statutes of the State of North Carolina, is not transferable and shall expire Midnight, December 31, 2016.

Facility ID: 041396

License Number: HOS2861

Hospice Services

Authorized by:

Secretary, N.C. Department of Health and

**Human Services** 



Director, Division of Health Service Regulation