



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 24, 2022

Samantha R. Beck
SBeck@reedsmith.com

Exempt from Review – Acquisition of Facility

Record #: 3843
Date of Request: March 1, 2022
Facility Name: See Attachment A
Type of Facility: See Attachment A
FID #: See Attachment A
Acquisition by: Community Home Care & Hospice, LLC
Business #: 529
County: See Attachment A

Dear Ms. Beck:

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,

[Signature of Ena Lightbourne]

Ena Lightbourne
Project Analyst

[Signature of Micheala Mitchell]

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

Attachment A

| Facility | County | FID# | Facility Type |
|-------------------------------|---------------|-------------|----------------------|
| Community Home Care & Hospice | Wayne | 030499 | Home Care |
| Community Home Care & Hospice | Pitt | 050326 | Hospice |
| Community Home Care & Hospice | Franklin | 050346 | Hospice |
| Community Home Care & Hospice | Nash | 030894 | Hospice |
| Community Home Care & Hospice | Halifax | 050349 | Hospice |
| Community Home Care & Hospice | Edgecombe | 050277 | Hospice |
| Community Home Care & Hospice | Wilson | 021189 | Hospice |



Driving progress
through partnership

Scot T. Hasselman

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Email: shasselman@reedsmith.com

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+1 202 414 9200
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reedsmith.com

March 1, 2022

VIA EMAIL (micheala.mitchell@dhhs.nc.gov)

Michaela Mitchell, Chief
NC Department of Health and Human Services
Healthcare Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, NC 27699-2704

Re: Notice of Exemption – Acquisition of Wake Forest Baptist Health Care at Home, LLC by Community Home Care & Hospice, LLC

Dear Ms. Mitchell:

On behalf of Gentiva Health Services, Inc. (“**Gentiva**”) and Wake Forest University Baptist Medical Center, please accept this written request for a determination of exemption from certificate of need (“**CON**”) review in accordance with N.C.G.S. § 131E-184(a)(8) for the acquisition of an existing health care facility.

Wake Forest Baptist Health Care at Home, LLC (the “**Facility**”) is a state-licensed and Medicare-approved hospice facility located at 126 Executive Drive, Wilkesboro, NC 28697. Community Home Care & Hospice, LLC (“**CHC**”)¹ intends to acquire by lease substantially all of the hospice assets of the Facility (the “**Transaction**”). CHC currently operates the state-licensed and Medicare-approved home care and hospice facilities listed on Attachment A. CHC intends to operate the Facility at its present location and to continue serving the communities and populations currently served by the Facility. The parties intend for the Transaction to occur on April 1, 2022.

Based on the foregoing information, we hereby respectfully request your confirmation that the proposal described above is exempt from CON review under N.C. Gen. Stat. §131E-184(a)(8). We are also in communication with the Acute and Home Care Licensure and Certification Section regarding this Transaction and will be providing notification to them separately.

¹ CHC is a subsidiary of Gentiva.

Michaela Mitchell, Chief
March 1, 2022
Page 2

ReedSmith

Please do not hesitate to reach out should you have any questions regarding the Transaction.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scot T. Hasselman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Scot T. Hasselman
Reed Smith LLP
On behalf of Gentiva Health Services, Inc.

A handwritten signature in black ink, appearing to read "J. McLain Wallace, Jr.". The signature is cursive and somewhat stylized.

J. McLain Wallace, Jr.
Atrium Health Wake Forest Baptist
Senior Vice President, General Counsel
Managing Counsel, Research and Academic Affiliations
Legal Department

ATTACHMENT A
List of Community Home Care & Hospice, LLC Facilities

| Name | Address | County | State License No. |
|------------------------------------|---|-----------|-------------------|
| Community Home Care & Hospice, LLC | 2309 Wayne Memorial Drive, Goldsboro, NC 27534-1725 | Wayne | HC2361 |
| Community Home Care & Hospice, LLC | 1003 Red Banks Road, Ste B, Greenville, NC 27858-5908 | Pitt | HOS2996 |
| Community Home Care & Hospice, LLC | 102 West Nash Street, Ste F, Louisburg, NC 27549-2574 | Franklin | HOS3005 |
| Community Home Care & Hospice, LLC | 2479 Hurt Drive, Rocky Mount, NC 27804-7976 | Nash | HOS2424 |
| Community Home Care & Hospice, LLC | 525 Becker Drive, Side A, Roanoke Rapids, NC 27870-3303 | Halifax | HOS3009 |
| Community Home Care & Hospice, LLC | 401 W Wilson Street, Tarboro, NC 27886-4236 | Edgecombe | HOS2985 |
| Community Home Care & Hospice, LLC | 2841 Daisy Lane, Ste E, Wilson, NC 27896-6948 | Wilson | HOS2241; HC3436 |



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

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

April 11, 2014

Bode Hemphill, LLP
3105 Glenwood Avenue, Suite 300
Raleigh, North Carolina 27612

Exempt from Review – Acquisition of Facility

Facility: Hospice of Wilkes Regional Medical Center
Acquisition by: Wake Forest Baptist Health Care at Home, LLC
County: Wilkes
FID #: 953893

Dear Mr. Fisher:

In response to your letter of April 3, 2014, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(8). Therefore, Wake Forest Baptist Health Care at Home, LLC North Carolina Baptist Hospital may proceed to acquire by lease the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Acute and Home Care Licensure and Certification Section of the Division of Health Service Regulation 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,

Kim Randolph
Project Analyst

Martha J. Frisone, Interim Chief
Certificate of Need Section

cc: Medical Facilities Planning Branch, DHSR
Acute and Home Care Licensure and Certification Section, DHSR



Certificate of Need Section

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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BODE HEMPHILL, L.L.P.

ATTORNEYS AT LAW

3105 GLENWOOD AVENUE, SUITE 300
RALEIGH, NORTH CAROLINA 27612

TELEPHONE (919) 881-0338
FACSIMILE (919) 881-9548

WWW.BCS-LAW.COM

S. TODD HEMPHILL
MATTHEW A. FISHER
DAVID R. BROYLES

ROBERT V. BODE (RETIRED)

MAILING ADDRESS

POST OFFICE BOX 6338
RALEIGH, NORTH CAROLINA
27628-6338

Writer's E-mail: FISHER@BCS-LAW.COM

3 April 2014

Martha J. Frisone

Chief

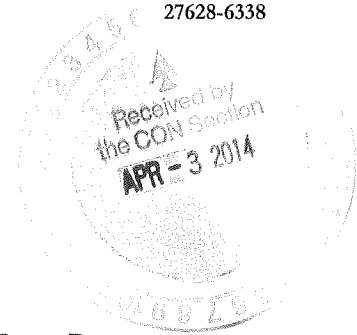
Kim Randolph

Project Analyst

NORTH CAROLINA DEPARTMENT OF HEALTH AND
HUMAN SERVICES, DIVISION OF HEALTH
SERVICE REGULATION, CERTIFICATE OF NEED
SECTION

809 Ruggles Drive
Raleigh, NC 27603

VIA HAND DELIVERY



Re: Hospice of Wilkes Regional Medical Center • Acquisition by Wake Forest Baptist
Health Care at Home, LLC
Hospice Provider No: 341506
Facility ID No.: 953893
BH File: 4117.000

Dear Ms. Frisone and Ms. Randolph:

This letter is submitted in follow-up to our previous letter submitted on 24 January 2014 on behalf of North Carolina Baptist Hospital ("NCBH"), and the CON Section's Exemption Determination, dated 4 February 2014, regarding the acquisition of the hospice facility, as that term is defined in N.C. Gen. Stat. § 131E-176(13a) (hereinafter, the "Facility"), owned by WRMC Hospital Operating Corporation, Inc. d/b/a Wilkes Regional Medical Center ("WRMC"). Copies of those two letters are attached hereto as EXHIBIT A and EXHIBIT B, respectively. The CON Section's Exemption Determination concluded that NCBH's acquisition of the Facility by lease was exempt from CON review.

Subsequent to receiving the Exemption Determination, our client determined that the identity of the Facility operator should be changed. As a result of this change, the named lessee which will acquire the Facility will now be Wake Forest Baptist Health Care at Home, LLC, a North Carolina limited liability company (hereinafter "WFBH at Home"), of which NCBH is a member.

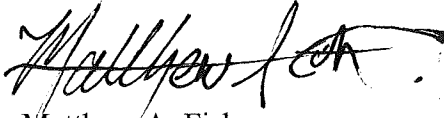
As with the previous request submitted to your attention on behalf of NCBH, WFBH at Home intends to acquire the Facility by lease from WRMC. Under the lease, WFBH at Home will obtain control over the Facility and will have the authority to operate and direct all activities within the Facility, subject to the terms of the lease.

By this letter, we are providing notice to the CON Section, pursuant to N.C. Gen. Stat. § 131E-184(a) of this transaction. Because this project involves the acquisition of a leasehold interest in an existing health service, we believe the acquisition of the Facility is exempt from CON review pursuant to N.C. Gen. Stat. § 131E-184(a)(8). We would appreciate your office reviewing this information and advising us that our analysis is correct and that this acquisition is not subject to CON review.

Thank you very much for your attention to this matter. In the meantime, should you have any questions or concerns, do not hesitate to contact us at any time.

With warm regards, I remain

Very truly yours,

A handwritten signature in black ink, appearing to read "Matthew A. Fisher". The signature is stylized and includes a large flourish at the end.

Matthew A. Fisher
BODE HEMPHILL, L.L.P.

MAF:mf

cc: J. McLain Wallace, Jr. (via US Mail • Electronic Mail)
Ruth C. Schwartz (via US Mail • Electronic Mail)

BODE HEMPHILL, L.L.P.

ATTORNEYS AT LAW

3105 GLENWOOD AVENUE, SUITE 300
RALEIGH, NORTH CAROLINA 27612

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JOHN T. BODE
S. TODD HEMPHILL
MATTHEW A. FISHER
DAVID R. BROYLES

MAILING ADDRESS

POST OFFICE BOX 6338
RALEIGH, NORTH CAROLINA
27628-6338

Writer's E-mail: FISHER@BCS-LAW.COM

24 January 2014

Martha J. Prisonsc

Chief

Julie F. Halatek

Project Analyst

NORTH CAROLINA DEPARTMENT OF HEALTH AND
HUMAN SERVICES, DIVISION OF HEALTH
SERVICE REGULATION, CERTIFICATE OF NEED
SECTION

809 Ruggles Drive
Raleigh, NC 27603

VIA HAND DELIVERY

Re: Hospice of Wilkes Regional Medical Center - Acquisition by North Carolina
Baptist Hospital, Winston-Salem, Forsyth County, North Carolina

Hospice Provider No: 341506

Facility ID No.: 953893

BH File: 4117.000

Dear Ms. Prisonsc and Ms. Halatek:

This letter is submitted on behalf of our client, North Carolina Baptist Hospital (hereinafter "NCBH"). NCBH intends to acquire by lease from WRMC Hospital Operating Corporation, Inc. d/b/a Wilkes Regional Medical Center (hereinafter "WRMC"), the hospice facility, as that term is defined in N.C. Gen. Stat. § 131E-176(13a), owned by WRMC (hereinafter, the "Facility"). Under the lease, NCBH will obtain control over the Facility and will have the authority to operate and direct all activities within the Facility, subject to the terms of the lease. The parties intend for the lease to take effect on 1 February 2014.

The Facility is located at 1907 West Park Drive North Wilkesboro, Wilkes County, North Carolina, and currently is one of two (2) CON-approved or grandfathered licensed hospice providers located in Wilkes County, North Carolina, as identified in the 2014 SMFP.¹

By this letter, we are providing notice to the CON Section, pursuant to N.C. Gen. Stat. § 131E-184(a) of this transaction. Because this project involves the acquisition of a leasehold interest in an existing health service, we believe the acquisition of the Facility is exempt from

¹ While the 2014 SMFP denotes two (2) CON-approved or grandfathered licensed hospice providers located within Wilkes County (Hospice of Wilkes Regional Medical Center and United Hospice), the Licensure and Certification Section also identifies Continuum Home Care and Hospice of Wilkes County as being licensed to provide hospice services.



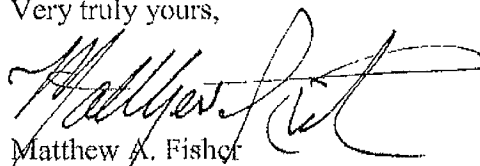
Martha J. Frisone • Julie P. Halatek
24 January 2014
Page 2

CON review pursuant to N.C. Gen. Stat. § 131E-184(a)(8). We would appreciate your office reviewing this information and advising us that our analysis is correct and that this acquisition is not subject to CON review.

Thank you very much for your attention to this matter. In the meantime, should you have any questions or concerns, do not hesitate to contact us at any time.

With warm regards, I remain

Very truly yours,



Matthew A. Fisher
BODE HEMPHILL, L.L.P.

MAF:mf

cc: J. McLain Wallace, Jr. (via US Mail • Electronic Mail)



RECEIVED FEB 05 2014

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

Pat McCrory
Governor

Aldona Z. Wos, M.D.
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Secretary DHHS

Drexdal Pratt
Division Director

February 4, 2014

Bode Hemphill, LLP
3105 Glenwood Avenue, Suite 300
Raleigh, North Carolina 27612

Exempt from Review – Acquisition of Facility

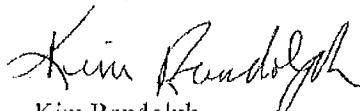
Facility: Hospice of Wilkes Regional Medical Center
Acquisition by: North Carolina Baptist Hospital
County: Wilkes
FID #: 953893

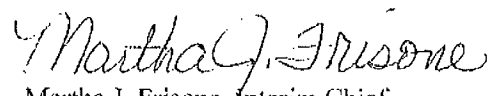
Dear Mr. Fisher:

In response to your letter of January 24, 2014, the above referenced proposal is exempt from certificate of need review in accordance with G.S. 131E-184(a)(8). Therefore, North Carolina Baptist Hospital may proceed to acquire by lease the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Acute and Home Care Licensure and Certification Section of the Division of Health Service Regulation 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,


Kim Randolph
Project Analyst


Martha J. Frisone, Interim Chief
Certificate of Need Section

cc: Medical Facilities Planning Section, DHSR
Acute and Home Care Licensure and Certification Section, DHSR



Certificate of Need Section
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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From: [Mitchell, Micheala L](#)
To: [Waller, Martha K](#)
Subject: FW: [External] Notice of Exemption - Wake Forest Baptist Health Care at Home, LLC
Date: Tuesday, March 1, 2022 2:54:00 PM
Attachments: [NC CON Notice - Wake Forest.pdf](#)

Martha can you log this as an exemption request?

Thanks,

Micheala Mitchell, JD
[NC Department of Health and Human Services](#)
[Division of Health Service Regulation](#)
Section Chief, Healthcare Planning and CON Section
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: Beck, Samantha R. <SBeck@reedsmith.com>
Sent: Tuesday, March 1, 2022 2:49 PM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>
Cc: Hasselman, Scot T. <SHasselman@ReedSmith.com>; McLain Wallace <mwallace@wakehealth.edu>
Subject: [External] Notice of Exemption - Wake Forest Baptist Health Care at Home, LLC

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Dear Ms. Mitchell:

On behalf of Gentiva Health Services, Inc. and Wake Forest University Baptist Medical Center, please accept the attached written request for a determination of exemption from certificate of need review in accordance with N.C.G.S. § 131E-184(a)(8) for the acquisition of an existing health care facility.

Please do not hesitate to reach out with any questions.

Thank you,
Samantha Beck

Samantha R. Beck

Associate

sbeck@reedsmith.com

D: +1 202.414.9202

M: +1 240.676.4863

ReedSmith LLP

1301 K Street, N.W.

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* * *

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