

from state operated facilities per the 2008 State Medical Facilities plan. Since issuance of the Certificate of Need, the original property where the facility was to be located is no longer available.

RHA has identified a site for the group home at Pitt County Parcel # 06427 on Briley Road, Greenville, NC 27834. The new site is approximately 23 acres, has been granted appropriate zoning through a letter from the Chief Zoning Officer of Pitt County and has had a phase 1 environmental assessment. The site is appropriate for a septic system, and RHA plans to drill a well. The site is seven miles from the original site and is easily accessible to Highway 33, which leads into the city of Greenville. The proposed location is 10 miles from Pitt Memorial Hospital, 7 miles from a day program, 3.5 miles from the Fire Department, 10 miles from ambulance service, 10 miles from a shopping center, 10 miles from physician offices, 7 miles from a pharmacy and 10 miles from parks and recreation. The cost of the original site was \$30,000, while the proposed site will be purchased for \$59,900. The applicant included \$30,000 for contingencies in its proposed capital cost. There will be no changes in the scope of services offered by RHA Howell Care Centers d/b/a RHA Howell Overlook as a result of the change in site.

ANALYSIS

The CON law would require a full review of RHA's proposed change of site if that change were to represent a material change in the physical location or scope of the project. N.C.G.S. § 131E-181(a). The proposed change of the site for RHA's project does not constitute a material change in the physical location or the scope of the proposed project. The site has zoning approval, is large enough to accommodate the project and can be served by a septic system and well. While the cost of the new site exceeds the cost of the original site by

approximately \$30,000, RHA included \$30,000 for contingencies in its proposed capital cost. The site is located 7 miles from the original site, 10 miles from Pitt Memorial Hospital and 10 miles or less from various support services. There will be no change in the scope of services as a result of the site change.

N.C.G.S. § 131E-189(b) allows the Agency to withdraw RHA's Certificate of Need if RHA fails to develop the project in a manner consistent with the representations made in the application or with any conditions that were placed on the Certificate of Need. RHA will not be developing its project in a manner that is materially different from the representations made in its application, nor will it be developing its project in a manner that is inconsistent with any of the conditions that were placed on its Certificate of Need.

CONCLUSION

For the foregoing reasons, assuming the statements of fact in the request to be true, I conclude that the substitution of Pitt County Parcel # 06427 on Briley Road, Greenville, NC 27834 as a site for RHA's group home, Project I.D. No. Q-8251-08, will not constitute a material change in the physical location or scope of the project, will not violate N.C.G.S. § 131E-181, and will not constitute a failure to satisfy a condition of the Certificate of Need in violation of N.C.G.S. § 131E-189(b).

This the _____ day of October, 2010.

Drexdal Pratt, Director
Division of Health Service Regulation
N.C. Department of Health and Human Services

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Declaratory Ruling has been served upon the nonagency party by certified mail, return receipt requested, by depositing the copy in an official depository of the United States Postal Service in first-class, postage pre-paid envelope addressed as follows:

CERTIFIED MAIL

Scott Little
RHA Health Services, Inc.
1701 Westchester Drive, Suite 940
High Point, NC 27262

This the _____ day of October, 2010.

Jeff Horton
Chief Operating Officer