



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

October 7, 2019

Susan M. Fradenburg
sfradenburg@foxrothschild.com

Corrected No Review

Record #: 3068
Facility Name(s): Hospice Home of Alamance Caswell and Hospice and Palliative Care Center of Alamance
FID #(s): 944581 and 953859
Business Name: Hospice at Greensboro, Inc.
Business #: 972
Project Description: Merger of Hospice of Alamance-Caswell Foundation, Inc. and Hospice and Palliative Care Center of Alamance-Caswell, LLC into Hospice at Greensboro, Inc.
County: Alamance

Dear Ms. Fradenburg:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence 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 Acute and Home Care Licensure and Certification Section 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,

Celia C. Inman
Celia C. Inman
Project Analyst

Martha J. Frisone
Martha J. Frisone
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

## Inman, Celia C

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**From:** Fradenburg, Susan M. <SFradenburg@foxrothschild.com>  
**Sent:** Monday, October 07, 2019 10:48 AM  
**To:** Inman, Celia C; Joyce, Nancy  
**Subject:** [External] RE: Merger Hospice of Alamance Caswell Foundation, Inc. into Hospice of Greensboro  
**Attachments:** 1995 SMFP p 105-111-C1.PDF; 1996 SMFP p 108-C1.PDF

**CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [report.spam@nc.gov](mailto:report.spam@nc.gov)**

Nancy, to confirm, it was our intent in our letter dated 9/24/2019 to include in the notice of exemption the transfer through merger of the Medicare-certified home health agency office operating as Hospice and Palliative Care Center of Alamance Caswell (HC0361). The FID associated with license HC0361 is 953859. Based on our research, this particular Medicare Certified Home Care Agency has been identified in the SMFP going back to 1996. See excerpts from 1996 SMFP that are attached. The 1996 SMFP appears to be the first year such facilities were actually named in the SMFP. See Excerpts from the 1995 SMFP.

Please let us know if you need any further information from us in order to send out the license. You should be receiving the requested checks associated with processing the paperwork shortly.

Thank you for your assistance with this matter.

Susan Fradenburg  
Partner  
Fox Rothschild LLP  
300 N Greene Street  
Suite 1400  
Greensboro, NC 27401  
(336) 378-5482 - direct  
(336) 378-5400 - fax  
[SFradenburg@foxrothschild.com](mailto:SFradenburg@foxrothschild.com)  
[www.foxrothschild.com](http://www.foxrothschild.com)

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**From:** Inman, Celia C <[celia.inman@dhhs.nc.gov](mailto:celia.inman@dhhs.nc.gov)>  
**Sent:** Thursday, October 3, 2019 1:22 PM  
**To:** Joyce, Nancy <[nancy.joyce@dhhs.nc.gov](mailto:nancy.joyce@dhhs.nc.gov)>; Fradenburg, Susan M. <[SFradenburg@foxrothschild.com](mailto:SFradenburg@foxrothschild.com)>  
**Subject:** [EXT] FW: Merger Hospice of Alamance Caswell Foundation, Inc. into Hospice of Greensboro

Nancy,

Thank you for inquiring about this. The CON Section doesn't have anything on that FID in our database, so I am not sure. And since they failed to include any FIDs in their request, it is hard to know.

I will copy Ms. Fradenburg on this email to make sure the No Review covered what she intended it too.

Thanks again for your input.

**Celia C. Inman**

Project Analyst, Certificate of Need

Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section  
NC Department of Health and Human Services

Office: 919-855-3873

[celia.inman@dhhs.nc.gov](mailto:celia.inman@dhhs.nc.gov)

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2701 Mail Service Center

Raleigh, NC 27603

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**From:** Inman, Celia C

**Sent:** Thursday, October 03, 2019 1:03 PM

**To:** Murray, Maureen Demarest <[MMurray@foxrothschild.com](mailto:MMurray@foxrothschild.com)>

**Cc:** Joyce, Nancy <[nancy.joyce@dhhs.nc.gov](mailto:nancy.joyce@dhhs.nc.gov)>

**Subject:** RE: Merger Hospice of Alamance Caswell Foundation, Inc. into Hospice of Greensboro

Nancy,

Thank you for inquiring about this. The CON Section doesn't have anything on that FID in our database, so I am not sure. And since they failed to include any FIDs in their exemption letter request, it is hard to know.

I will copy Ms. Murray on this email to make sure the exemption covered what she intended it too.

Thanks again for your input.

**Celia C. Inman**

Project Analyst, Certificate of Need

Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section  
NC Department of Health and Human Services

Office: 919-855-3873

[celia.inman@dhhs.nc.gov](mailto:celia.inman@dhhs.nc.gov)

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**From:** Joyce, Nancy <[nancy.joyce@dhhs.nc.gov](mailto:nancy.joyce@dhhs.nc.gov)>

**Sent:** Thursday, October 03, 2019 12:46 PM

**To:** Inman, Celia C <[celia.inman@dhhs.nc.gov](mailto:celia.inman@dhhs.nc.gov)>

**Subject:** FW: Merger Hospice of Alamance Caswell Foundation, Inc. into Hospice of Greensboro



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

October 1, 2019

Susan M. Fradenburg
sfradenburg@foxrothschild.com

No Review

Record #: 3068
Facility Name: Hospice Home of Alamance Caswell
FID #: 944581
Business Name: Hospice at Greensboro, Inc.
Business #: 972
Project Description: Merger of Hospice of Alamance-Caswell Foundation, Inc. and Hospice and Palliative Care Center of Alamance-Caswell, LLC into Hospice at Greensboro, Inc.
County: Alamance

Dear Ms. Fradenburg:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence 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.

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

Sincerely,

Celia C. Inman
Celia C. Inman
Project Analyst

Martha J. Frisone
Martha J. Frisone
Chief

cc: Acute and Home Care Licensure and Certification Section, DHSR

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www.foxrothschild.com



300 N. Greene Street  
Suite 1400  
Greensboro, NC 27401

September 24, 2019

**Via E-Mail and U.S. Mail**

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

Re: Exemption Notice  
Merger of Hospice of Alamance-Caswell Foundation, Inc. and  
Hospice and Palliative Care Center of Alamance-Caswell, LLC into Hospice at  
Greensboro, Inc.

Dear Martha:

On behalf of our client, Hospice at Greensboro, Inc., we are providing written notice of the merger of Hospice of Alamance-Caswell Foundation, Inc., Hospice and Palliative Care Center of Alamance-Caswell, LLC, and Hospice at Greensboro, Inc. Hospice at Greensboro, Inc will be the Surviving Organization.

Under the terms of the merger agreement, the Surviving Organization will own all of the assets of Hospice and Palliative Care Center of Alamance-Caswell, LLC and Hospice of Alamance-Caswell Foundation Inc. including but not limited to Hospice of Alamance-Caswell Foundation Inc.'s certificate of need rights to:

- (i) the hospice operating as Hospice and Palliative Care of Alamance-Caswell (HOS 1136) which includes 14 inpatient beds and eight residential beds;
- (ii) the Medicare-certified home health agency office operating as Hospice and Palliative Care Center of Alamance Caswell (HC0361); and,
- (iii) the Burlington administrative and counseling center, Project ID # G-7996-07, approved January 23, 2008.

As you know, N.C. Gen. Stat. § 131E-184(a)(8) provides that the Certificate of Need Section shall, upon receipt of prior written notice, exempt from review the acquisition of "an existing health service facility." "Health service facility" is defined to include "home health agency office", "hospice office, hospice inpatient facility, hospice residential care facility." See N.C. Gen. Stat. § 131E-176(9)(b).

A Pennsylvania Limited Liability Partnership

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Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

Martha Frisone, Assistant Chief  
September 24, 2019  
Page 2

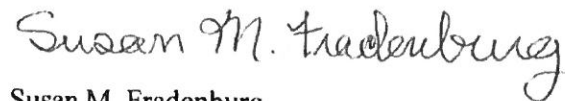
As a result of the merger there will be no addition of any health services or health service facility beds. The Hospice and Palliative Care Center of Alamance-Caswell hospice facility and home health agency will continue to operate at their existing locations in Burlington, Alamance County. The number of hospice inpatient and residential beds will remain the same as currently exist and are reflected on the hospice license (HOS 1136).

The currently anticipated effective date of the merger is October 1, 2019. Hospice at Greensboro, Inc, Hospice Foundation of Alamance-Caswell, Inc., and Hospice and Palliative Care Center of Alamance-Caswell, LLC, would appreciate receiving, as soon as possible, your written confirmation that the anticipated merger is exempt under the CON Act.

Please let us know if you have any questions or need any other information. We appreciate your consideration and prompt attention.

Very truly yours,

FOX ROTHSCHILD LLP



Susan M. Fradenburg