



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

Taylor Bentley
tbentley@bayada.com

Exempt from Review – Acquisition of Facility

Record #: 4161
Date of Request: February 1, 2023
Facility Name: Healthkeeperz, Inc.
Type of Facility: Home health agency
FID #: 954117
Acquisition by: BAYADA Home Health Care, Inc.
Business #: 2661
County: Scotland

Dear Mr. Bentley:

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,

[Handwritten signature of Tanya M. Saporito]

Tanya M. Saporito, Project Analyst

[Handwritten 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



February 1, 2023

VIA ELECTRONIC MAIL AND U.S. MAIL

Micheala.Mitchell@dhhs.nc.gov

Ms. Micheala Mitchell, Chief
North Carolina Department of Health and Human Services
Division of Health Service Regulation
Health Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, NC 27699-2704

Re: Exemption Notice for Acquisition of Home Health Operations of HealthKeeperz, Inc. (License Numbers HC0359/HC0403)

Dear Ms. Mitchell:

I am writing on behalf BAYADA Home Health Care, Inc. (the “Company”) to provide notice to the N.C. Department of Health and Human Services, Division of Health Service Regulation, Certificate of Need Section (the “Agency”) of Company’s intent to acquire the home health operations of Healthkeeperz, Inc. (the “Seller”) (License Numbers HC0359 and HC0403) (the “Transaction”). For your convenience, we have included a copies of the licenses with this letter.

The parties are working towards closing in March. As you know, the CON law provides that upon receiving prior written notice, the CON Section shall exempt from CON review the acquisition of “an existing health service facility, including equipment owned by the health service facility at the time of acquisition.” N.C. Gen. Stat. § 131E-184(a)(8). A home health agency office is a health service facility. Id. at § 131E-176(9b). The Transaction will not result in the development or establishment of any new health service facility, nor will it result in the offering, development, or establishment of any institutional health service that is not exempt in connection with this Transaction.

I would therefore ask to receive written confirmation that the acquisition of the home health operations listed above is exempt from CON review. The Company is also in communication with the Acute and Home Care Licensure and Certification Section as well as the Division of Medical Assistance regarding this Transaction and will be providing notifications to them separately. To the extent you have any questions regarding the Transaction, please do not hesitate to contact me directly at tbentley@bayada.com. Please also copy the Seller’s counsel, Erin Roberts, on any correspondence related to this matter at the following address erin@robertslawnc.com.

Enclosures

Sincerely,

cc: Erin J. Roberts (via electronic mail)

Taylor Bentley
Taylor Bentley, Associate General Counsel
BAYADA Home Health Care, Inc

State of North Carolina

Department of Health and Human Services
Division of Health Service Regulation

Effective January 19, 2023, this license is issued to

HealthKeeperz, Inc.

to operate an agency known as

HealthKeeperz

*located at 4155 Ferncreek Drive
Fayetteville, NC 28314
County: Cumberland*

*This license is issued subject to the statutes of the
State of North Carolina, is not transferable and shall expire
midnight December 31, 2023*

Facility ID: 933839

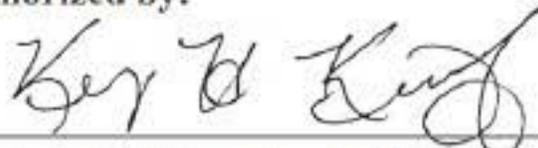
License Number: HC0359

Home Care Services:

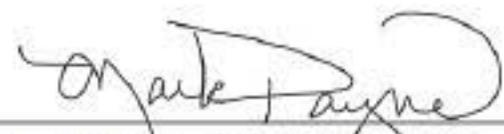
Companion, Sitter and Respite, In-Home Aide, Infusion Nursing, Medical Social Services, Nursing Care, Occupational Therapy, Physical Therapy, Speech Therapy, Clinical Respiratory Services (including Pulmonary or Ventilation if provided separately from routine nursing practice).

This agency is authorized to provide Medicare-certified home health services.

Authorized by:



Secretary, N.C. Department of Health and
Human Services



Director, Division of Health Service Regulation

State of North Carolina

Department of Health and Human Services
Division of Health Service Regulation

Effective January 1, 2023, this license is issued to

HealthKeeperz, Inc.

to operate an agency known as

HEALTHKEEPERZ

*located at 609 Lauchwood Drive
Laurinburg, NC 28352
County: Scotland*

*This license is issued subject to the statutes of the
State of North Carolina, is not transferable and shall expire
midnight December 31, 2023*

Facility ID: 954117

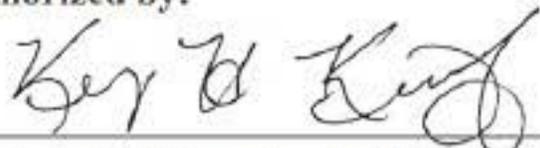
License Number: HC0403

Home Care Services:

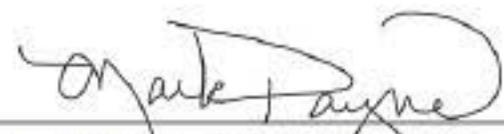
*Companion, Sitter and Respite, Durable Medical Equipment, In-Home Aide,
Infusion Nursing, Medical Social Services, Nursing Care, Occupational Therapy,
Physical Therapy, Speech Therapy, Clinical Respiratory Services (including
Pulmonary or Ventilation if provided separately from routine nursing practice)*

This agency is authorized to provide Medicare-certified home health services.

Authorized by:



Secretary, N.C. Department of Health and
Human Services



Director, Division of Health Service Regulation

From: [Mitchell, Micheala L](#)
To: [Stancil, Tiffany C](#)
Subject: FW: [External] License Numbers HC0359/HC0403
Date: Monday, February 6, 2023 2:15:30 PM
Attachments: [BAYADA Notice to CON Section + Certificates.pdf](#)

This came last week....I am just going through my flagged items now. Would you mind logging as an exemption and assigning to Tanya?

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

Help protect your family and neighbors from COVID-19.

[Know the 3 Ws. Wear. Wait. Wash.](#)

#StayStrongNC and get the latest at nc.gov/covid19

[Twitter](#) | [Facebook](#) | [Instagram](#) | [YouTube](#) | [LinkedIn](#)

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized State official. Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort is prohibited by law. If you have received this e-mail in error, please notify the sender immediately and delete all records of this email.

From: Bentley, Taylor <tbentley@bayada.com>
Sent: Friday, February 3, 2023 12:03 PM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>
Cc: erin@robertslawnc.com
Subject: [External] License Numbers HC0359/HC0403

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

This message was sent securely using Zix[®]

Dear Ms. Mitchell,

Bayada Home Health Care, Inc. is in negotiations to acquire the home health operations of Healthkeeperz, Inc. License Numbers HC0359/HC0403. If you haven't already, you will shortly receive a physical copy of our Exemption Notice for Acquisition, but attached please find an electronic copy as well. As noted in the letter please feel free to contact me or seller's counsel, cc'ed, if you have any questions.

Best,
Taylor

Taylor Bentley, FACHE

Associate General Counsel, Legal Services (LGS) | BAYADA Home Health Care
4300 Haddonfield Road, Pennsauken, NJ 08109
tbentley@bayada.com | M 916-217-6329 | bayada.com

Spread the word and earn a **bonus** by [referring a friend](#).



CONFIDENTIALITY NOTICE: This email may contain information belonging to BAYADA and is protected by law. Do not forward, copy, or otherwise disclose to anyone unless permitted by BAYADA or required by law. If you are not the intended recipient, please notify the sender immediately.

This message was secured by [Zix](#)[®].