



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

August 16, 2024

Mary B. Tobin
mtobin@polsinelli.com

Exempt from Review – Acquisition of Facility

Record #: 4514
Date of Request: August 1, 2024
Facility Name: Roanoke Home Care & Hospice
Type of Facility: Home Health Agency
FID #: 954102
Acquisition by: Adoration Home Health Care Virginia, LLC
Business #: 3849
County: Martin

Dear Ms. Tobin:

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,

Yolanda Jackson, Project Analyst

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

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



150 N. Riverside Plaza, Suite 3000, Chicago, IL 60606 • (312) 819-1900

August 1, 2024

Mary B. Tobin
(312) 873-2967
(312) 275-7694 Fax
mtobin@polsinelli.com

VIA ELECTRONIC MAIL AND FED-EX

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 Martin-Tyrrell-Washington Dist.
Health Dept. d/b/a Roanoke Home Care
North Carolina Home Care Agency License No. HC0525, Facility ID
954102**

Dear Ms. Mitchell,

I am writing on behalf of our client, Adoration Home Health Care Virginia, LLC, ("Adoration") 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 Adoration's intent to acquire Roanoke Home Care & Hospice (License Number HC0525) located at 106 S. Watts Street, Williamston, NC, 27962 from the Martin-Tyrrell-Washington Dist. Health Department.

The parties are working towards closing on September 1, 2024. 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 also 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.

Atlanta | Boston | Chattanooga | Chicago | Dallas | Denver | Fort Lauderdale | Houston
Kansas City | Los Angeles | Miami | Nashville | New York | Phoenix | Raleigh | Salt Lake City
San Diego | San Francisco | Seattle | St. Louis | Washington, D.C. | Wilmington

polsinelli.com

August 1, 2024
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I would therefore ask to receive written confirmation that the acquisition of the facility listed above is exempt from CON review. Our client 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. Finally, because the parties are working towards closing as soon as possible, we would appreciate if you would contact me promptly should you have any questions or concern regarding the Transaction.

Sincerely,



Mary B. Tobin

From: [Mitchell, Micheala L](#)
To: [Waller, Martha K](#)
Subject: Fw: [External] Notices of Exempt Acquisition HC 0523, HC 0524, HC 0525
Date: Thursday, August 1, 2024 9:56:44 PM
Attachments: [North Carolina Notice of Exempt Acquisition - HC 0525 \(96773298v1\)-c.pdf](#)
[North Carolina Notice of Exempt Acquisition - HC 0524 \(96773256v1\)-c.pdf](#)
[North Carolina Notice of Exempt Acquisition - HC 0523 \(96773168v1\)-c.pdf](#)

Martha would you mind logging this in the correspondence log and assigning to the appropriate analyst(s)?

The counties, in order of each letter, are Martin, Tyrell and Washington. 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
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Raleigh, NC 27699-2704
Office: 919 855 3879
Micheala.Mitchell@dhhs.nc.gov

From: Mary Tobin <MTobin@Polsinelli.com>
Sent: Thursday, August 1, 2024 5:00 PM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>
Subject: [External] Notices of Exempt Acquisition HC 0523, HC 0524, HC 0525

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Ms. Mitchell,

Please see attached notices of exempt acquisition for three (3) licensed home care agencies in North Carolina.

We are also sending these notices via Fed-Ex and you should receive shortly. Please let me know if you have any questions or need additional information.

Mary Tobin

Associate

mtobin@polsinelli.com

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