



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

Pat McCrory
Governor

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Drexdal Pratt
Division Director

December 16, 2014

Charles E. Trefzger, Manager
P.O. Box 2568
Hickory, NC 28603-2568

Exempt from Review – Acquisition of Facility

Facility: Lawyers Glen Retirement Living Center
Type of Facility: Adult Care Home
Acquisition by: JFC SOP I, LLC
County: Mecklenburg
FID #: 970851

Dear Mr. Trefzger:

In response to your letter of November 24, 2014 the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(8). Therefore, JFC SOP I, LLC may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Adult Care Licensure 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,

Fatimah Wilson
Project Analyst

Martha J. Frisone, Interim Chief
Certificate of Need Section

cc: Medical Facilities Planning Branch, DHSR
Adult Care Licensure 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

An Equal Opportunity/ Affirmative Action Employer



JFC SOP I, LLC
Post Office Box 2568
Hickory, North Carolina 28603-2568

November 24, 2014



Mrs. Martha Frisone
Certificate of Need Section
Division of Health Service Regulation
Department of Health and Human Services
Dorothea Dix Hospital Campus
809 Ruggles Drive
Raleigh, NC 27603

Re: Exemption Notice for Lawyers Glen Retirement Living Center (Adult Care Home in Mecklenburg County) Facility ID: 970851

Dear Mrs. Frisone:

JFC SOP I, LLC (“JFC SOP I”) is planning to acquire an adult care home in Mecklenburg County, currently known as Lawyers Glen Retirement Living Center (hereafter “the Facility”). The Facility is located at 809 West Chatham Street in Cary, North Carolina. The Facility is listed in the “Inventory of Adult Care Home Beds” in the 2014 State Medical Facilities Plan as having 82 adult care home beds.

JFC SOP I, LLC is seeking to purchase the Facility through a purchase and sale agreement. The purpose of this letter is to provide prior notice of this acquisition, which is exempt from Certificate of Need (“CON”) review, to the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Certificate of Need Section (the “Agency”). JFC SOP I seeks confirmation that it is permitted to acquire the Facility as described herein without CON Review, thus acquiring the Facility’s existing CON rights to own that existing health service facility (as defined in the CON statute) with 82 adult care beds.

I. THE PROPOSAL

As of this date, Elliotte Enterprises, LLC., owns the property and building comprising the Facility, which is an existing “health service facility,” as that term is defined in N.C. Gen. Stat. § 131E-176(9)(b), and Lawyers Glen Retirement Living Center, LLC., is the Licensee. JFC SOP I, LLC will purchase the Facility, and the Licensee will be Mint Hill Health Holdings, LLC. The Facility will still be known as Lawyers Glen Retirement Living Center.

II. EXEMPTION NOTICE

Under North Carolina law, a Certificate of Need (“CON”) is required only prior to offering or developing a “new institutional health service.” “New institutional health service” includes a variety of services and activities, including a capital expenditure exceeding \$2 million. N.C. Gen. Stat. § 131E-176(16)(b).

The North Carolina General Assembly saw fit to exempt certain types of services or proposals from CON review, pursuant to N.C. Gen. Stat. § 131E-184. One such exempt service or proposal includes the

Mrs. Martha Frisone, Interim Chief
Certificate of Need Section
October 24, 2014
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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).

This project involves only the acquisition of an existing adult care home, which falls within the purview of the statutory definition of "health service facility." After acquisition, the Licensee, Mint Hill Health Holdings, LLC, will operate the Facility as an adult care home. Furthermore, JFC SOP I's acquisition of the Facility does not entail the purchase of any major medical equipment or any *per se* reviewable equipment as defined in N.C. Gen. Stat. §§ 131E-176(14)(o) and (16)(f1). Likewise, the acquisition does not include the offering of any *per se* reviewable services. N.C. Gen. Stat. § 131E-176(16)(f). Thus, given that the transaction involves only the acquisition of an existing health services facility, it is exempt from CON review.

III. CONCLUSION

Based on the foregoing information, we hereby request the Agency's confirmation that the proposal described above is exempt from CON review, pursuant to N.C. Gen. Stat. § 131E-184(a)(8), and thus JFC SOP I, LLC may acquire the Facility with all its existing CON rights without a CON.

In addition, we respectfully request that this request be considered on an **expedited basis** because the parties wish to proceed with this transaction as soon as possible. If you require additional information to consider this request, please contact us at (828) 261-7318 as soon as possible. We thank you for your consideration of this request.

Sincerely,


Charles E. Trefzger, Jr.
Manager

Adult Care Homes / Homes for the Aged

Licensed by the State of North Carolina

Department of Health and Human Services - Division of Health Service Regulation

(Number in parenthesis indicates the maximum number of residents for which the home is licensed)

As of 12/2014

East Towne (120)

DePaul Adult Care Communities Inc
4815 North Sharon Amity Road; Charlotte, NC 28205
(704)531-0948 Fax: (704)531-6009 HAL-060-077
Star Rating Certificate # of Stars: 4

Elmcroft of Little Avenue (62)

EC Little Avenue Operations LLC
7745 Little Avenue; Charlotte, NC 28226
(704)541-9333 Fax: (704)541-5358 HAL-060-082
Star Rating Certificate # of Stars: 4

Hunter Village (68)

Tom and Jerry Management LLC
111 South Church Street; Huntersville, NC 28070
(704)875-0859 Fax: (704)948-0763 HAL-060-014
Star Rating Certificate # of Stars: 4

Lawyers Glen Retirement Living Center (82)

Lawyers Glen Retirement Living Center, LLC
10830 Lawyers Glen Drive; Charlotte, NC 28227
(704)545-9555 Fax: (704)545-2075 HAL-060-061
Star Rating Certificate # of Stars: 4

Legacy Heights Senior Living Community (122)

Five Star Quality Care-OBX Operator, LLC
11230 Ballantyne Trace Court; Charlotte, NC 28277
(704)544-7220 Fax: (704)544-7221 HAL-060-097
Star Rating Certificate # of Stars: 4

Northlake House (48)

Northlake AL Holdings, LLC
9108 Reames Road; Charlotte, NC 28216
(704)597-7575 Fax: (704)596-2735 HAL-060-127
Star Rating Certificate # of Stars: 3

Parker Terrace (53)

Aldersgate United Methodist Retirement Community, Inc
3800 Shamrock Drive; Charlotte, NC 28215-3298
(704)532-7000 Fax: (704)532-5463 HAL-060-054
Star Rating Certificate # of Stars: 4

Preston House (40)

Preston House I LLC
4910 Harris Woods Boulevard; Charlotte, NC 28269
(704)921-9279 Fax: (704)921-0848 HAL-060-031
Star Rating Certificate # of Stars: 4

Queen City Assisted Living (120)

WP-Charlotte AL Holdings, LLC
1700 Montana Drive; Charlotte, NC 28216-3604
(704)393-2824 Fax: (704)393-3476 HAL-060-126
Star Rating Certificate # of Stars: 3

Radbourne Manor III (12)

The 4C Company of NC, LLC
2920 Cindy Lane; Charlotte, NC 28269
(704)509-4244 Fax: (704)394-8967 HAL-060-129
Star Rating Certificate # of Stars: 1

Regency Retirement Village (119)

Charlotte Senior Services, LLC
9120 Willow Ridge Drive; Charlotte, NC 28210
(704)542-9449 Fax: (704)542-0776 HAL-060-073
Star Rating Certificate # of Stars: 4

Summit Place of Southpark (120)

SNH SE Tenant TRS, Inc.
2101 Runnymede Lane; Charlotte, NC 28209
(704)525-5508 Fax: (704)525-2672 HAL-060-116
Star Rating Certificate # of Stars: 3

Sunrise on Providence (95)

AL I/ Providence Senior Living Housing LLC
5114 Providence Road; Charlotte, NC 28226
(704)365-5252 Fax: (704)365-4306 HAL-060-057
Star Rating Certificate # of Stars: 3

The Crossings at Steele Creek (90)

Queen City AL Holdings, LLC
13600 S. Tryon Street; Charlotte, NC 28112
(704)705-2727 Fax: (704)504-1049 HAL-060-130

The Haven in Highland Creek (60)

Five Star Quality Care - North Carolina, LLC
5920 McChesney Drive; Charlotte, NC 28269
(704)992-1560 Fax: (704)992-1566 HAL-060-108
Star Rating Certificate # of Stars: 4

The Haven in the Village at Carolina Place (60)

Five Star Quality Care - North Carolina, LLC
13150 Dorman Road; Pineville, NC 28134
(704)540-0155 Fax: (704)540-7769 HAL-060-107
Star Rating Certificate # of Stars: 4

The Laurels in Highland Creek (105)

Five Star Quality Care - North Carolina, LLC
6101 Clarke Creek Parkway; Charlotte, NC 28269
(704)947-8050 Fax: (704)947-2363 HAL-060-106
Star Rating Certificate # of Stars: 3

The Laurels in the Village at Carolina Place (104)

Five Star Quality Care - North Carolina, LLC
13180 Dorman Road; Pineville, NC 28134
(704)540-8007 Fax: (704)540-8088 HAL-060-104
Star Rating Certificate # of Stars: 3

The Little Flower Assisted Living (49)

Charlotte Assisted Living (Little Flower) Delaware LLC
8700 Lawyers Road; Charlotte, NC 28227
(704)545-7005 Fax: (704)545-7016 HAL-060-109
Star Rating Certificate # of Stars: 4

The Parc at Sharon Amity (64)

WP-Charlotte Health Holdings, LLC
4025 N. Sharon Amity Drive; Charlotte, NC 28205-4975
(704)569-9661 Fax: (704)569-9662 HAL-060-125
Star Rating Certificate # of Stars: 4