



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

February 21, 2019

Timothy Walsh
2334 S. 41st Street
Wilmington, NC 28403

Exempt from Review – Acquisition of Facility

Record #: 2883
Facility Name: The Foley Center at Chestnut Ridge
Type of Facility: Nursing Home
FID #: 110348
Acquisition by: Liberty Healthcare Properties of Watauga County, LLC
Business #: 3008
County: Watauga

Dear Mr. Walsh:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your representations, the above referenced proposal is exempt from certificate of need (CON) review in accordance with N.C. Gen. Stat. §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 or not 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 N.C. Gen. Stat. §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.”

In the event that the business listed above does acquire the facility, you should contact the Agency’s Nursing Home and 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 or not a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

[Signature of Ena Lightbourne]

Ena Lightbourne
Project Analyst

[Signature of Martha J. Frisone]

Martha J. Frisone
Chief, Healthcare Planning and
Certificate of Need Section

cc: Nursing Home Licensure and Certification Section, DHSR
Melinda Boyette, Administrative Assistant, Healthcare Planning, 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
www.ncdhhs.gov/dhsr • TEL: 919-855-3873



Liberty Healthcare Management

2334 S. 41st Street • Wilmington, NC 28403
(910) 815-3122 • FAX: (910) 815-3111



February 14, 2019

VIA EMAIL ONLY

Martha Frisone, Chief
Ena Lightbourne, Project Analyst
NC Department of Health and Human Services
Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, NC 27699-2704

RE: **EXEMPT FROM REVIEW**– Acquisition of The Foley Center at Chestnut Ridge by Liberty Healthcare Properties of Watauga County, LLC

Dear Ms. Frisone and Ms. Lightbourne,

In accordance with North Carolina G.S. 131E-181(a)(8), this letter is intended to request a determination of exemption from Certificate of Need (“CON”) review by the Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (“Agency”).

Currently, Blowing Rock Hospital Incorporated (“BRH”) owns and operates The Foley Center at Chestnut Ridge, a skilled nursing facility licensed to operate ninety-two (92) skilled nursing beds and twenty (20) assisted living beds, located at 621 Chestnut Ridge Parkway, Blowing Rock, North Carolina 28604 (the “Facility”). The license number for The Foley Center at Chestnut Ridge is NH0638.

Liberty Healthcare Properties of Watauga County, LLC (“Buyer”) will become the new owner of the Facility and all the assets of the Facility.

The proposed transfer of ownership will not materially affect the State Medical Facilities Plan for Nursing Care Facilities. The transfer of ownership is anticipated to be completed on or about April 1st, 2019. Accordingly, we respectfully request an exemption from CON review.

Thank you for your time and attention to this matter. Please contact me if you have any questions.

Best Regards,

Timothy Walsh
TWalsh@LibertyHCare.com