



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

March 28, 2019

Alexander B. Foster
Arnall, Golden, Gregory, LLP
171 17th Street NW, Suite 2100
Atlanta GA 30363-1031

Exempt from Review – Acquisition of Facility

Record #: 2907
Facility Name: Carillon Assisted Living of Garner
Type of Facility: Adult Care Home
FID #: 160385
Acquisition by: GAHC3 Garner NC ALF, LP
Business #: 3015
County: Wake

Dear Mr. Foster:

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 Adult Care Licensure 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,

[Handwritten signature of Michael J. McKillip]

Michael J. McKillip
Project Analyst

[Handwritten signature of Martha J. Frisone]

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

cc: Adult Care Licensure 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
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160385
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March 15, 2019

VIA FEDERAL EXPRESS

Ms. Martha Frisone
North Carolina Department of Health and Human Services
2704 Mail Service Center
Raleigh, NC 27699-2704



**Re: Request for Certificate of Need Exemption: Change of Real Estate Owner
of Carillon Assisted Living of Garner**

Dear Ms. Frisone:

The purpose of this letter is to request an exemption letter for the change of real estate owner for Carillon Assisted Living of Garner (the "Facility"), an adult care home located at 200 Minglewood Drive, Garner, NC 27529 (the "Transaction"). The change of real estate owner is scheduled to occur on or before March 31, 2019. Following the Transaction, GAHC3 Garner NC ALF, LP will own the land and building associated with the Facility. The change will not affect the operator of the Facility (the "Operator"), which will remain the same following the transaction. The Operator will continue to exist and the federal tax identification number of the Operator will not change. In addition, none of the Facility's day-to-day operations should be impacted, as only the real estate owner will change.

It is our understanding that the Transaction does not require any additional filings with your office prior to the change taking place and that we may proceed with consummating the proposed change. **We respectfully request a CON exemption letter from your office confirming our understanding.**

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

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Sincerely,

ARNALL GOLDEN GREGORY LLP



Alexander B. Foster *POC 1348*

cc: Mr. Brooks Barton
Hedy S. Rubinger, Esq.