



**NC DEPARTMENT OF  
HEALTH AND  
HUMAN SERVICES**

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

**VIA EMAIL ONLY**

November 12, 2020

James C. Wrenn Jr.  
[jcw@hickswrennlaw.com](mailto:jcw@hickswrennlaw.com)

**Exempt from Review – Acquisition of Facility**

**Record #:** 3414  
**Facility Name:** Richmond Hill Rest Home #3  
**Type of Facility:** Adult Care Home  
**FID #:** 921008  
**Acquisition by:** KMC Asheville, LLC  
**Business #:** 3294  
**County:** Buncombe

Dear Mr. Wrenn:

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.”*

If the business listed above does acquire the facility, you should contact the Agency’s Adult Care Home 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 a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Ena Lightbourne  
 Project Analyst

Martha J. Frisone  
 Chief

cc: Adult Care Home Licensure, 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

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LAW OFFICES OF  
**HICKS WRENN, PLLC**

Telephone: 919-693-8161  
www.hickswrennlaw.com

N. Kyle Hicks  
James C. Wrenn, Jr.  
Gerald T. Koinis  
Jeffrey G. Stovall

PO Box 247  
111 Gilliam Street  
Oxford, North Carolina 27565

November 6, 2020

**Via email and overnight delivery**

Ms. Martha Frisone  
Assistant Section Chief  
NC Division of Health Service Regulation  
Healthcare Planning and Certificate of Need Section  
809 Ruggles Drive  
Raleigh, NC 27603  
[martha.frisone@dhhs.nc.gov](mailto:martha.frisone@dhhs.nc.gov)

Ms. Ena Lightbourne  
Project Analyst  
NC Division of Health Service Regulation  
Healthcare Planning and Certificate of Need Section  
809 Ruggles Drive  
Raleigh, NC 27603  
[ena.lightbourne@dhhs.nc.gov](mailto:ena.lightbourne@dhhs.nc.gov)

**Re:**

<b>Richmond Hill Rest Home #1</b> Richmond Hill Rest Homes, LLC (licensee) 95 Richmond Hill Rd., Asheville, NC 28806 License Number: HAL-011-192	<b>Richmond Hill Rest Home #4</b> Richmond Hill Rest Homes, LLC (licensee) 95 Richmond Hill Rd., Asheville, NC 28806 License Number: HAL-011-189
<b>Richmond Hill Rest Home #2</b> Richmond Hill Rest Homes, LLC (licensee) 95 Richmond Hill Rd., Asheville, NC 28806 License Number: HAL-011-191	<b>Richmond Hill Rest Home #5</b> Richmond Hill Rest Homes, LLC (licensee) 95 Richmond Hill Rd., Asheville, NC 28806 License Number: HAL-011-188
<b>Richmond Hill Rest Home #3</b> Richmond Hill Rest Homes, LLC (licensee) 95 Richmond Hill Rd., Asheville, NC 28806 License Number: HAL-011-190	

Dear Ms. Frisone and Ms. Lightbourne:

I represent KMC Asheville, LLC (“KMC”) and Asheville Geriatric, LLC (“AG”). KMC proposes to acquire the real property associated with the above-referenced existing health service facilities, each licensed as a twelve (12) bed adult care home, from FBN-Asheville, LLC. AG proposes to acquire the operations of the facilities from Richmond Hill Rest Homes, LLC. After the acquisition, AG will operate the adult care homes pursuant to a lease with KMC. After AG receives its licenses to operate the facilities, the adult care homes will continue to be known respectively as Richmond Hill Rest Home #1, Richmond Hill Rest Home #2, Richmond Hill Rest Home #3, Richmond Hill Rest Home #4, and Richmond Hill Rest Home #5.

Pursuant to G.S. §131E-184(a)(8), I understand that this transaction is exempt from review and, as a result, we request that you confirm that understanding by providing us with a “no review” letter.

As always, thank you for your assistance.

Sincerely,

HICKS WRENN, PLLC

James C. Wrenn, Jr.

**From:** [Frisone, Martha](#)  
**To:** [Waller, Martha K](#)  
**Subject:** Fwd: [External] Richmond Hill  
**Date:** Friday, November 6, 2020 2:32:43 PM  
**Attachments:** [scan0302.pdf](#)

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**From:** Amy Erwin <ae@hickswrennlaw.com>  
**Sent:** Friday, November 6, 2020 2:31:29 PM  
**To:** Frisone, Martha <martha.frisone@dhhs.nc.gov>; Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>  
**Subject:** [External] Richmond Hill

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [report.spam@nc.gov](mailto:report.spam@nc.gov)

Please find attached a no review letter for your review and files. I will overnight the original to you.

Should you have any questions or concerns, please let me know.

THANKS!

Amy E. Erwin  
NC Certified Paralegal  
Hicks Wrenn, PLLC  
111 Gilliam Street (delivery)  
P.O. Box 247 (mail)  
Oxford, NC 27565

(919) 693-8161 (telephone)

(919) 693-9938 (facsimile)

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