



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

Exempt from Review – Acquisition of Facility

Record #: 3415
Facility Name: Richmond Hill Rest Home #4
Type of Facility: Adult Care Home
FID #: 921009
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,

[Signature of Ena Lightbourne]

Ena Lightbourne
Project Analyst

[Signature of Martha J. Frisone]

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

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

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

Re:

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

Get [Outlook for iOS](#)

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

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)

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized State official. Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this email in error, please notify the sender immediately and delete all records of this email.