



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

October 22, 2021

Susan M. Fradenburg
sfradenburg@foxrothschild.com

Exempt from Review – Acquisition of Facility

Record #: 3711
Date of Request: October 15, 2021
Facility Name: Winterville Manor
Type of Facility: ACH
FID #: 960622
Acquisition by: Springshire Retirement, LLC
Business #: 3484
County: Pitt

Dear Ms. Fradenburg:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that the project described above is exempt from certificate of need (CON) review in accordance with G.S. 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 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 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.*"

If 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 a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Gregory F. Yakaboski
Project Analyst

Micheala Mitchell
Chief

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
MAILING ADDRESS: 809 Ruggles Drive, 2704 Mail Service Center, Raleigh, NC 27699-2704
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3873

From: [Fradenburg, Susan M.](#)
To: [Yakaboski, Greg](#)
Subject: [External] RE: Exemption Request Re: Springshire Retirement LLC and Winterville Manor
Date: Wednesday, October 20, 2021 4:26:56 PM

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Greg, yes, Springshire is acquiring the Winterville Manor facility and real property on which the Winterville Manor facility is located.

Have a good evening.

Susan Fradenburg

Partner

Fox Rothschild LLP

230 N. Elm St.

Suite 1200

Greensboro, NC 27401

(336) 378-5482 - direct

(336) 378-5400 - fax

SFradenburg@foxrothschild.com

www.foxrothschild.com

From: Yakaboski, Greg <greg.yakaboski@dhhs.nc.gov>

Sent: October 20, 2021 2:39 PM

To: Fradenburg, Susan M. <SFradenburg@foxrothschild.com>

Subject: [EXT] Exemption Request Re: Springshire Retirement LLC and Winterville Manor

Hey Susan,

Clarification question- is Springshire acquiring the Winterville Manor facility (including the real property)?

Thanks,

Greg

Sincerely,

Gregory F. Yakaboski

Gregory F. Yakaboski

Project Analyst

[Division of Health Service Regulation](#), Certificate of Need

[NC Department of Health and Human Services](#)

Help protect your family and neighbors from COVID-19.

[Know the 3 Ws. Wear. Wait. Wash.](#)

#StayStrongNC and get the latest at nc.gov/covid19

Office: 919-855-3873

Greg.Yakaboski@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building

2704 Mail Service Center

Raleigh, NC 27699-2704

[Twitter](#) | [Facebook](#) | [YouTube](#) | [LinkedIn](#)

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.

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.



Fox Rothschild LLP
ATTORNEYS AT LAW

230 N. Elm St.
Suite 1200
Greensboro, NC 27401
Tel 336.378.5200 Fax 336.378.5400
WWW.FOXROTHSCHILD.COM

SUSAN M. FRADENBURG
Direct No: 336.378.5482
Email: SFradenburg@Foxrothschild.com

October 15, 2021

VIA E-MAIL AND US MAIL

Micheala Mitchell, Chief
Gregory Yakaboski, Project Analyst
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
North Carolina Department of Health and Human Services
2704 Mail Service Center
Raleigh, NC 27699-2704

Dear Ms. Mitchell and Mr. Yakaboski:

This letter is to provide prior written notice, pursuant to N.C. Gen. Stat. § 131E-184(a)(8), that Springshire Retirement, LLC d/b/a Rising Phoenix (“Springshire”) intends to purchase the assets of Winterville Manor, an adult care home located at 2527 Jones Street, Winterville, in Pitt County (“the Facility”), including its twenty-nine (29) licensed adult care home beds, from the current owner of the property, Clared LLC (the “Purchase”). The Facility is currently licensed by the North Carolina Department of Health and Human Services, Division of Health Service Regulation as an adult care home with 29 beds under license number HAL-074-026, which license is valid through December 31, 2021. The license is held by Sovereign Healthcare, LLC which leases the Facility from Clared, LLC. Springshire anticipates that Sovereign Healthcare will renew the current license to be valid through December 31, 2022.

Springshire intends to close on the Purchase in the first quarter of 2022. It is also anticipated that prior to Closing, the adult care home facility will stop serving residents, the remaining residents will be discharged to appropriate new locations, and the existing license will be returned. The Facility will remain an existing health

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington



Fox Rothschild ^{LLP}
ATTORNEYS AT LAW

Micheala Mitchell, Chief
Gregory Yakaboski, Project Analyst
October 15, 2021
Page 2

service facility for purposes of the exemption statute for one year after the termination of its license pursuant to N.C. Gen. Stat. § 131E-184(a)(8).

We would appreciate receiving confirmation as soon as possible that the acquisition described above is exempt from certificate of need review pursuant to N.C. Gen. Stat. §131E-184(a)(8). We appreciate your consideration of and attention to this request. If you have questions or require additional information, please do not hesitate to contact me.

Sincerely,

Susan M. Fradenburg

SMF:mpp

From: [Mitchell, Micheala L](#)
To: [Waller, Martha K](#)
Cc: [Yakaboski, Greg](#)
Subject: FW: [External] Notice of Exemption Springshire Retirement d/b/a Rising Phoenix
Date: Friday, October 15, 2021 8:24:23 AM
Attachments: [10_15_2021_Exempt_from_review_notice_Springshire_Retirement_Winterville_Manor\(127169931.1\)-C.pdf](#)

For you Martha.

Thank you.

Micheala Mitchell, JD
[NC Department of Health and Human Services](#)
[Division of Health Service Regulation](#)
Section Chief, Healthcare Planning and CON Section
809 Ruggles Drive, Edgerton Building
2704 Mail Service Center
Raleigh, NC 27699-2704
Office: 919 855 3879
Micheala.Mitchell@dhhs.nc.gov

Don't wait to vaccinate. Find a COVID-19 vaccine location near you at MySpot.nc.gov.
[Twitter](#) | [Facebook](#) | [Instagram](#) | [YouTube](#) | [LinkedIn](#)

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 e-mail in error, please notify the sender immediately and delete all records of this email.

From: Fradenburg, Susan M. <SFradenburg@foxrothschild.com>
Sent: Friday, October 15, 2021 8:16 AM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>; Yakaboski, Greg <greg.yakaboski@dhhs.nc.gov>
Subject: [External] Notice of Exemption Springshire Retirement d/b/a Rising Phoenix

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Please see attached.

Have a great day.

Susan Fradenburg
Partner
Fox Rothschild LLP

230 N. Elm St.
Suite 1200
Greensboro, NC 27401
(336) 378-5482 - direct
(336) 378-5400 - fax
SFradenburg@foxrothschild.com
www.foxrothschild.com

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.