



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

August 16, 2022

Kevin C. McIntosh
KevinM@hickorylaw.com

No Review
Record #: 4000
Date of Request: August 1, 2022
Facility Name: Aston Park Health Care Center, Inc.
FID #: 922948
Business Name: Aston Park Health Care Center, Inc.
Business #: 112
Project Description: Changes to the facility's bylaws
County: Buncombe

Dear Mr. McIntosh:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence regarding the project described above. Based on the CON law in effect on the date of this response to your request, the project as described is not governed by, and therefore, does not currently require a certificate of need. If the CON law is subsequently amended such that the above referenced proposal would require a certificate of need, this determination does not authorize you to proceed to develop the above referenced proposal when the new law becomes effective.

This determination is binding only for the facts represented in your correspondence. If changes are made in the project or in the facts provided in the correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by this office.

Please do not hesitate to contact this office if you have any questions.

Sincerely,

Ena Lightbourne
Project Analyst

Micheala Mitchell
Chief

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

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

cc: Nursing Home Licensure and Certification Section, DHSR

YOUNG, MORPHIS, BACH & TAYLOR, LLP

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August 1, 2022

**VIA ELECTRONIC MAIL – Becky.Wertz@dhhs.nc.gov and Lisa.Pittman@dhhs.nc.gov
AND U.S. FIRST CLASS MAIL**

Becky Wertz, Section Chief
NC Division of Health Service Regulation,
Nursing Home Licensure and Certification Section
2711 Mail Service Center
Raleigh, North Carolina 27699-2711

Lisa Pittman, Assistant Chief
NC Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, North Carolina 27699-2704

Re: Licensed Operator and Real Estate Owner/CON Holder: Aston Park Health Care Center, Inc.,
a North Carolina nonprofit corporation (“Aston Park”)
License No: NH0262
Transaction: Change of Bylaws and Number and Appointment of Members of Board of Directors

Dear Ms. Wertz and Ms. Pittman:

I hope this letter finds you both doing well. The referenced matter involves a change to Aston Park’s bylaws and how the board of directors of Aston Park is appointed. The board of directors will be appointed by Lutheran Services for the Aging, Inc., and the number of directors will be lowered. This does not impact or change the ownership of Aston Park’s operations, the facility’s assets, nor does the real estate tied to the CON change ownership. Also, this transaction does not change the licensed operator, as Aston Park will continue to be the licensed operator.

Although we believe this to be a “no review” matter, we did want to provide notice of the internal change of the governing bylaws and how the directors are appointed. This transition is planned to be effective as of September 1, 2022. Should you require any additional information, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,
YOUNG, MORPHIS, BACH & TAYLOR, LLP



Kevin C. McIntosh

Pc: Ted W. Goins, Jr., (via email)
Gregory Hutchins, Esq. (via email)

From: [Pittman, Lisa](#)
To: [Waller, Martha K](#)
Subject: FW: [External] Aston Park Health Care Center, Inc. located in Asheville, NC
Date: Monday, August 1, 2022 9:36:34 AM
Attachments: [Aston Park Health Care Center Inc. Letter to Becky Wertz and Lisa Pittma....pdf](#)

Lisa Pittman

Assistant Chief

[Division of Health Service Regulation](#), Healthcare Planning and CON Section
[NC Department of Health and Human Services](#)

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Office: 919 855 3989 *I am primarily working from home. Email is the best way to contact me.*
Lisa.Pittman@dhhs.nc.gov

809 Ruggles Drive, Edgerton Building
2704 Mail Service Center
Raleigh, NC 27699-2704

From: Kevin McIntosh <KevinM@hickorylaw.com>
Sent: Monday, August 1, 2022 9:19 AM
To: Wertz, Becky <becky.wertz@dhhs.nc.gov>; Pittman, Lisa <lisa.pittman@dhhs.nc.gov>
Cc: Ted Goins (TGoins@lscarolinas.net) <TGoins@lscarolinas.net>; ghutchins@roberts-stevens.com
Subject: [External] Aston Park Health Care Center, Inc. located in Asheville, NC

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Ms. Wertz and Ms. Pittman:

Good morning. I am attaching a letter regarding an internal transition regarding Aston Park Health Care Center, Inc. Ms. Wertz was kind enough to discuss this with me a few weeks ago, and we believe this matter to be one of "no review" since nothing is changing as far as ownership, operations, assets, licensed operator, etc. Please know this matter has not yet been announced to all of the staff at Aston Park, therefore, we would like to keep this as confidential as possible until the announcement is made.

Please let me know if you need any additional information.

Have a nice day,

Kevin C. McIntosh | Partner

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