



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

December 8, 2022

Timothy J. Walsh
TWalsh@libertyseniorliving.com

Exempt from Review – Acquisition of Facility

Record #: See Attachment A
Date of Request: October 11, 2022
Facility Name: See Attachment A
Type of Facility: Nursing Home
FID #: See Attachment A
Acquisition by: See Attachment A
Business #: See Attachment A
County: See Attachment A

Dear Mr. Walsh:

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 businesses may proceed to acquire the health service facilities identified above without first obtaining a CON. The Agency’s determination is limited to the question of whether the above referenced businesses would have to obtain a CON if the current owners of the health service facilities do in fact sell it to the businesses 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 businesses listed in the attachment do acquire the facilities, you should contact the Agency’s Nursing Home Licensure and Certification Section to obtain instructions for changing ownership of the existing facilities.

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 Micheala Mitchell]

Micheala Mitchell, Chief

cc: Nursing Home Licensure and Certification 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

**Attachment A**

<b>Record #</b>	<b>County</b>	<b>Facility</b>	<b>FID#</b>	<b>Address</b>	<b>Business</b>	<b>Business #</b>
4064	Alamance	White Oak Manor-Burlington	953553	323 Baldwin Road, NC 27217	Liberty White Oak Manor HC of Burlington, NC	3631
4065	Cleveland	White Oak Manor-Shelby	943557	401 North Morgan Street, Shelby, NC 28150	Liberty White Oak Manor of Shelby, LLC	3632
4066	Cleveland	White Oak Manor-Kings Mountain	923555	716 Sipes Street, Kings Mountain, NC 28086	Liberty White Oak Manor of Kings Mountain, LLC	3634
4067	Mecklenburg	White Oak Manor-Charlotte	923554	4009 Craig Avenue, Charlotte, NC 28211	Liberty White Oak Manor HC of Charlotte, NC	3638
4068	Polk	White Oak Manor-Tryon	923558	70 Oak Street, Tryon, NC 28782	Liberty White Oak Manor HC of Tryon, NC	3641
4069	Union	White Oak Manor-Waxhaw	061191	700 Howie Mine Road, Waxhaw, NC 28173	Liberty White Oak Waxhaw, LLC	3642



October 25, 2022

*VIA EMAIL ONLY*

Greg Yakaboski, Project Analyst  
 Ena Lightbourne, Project Analyst  
 Julie Faenza, Project Analyst  
 Donna Donihi, Project Analyst  
 NC Department of Health and Human Services  
 Division of Health Service Regulation  
 Healthcare Planning and Certificate of Need Section  
 2704 Mail Service Center  
 Raleigh, NC 27699-2704

**RE: EXEMPT FROM REVIEW**– Acquisition of nursing home facilities by Liberty

To Whom It May Concern:

In accordance with North Carolina Gen. Stat. § 131E-184(a)(8), this letter is intended to request a determination of exemption from Certificate of Need (“CON”) review by the Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (“Agency”).

Liberty has entered into a letter of intent and are currently negotiating the asset purchase agreement pursuant to which Liberty will acquire the assets of the following skilled nursing facilities:

Facility Name	Licensee	Address	County	License #	New Affiliated Entities
White Oak Manor-Burlington	White Oak Manor-Burlington Inc	323 Baldwin Road, Burlington, NC, 27217	Alamance	NH0397	Liberty White Oak Manor of Burlington, LLC  Liberty White Oak Properties of Burlington, LLC  Liberty White Oak Manor HC of Burlington, LLC
White Oak Manor-Shelby	White Oak Manor-Shelby Inc	401 North Morgan Street, Shelby, NC, 28150	Cleveland	NH0398	Liberty White Oak Manor of Shelby, LLC  Liberty White Oak Properties of Shelby, LLC



White Oak Manor-Kings Mountain	White Oak Manor-Kings Mountain Inc	716 Sipes Street, Kings Mountain, NC, 28086	Cleveland	NH0396	Liberty White Oak Manor of Kings Mountain, LLC  Liberty White Oak Properties of Kings Mountain, LLC
White Oak Manor-Charlotte	White Oak Manor-Charlotte Inc	4009 Craig Avenue, Charlotte, NC, 28211	Mecklenburg	NH0350	Liberty White Oak Manor of Charlotte, LLC  Liberty White Oak Properties of Charlotte, LLC  Liberty White Oak Manor HC of Charlotte, LLC
White Oak Manor-Tryon	White Oak Manor-Tryon Inc	70 Oak Street, Tryon, NC, 28782	Polk	NH0399	Liberty White Oak Manor of Tryon, LLC  Liberty White Oak Properties of Tryon, LLC  Liberty White Oak Manor HC of Tryon, LLC
White Oak of Waxhaw	White Oak Manor-Waxhaw Inc	700 Howie Mine Road, Waxhaw, NC, 28173	Union	NH0628	Liberty White Oak of Waxhaw, LLC

The purchase qualifies under the exemption from CON Section review set forth at N.C. G.S. § 131E-184(a)(8). Please allow this letter to serve as the advance written notice required by N.C. G.S. § 131E-184(a)(8). Accordingly, we respectfully request an exemption from CON review by the Agency.

Thank you for your time and attention to this matter. Please contact me if you have any questions.

Best Regards,



*Timothy J. Walsh*

Timothy Walsh  
Director of Business Development  
Liberty Senior Living  
[TWalsh@libertyseniorliving.com](mailto:TWalsh@libertyseniorliving.com)  
(910) 332-1982



October 11, 2022

*VIA EMAIL ONLY*

Greg Yakaboski, Project Analyst  
 Ena Lightbourne, Project Analyst  
 Julie Faenza, Project Analyst  
 Donna Donihi, Project Analyst  
 NC Department of Health and Human Services  
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Facility Name	Licensee	Address	County	License #	Purchaser / Operator
White Oak Manor-Burlington	White Oak Manor-Burlington Inc	323 Baldwin Road, Burlington, NC, 27217	Alamance	NH0397	Liberty White Oak Manor of Burlington, LLC  Liberty White Oak Properties of Burlington, LLC
White Oak Manor-Shelby	White Oak Manor-Shelby Inc	401 North Morgan Street, Shelby, NC, 28150	Cleveland	NH0398	Liberty White Oak Manor of Shelby, LLC  Liberty White Oak Properties of Shelby, LLC
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White Oak Manor-Tryon	White Oak Manor-Tryon Inc	70 Oak Street, Tryon, NC, 28782	Polk	NH0399	Liberty White Oak Manor of Tryon, LLC Liberty White Oak Properties of Tryon, LLC
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Thank you for your time and attention to this matter. Please contact me if you have any questions.

Best Regards,

Timothy Walsh  
Director of Business Development  
Liberty Senior Living  
[TWalsh@libertyseniorliving.com](mailto:TWalsh@libertyseniorliving.com)  
(910) 332-1982

**From:** [Timothy J. Walsh](#)  
**To:** [Donihi, Donna D](#); [Yakaboski, Greg](#); [Lightbourne, Ena](#); [Faenza, Julie M](#)  
**Cc:** [Stancil, Tiffany C](#); [Hale, Gloria](#)  
**Subject:** [External] Request of Exemption - Acquisition of White Oak SNF's  
**Date:** Tuesday, October 11, 2022 12:42:29 PM  
**Attachments:** [Liberty - Exemption Letter to CON Section for Acquisition of White Oak NF Facilities 2022-11-10.pdf](#)  
**Importance:** High

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

Good afternoon all:

Just as an FYI, I have included the project analyst for all counties effected by this proposed acquisition.

Please let the attachment serve as the official written notice of the proposed acquisition of the NC White Oak SNF's. We respectfully request a letter from the Certificate of Need Section stating that this acquisitions are exempt from certificate of need review in accordance with G.S. 131E-184(a)(8).

Thank you in advance for your assistance and please let me know if you have any questions.

Regards,

**Timothy J. Walsh**

Director of Business Development

*Liberty Senior Living*

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2334 S. 41<sup>st</sup> Street, Wilmington, NC 28403

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