



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

March 24, 2022

Amy Erwin
aerwin@smithlaw.com

Exempt from Review – Acquisition of Facility

Record #: 3845
Date of Request: March 7, 2022
Facility Name: Mars Hill Retirement Center
Type of Facility: Adult care home
FID #: 980237
Acquisition by: Mainstay Healthcare Mars Hill, LLC
Business #: 3532
County: Madison

Dear Ms. Erwin:

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, change the operator and the name of the facility, 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,

Ena Lightbourne
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

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL, & JERNIGAN, L.L.P.

LAWYERS

March 7, 2022

Via email

Ms. Micheala Mitchell
Chief
NC Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
809 Ruggles Drive
Raleigh, NC 27603
micheala.mitchell@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: Mars Hill Retirement Community
Western North Carolina Retirement, LLC (Operating Entity)
Mars Hill Retirement Living, Inc. (Real Estate Entity)
170 South Main Street, Mars Hill, NC 28754
License Number: HAL-057-010**

Dear Ms. Mitchell and Ms. Lightbourne:

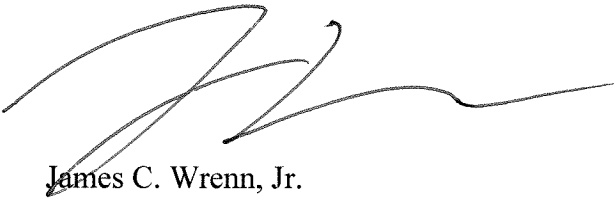
I am assisting Mars Hill Manor, LLC (“Manor”) and Mainstay Healthcare Mars Hill, LLC (“Mars Hill”) with licensure and Certificate of Need matters. Mars Hill proposes to acquire the real property constituting the existing health service facility licensed as an adult care home known as Mars Hill Retirement Community from Western North Carolina Retirement, LLC and Manor plans to acquire the operations of the facility from Western North Carolina Retirement, LLC (Licensee: Western Carolina Retirement, LLC.; Address: 170 South Main Street, Mars Hill, NC 28754 (Madison County); License Number: HAL-057-010; Real Property Owner: Western North Carolina Retirement, LLC). After the acquisition, Manor will operate the adult care home pursuant to a lease with Mars Hill. After Manor receives its license to operate the facility, the adult care home will continue to be known as Mars Hill Retirement Center.

Pursuant to G.S. §131D-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,

**SMITH, ANDERSON, BLOUNT, DORSETT,
MITCHELL & JERNIGAN, L.L.P**

A handwritten signature in black ink, appearing to read 'James C. Wrenn, Jr.', with a long horizontal flourish extending to the right.

James C. Wrenn, Jr.

SMITH, ANDERSON, BLOUNT, DORSETT, MITCHELL, & JERNIGAN, L.L.P.

From: [Lightbourne, Ena](#)
To: [Waller, Martha K](#)
Subject: FW: [External] Mars Hill Retirement Community
Date: Monday, March 7, 2022 2:30:18 PM

Martha can you log? Thanks.

From: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>
Sent: Monday, March 7, 2022 1:57 PM
To: Amy Erwin <aerwin@smithlaw.com>; Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>
Subject: RE: [External] Mars Hill Retirement Community

Thanks Amy. We will circle back with a response to you shortly.

Best,

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

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From: Amy Erwin <aerwin@smithlaw.com>
Sent: Monday, March 7, 2022 1:49 PM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>; Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>
Subject: [External] Mars Hill Retirement Community

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

Please find attached a no review letter for the above-referenced facility for your review and response.

Please let me know if you have any questions or concerns.

THANKS!

Amy

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