

Retarded group home. The approved site is located at 30 Lance Road in Arden, North Carolina (Buncombe County).

Since issuance of the Certificate of Need, the original property where the facility was to be located is no longer available. RHA now has identified a one-acre site for the group home on Emory Road in Asheville, North Carolina (Buncombe County) – specifically, Lots 6B & 6C at plat book 0024, page 0090. RHA represents that the new site has been determined by the City of Asheville to meet the definition of a family care home for zoning purposes so long as RHA follows special requirements set forth in a letter from the City. Water and sewer are available at the site. The cost of the new site is \$145,000, which is less than the \$149,900 cost of the original site. The site is accessible to interstates 40 and 240 and is located 15 minutes or less from a hospital, physician offices, the fire department, ambulance service, shopping, a pharmacy and parks and recreation.

ANALYSIS

The CON law would require a full review of RHA's proposed change of site if that change were to represent a material change in the physical location or scope of the project. N.C.G.S. § 131E-181(a). The proposed change of the site for RHA's project does not constitute a material change in the physical location or the scope of the proposed project. The proposed site is large enough for the project and meets zoning and other requirements. It is located within Buncombe County, is accessible to major interstates and is near key support services. Development at this site will result in cost savings of approximately \$4900.

N.C.G.S. § 131E-189(b) allows the Agency to withdraw RHA's Certificate of Need if RHA fails to develop the project in a manner consistent with the representations made in the application or with any conditions that were placed on the Certificate of Need. RHA will not be

developing its project in a manner that is materially different from the representations made in its application, nor will it be developing its project in a manner that is inconsistent with any of the conditions that were placed on its Certificate of Need.

CONCLUSION

For the foregoing reasons, assuming the statements of fact in the request to be true, I conclude that the substitution of the Emory Road location in Asheville as a site for RHA's group home, Project I.D. No. B-8223-08, will not constitute a material change in the physical location or scope of the project, will not violate N.C.G.S. § 131E-181, and will not constitute a failure to satisfy a condition of the Certificate of Need in violation of N.C.G.S. § 131E-189(b).

This the _____ day of November, 2010.

Drexdal Pratt, Director
Division of Health Service Regulation
N.C. Department of Health and Human Services

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Declaratory Ruling has been served upon the nonagency party by certified mail, return receipt requested, by depositing the copy in an official depository of the United States Postal Service in a first-class, postage pre-paid envelope addressed as follows:

CERTIFIED MAIL

Scott Little
RHA Health Services, Inc.
1701 Westchester Drive, Suite 940
High Point, NC 27262

This the _____ day of December, 2010.

Jeff Horton
Chief Operating Officer