

**Nursing Care Facilities**

**Petition – Jason R. Bartell**

**Regarding the Proposed 2009 State Medical Facilities Plan**

\*Agency Report on the Petition

\*Petition

\*Comments from July 30, 2008, Public Hearing



## **AGENCY REPORT:**

### **Proposed 2009 Plan**

Notes related to Petition from Jason R. Bartell

---

#### **Request**

The petitioner requests an adjusted need determination in Stanly County to allow for development of a 110 bed nursing home. While the petitioner refers to adult care home beds it is not clear how many beds are being requested.

#### **Background Information**

The nursing bed need methodology in Chapter 10 of the Proposed 2009 State Medical Facilities Plan (SMFP) applies state use rates (beds/1000 population) by four age groups, to projected year 2012 population figures for each North Carolina county. The bed-to-population ratios were derived from combined patient utilization data as reported on 2008 License Renewal Applications projected forward for 30 months based on trend lines reflecting the previous five years' data by age group. For counties with deficits that are less than 71 beds, a need determination is made if the deficit is 10% or more of its total projected bed need and the average occupancy of licensed beds in the county, excluding Continuing Care Retirement Communities (CCRCs), is 90% or greater based on 2008 License Renewal Applications. The adult care home bed need determination methodology uses basic principles utilized in the SMFP nursing facility assumptions and methodology.

Need determinations resulting from the standard methodology are intended to reflect the projected nursing care and adult care home bed need for the total population of the host county. Application of the standard methodology indicated need for 10 additional nursing care beds in Camden County for certificate of need review during 2009. With regard to adult care home beds, need determinations totaling 350 beds have been identified in 11 counties in the eastern and western portions of the state.

It should be noted that any person may submit a certificate of need (CON) application for approval for a need determination in the Plan. Therefore, should there be a need determination in the 2009 Plan, the CON review could be competitive and there is no guarantee that the petitioner would be the approved applicant.

The petition was posted on the Division of Health Service Regulation's web site. One written comment was received by the September 9, 2008 date that was identified for submission of comments on petitions and comments to the Division's Medical Facility Planning Section. The comment is from Britthaven, Inc. and is attached.

#### **Analysis of Petition**

Using population projections for the year 2012, the standard methodology indicates a projected surplus of 118 nursing care beds in Stanly County which results in no need determination for additional nursing care beds for review in 2009. With regard to adult care home beds, there is a projected deficit of only five beds in the County which represents a deficit index of 2%. Therefore, there is not a need determination for additional adult care



home beds in the County. Of the 37 counties with projected deficits as indicated in the Proposed 2009 Plan, 31 counties had deficits greater than the deficit identified for Stanly County.

The petitioner sites population statistics for Stanly County particularly regarding persons over age 65. The projections used in the Plan are provided by the Office of State Budget and Management Demographics Unit. The projections are updated annually and include projections for age groups 65 and over.

Stanly County has four nursing facilities with a total of 406 licensed beds. Stanly County also has eight adult care home facilities with a total of 236 beds. It is noted that Stanly County is contiguous to Union County and within a relatively short distance of Mecklenburg County. The 2008 Plan had a need determination for 90 additional beds in Union County. The Certificate of Need Section has given conditional approval for a new 90 bed facility in Unionville which is in the north central portion of Union County. With regard to Mecklenburg County, the 2007 Plan had a need determination for 180 additional nursing facility beds. A Certificate of Need (CON) has been issued for 60 of the 180 beds and is pending for the remaining 120 beds.

#### Recommendation

The Agency supports the standard methodology and recommends that the petition be denied.

The petitioner may wish to consider the following alternatives:

1. Acquire an existing nursing facility in Stanly County and apply for a CON to relocate beds pursuant to Policy NH-6. Acquisition of an existing health service facility does not require a Certificate of Need if prior written notice of the acquisition is provided to the Certificate of Need Section.
2. Acquire an existing adult care home in Stanly County and apply for a CON to relocate beds pursuant to Policy LTC-2.
3. Propose development of a CCRC under Policies NH-2 or LTC-1 of the Plan.
4. Develop one or more free standing Family Care Homes which have six or fewer adult care beds and do not require receipt of a Certificate of Need.
5. Develop "Multi-Unit Assisted Housing with Services (MAHS)" which does not require a Certificate of Need. Information regarding MAHS can be obtained from the Division's Adult Care Licensure Section.

If a developer wishes to pursue any alternative that requires a CON, they are encouraged to contact the Division of Health Service Regulation, CON Section to obtain information on relevant policies, review criteria and standards, and statutory requirements.



**Britthaven, Inc.**

1435 Highway 258 North  
Post Office Box 6159  
Kinston, North Carolina 28501  
Telephone: 252-523-9094  
Facsimile: 252-939-9519

9 September 2008

Floyd Cogley, Planner  
NC Division of Health Service Regulation  
Medical Facilities Planning Section  
2714 Mall Service Center  
Raleigh, NC 27699-2714

RE: Petition to Adjust the Need Determination for Nursing Care Beds In Nursing Homes and Adult Care Home Beds in Stanly County

Dear Floyd,

Britthaven, Inc. is submitting this correspondence in response to a petition from Jason Bartell to adjust the need determination for nursing care beds in Stanly County. Based on the language of Mr. Bartell's petition (and comments submitted by Mary Bender), it appears that Mr. Bartell is seeking approval for a specific project, which he describes in detail in his petition. As a point of clarification, Britthaven finds no specific request for a special need adjustment related to Adult Care Home Beds ("ACH Beds"), despite a reference to this service in the petition. Therefore, Britthaven assumes that an ACH Bed request is not a component of this petition.

Point of Clarification

In the formal petition document (page 2) Mr. Bartell cites several statistics that he attributes to a website for Hillco, Ltd, the parent company of Britthaven, Inc. To our knowledge no website operated by Britthaven or Hillco contains the data referenced by Mr. Bartell. As a result, we cannot attest to its veracity. We would request that you note this point in the record.

Observations

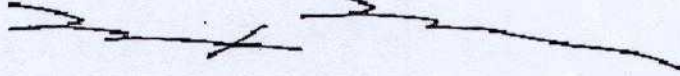
Additionally, Britthaven observes that Mr. Bartell's petition does not address the formal process for determining nursing care bed need in North Carolina. According to the Proposed 2009 State Medical Facilities Plan ("SMFP"), the definitive source for determination of health care service needs, Stanly County has a projected surplus of 118 nursing care beds in 2012. This projected surplus has grown from 100 beds, as published in the 2008 SMFP. Mr. Bartell does not discuss the impact of adding 110 nursing care beds in Stanly County in the context of this projected surplus or the



implications that an adjusted need determination would have on the health planning process.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Max Mason', with a horizontal line drawn underneath it.

Max Mason, Development Coordinator  
Britthaven, Inc.



**"Petition"**

North Carolina Division of Health Service Regulation  
Medical Facilities Planning Section  
2714 Mail Service Center  
Raleigh, North Carolina 27699-2714

DFS Health Planning  
RECEIVED

JUL 22 2008

Medical Facilities  
PLANNING SECTION

1) Petitioner Information: Jason R. Bartell  
917 North Central Avenue  
Locust, North Carolina 28097

E-Mail Address: [jay-bartellplumbing@carolina.rr.com](mailto:jay-bartellplumbing@carolina.rr.com)

Phone Number: 704-361-2153

2) Statement of requested adjustment.

Please consider adjusting the need determination for Nursing Care Beds in Nursing Homes and Adult Care Home Beds in Stanly County, North Carolina to allow for the development of the proposed 110 bed nursing home with Alzheimer's wing (approximately 59,400 square feet), 8 duplex buildings (Duplex 1 approximately 5,000 square feet. Duplex 2-8 approximately 6,500 square feet each) and clubhouse building approximately 11,255 square feet. The site of the proposed development is 12 acres located at 8582 Harvell Road in Stanfield, North Carolina (Stanly County). This proposed facility has the support of the people of Stanfield. Almost all of the Nursing Care Beds in Nursing Homes and Adult Care Home Beds in Stanly County are located in the micropolitan area of Albemarle, North Carolina.

3) Reason for proposed adjustment, including;

- a) Statement of adverse effects on the population of the affected area likely to ensue if the adjustment is not made;

Albemarle is about 30 minutes and 20 miles from the proposed Harvell Road, Stanfield, North Carolina development. The amount of travel time and the rising fuel prices would adversely effect the population of Stanfield located in Stanly County, if they had an elderly or disabled family member experiencing a medical emergency at an Albemarle nursing facility. The people of Stanfield have a 30 minute-20 mile commute to reach that loved one. Stanfield is located in Stanly County near the border of Union County, which had a need determination in the 2008 SMFP. The Erickson Tribune, sites U.S. Census Bureau projections which show that the 65 plus population will increase 147% over the next 50 years in comparison with the entire population which is projected to increase 49% over the next 50 years. According to U.S. Census Bureau Statistics the 2006 Stanly County population was 59, 358. 14.6% of the 2006 population was comprised of persons age 65 or over. The 2006 North Carolina average for that demographic was only 12.2%. According to U.S. Census Bureau Data in Stanly County in 2000, there were 11, 949 persons 5 years and up with disabilities. As of the 2000 Census the Town of Stanfield had a population of 1, 113. In 2000 there were 439 households in the Town of Stanfield; of those 7.3% had someone living alone who was age 65 or older.



**“Petition”** Page 2- for Jason Bartell on Proposed Nursing Home at 8582 Harvell Road , Stanfield, NC

3a) Reason for Proposed Adjustment and Statement of Adverse Effect-Continued From Page 1

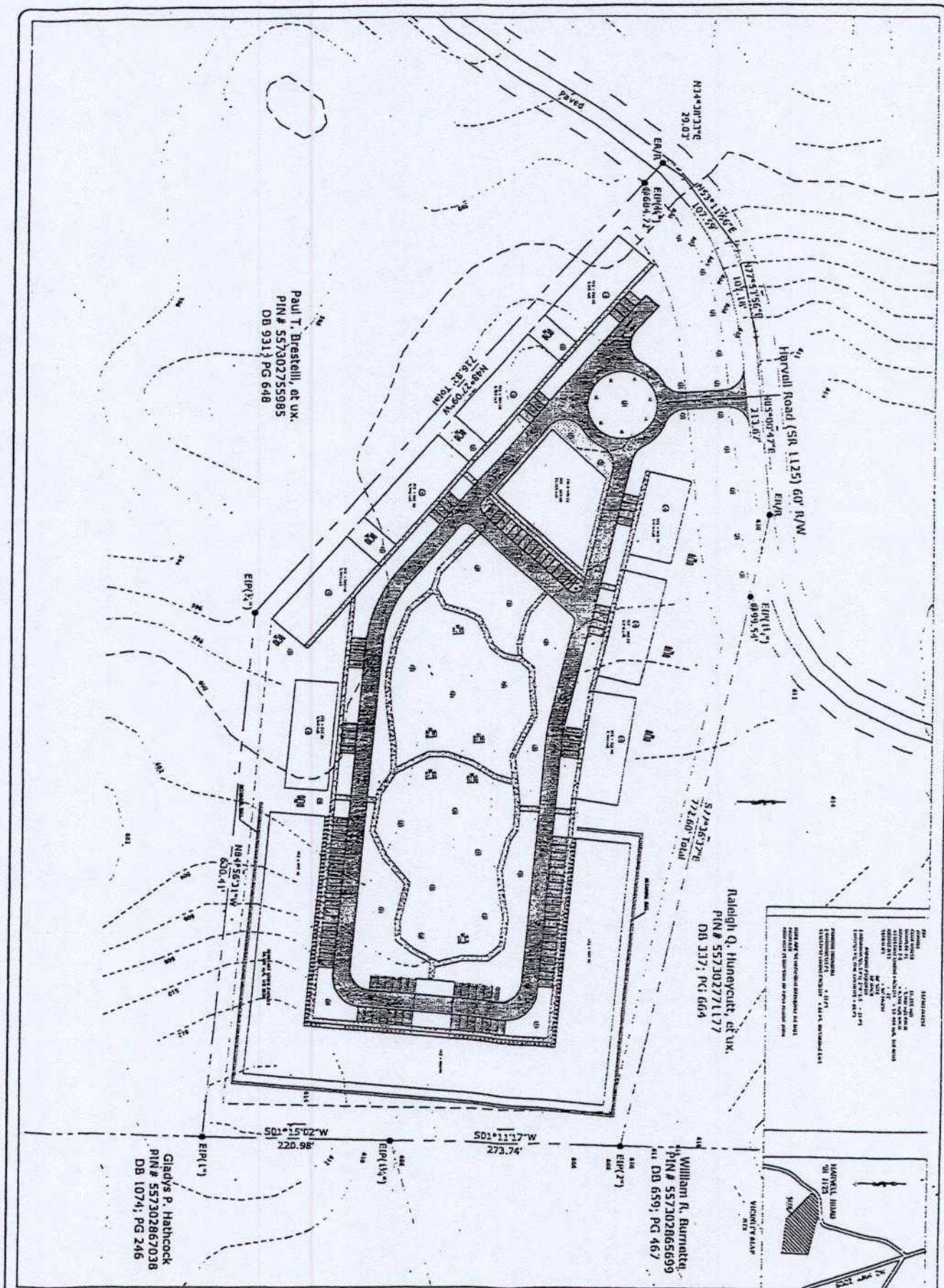
10.7% of the town population was comprised of people who were 65 years old or older. 11.4% of those age 65 or older were below the poverty line.

According to HillCo, LTD, which operates Britthaven Nursing Centers, the demand for nursing care is linked to the demographics of the U.S. population. Their web site states that U.S. personal consumption expenditures on nursing homes are forecast to grow at an annual compounded rate of 7.4% between 2007 and 2012. There is a high demand for long-term adult care as fewer seniors live with children.

B) Alternatives considered and found not feasible. Mr. Bartell considered only building duplex buildings and not a nursing home facility, but people in the Town of Stanfield expressed great concern that with the rapidly aging population and the distance required to travel to existing facilities in other towns of Stanly County, that there would not be enough nursing care beds in nursing homes and adult care home beds offering quality care and specialty Alzheimer’s care within a reasonable distance.

4) Evidence that adjustment would not result in duplication of health resources in the area. The Department of Health and Human Resources gives priority to health services considered to be cost effective and potentially beneficial to a majority of North Carolina citizens. The Proposed Nursing Home and associated duplex buildings and club house at Harvell Road in Stanfield, North Carolina would offer a brand new state of the art facility with all of the newest innovations for the treatment of Alzheimer’s in a rural pastoral setting allowing easy access to family members of residents. It will also assist in the residents/patients treatment and well being if their families can visit frequently and participate in care and be easily accessible in case of medical emergencies. People in the Town of Stanfield will also benefit with the improvements to the infrastructure. The proposed facility on Harvell Road would bring water and sewer lines that people further down the line could tie into. The proposed facility would have a 4” forced main for sewer that would be run over a mile and 8” water main line that would be 2 miles. Mr. Bartell along with the town of Stanfield would install the water and sewer for people to tie into.





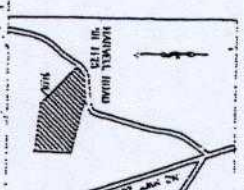
Paul T. Dnestell, at ux.  
 PIN# 557302755985  
 DB 931 PG 648

Raleigh Q. Hinnecutt, at ux.  
 PIN# 557302771177  
 DB 337 PG 664

William R. Burnett  
 PIN# 557202865699  
 DB 659 PG 467

Gladys P. Hathcock  
 PIN# 557302867038  
 DB 1074 PG 246

**NOTES**  
 1. THIS PLAN IS TO BE USED FOR THE SUBDIVISION OF THE LAND SHOWN HEREON INTO LOTS AND BLOCKS.  
 2. THE BOUNDARIES OF THE LOTS AND BLOCKS ARE SHOWN BY THE DIMENSIONS AND BEARINGS.  
 3. THE AREA OF THE LOTS AND BLOCKS IS SHOWN BY THE SHADING.  
 4. THE AREA OF THE LOTS AND BLOCKS IS SHOWN BY THE SHADING.  
 5. THE AREA OF THE LOTS AND BLOCKS IS SHOWN BY THE SHADING.  
 6. THE AREA OF THE LOTS AND BLOCKS IS SHOWN BY THE SHADING.  
 7. THE AREA OF THE LOTS AND BLOCKS IS SHOWN BY THE SHADING.  
 8. THE AREA OF THE LOTS AND BLOCKS IS SHOWN BY THE SHADING.  
 9. THE AREA OF THE LOTS AND BLOCKS IS SHOWN BY THE SHADING.  
 10. THE AREA OF THE LOTS AND BLOCKS IS SHOWN BY THE SHADING.



**DS Engineering**

1223 Fox Run Dr., Charlotte, NC 28212 E-mail: dsvsnd@gmail.com  
 ph. 704/497-0081  
 fax 1-775-269-5739



RETIREMENT COMMUNITY  
 SPANFORD TOWNSHIP  
 SPANFORD COUNTY NC  
 PIP 2012-01-015  
 SKETCH SITE PLAN

SCALE: 1/2"=40' DATE: MARCH 2008 SHEET: 1 OF 1

DATE RECEIVED  
 11/20/08  
 11/20/08  
 11/20/08

NO.	DESCRIPTION



Comments by Mary Bender on behalf of Jason Bartell  
Public Hearing for Proposed 2009 N.C. State Medical Facilities Plan  
July 30, 2008  
Carolinas College of Health Sciences Auditorium  
1200 Blythe Boulevard, Charlotte, North Carolina

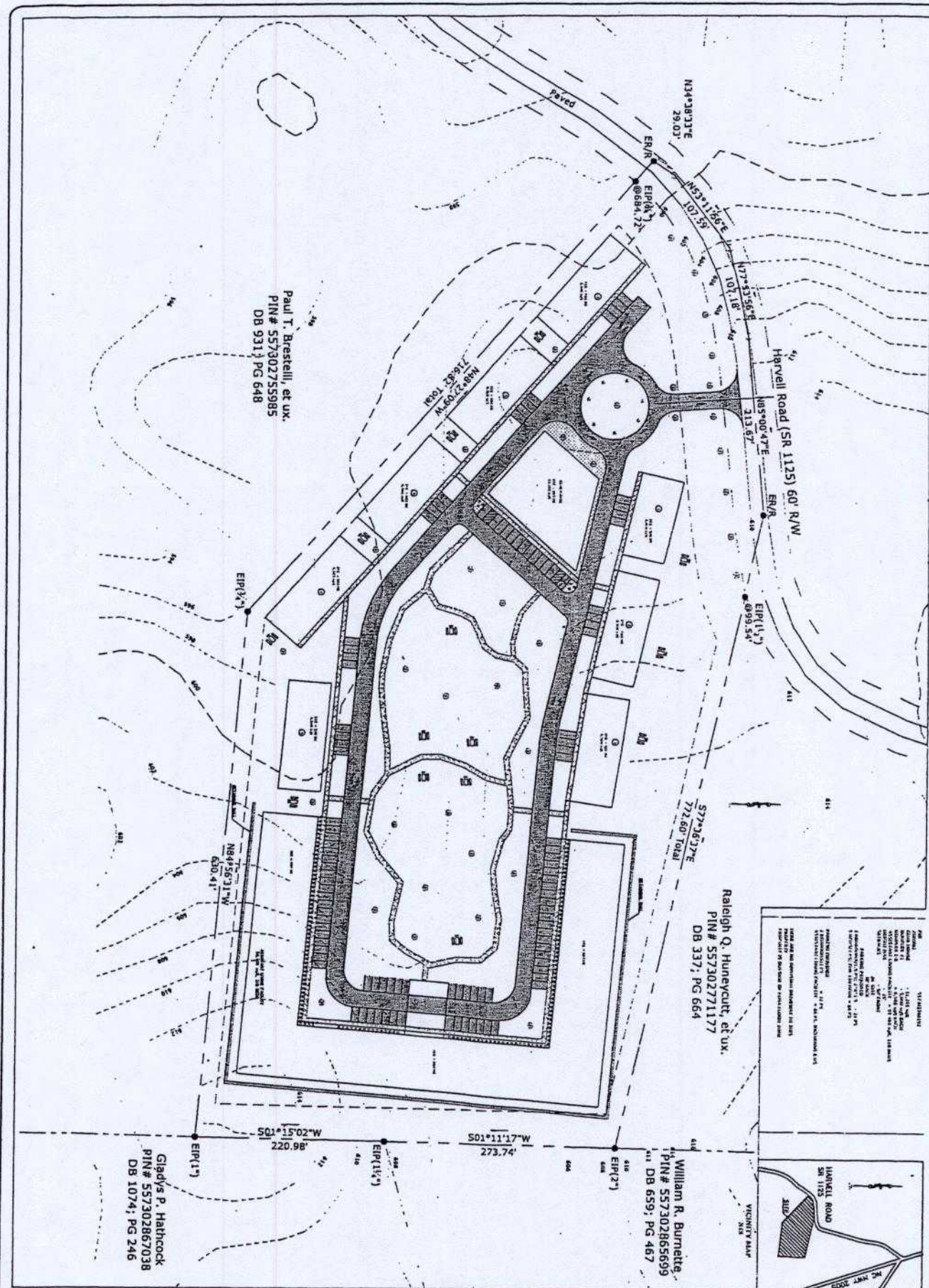
Jason Bartell is respectfully submitting a petition to the NC Division of Health Service Regulation to consider adjusting the need determination for nursing care beds in nursing homes and adult care home beds in Stanly County, North Carolina to allow for the development of 12 acres located at 8582 Harvell Road in Stanfield, North Carolina (Stanly County). The proposed development would consist of a 110 bed nursing home with Alzheimer's wing (about 59,400 sq ft), 8 duplex buildings (ranging from 5,000 sq ft to 6,500 sq ft) and a club house building (about 11,255 sq ft). Adjustment to the need determination through approval of the petition would allow the proposed project to move forward.

DFS Health Planning  
RECEIVED

JUL 30 2008

Medical Facilities  
PLANNING SECTION





Paul T. Brestelli, et ux.  
 PIN# 557302755985  
 DB 9317 PG 648

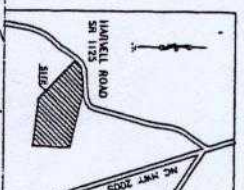
Raleigh Q. Humeicut, et ux.  
 PIN# 557302771177  
 DB 337, PG 664

William R. Burnette  
 PIN# 557302865699  
 DB 659, PG 467

Gladys P. Hathcock  
 PIN# 557302867038  
 DB 1074, PG 246

**NOTES**

1. THIS PLAN IS A PRELIMINARY SKETCH SITE PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE PROPERTY LINES AND AREAS SHOWN ON THIS PLAN ARE BASED ON THE SURVEY DATA PROVIDED BY THE CLIENT.
3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
4. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.



**DS Engineering**

1223 Fox Run Dr., Charlotte, NC 28212 E-mail:  
 davshki@gmail.com  
 ph. 704/497-0081  
 fax 1-775-269-9739



RETIREMENT COMMUNITY  
 STANFIELD TOWNSHIP  
 STANLEY COUNTY, NC  
 PID 557302755985

SKETCH SITE PLAN

SCALE: N.T.S. DATE: MARCH 2008 SHEET: 1 OF 1