



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

RESPONSE REQUIRED

November 26, 2014

Gerald Boyle
1217 Pond Road
Cary, NC 27511

Conditional Approval

Project I.D. #: J-10301-14
Facility: Universal Health Care / North Raleigh
Project Description: Relocate 20 nursing facility beds from Universal Health Care/Nashville, Inc. to Universal Health Care/North Raleigh for a total of 132 nursing facility beds at Universal Health Care/North Raleigh
County: Wake
FID #: 971329

Dear Mr. Boyle:

The Certificate of Need (CON) Section, Division of Health Service Regulation, Department of Health and Human Services has conditionally approved the above referenced certificate of need application. This decision was made after a review of the applications submitted for this cycle and after consideration of the Certificate of Need Law, G.S. 131E-175 et. seq. and regulations promulgated there under, the State Medical Facilities Plan, and other applicable information. Attached to this letter are the required findings made with respect to your application. The applicant shall not proceed with the construction, offering or development of this project until the certificate of need is issued. Further, the Department shall not issue the certificate of need until all applicable conditions of approval that can be satisfied before issuance of the certificate of need have been met pursuant to G.S. 131E-187(a). The conditions are as follows:

1. Universal Properties/North Raleigh, LLC (lessor), Universal Health Care/North Raleigh, Inc. (lessee), Universal Properties/Nash, LLC (lessor), and Universal Health Care/Nashville, Inc. (lessee) shall materially comply with all representations made in its certificate of need application and in the supplemental information materials submitted during the review. In those instances where representations conflict, Universal Properties/North Raleigh, LLC (lessor), Universal Health Care/North Raleigh, Inc. (lessee), Universal Properties/Nash, LLC (lessor), and Universal Health Care/Nashville, Inc. (lessee) shall materially comply with the last made representation.



Certificate of Need Section

www.ncdhhs.gov

Telephone 919-855-3873 • Fax 919-733-8139

Location: Edgerton Building • 809 Ruggles Drive • Raleigh, NC 27603

Mailing Address: 2704 Mail Service Center • Raleigh, NC 27699-2704

An Equal Opportunity/ Affirmative Action Employer



2. Universal Properties/North Raleigh, LLC (lessor), Universal Health Care/North Raleigh, Inc. (lessee), Universal Properties/Nash, LLC (lessor), and Universal Health Care/Nashville, Inc. (lessee) shall relocate 20 NF beds to Universal Health Care/North Raleigh, Inc. nursing care facility for a total licensed bed complement of no more than 132 NF beds upon completion of the project.
3. Universal Properties/North Raleigh, LLC (lessor), Universal Health Care/North Raleigh, Inc. (lessee), Universal Properties/Nash, LLC (lessor), and Universal Health Care/Nashville, Inc. (lessee) shall take the necessary steps to de-license 20 NF beds at the Universal Health Care/Nashville, Inc. nursing facility following completion of the relocation of beds to Universal Health Care/ North Raleigh, Inc.
4. For the first two full federal fiscal years of operation following completion of the project, Universal Health Care/ North Raleigh's actual private pay charges shall not be increased more than 5% of the projected private pay charges provided in Section X of the application without first obtaining a determination from the Certificate of Need Section that the proposed increase is in material compliance with the representations made in the certificate of need application and in the supplemental information materials submitted during the review.
5. Universal Properties/North Raleigh, LLC (lessor), Universal Health Care/North Raleigh, Inc., (lessee) shall receive Medicaid per diem rates allowed by the Division of Medical Assistance, under the NC State Plan Section .0102.
6. Universal Properties/North Raleigh, LLC (lessor), Universal Health Care/North Raleigh, Inc. (lessee), Universal Properties/Nash, LLC (lessor), and Universal Health Care/Nashville, Inc. (lessee) shall acknowledge acceptance of and agree to comply with all conditions stated herein to the Certificate of Need Section, in writing prior to issuance of the certificate of need.

Response to the above conditions should be submitted to the CON Section no later than 35 days from the date of the decision. Failure to respond within this time period may result in the CON Section making a determination not to issue a certificate of need for the project referenced above.

The conditional approval is valid only for a capital expenditure of \$47,000. If a cost overrun occurs that exceeds the approved capital expenditure amount, a new certificate of need may be required as determined by G.S. 131E-176(16)(e).

The applicant should be aware that according to the Certificate of Need Law any affected person shall have thirty (30) days after the date of decision to file a petition for a contested case on this approval. Further, if you are aggrieved by the conditions of the decision you may file a petition for a contested case hearing in accordance with G.S. 150B, Article 3, as amended. This petition must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 within thirty (30) days of the date of this decision. [Note: Effective October 1, 2009, OAH requires a filing fee with submittal of petitions for contested cases. Please direct all questions regarding this fee to OAH Clerk's Office (919-431-3000).]

G.S. 150B-23 provides that a party filing a petition must also serve a copy of the petition on all parties to the petition. Therefore, if you file a petition for a contested case hearing, you must serve a copy of the petition on the Department of Health and Human Services by mailing a copy of your petition to:

Emery Milliken
Department of Health and Human Services,
Office of Legal Affairs,
Adams Building – Room 154
2001 Mail Service Center
Raleigh, North Carolina, 27699-2001

It is requested that a copy of the petition also be served on the Certificate of Need Section.

The certificate of need will not be issued before the completion of this 30 day period ending December 29, 2014. If a contested case request is received within the thirty (30) day period, the certificate will not be issued until the appeal is resolved (10A NCAC 14C .0208).

The timetable for completion of the project is the timetable outlined in the certificate of need application, unless an adjustment has been made by the CON Section because the review period was extended. The timetable for this project is as follows:

Licensure of Facility _____ April 1, 2015
Medicare/Medicaid Certification _____ April 1, 2015

If the decision is appealed, the timetable set forth in this letter will be adjusted accordingly before the Certificate of Need is issued. Please contact us if any clarification of this decision is required.

Please refer to the Project I.D. # and Facility I.D. # (FID) in all correspondence.

Sincerely,

Gregory F. Yakaboski, Project Analyst

Lisa Pittman, Team Leader
Certificate of Need Section

GFY:LP:mw

Attachment

cc: Medical Facilities Planning Branch, DHSR
Nursing Home Licensure & Certification Section, DHSR

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing notice of **conditional approval** on the following person by placing a copy in an official depository of the United States Postal Service in a postage-paid, first class envelope addressed as follows:

Gerald Boyle
1217 Pond Road
Cary, NC 27511

Project I.D. # J-10301-14
FID #971329

This the 26th day of November, 2014.

Gregory F. Yakaboski
Project Analyst