



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

Pat McCrory
Governor

Richard O. Brajer
Secretary DHHS

Mark Payne, Director
Health Service Regulation

September 14, 2016

Aaron Rokach
Gutnicki, LLP
4711 Golf Road, Suite 200
Skokie, Illinois 60076

Exempt from Review – Acquisition of Facility—CORRECTION

Record #: 1812
Facility Name: Maggie Valley Nursing & Rehab
Type of Facility: Nursing Home
FID #: 090210
Acquisition by: MVRE, LLC
County: Haywood

Dear Mr. Rokach:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of May 11, 2016, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(8). Therefore, MVRE, LLC may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Agency's Nursing Home Licensure and Certification Section to obtain instructions for changing ownership of the existing facility. 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."*

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. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,


Fatimah Wilson
Team Leader, Certificate of Need


Martha J. Frisone
Assistant Chief, Certificate of Need

cc: Nursing Home Licensure and Certification Section, DHHS
Paige Bennett, Assistant Chief, Healthcare Planning, DHHS



Healthcare Planning and Certificate of Need Section

www.ncdhhs.gov

Telephone: 919-855-3873 • Fax: 919-715-4413

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

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

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May 11, 2015

Ms. Martha Frisone, Assistant Chief
Certificate of Need
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
2704 Mail Center
Raleigh, NC 27699-2704

Re: **December 18, 2015**
Exemption from Review determination
Record #1812; FID #090210

Dear Ms. Frisone:

On December 18, 2015 your office issued a determination of "Exempt from Review – Acquisition of Facility" for Maggie Valley Nursing & Rehab based on the information provided in a letter from our offices dated December 8, 2015. Both our December 8th letter and your December 15th response are attached hereto for reference.

The transaction will deviate very slightly from what was reported in our December 8th letter as it relates to the Maggie Valley real estate. However the reason for exemption should not have changed. This letter is merely to ensure that we have provided accurate information and to get confirmation that nothing more is required prior to consummation of our transaction.

The real property upon which the facility known as Maggie Valley Nursing & Rehab is situated, will not be purchased directly by Maximus Healthcare Group, LLC or its assignee but rather will first be purchased by MVRE, LLC, an affiliate of the current operator of the facility; the membership interests of MVRE, LLC will then be purchased 100% by an assignee of Maximus Healthcare Group, LLC.

Thank you in advance for your prompt attention to this matter. Please issue a follow up letter indicating that your determination has not changed. Our transaction is expected to close on June 1, 2016 so an e-mailed copy of the letter to my paralegal Susan at sprizant@gutnicki.com would be appreciated so that we may submit the same to the licensure division. Our apologies for the short notice but this is something that just came up. Should you have any questions, do not hesitate to contact me at 847-933-9280 ext. 107.

Sincerely,

Aaron Rokach



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

Pat McCrory
Governor

Richard O. Brajer
Secretary DHHS

Drexdal Pratt
Division Director

December 18, 2015

Gutnicki LLP
4711 Golf Road, Suite 200
Skokie, IL 60076

Exempt from Review – Acquisition of Facility

Record #: See Attachment A
Facility Name: See Attachment A
Type of Facility: Nursing Home
FID #: See Attachment A
Acquisition by: Maximus Healthcare Group, LLC
Business #: 2333
County: See Attachment A

To Whom It May Concern:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of December 8, 2015, the above referenced proposal is exempt from certificate of need review in accordance with G.S 131E-184(a)(8). Therefore, Maximus Healthcare Group, LLC or its permitted assignee(s) may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Agency's Nursing Home Licensure and Certification Section to obtain instructions for changing ownership of the existing facility. 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."*

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. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Julie Halatek
Project Analyst

Martha J. Frisone,
Assistant Chief, Certificate of Need

cc: Nursing Home Licensure and Certification Section, DHHS
Kelli Fisk, Program Assistant, Healthcare Planning



Healthcare Planning and Certificate of Need Section

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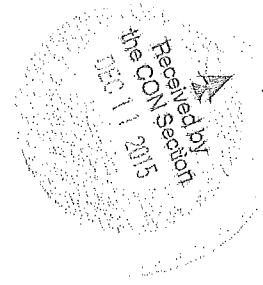
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ATTACHMENT A

Record #	County	Name of Facility	FID #	Current Owner	Bus. #	Real Property Acquired By:
1812	Haywood	Maggie Valley Nursing & Rehab	090210	Canton Christian Convalescent Center, LLC	2333	Maximus Healthcare Group, LLC
1813	Northampton	Rich Square Health Care	070850	RV Nursing Home, LLC	2333	Maximus Healthcare Group, LLC

GUTNICKI LLP



December 8, 2015

Ms. Martha Frisone, Assistant Chief
Certificate of Need
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
2704 Mail Center
Raleigh, NC 27699-2704

Re: **Exemption from Review Request**

Dear Ms. Frisone:

Through a series of transactions the following is intended:

- A. The acquisition by Maximus Healthcare Group, LLC or its permitted assignee(s) of the real property associated with:
- **Maggie Valley Nursing & Rehab**, 75 Fisher Loop, Maggie Valley, NC 28751 from MVRE, LLC; and
 - **Rich Square Health Care**, 300 N. Main Street, Rich Square, NC 27869 from RS Nursing Home Investors, LLC
- B. The transfer of operations to Maximus Healthcare Group, LLC or its permitted assignee(s) at:
- **Maggie Valley Nursing & Rehab**, 75 Fisher Loop, Maggie Valley, NC 28751 from Canton Christian Convalescent Center, LLC;
 - **Rich Square Health Care**, 300 N. Main Street, Rich Square, NC 27869 from RV Nursing Home, LLC;
 - **Asheville Nursing & Rehabilitation Center**, 91 Victoria Road, Asheville, NC 28801 from Healthtique Asheville, LLC;
 - **Winston Salem Nursing & Rehabilitation Center**, 1900 West 1st Street, Winston Salem, NC 27104 from Healthtique Winston Salem, LLC; and
 - **Durham Nursing & Rehabilitation Center**, 411 South LaSalle Street, Durham, NC 27705 from Healthtique Durham, LLC.

In accordance with G.S. 131E-184(a)(8), we request written confirmation that this transaction is not subject to certificate of need review since the buyer is simply acquiring an existing health service facility.

Thank you in advance for your prompt attention to this matter. Should you have any questions, do not hesitate to contact Aaron Rokach at 847-933-9280 ext. 106.

Sincerely,

GUTNICKI LLP