



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

July 3, 2017

Maureen Demarest Murray
300 N. Greene Street, Suite 1400
Greensboro, NC 27401

Exempt from Review – Acquisition of Facility

Record #: 2316
Facility Name: Carolina Oaks Enhanced Care Center
Type of Facility: Adult Care Home
FID #: 920552
Acquisition by: Brett L. Waters and Hamilton Ward
Business #: 2672
County: Caldwell

Dear Ms. Murray:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of June 30, 2017, the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, Brett L. Waters and Hamilton Ward 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 Adult Care Licensure Section to obtain instructions for changing ownership of the existing facility. Note that pursuant to N.C. Gen. Stat. §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.

HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION

WWW.NCDHHS.GOV

TELEPHONE 919-855-3873

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



Maureen Demarest Murray

July 3, 2017

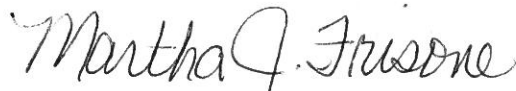
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If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,



Julie Halatek
Project Analyst



Martha J. Frisone
Chief, Healthcare Planning and
Certificate of Need Section

cc: Adult Care Licensure Section, DHSR
Paige Bennett, Assistant Chief, Healthcare Planning, DHSR



300 N. Greene Street
Suite 1400
Greensboro, NC 27401

June 30, 2017

Martha J. Frisone, Chief
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
North Carolina Department of Health & Human Services
809 Ruggles Drive
Raleigh, NC 27603

Via E-mail and U.S. Mail

Re: Notice of Exemption Acquisition of Hilltop Rest Home, Inc. d/b/a Carolina Oaks
Enhanced Care Center

Dear Ms. Frisone:

We represent Brett L. Waters and Hamilton Ward and their designees in connection with acquisition of Hilltop Rest Home, Inc. Pursuant to N.C. Gen. Stat. § 131E-184(8), Brett L. Waters and Hamilton Ward and their designees hereby give prior written notice of their intent to acquire Hilltop Rest Home, Inc. d/b/a Carolina Oaks Enhanced Care Center located at 229 Northwest Wilson Street, Lenoir, North Carolina ("Carolina Oaks"). Carolina Oaks is an existing assisted living or adult care home facility that is licensed for 60 adult care home beds. Mr. Waters and Mr. Ward have entered into an asset purchase agreement and right of first refusal with Hilltop Rest Home, Inc. to acquire the facility premised upon fulfillment of certain conditions including obtaining appropriate government approvals. The acquisition of Carolina Oaks, an existing health service facility, is exempt from certificate of need review under N.C. Gen. Stat. § 131E-184(8).

We would appreciate your prompt acknowledgment that the acquisition of Carolina Oaks is exempt under the Certificate of Need Act. Please let us know if you have any questions.

With kind regards,

Sincerely,

SMITH MOORE LEATHERWOOD LLP

Maureen Demarest Murray