



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER  
GOVERNOR

MANDY COHEN, MD, MPH  
SECRETARY

MARK PAYNE  
DIRECTOR

VIA EMAIL ONLY

February 6, 2018

Gray Angell, Jr.  
Manager, Batangas Consulting, LLC

**Exemption from Review**

**Record #:** 2486  
**Facility Name:** Bermuda Village Retirement Center  
**FID #:** 932966  
**Business Name:** Batangas Consulting LLC  
**Business #:** 2116  
**Project Description:** Replace and relocate 21 adult care home beds on Bermuda Village Retirement center main campus per G.S.131E-184(g)  
**County:** Davie

Dear Mr. Angell:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency), determined that based on your letters of January 26, 2018 and February 2, 2018, the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(g). Therefore, you may proceed to offer, develop or establish the above referenced project without a certificate of need.

However, you need to contact the Agency's Construction and Nursing Home Licensure and Certification Sections to determine if they have any requirements for development of the proposed project.

It should be noted that this determination is binding only for the facts represented by you. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by the Agency. Changes in a project include, but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate;

**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



Mr. Angell  
February 6, 2018  
Page 2

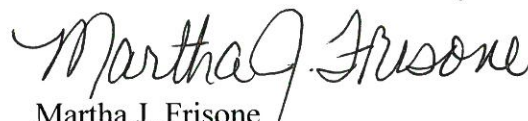
(3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed.

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

Sincerely,



Celia C. Inman  
Project Analyst



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

cc: Construction Section, DHSR  
Nursing Home Licensure and Certification Section, DHSR  
Sharetta Blackwell, Program Assistant Healthcare Planning, DHSR

DELIVERED VIA EMAIL

February 2, 2018

Celia Inman  
Analyst, Certificate of Need Section  
NC Division of Health Service Regulation  
Certificate of Need Section  
2704 Mail Service Center  
Raleigh, NC 27699-2704

*RE: Response to Request for Additional Information Exemption from CON Review for relocation of 21 adult care beds on Bermuda Village Retirement Center main campus, Bermuda Run, Davie County Facility ID 932966*

Dear Ms. Inman,

In response your recent correspondence dated January 26, 2018, I am pleased to provide the following information to document that the project conforms to the requirements of GS 131E-184(g) including the definition of "main campus" in GS 131E-176(14n).

One main building in Bermuda Village Retirement Center provides clinical patient services and offices from which BVRC exercises financial and administrative control over the entire health facility including adjacent building and grounds, Attachment A to this letter shows the location of the main building and its services.

We appreciate your early consideration of this request. Should you have any questions, please do not hesitate to contact me at 336-998-6112.

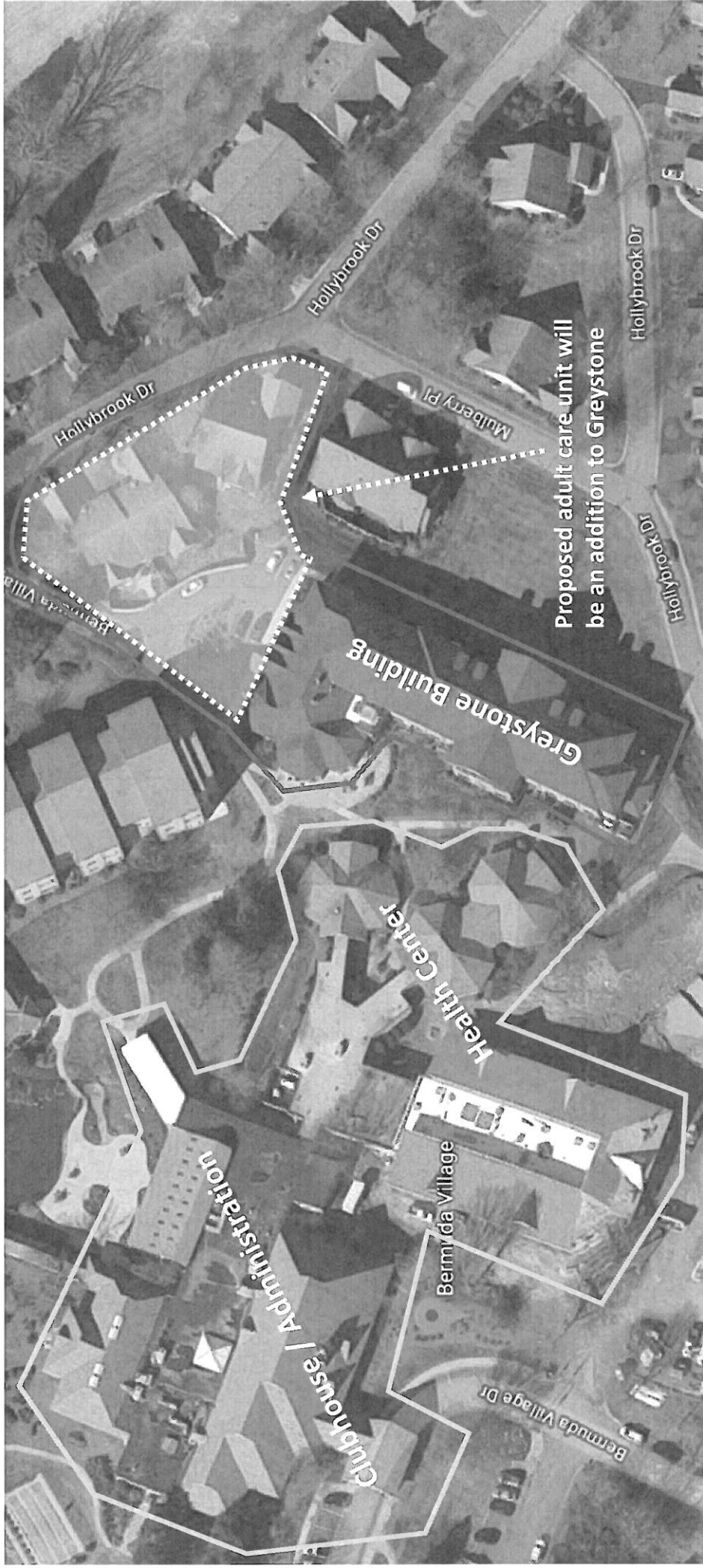
Sincerely,



D. Gray Angell, Jr.  
Manager, Batangas Consulting, LLC

Attachments:

A – Bermuda Village Retirement Center campus site plan



**Bermuda Village Retirement Center**

- o Main Building housing Health Center (clinical services) and Clubhouse / Administration (clinical services, financial and administrative control offices)
- o Greystone Site for Relocated ACH Beds

## Inman, Celia C

---

**From:** Inman, Celia C  
**Sent:** Friday, January 26, 2018 4:07 PM  
**To:** 'Kelly Ivey'  
**Cc:** D. Gray Angell, Jr.  
**Subject:** RE: [External] Exemption Request  
**Attachments:** 2486 Request for Information for Exemption 184(g).pdf

Please see the attached request for additional information.

### Celia C. Inman

Project Analyst Certificate of Need  
Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section  
North Carolina Department of Health and Human Services

919-855-3873 office  
[Celia.inman@dhhs.nc.gov](mailto:Celia.inman@dhhs.nc.gov)

809 Ruggles Drive  
2704 Mail Service Center  
Raleigh, NC 27699-2704



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**From:** Kelly Ivey [mailto:kivey@pda-inc.net]  
**Sent:** Friday, January 12, 2018 2:21 PM  
**To:** Inman, Celia C  
**Cc:** D. Gray Angell, Jr.  
**Subject:** [External] Exemption Request

**CAUTION:** External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to [report.spam@nc.gov](mailto:report.spam@nc.gov).

Ms. Inman,

Attached is an exemption request submitted on behalf of our client Batangas Consulting, LLC. Please respond to this email as confirmation of receipt. If you have any questions, or require additional information, please do not hesitate to contact me.

Thank you!  
Kelly

*Kelly Ivey*  
**PDA, Inc.**

919.754.0303

[www.pdaconsultants.com](http://www.pdaconsultants.com)

*"Take a problem, make it a feature."*

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DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER  
GOVERNOR

MANDY COHEN, MD, MPH  
SECRETARY

MARK PAYNE  
DIRECTOR

VIA EMAIL ONLY

January 26, 2018

D. Gray Angell, Jr

**Information Request for Exemption Pursuant to N.C. Gen. Stat. §131E-184(g)**

Facility: Bermuda Village Retirement Center  
Project Description: Replace and relocate 21 adult care home beds on Bermuda Village Retirement center main campus  
County: Davie  
FID #: 932966

Dear Mr. Angell:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your letter dated January 26, 2018 regarding the above referenced proposal. Your letter provides:

1. Documentation that the project will NOT result in:
  - a. the offering of health services not currently provided;
  - b. the acquisition of additional units of major medical equipment; or
  - c. an increase in the number of licensed beds.
2. Documentation that the sole purpose of the project is to:
  - a. renovate existing space;
  - b. replace existing services on the same site; or
  - c. expand the physical plant without adding any new services or major medical equipment.
3. A site plan identifying the main building and the site of the proposed addition adjoining the main building.

However, additional information is needed to determine if the project is exempt from review pursuant to N.C. Gen. Stat. §131E-184(g). In order to demonstrate that the project meets the exemption criteria related to main campus, please provide written responses to the following:

**HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION**

WWW.NCDHHS.GOV

TELEPHONE 919-855-3873

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1. Documentation that clinical patient services are provided at the site of the proposed renovations or construction.
2. Documentation that financial control of the entire licensed health service facility is exercised at the site of the proposed renovations or construction.
3. Documentation that administrative control of the entire licensed health service facility is exercised at the site of the proposed renovations or construction.

If you have any questions concerning this request, please do not hesitate to call this office.

Sincerely,

*Celia C. Inman*

Celia C. Inman  
Project Analyst, Certificate of Need



## Inman, Celia C

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**From:** Kelly Ivey <kivey@pda-inc.net>  
**Sent:** Friday, January 26, 2018 2:33 PM  
**To:** Inman, Celia C  
**Cc:** D. Gray Angell, Jr.  
**Subject:** [External] Exemption Request for ACH Beds - Davie County  
**Attachments:** Exemption Request - Bermuda Village - 01.26.18.pdf

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Ms. Inman,

Attached is an exemption request submitted on behalf of our client Batangas Consulting, LLC. Please respond to this email as confirmation of receipt. If you have any questions, or require additional information, please do not hesitate to contact me.

Thank you!  
Kelly

*Kelly Ivey*

**PDA, Inc.**

919.754.0303

[www.pdaconsultants.com](http://www.pdaconsultants.com)

*"Take a problem, make it a feature."*

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DELIVERED VIA EMAIL

January 26, 2018

Lisa Pittman  
Assistant Chief, Certificate of Need Section  
Celia Inman  
Analyst, Certificate of Need Section  
NC Division of Health Service Regulation  
Certificate of Need Section  
2704 Mail Service Center  
Raleigh, NC 27699-2704

*RE: Request for Exemption from CON Review for relocation of 21 adult care beds on Bermuda Village Retirement Center main campus, Bermuda Run, Davie County Facility ID 932966*

Dear Ms. Pittman and Ms. Inman,

On behalf of Batangas Consulting, LLC, I am requesting an Exemption from Certificate of Need review under G.S. 131E-184(g) to expand Bermuda Village Retirement Center. We plan to develop a new building and relocate 21 adult care beds. The adult care beds are in a Combined Nursing Home building that includes skilled nursing beds. The new building on the main campus will house only adult care beds. The project will involve:

- Expansion on the main campus,
- No change in number of licensed beds,
- No change in ownership of beds,
- No new health care facility,
- No change in the type of license,
- Capital costs exceeding \$2.0 million.

The beds at Bermuda Village Retirement Center will remain licensed as a "combination home" under G.S. 131E-101(1a) and 10A NCAC 13D .2001(8), License No. NH0519. After the relocation, we will exercise the annual option to operate the adult care beds under the adult care regulation, rather than the nursing home regulation (ref: 10A NCAC 13D .2104(3)).

According to G.S. 131E-102(a) in order for Bermuda Village to continue operating the relocated beds under the current license, the beds must be "*in the same building or in two or more buildings adjoining or next to each other on the same site.*" As illustrated in the attached site plans, the new building will be an extension of the existing Greystone building located *next to* the current health center *on the same site*. The expansion would involve a two-story, all private-room addition. Locations of the current health center and proposed addition to the adjacent Greystone building are indicated on the site plan in Attachment A. Attachment B provides the site as it is today and the overlay to show approximately how it would fit and where it would connect to the existing building.

The proposed replacement project will take approximately four years to complete. As indicated in Attachment B, rental unit villas occupy property associated with the expansion space. Batangas Consulting, LLC owns the units, and, as they become vacant, we can demolish them and clear the land to make room for the planned adult care home bed replacement building. Once the property is cleared, the project will proceed with site evaluation, full soils testing, final drawings, and construction.

The 21 replacement adult care beds will be designed around the specific needs and current best practice design for adult care patients, with accommodations for memory care support.

We intend to submit a Certificate of Need application to use space vacated by this project to expand the number of skilled nursing home beds in the existing nursing home building. Neither the CON project nor the requested exempt adult care project will displace patients. Private pay patients whose health status would qualify them for admission to skilled level nursing home care presently occupy the 21 adult care beds. They are receiving a combination of adult and home care services to meet their needs and permit them to remain in the retirement community. Upon approval of the CON application, we will change the license for the existing adult care bedrooms to skilled nursing care and begin work on the replacement adult care bed project. Although, no displacement of patients will occur under this arrangement, it will result in a construction period during which the adult care beds will be temporarily out of service.

We appreciate your early consideration of this request. Should you have any questions, please do not hesitate to contact me at 336-998-6112.

Sincerely,



D. Gray Angell, Jr.  
Manager, Batangas Consulting, LLC

Attachments:

- A – Bermuda Village Retirement Center campus site plan
- B – Greystone location 21 adult care beds, two-story
- C – Estimated timeline

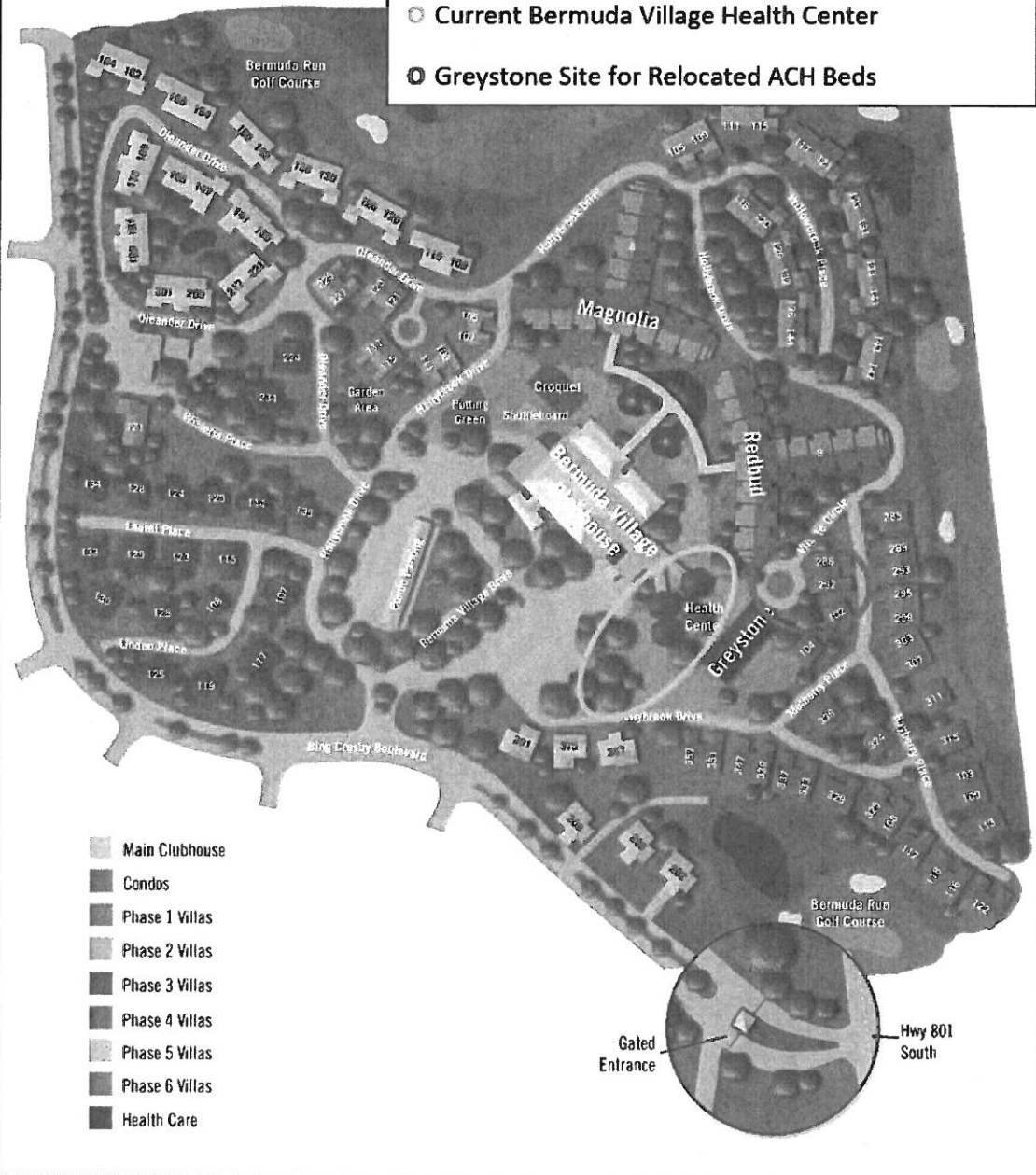
# Attachment A

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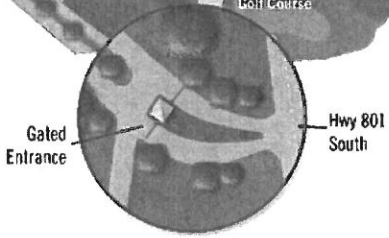
*Bermuda Village Retirement Center campus site plan*

# Bermuda Village Site Map

- Current Bermuda Village Health Center
- Greystone Site for Relocated ACH Beds



- Main Clubhouse
- Condos
- Phase 1 Villas
- Phase 2 Villas
- Phase 3 Villas
- Phase 4 Villas
- Phase 5 Villas
- Phase 6 Villas
- Health Care



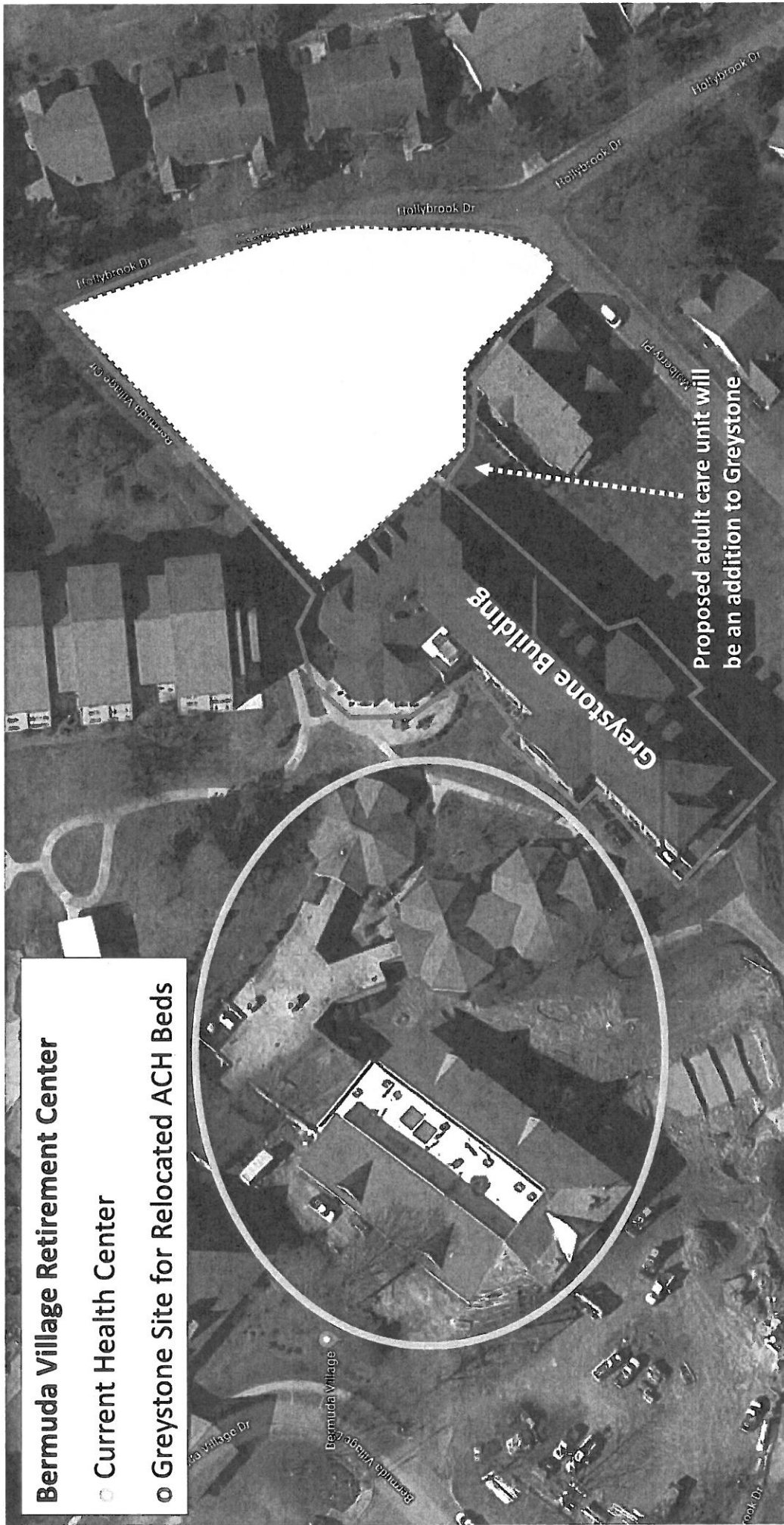
# Attachment B

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*Greystone location 21 adult care beds*

**Bermuda Village Retirement Center**

- Current Health Center
- Greystone Site for Relocated ACH Beds



Proposed adult care unit will be an addition to Greystone

Greystone Building

# Attachment C

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*Estimated timeline*



**Estimated Timeline for Relocation of 21 Adult Care Home Beds  
on the Bermuda Village Retirement Center Campus**

<b>Milestone</b>	<b>Proposed Completion Date</b>
Receive Certificate of Need for 21 Additional Skilled Nursing Beds	09/01/2018
Vacate Units on property to be used for expansion	09/01/2019
Site evaluation and permits	03/01/2020
Design of new building and DHSR Construction Section review	03/01/2021
Building construction	03/01/2022

## Inman, Celia C

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**From:** Kelly Ivey <kivey@pda-inc.net>  
**Sent:** Friday, January 26, 2018 2:31 PM  
**To:** Inman, Celia C  
**Cc:** D. Gray Angell, Jr.  
**Subject:** RE: [External] Exemption Request

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Ms. Inman,

On behalf of our client, Batangas Consulting, LLC, we would like to withdraw the exemption request submitted on January 12, 2018 (referenced in the email below). Please respond to this email as confirmation of the withdrawal.

Thank you!  
Kelly Ivey

**From:** Inman, Celia C [mailto:celia.inman@dhhs.nc.gov]  
**Sent:** Friday, January 12, 2018 2:58 PM  
**To:** Kelly Ivey <kivey@pda-inc.net>  
**Subject:** RE: [External] Exemption Request

Rec'd.

**Celia C. Inman**

Project Analyst Certificate of Need  
Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section  
North Carolina Department of Health and Human Services

919-855-3873 office  
[Celia.inman@dhhs.nc.gov](mailto:Celia.inman@dhhs.nc.gov)

809 Ruggles Drive  
2704 Mail Service Center  
Raleigh, NC 27699-2704



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**From:** Kelly Ivey [mailto:kivey@pda-inc.net]  
**Sent:** Friday, January 12, 2018 2:21 PM  
**To:** Inman, Celia C  
**Cc:** D. Gray Angell, Jr.  
**Subject:** [External] Exemption Request

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Ms. Inman,

Attached is an exemption request submitted on behalf of our client Batangas Consulting, LLC. Please respond to this email as confirmation of receipt. If you have any questions, or require additional information, please do not hesitate to contact me.

Thank you!  
Kelly

*Kelly Ivey*

**PDA**, Inc.

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