



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

February 9, 2018

Robert A. Leandro
301 Fayetteville Street, Suite 1400
Raleigh, NC 27601

Exempt from Review – Acquisition of Facility

Record #: 2507
Facility Name: Carver Living Center
Type of Facility: Nursing Home
FID #: 923077
Acquisition by: Carver Healthcare, LLC
Business #: 2396
County: Durham

Dear Mr. Leandro:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of February 5, 2018, the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, Carver Healthcare, LLC, may proceed to acquire the above referenced health service facilities without first obtaining a certificate of need. However, you need to contact the Agency’s Nursing Home Licensure and Certification Section, DHSR 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. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Bernetta Thorne-Williams
Project Analyst

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

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

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



Record# 2507
FILE# 923077



Robert A. Leandro
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Atlanta, GA
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February 5, 2018

Via E-Mail and U.S. Mail

Ms. Martha Frisone
Chief, Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
North Carolina Department of Health and Human Services
2704 Mail Service Center
Raleigh, North Carolina 27699



Re: *Carver Living Center*

Dear Ms. Frisone:

We represent Carver Healthcare LLC (“Carver”). In 2016, Carver acquired certain assets and operational rights of a skilled nursing facility known as Carver Living Center (“Carver Living”). Carver Living has 232 licensed skilled nursing beds and 20 licensed adult care home beds and is located in Durham, North Carolina.

In May of 2016, Carver sought and received a No Review Determination from your Agency. See Attachment A. As stated in the attached May 12, 2016 letter, the bricks and mortar of Carver Living are owed by Durham, LLC. Carver is in the process of exercising its option to purchase the bricks and mortar of Carver Living from Durham, LLC. Upon the closing of the transaction, which is expected to take place in the coming months, Carver will become the licensee and owner of the bricks and mortar of the facility. Please confirm that the acquisition described above is exempt from Certificate of Need review under N.C. Gen. Stat. § 131E-184(a)(8).

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

Robert A. Leandro

RAL:clr

cc: Jacob Stern, Manager
Carver Healthcare LLC



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

Pat McCrory
Governor

Richard O. Brajer
Secretary DHHS

Mark Payne
Assistant Secretary for Audit and
Health Service Regulation

May 17, 2016

Renee J. Montgomery, Partner
Parker Poe
PO Box 389
Raleigh, NC 27602-0389

Exempt from Review – Acquisition of Facility

Record #: 1942
Facility Name: Carver Living Center
Type of Facility: Nursing Home
FID #: 923077
Acquisition by: Carver Healthcare, LLC
Business #: 2396
County: Durham

Dear Ms. Montgomery:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of May 12, 2016, the above referenced proposal is exempt from certificate of need review in accordance with G.S. 131E-184(a)(8). Therefore, Carver Healthcare, 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.



Healthcare Planning and Certificate of Need Section

www.ncdhhs.gov

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

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

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Rence J. Montgomery
May 17, 2016
Page 2 of 2

Sincerely,

Jane Rhae-Jones for
Bernetta Thorne-Williams
Project Analyst

Martha J. Frisone
Martha J. Frisone,
Assistant Chief, Certificate of Need

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



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Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC

May 12, 2016

Via E-Mail and U.S. Mail

Ms. Martha Frisone
Assistant Chief, Certificate of Need
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
North Carolina Department of Health and Human Services
2704 Mail Service Center
Raleigh, North Carolina 27699

Re: *Carver Living Center*

Dear Ms. Frisone:

We represent Carver Healthcare LLC which is acquiring certain assets and operational rights, including the Certificate of Need rights, of a skilled nursing facility known as Carver Living Center located in Durham, North Carolina. Carver Living Center is a 252 bed facility with 232 beds licensed as skilled nursing and 20 beds licensed as adult care home. The bricks and mortar of the facility have been and will continue to be owned by Durham, LLC. Carver Healthcare LLC will enter into a long term lease of the facility with Durham, LLC.

Upon the closing of the transaction which is expected to be on or around June 1, 2016, Carver Healthcare LLC will become the licensee of the facility. Please confirm that the acquisition described above by Carver Healthcare LLC is exempt from Certificate of Need review under N.C. Gen. Stat. § 131E-184(a)(8).

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

Renee J. Montgomery

RJM:klb

cc: Jacob Stern, Manager
Carver Healthcare LLC