



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

December 20, 2019

Christopher Sprenger
229 Airport Road, Suite 7-104
Arden, NC 28704

Exempt from Review – Acquisition of Facility

Record #: 3154
Facility Name: The Villages of Wilkes Traditional Living
Type of Facility: Adult Care Home
FID #: 980032
Acquisition by: Wilkesboro Assisted Living Healthcare Properties, LLC
Business #: 3157
County: Wilkes

Dear Mr. Sprenger:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your representations, the above referenced proposal is exempt from certificate of need (CON) review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, the above referenced business may proceed to acquire the health service facility identified above without first obtaining a CON. The Agency’s determination is limited to the question of whether or not the above referenced business would have to obtain a CON if the current owners of the health service facility do in fact sell it to the business listed above. 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.”

In the event that the business listed above does acquire the facility, you should contact the Agency’s Adult Care Licensure Section to obtain instructions for changing ownership of the existing facility.

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 regarding whether or not a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

[Signature of Ena Lightbourne]

Ena Lightbourne
Project Analyst

[Signature of Martha J. Frisone]

Martha J. Frisone
Chief

cc: Adult Care Licensure Section, DHSR

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION
HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603
MAILING ADDRESS: 809 Ruggles Drive, 2704 Mail Service Center, Raleigh, NC 27699-2704
https://info.ncdhhs.gov/dhsr/ • TEL: 919-855-3873

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



**Wilkesboro Assisted Living Center, LLC
Wilkesboro Assisted Living Healthcare Properties, LLC
229 Airport Rd. Suite 7-104
Arden, NC 28704**

December 11, 2019

Martha Frisone, Assistant Chief
Certificate of Need Section
N.C. Department of Health and Human Services
Division of Health Service Regulation
809 Ruggles Drive
Raleigh, NC 27603

RE: Notice of Exempt Acquisition by Purchase of North Carolina Skilled Nursing Facility Pursuant to N.C. Gen. Stat. 131E-184(a)(1) and (8): Wilkesboro Assisted Living Center, LLC (operator); Wilkesboro Assisted Living Healthcare Properties, LLC (land and building owner)

Dear Ms. Frisone:

Pursuant to N.C. Gen. Stat. 131E-184(a)(1) and (8) to provide notice to the N.C. Department of Health and Human Services, Division of Health Service Regulation, Certificate of Need Section, I am writing regarding Wilkesboro Assisted Living Healthcare Properties, LLC intent to acquire via a purchase a facility in Wilkesboro, NC named The Village of Wilkes Transitional Living. *FID 980032*

The Village of Wilkes Transitional Living is located at 206 Old Brickyard Road, North Wilkesboro, NC 28659 (License number: HAL-097-010). The facility is licensed for 100 assisted living facility beds. Pursuant to N.C. Gen. Stat. 131E-176(9b), the Facility is a "health service facility".

Wilkesboro Assisted Living Center, LLC is a North Carolina Limited Liability Company. Wilkesboro Assisted Living Center intends to lease the Facility from Wilkesboro Assisted Living Healthcare Properties, LLC. on February 1, 2019. Wilkesboro Assisted Living Healthcare Properties, LLC is also a North Carolina Limited Liability Company and will purchase the land and building on February 1, 2019.

N.C. Gen. Stat. 131E-176(16)(l) provides that the purchase, lease, or acquisition of any health service facility, or portion thereof, which was developed pursuant to a certificate of need qualifies as a "new institutional health service". N.C. Gen. Stat. 131E-178(b) provides that "[n]o person shall make an acquisition by donation, lease, transfer or comparable arrangement without first obtaining a certificate of need from the Department, if the acquisition would have been a new institutional health service if it had been made by purchase". N.C. Gen Stat. 131E-184(a)(1) and (8) provide that the acquisition of an existing health service facility, including equipment owned by the health service facility at the time of acquisition, is exempt from CON review upon prior written notice to the Agency of the proposed acquisition.

The acquisition of the Facility via the purchase and lease arrangement I have described herein will not involve the development of any new health service facility or otherwise qualify as a “new institutional health service” which would be subject to Agency review under applicable Certificate of Need statutes or regulations. Rather, the transaction I have described herein qualifies as an “exempt transaction, within the meaning of N.C. Gen Stat. 131E-184(a)(8). This correspondence is intended to serve as the prior written notice to the Agency required by N.C. Gen. Stat. 131E-184(a)(1) and (8).

Please provide me with written confirmation that this transaction is exempt from CON review pursuant to N.C. Gen. Stat. 131E-184(a)(1) and (8). We would be very appreciative if this reply could be expedited.

I appreciate your attention to this matter. Please contact me with any questions at 919-608-9123.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chris Sprenger', with a large, stylized initial 'C' and 'S'.

Christopher Sprenger

Manager

Wilkesboro Assisted Living Center, LLC

Wilkesboro Assisted Living Healthcare Properties, LLC