



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

**No Review**

**Record #:** 3163  
**Facility Name:** The Villages of Wilkes Traditional Living  
**FID #:** 980032  
**Business Name:** Wilkesboro Assisted Living Center, LLC  
**Business #:** 3158  
**Project Description:** Change in lessee  
**County:** Wilkes

Dear Mr. Sprenger:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence regarding the above referenced proposal. Based on the CON law **in effect on the date of this response to your request**, the proposal described in that correspondence is not governed by, and therefore, does not currently require a certificate of need. If the CON law is subsequently amended such that the above referenced proposal would require a certificate of need, this determination does not authorize you to proceed to develop the above referenced proposal when the new law becomes effective.

You may need to contact the Agency's Adult Care Licensure Section to determine if they have any requirements for development of the proposed project.

This determination is binding only for the facts represented in your correspondence. If changes are made in the project or in the facts provided in the correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by this office.

Please do not hesitate to contact this office if you have any questions.

Sincerely,

Ena Lightbourne  
Project Analyst

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