



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 #:** 3164  
**Facility Name:** Wilkes Senior Village  
**Type of Facility:** Nursing Home  
**FID #:** 923562  
**Acquisition by:** Wilkesboro Skilled Healthcare Properties, LLC  
**Business #:** 3165  
**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 Nursing Home Licensure and Certification 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,

Ena Lightbourne  
Project Analyst

Martha J. Frisone  
Chief

cc: Nursing Home Licensure and Certification 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 Health and Rehabilitation, LLC  
Wilkesboro Skilled 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 Health and Rehabilitation, LLC (operator); Wilkesboro Skilled 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 Skilled Healthcare Properties, LLC intent to acquire via purchase a facility in Wilkesboro, NC named Wilkes Senior Village.

Wilkes Senior Village is located at 204 Old Brickyard Road, North Wilkesboro, NC 28659 (License number: NH0509). The facility is licensed for 111 skilled nursing facility beds and 19 ach beds. Pursuant to N.C. Gen. Stat. 131E-176(9b), the Facility is a "health service facility".

Wilkesboro Health and Rehabilitation, LLC is a North Carolina Limited Liability Company. Wilkesboro Health and Rehabilitation intends to lease the Facility from Wilkesboro Skilled Healthcare Properties, LLC. on February 1, 2019. Wilkesboro Skilled 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,



Christopher Sprenger

Manager

Wilkesboro Health and Rehabilitation, LLC

Wilkesboro Skilled Healthcare Properties, LLC