



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 #: 3165
Facility Name: Wilkes Senior Village
FID #: 923562
Business Name: Wilkesboro Health and Rehabilitation, LLC
Business #: 3166
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 Nursing Home Licensure and Certification 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: 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,

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

Christopher Sprenger

Manager

Wilkesboro Health and Rehabilitation, LLC

Wilkesboro Skilled Healthcare Properties, LLC