



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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

VIA EMAIL ONLY

December 1, 2020

Kenneth L. Burgess
kburgess@poynerspruill.com

No Review

Record #: 3439
Facility Name: Lumberton Assisted Living
FID #: 921195
Business Name: Rivers Edge of Lumberton, LLC
Business #: 3319
Project Description: Change in operator/lessee
County: Robeson

Dear Mr. Burgess:

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,

Tanya M. Saporito
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

November 25, 2020

Kenneth L. Burgess
Partner
D: 919.783.2917
F: 919.783.1075
kburgess@poynerspruill.com

VIA EMAIL

Martha Frisone
Chief
Healthcare Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, N.C. 27699-2704
Via Email to: martha.frisone@dhhs.nc.gov

RE: Rivers Edge of Lumberton, LLC Request for "No Review" Determination

Dear Martha:

I am writing on behalf of our law firm's client, Rivers Edge of Lumberton, LLC ("Rivers Edge" or the "Facility"), to request a No Review Determination regarding the acquisition of operations of an adult care home ("ACH") currently operated by Lumberton Retirement Community, LLC d/b/a Lumberton Assisted Living ("Lumberton"), FDID # 921195. For the reasons set forth herein, we do not believe that the acquisition and transfer of operations from Lumberton to Rivers Edge is subject to Certificate of Need ("CON") review.

In accordance with Change Licensure Application Packet for Adult Care Home, an applicant or prospective licensee must contact the Certificate of Need Section to provide notification of the intent to change a licensee in matters when the licensee is changing but the ownership of the building is not. Here, as part of the acquisition of the operations of the Facility, Rivers Edge will enter into a lease with the existing landlord and owner of the building in which the Facility is located. Rivers Edge is not acquiring the building as part of this transaction.

We would greatly appreciate a written response confirming that River's Edge acquisition of the operation of the Facility is not subject to CON review and does not require a CON. Please let me know if you have questions or need additional information regarding this request.

Sincerely yours,



Kenneth L. Burgess
Partner

From: [Frisone, Martha](#)
To: [Waller, Martha K](#)
Subject: Fwd: [External] No Review Letter
Date: Wednesday, November 25, 2020 7:48:55 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[Nov 25 2020 No Review Letter to CON Section.pdf](#)

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From: Burgess, Kenneth L. <KBurgess@poynerspruill.com>
Sent: Wednesday, November 25, 2020 7:11:22 AM
To: Frisone, Martha <martha.frisone@dhhs.nc.gov>
Cc: Stauffer, Iain M. <IStauffer@poynerspruill.com>
Subject: [External] No Review Letter

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Martha, attached please a No Review Notification/Determination Request we are filing on behalf of our client Rivers Edge of Lumberton, LLC (Rivers Edge). Our client is assuming the operations (only) of an adult care home currently known as Lumberton Assisted Living. Further details are set forth in the attached correspondence. Our client is not acquiring the facility bricks and mortar or the real property. Rather, our client will be leasing the building from the current owner and assuming operations, effective December 1, 2020, from the existing operator. Please let me know if you have any questions or need additional information and, also, Happy Thanksgiving. Ken Burgess

Kenneth L. Burgess | Partner

Poyner Spruill^{LLP}
ATTORNEYS AT LAW

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Rocky Mount, N.C. 27804

D: 919 783 2917 | **M:** 919 449 4754

Kburgess@poynerspruill.com | www.poynerspruill.com

Due to the increasing risks posed by the spread of COVID-19, we have made the decision to have all attorneys and staff work remotely. This decision comes after much planning and close monitoring of media and local government coverage of the virus.

Maintaining a safe work environment, while continuing to serve our clients is our highest priority. We have taken steps to ensure that our attorneys and staff are equipped with the proper technology that will allow them to seamlessly serve our clients. Thank you for your patience and understanding during this time of uncertainty.



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