



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**

March 30, 2020

Kevin C. McIntosh  
KevinM@hickorylaw.com

**Exempt from Review – Acquisition of Facility**

**Record #:** 3245  
**Facility Name:** Universal Health Care and Rehabilitation Center  
**Type of Facility:** Nursing Home  
**FID #:** 923114  
**Acquisition by:** Universal Properties/Concord, LLC  
**Business #:** 3203  
**County:** Cabarrus

Dear Mr. McIntosh:

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,

Julie M. Faenza  
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

## Waller, Martha K

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**From:** Frisone, Martha  
**Sent:** Wednesday, March 18, 2020 11:59 AM  
**To:** Waller, Martha K  
**Subject:** FW: [External] Purchase of Real Property Located at 430 Brookwood Avenue, NE, Concord, Cabarrus County owned by A.G.S. Corporation  
**Attachments:** Letters to Ms. Wertz and Ms. Frisone on Real Estate Purchase .pdf

### Martha J. Frisone

Chief

Division of Health Service Regulation, Healthcare Planning and Certificate of Need  
NC Department of Health and Human Services

Office: 919-855-3879  
[martha.frisone@dhhs.nc.gov](mailto:martha.frisone@dhhs.nc.gov)

809 Ruggles, Edgerton  
2704 Mail Service Center  
Raleigh, NC 27699-2704

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**From:** Kevin McIntosh <KevinM@hickorylaw.com>  
**Sent:** Wednesday, March 18, 2020 11:44 AM  
**To:** Wertz, Becky <becky.wertz@dhhs.nc.gov>; Frisone, Martha <martha.frisone@dhhs.nc.gov>  
**Cc:** John Hazlehurst <johnhazlehurstatt@gmail.com>; Terri Wheeler <TerriW@hickorylaw.com>  
**Subject:** [External] Purchase of Real Property Located at 430 Brookwood Avenue, NE, Concord, Cabarrus County owned by A.G.S. Corporation

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Ms. Wertz and Ms. Frisone:

Good morning. Please see the attached letters providing notice of my client's planned purchase of the referenced real estate. Following this purchase of the real estate, this skilled nursing facility will continue to be leased to and operated by the current licensed operator, Universal Health Care/Concord, Inc. d/b/a "Universal Health Care and Rehabilitation" (License No. NH0247). This transaction only involves the real estate being transferred.

Please let me know if you need any additional information.

Thank you for your assistance.

Kevin C. McIntosh | Partner  
Young, Morphis, Bach & Taylor<sup>LLP</sup>

T: 828.322.4663 | F: 828.322.2023

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*Attorneys for the firm of Young, Morphis, Bach & Taylor, LLP are licensed to practice law only in North Carolina and some federal courts and do not intend to give advice to anyone with legal matters not involving North Carolina or federal laws.*

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March 18, 2020

VIA ELECTRONIC MAIL – [Becky.Wertz@dhhs.nc.gov](mailto:Becky.Wertz@dhhs.nc.gov)  
AND US FIRST CLASS MAIL

Becky Wertz, Section Chief  
North Carolina Division of Health Service Regulation,  
Nursing Home Licensure and Certification Section  
2711 Mail Service Center  
Raleigh, North Carolina 27699-2711

Re: Transaction: Purchase of Real Property Located at 430 Brookwood Avenue, NE, Concord, Cabarrus County, North Carolina 28025-0748 (the "Real Property")  
Real Property Owner/Seller: A.G.S. Corporation ("Seller")  
Buyer: Universal Properties/Concord, LLC ("Buyer")  
Licensed Operator: Universal Health Care/Concord, Inc. d/b/a "Universal Health Care and Rehabilitation" ("Licensed Operator")  
License No: NH0247

Dear Ms. Wertz:

I hope this letter finds you doing well. I represent Universal Properties/Concord, LLC, Buyer in the above referenced transaction. I am writing to provide formal notice that the Buyer is acquiring the Real Property from the Seller with a planned closing date of mid-April, 2020. The Licensed Operator will remain the same, as the Buyer of the Real Property is an affiliate of the Licensed Operator, and will continue to lease the Real Property from Buyer and operate the health care facility.

Should you require any additional information, please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,

YOUNG, MORPHIS, BACH & TAYLOR, LLP

  
Kevin C. McIntosh

Pc: Donald C. Beaver (via e-mail)  
Martha Frisone, Chief, NC DHSR Healthcare Planning and Certificate of Need Section (via e-mail)  
John Hazlehurst, Esq. (via E-Mail)

Received by Healthcare Planning & CON Section  
MAR 18 2020

**YOUNG, MORPHIS, BACH & TAYLOR, LLP**

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INDUSTRIAL TRANSACTIONS

March 18, 2020

VIA ELECTRONIC MAIL – [Martha.Frisone@dhhs.nc.gov](mailto:Martha.Frisone@dhhs.nc.gov)  
AND US FIRST CLASS MAIL

Martha Frisone, Section Chief  
North Carolina Division of Health Service Regulation,  
Healthcare Planning and Certificate of Need Section  
2704 Mail Service Center  
Raleigh, North Carolina 27699-2704

Re: Transaction: Purchase of Real Property Located at 430 Brookwood Avenue, NE, Concord,  
Cabarrus County, North Carolina 28025-0748 (the "Real Property")  
Real Property Owner/Seller: A.G.S. Corporation ("Seller")  
Buyer: Universal Properties/Concord, LLC ("Buyer")  
Licensed Operator: Universal Health Care/Concord, Inc. d/b/a "Universal Health Care and  
Rehabilitation" ("Licensed Operator")  
License No: NH0247

Dear Ms. Frisone:

I hope this letter finds you doing well. I represent Universal Properties/Concord, LLC, Buyer in the above referenced transaction. I am writing to provide formal notice that the Buyer is acquiring the Real Property from the Seller with a planned closing date of mid-April, 2020. The Licensed Operator will remain the same, as the Buyer of the Real Property is an affiliate of the Licensed Operator, and will continue to lease the Real Property from Buyer and operate the health care facility.

Should you require any additional information, please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,

YOUNG, MORPHIS, BACH & TAYLOR, LLP

  
Kevin C. McIntosh

Pc: Donald C. Beaver (via e-mail)  
Becky Wertz, Chief, NC DHSR Nursing Home Licensure Certification Section (via e-mail)  
John Hazlehurst, Esq. (via E-Mail)