



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

August 31, 2021

Joy Health  
[jhealth@williamsmullen.com](mailto:jhealth@williamsmullen.com)

**Exempt from Review – Acquisition of Facility**

**Record #:** 3665  
**Date of Request:** August 17, 2021  
**Facility Name:** The Laurels of Summit Ridge  
**Type of Facility:** Nursing Home  
**FID #:** 923279  
**Acquisition by:** Summit Ridge Senior Leasing, LLC  
**Business #:** 3442  
**County:** Buncombe

Dear Ms. Heath:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that the project described above is exempt from certificate of need (CON) review in accordance with G.S. 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 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 G.S. 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.*"

If 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 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

Micheala Mitchell  
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

# WILLIAMS MULLEN

Joy Heath, Esq.  
Direct Dial: 919.981.4001  
jheath@williamsmullen.com

August 17, 2021

Via E-Mail Only: [micheala.mitchell@dhhs.nc.gov](mailto:micheala.mitchell@dhhs.nc.gov)

Micheala Mitchell, Chief  
North Carolina Department of  
Health and Human Services  
Division of Health Service Regulation  
Healthcare Planning & Certificate of Need Section  
Raleigh, North Carolina

RE: Prior Written Notice of Proposed Acquisition  
The Laurels of Summit Ridge  
Lic. No: NH0540  
Provider: 345438  
(SNF # 70) (ACH # 42)  
Asheville, Buncombe County

Dear Ms. Mitchell:

Our law firm represents Summit Ridge Senior Leasing, LLC, a North Carolina limited liability company ("Buyer").

Financing VI Healthcare Property, L.L.C., a Delaware limited liability company, ("Seller") is the owner of The Laurels of Summit Ridge, a facility located at 100 Riceville Road, Asheville, NC 28805 (the "Facility"). The Facility is an existing health service facility, currently licensed to operate 70 skilled nursing facility beds and 42 adult care home beds in Buncombe County, North Carolina.

In accordance with N.C. Gen. Stat. Section 131E-184, it is our understanding the Department shall exempt from certificate of need review a new institutional health service if it receives prior written notice from the entity proposing the new institutional health service, which notice includes an explanation of why the new institutional health service is required for, among other things, the acquisition of an existing health service facility and equipment owned by the facility.

Accordingly, Buyer respectfully provides this letter as prior written notice to the Department, pursuant to N.C. Gen. Stat. Section 131E-184, of its intent to acquire the Facility, including substantially all equipment owned by the Facility at the time of

# WILLIAMS MULLEN

Micheala Mitchell, Chief  
North Carolina Department of  
Health and Human Services  
August 17, 2021  
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acquisition. Buyer asks that the Department provide written confirmation that the transaction as described here is exempt from certificate of need review.

Please note that this transaction will not involve any change in the licensed operator of the Facility. Because Buyer and Seller anticipate closing the transaction for acquisition of the Facility shortly, we would appreciate your prompt attention to this request. If any additional information is needed, please do not hesitate to contact the undersigned.

With kind regards,

*Joy Heath*

Joy Heath

cc: Samuel M. Kroll (Via email: [skroll@williamsmullen.com](mailto:skroll@williamsmullen.com))  
Ryan A. Hanson (Via email: [rhanson@williamsmullen.com](mailto:rhanson@williamsmullen.com))

**From:** [Mitchell, Micheala L](#)  
**To:** [Waller, Martha K](#)  
**Subject:** FW: [External] Prior Written Notice Filing  
**Date:** Tuesday, August 17, 2021 3:48:05 PM  
**Attachments:** [1029\\_001.pdf](#)

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Martha does this go to you? If not, let me know.

Micheala Mitchell, JD  
[NC Department of Health and Human Services](#)  
[Division of Health Service Regulation](#)  
Section Chief, Healthcare Planning and CON Section  
809 Ruggles Drive, Edgerton Building  
2704 Mail Service Center  
Raleigh, NC 27699-2704  
Office: 919 855 3879  
[Micheala.Mitchell@dhhs.nc.gov](mailto:Micheala.Mitchell@dhhs.nc.gov)

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**From:** Heath, Joy <[joyheath@williamsmullen.com](mailto:joyheath@williamsmullen.com)>  
**Sent:** Tuesday, August 17, 2021 2:27 PM  
**To:** Mitchell, Micheala L <[Micheala.Mitchell@dhhs.nc.gov](mailto:Micheala.Mitchell@dhhs.nc.gov)>  
**Subject:** [External] Prior Written Notice Filing

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Chief Mitchell,

Please find attached correspondence providing prior written notice of a proposed health service facility acquisition. If additional information is required, please do not hesitate to contact me.

Thank you for your attention to the attached and your response - most appreciated.

Joy Heath

**Joy Heath | Health Care Attorney | Williams Mullen**  
T 919.981.4001 | C 919.559.3904 | F 919.981.4300 | [jheath@williamsmullen.com](mailto:jheath@williamsmullen.com) | [www.williamsmullen.com](http://www.williamsmullen.com)

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**From:** [Heath, Joy](#)  
**To:** [Hale, Gloria](#)  
**Cc:** [Lightbourne, Ena](#); [Pittman, Lisa](#)  
**Subject:** Re: [External] RE: Re. exemption for acquisition of The Laurels of Summit Ridge  
**Date:** Monday, August 30, 2021 5:58:30 PM

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Hello. I was able to connect and get information for you. It is my understanding that the transaction described in the March 2021 correspondence never went forward. With that, the information in our most recent letter is complete and accurate and hopefully we are then in a position to get your response tomorrow which would be in advance of the date of closing. Please feel free to email me again if there are any remaining questions but I trust we're in good shape now and thank you again. Joy

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**From:** Hale, Gloria <gloria.hale@dhhs.nc.gov>  
**Sent:** Monday, August 30, 2021 2:15:59 PM  
**To:** Heath, Joy <jheath@williamsmullen.com>  
**Cc:** Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>; Pittman, Lisa <lisa.pittman@dhhs.nc.gov>  
**Subject:** RE: [External] RE: Re. exemption for acquisition of The Laurels of Summit Ridge  
Hi Joy. I left you a voice mail message earlier today but also wanted to send you an email follow up. My voice mail mentioned an inconsistency with bed counts but that has now been resolved on our end. However, an exemption we issued on March 2, 2021 was in response to a planned acquisition of the above named facility by The Porto Piccolo Group. Is the current owner affiliated with that entity? Please clarify ownership of the facility. I do realize that some acquisitions don't end up taking place, so perhaps that applies here. Thanks.

**Gloria C. Hale, MPH**

Team Leader, Certificate of Need

[Division of Health Service Regulation](#), Healthcare Planning and Certificate of Need Section  
[NC Department of Health and Human Services](#)

Office: 919-855-3873 (*Due to the pandemic, I am primarily working from home, so e-mail works best to reach me at this time.*)

[Gloria.Hale@dhhs.nc.gov](mailto:Gloria.Hale@dhhs.nc.gov)

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**From:** Heath, Joy <jheath@williamsmullen.com>

**Sent:** Thursday, August 26, 2021 10:45 AM

**To:** Hale, Gloria <gloria.hale@dhhs.nc.gov>

**Cc:** Pittman, Lisa <lisa.pittman@dhhs.nc.gov>; Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>; Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>  
**Subject:** [External] RE: Re. exemption for acquisition of The Laurels of Summit Ridge

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

All,

Thanks for confirming the timing for the response - I have relayed this update on my end and will be on the lookout for the e-mail on Monday.

Joy

**Joy Heath | Health Care Attorney | Williams Mullen**

T 919.981.4001 | C 919.559.3904 | F 919.981.4300 | [jheath@williamsmullen.com](mailto:jheath@williamsmullen.com) | [www.williamsmullen.com](http://www.williamsmullen.com)

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**From:** Hale, Gloria <[gloria.hale@dhhs.nc.gov](mailto:gloria.hale@dhhs.nc.gov)>

**Sent:** Thursday, August 26, 2021 10:22 AM

**To:** Heath, Joy <[jheath@williamsmullen.com](mailto:jheath@williamsmullen.com)>

**Cc:** Pittman, Lisa <[lisa.pittman@dhhs.nc.gov](mailto:lisa.pittman@dhhs.nc.gov)>; Mitchell, Micheala L <[Micheala.Mitchell@dhhs.nc.gov](mailto:Micheala.Mitchell@dhhs.nc.gov)>; Lightbourne, Ena <[ena.lightbourne@dhhs.nc.gov](mailto:ena.lightbourne@dhhs.nc.gov)>

**Subject:** Re. exemption for acquisition of The Laurels of Summit Ridge

Good morning, Joy. Micheala asked me to follow up with you regarding the above request. We have received your request and expect to have a response to you by COB Monday, August 30<sup>th</sup> via email. Have a great day.

**Gloria C. Hale, MPH**

Team Leader, Certificate of Need

[Division of Health Service Regulation](#), Healthcare Planning and Certificate of Need Section  
[NC Department of Health and Human Services](#)

Office: 919-855-3873 *(Due to the pandemic, I am primarily working from home, so e-mail works best to reach me at this time.)*

[Gloria.Hale@dhhs.nc.gov](mailto:Gloria.Hale@dhhs.nc.gov)

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