



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

August 16, 2022

Clint Kendall
Clint.kendall@HCAHealthcare.com

No Review
Record #: 4001
Date of Request: August 1, 2022
Facility Name: Angel Medical Center
FID #: 942938
Business Name: MH Angel Medical Center, LLLP
Business #: 3086
Project Description: Confirmation of address change
County: Macon

Dear Mr. Kendall:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence regarding the project described above. Based on the CON law in effect on the date of this response to your request, the project as described 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.

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,

[Signature of Ena Lightbourne]
Ena Lightbourne
Project Analyst

[Signature of Micheala Mitchell] for
Micheala Mitchell
Chief

cc: Acute and Home Care 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

YOUNG, MORPHIS, BACH & TAYLOR, LLP

ATTORNEYS AT LAW

NORTHPARK BUILDING

858 SECOND STREET, NE, SUITE 200 (28601)

POST OFFICE DRAWER 2428

HICKORY, NORTH CAROLINA 28603-2428

www.hickorylaw.com

CHARLES R. YOUNG, SR. (RETIRED) ♦
THOMAS C. MORPHIS (1947 - 2009)

TELEPHONE: 828.322.4663
FACSIMILE: 828.322.2023
EMAIL: KevinM@hickorylaw.com

WAYNE M. BACH
TERRY M. TAYLOR ♦
PAUL E. CULPEPPER
KEVIN C. MCINTOSH
JIMMY R. SUMMERLIN, JR.
TIMOTHY D. SWANSON
JOHN W. CRONE, III
JORDAN L. FAULKNER
JARRYD A. DE BOER
MORGAN L. MCNEIL

♦ CERTIFIED MEDIATOR

♦ BOARD CERTIFIED SPECIALIST IN REAL
PROPERTY LAW-RESIDENTIAL,
BUSINESS, COMMERCIAL &
INDUSTRIAL TRANSACTIONS

August 1, 2022

**VIA ELECTRONIC MAIL – Becky.Wertz@dhhs.nc.gov and Lisa.Pittman@dhhs.nc.gov
AND U.S. FIRST CLASS MAIL**

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

Lisa Pittman, Assistant Chief
NC Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, North Carolina 27699-2704

Re: Licensed Operator and Real Estate Owner/CON Holder: Aston Park Health Care Center, Inc.,
a North Carolina nonprofit corporation (“Aston Park”)
License No: NH0262
Transaction: Change of Bylaws and Number and Appointment of Members of Board of Directors

Dear Ms. Wertz and Ms. Pittman:

I hope this letter finds you both doing well. The referenced matter involves a change to Aston Park’s bylaws and how the board of directors of Aston Park is appointed. The board of directors will be appointed by Lutheran Services for the Aging, Inc., and the number of directors will be lowered. This does not impact or change the ownership of Aston Park’s operations, the facility’s assets, nor does the real estate tied to the CON change ownership. Also, this transaction does not change the licensed operator, as Aston Park will continue to be the licensed operator.

Although we believe this to be a “no review” matter, we did want to provide notice of the internal change of the governing bylaws and how the directors are appointed. This transition is planned to be effective as of September 1, 2022. Should you require any additional information, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,
YOUNG, MORPHIS, BACH & TAYLOR, LLP



Kevin C. McIntosh

Pc: Ted W. Goins, Jr., (via email)
Gregory Hutchins, Esq. (via email)

From: [Pittman, Lisa](#)
To: [Waller, Martha K](#)
Subject: FW: [External] Aston Park Health Care Center, Inc. located in Asheville, NC
Date: Monday, August 1, 2022 9:36:34 AM
Attachments: [Aston Park Health Care Center Inc. Letter to Becky Wertz and Lisa Pittma....pdf](#)

Lisa Pittman

Assistant Chief

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

Don't wait to vaccinate. Find a COVID-19 vaccine location near you at [MySpot.nc.gov](https://www.myspot.nc.gov)

Office: 919 855 3989 *I am primarily working from home. Email is the best way to contact me.*
Lisa.Pittman@dhhs.nc.gov

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

From: Kevin McIntosh <KevinM@hickorylaw.com>
Sent: Monday, August 1, 2022 9:19 AM
To: Wertz, Becky <becky.wertz@dhhs.nc.gov>; Pittman, Lisa <lisa.pittman@dhhs.nc.gov>
Cc: Ted Goins (TGoins@lscarolinas.net) <TGoins@lscarolinas.net>; ghutchins@roberts-stevens.com
Subject: [External] Aston Park Health Care Center, Inc. located in Asheville, NC

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

Ms. Wertz and Ms. Pittman:

Good morning. I am attaching a letter regarding an internal transition regarding Aston Park Health Care Center, Inc. Ms. Wertz was kind enough to discuss this with me a few weeks ago, and we believe this matter to be one of "no review" since nothing is changing as far as ownership, operations, assets, licensed operator, etc. Please know this matter has not yet been announced to all of the staff at Aston Park, therefore, we would like to keep this as confidential as possible until the announcement is made.

Please let me know if you need any additional information.

Have a nice day,

Kevin C. McIntosh | Partner

Young, Morphis, Bach & Taylor LLP

T: 828.322.4663 | F: 828.322.2023

First Lawyers Building at North Park
858 2nd Street NE, Suite 200 (28601)
Post Office Drawer 2428
Hickory, North Carolina 28603

kevinm@hickorylaw.com | www.hickorylaw.com | [v-card](#)

PRIVILEGED AND CONFIDENTIAL: This message is sent by an attorney and may contain information that is privileged or confidential. If you are not the intended recipient, please delete this message and any attachments and notify the sender immediately. This e-mail transmission may not be secure and may be illegally intercepted. Do not forward or disseminate this e-mail to any third party. Any reliance on the information contained in this correspondence by someone who has not entered into a retainer agreement with the firm of Young, Morphis, Bach & Taylor, LLP is taken at the reader's own risk.

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the IRS, unless specifically indicated otherwise, any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of avoiding tax related penalties or promoting, marketing or recommending to another party any tax related matter addressed herein.

FEDERAL FDCPA NOTICE: The law firm of Young, Morphis, Bach & Taylor, LLP provides services in the nature of debt collection. If this communication is regarding an attempt to collect a debt please be advised that all information you provide may be used by us for such purpose.

FEDERAL BANKRUPTCY NOTICE: The law firm of Young, Morphis, Bach & Taylor, LLP provides assistance to persons and entities seeking or contemplating seeking relief under the U.S. Bankruptcy Code and may be considered a "debt relief agency" pursuant to Bankruptcy Code.

ELECTRONIC SIGNATURES: The typewritten signature included with this e-mail is not an electronic signature within the meaning of Electronic Signatures in Global and National Commerce Act or any other law of similar import, including without limitation, the Uniform Electronic Transactions Act, as the same may be enacted in any State.

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.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized State official. Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this email in error, please notify the sender immediately and delete all records of this email.