



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

REVISED

January 12, 2024

Richard Clagett
rclagett@williamsullen.com

Exempt from Review – Acquisition of Facility

Record #: See Attachment A
Date of Request: November 30, 2023
Facility Name: See Attachment A
Type of Facility: Nursing Home
FID #: See Attachment A
Acquisition by: See Attachment A
Business #: See Attachment A
County: See Attachment A

Dear Mr. Clagett:

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 facilities identified above and change the operators 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,

[Handwritten signature of Ena Lightbourne]

Ena Lightbourne, Project Analyst

[Handwritten signature of Micheala Mitchell]

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
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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Attachment A

Record #	Facility	FID#	County	Acquisition By:	Business #	New Operator
4328	Elevate Health and Rehabilitation	923265	Buncombe	Carolina Pines at Asheville LLC	3767	Asheville Victoria NC Opco LLC
4329	Bear Mountain Health and Rehabilitation	922979	Buncombe	Accordius Health at Asheville LLC	3768	Asheville Beaverdam NC Opco LLC
4330	Swannanoa Valley Health and Rehabilitation	952947	Buncombe	Pelican Health Asheville LLC	3769	Asheville US Seventy NC Opco LLC
4331	Orchard Valley Health and Rehabilitation	923245	Henderson	Accordius Health at Hendersonville LLC	3040	Hendersonville NC Opco LLC
4332	Hilltop Health and Rehabilitation	923556	Rutherford	Accordius Health at Rutherford LLC	3770	Rutherfordton NC Opco LLC
4333	Sapphire Ridge Health and Rehabilitation	922995	Transylvania	Accordius Health at Brevard LLC	3771	Brevard NC Opco LLC

From: [Clagett, Richard](#)
To: [Lightbourne, Ena](#)
Cc: [Nicholson, Ann](#)
Subject: RE: [External] RE: Change of Ownership Exemption Request
Date: Tuesday, December 26, 2023 2:33:33 PM

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Ena,

Apologies for the last second revisions. After initially submitting our license application with the same operator names included in our email to you on 12/1/2023, we were informed by our client that the name of the operators should be updated. We provided this update to the licensure section.

Would it be possible to update your office's exemption letter to reflect the correct operator names, post-closing (listed below in bold)? This transaction is set to close 12/28/2023. Thank you for your assistance and sorry again for the short notice.

Best,
Richard

- **Asheville Victoria NC Opco LLC**
 - *Facility:* Elevate Health and Rehabilitation
- **Asheville Beaverdam NC Opco LLC**
 - *Facility:* Bear Mountain Health and Rehabilitation
- **Asheville US Seventy NC Opco LLC**
 - *Facility:* Swannanoa Valley Health and Rehabilitation
- **Hendersonville NC Opco LLC**
 - *Facility:* Orchard Valley Health and Rehabilitation
- **Rutherfordton NC Opco LLC**
 - *Facility:* Hilltop Health and Rehabilitation
- **Brevard NC Opco LLC**
 - *Facility:* Sapphire Ridge Health and Rehabilitation

From: Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>
Sent: Thursday, December 21, 2023 12:32 PM
To: Clagett, Richard <rclagett@williamsmullen.com>
Cc: Nicholson, Ann <anicholson@williamsmullen.com>
Subject: RE: [External] RE: Change of Ownership Exemption Request

No problem, thank you!

Ena Lightbourne

Certificate of Need, Project Analyst

[Division of Health Service Regulation](#), Healthcare Planning and Certificate of Need Section (*Currently,*

I am in the office on Thursdays and Fridays. For the rest of the week, I can be reached by email.)

[NC Department of Health and Human Services](#)

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From: Clagett, Richard <rclagett@williamsmullen.com>

Sent: Thursday, December 21, 2023 12:30 PM

To: Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>

Cc: Nicholson, Ann <anicholson@williamsmullen.com>

Subject: RE: [External] RE: Change of Ownership Exemption Request

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Apologies, I understand we have already received the relevant exemption letters. Please disregard the below. We appreciate your help.

Richard

From: Clagett, Richard

Sent: Thursday, December 21, 2023 12:28 PM

To: Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>

Cc: Nicholson, Ann <anicholson@williamsmullen.com>

Subject: RE: [External] RE: Change of Ownership Exemption Request

Ena,

The parties would like to close on these facilities 12/28/2023.

I spoke with Shonda Kelly, in the Licensure Section, this morning. Shonda said that her office could accommodate a 12/28 closing. Would it be possible for your office to issue CON exemption letter before 12/28? Thank you.

Richard

From: Nicholson, Ann <anicholson@williamsmullen.com>
Sent: Thursday, December 21, 2023 12:11 PM
To: Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>
Cc: Clagett, Richard <rclagett@williamsmullen.com>
Subject: RE: [External] RE: Change of Ownership Exemption Request

Hi Ena,

I am following up regarding the CHOW exemption request submitted to the Agency for the following facilities (as mentioned in our prior emails):

- **Carolina Pines at Asheville LLC**
 - *Facility:* Elevate Health and Rehabilitation
- **Accordius Health at Asheville LLC**
 - Bear Mountain Health and Rehabilitation
- **Pelican Health Asheville, LLC**
 - *Facility:* Swannanoa Valley Health and Rehabilitation
- **Accordius Health at Hendersonville LLC**
 - *Facility:* Orchard Valley Health and Rehabilitation
- **Accordius Health at Rutherford LLC**
 - *Facility:* Hilltop Health and Rehabilitation
- **Accordius Health at Brevard LLC**
 - *Facility:* Sapphire Ridge Health and Rehabilitation

Do you have any updates or guesstimate of the timing for when we will receive these CON exemption letters?

Many thanks,

Ann

From: Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>
Sent: Friday, December 1, 2023 9:55 AM
To: Nicholson, Ann <anicholson@williamsmullen.com>
Subject: RE: [External] RE: Change of Ownership Exemption Request

Great! Thank you Ann.

Ena Lightbourne

Certificate of Need, Project Analyst

[Division of Health Service Regulation](#), Healthcare Planning and Certificate of Need Section (*Currently, I am in the office on Thursdays and Fridays. For the rest of the week, I can be reached by email.*)

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From: Nicholson, Ann <anicholson@williamsmullen.com>

Sent: Friday, December 1, 2023 9:52 AM

To: Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>

Subject: [External] RE: Change of Ownership Exemption Request

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Hi Ena,

The business entities that are acquiring each facility are:

- **Carolina Pines at Asheville LLC**
 - *Facility:* Elevate Health and Rehabilitation
- **Accordius Health at Asheville LLC**
 - Bear Mountain Health and Rehabilitation
- **Pelican Health Asheville, LLC**
 - *Facility:* Swannanoa Valley Health and Rehabilitation
- **Accordius Health at Hendersonville LLC**
 - *Facility:* Orchard Valley Health and Rehabilitation
- **Accordius Health at Rutherford LLC**
 - *Facility:* Hilltop Health and Rehabilitation
- **Accordius Health at Brevard LLC**
 - *Facility:* Sapphire Ridge Health and Rehabilitation

Thanks so much. Let me know if you need anything else.

Best,

Ann

From: Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>
Sent: Friday, December 1, 2023 9:31 AM
To: Nicholson, Ann <anicholson@williamsmullen.com>
Subject: Change of Ownership Exemption Request

Hi Ms. Nicholson,

This is regarding the CHOW of six facilities exemption request submitted to the Agency. Can you provide the name of the business entity(s) that will acquire the facility?

Thanks.

Ena,

Ena Lightbourne

Certificate of Need, Project Analyst

Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section *(Currently, I am in the office on Thursdays and Fridays. For the rest of the week, I can be reached by email.)*

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