



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

July 10, 2024

Anthony Brett
Anthony.Brett@wbd-us.com

No Review

Record #:

Date of Request: June 17, 2024
Facility Name: White Oak of Waxhaw
FID #: 061191
Business Name: NHC HealthCare/Waxhaw, LLC
Business #: 3839
Project Description: Change in lessee
County: Union

Dear Mr. Brett:

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,

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

June 13, 2024

Micheala Mitchell, Chief, Certificate of Need
Healthcare Planning and Certificate of Need
Division of Health Service Regulation
North Carolina Department of Health and Human Services
809 Ruggles Drive
Raleigh, NC 27603
micheala.mitchell@dhhs.nc.gov

Womble Bond Dickinson (US) LLP

One West Fourth Street
Winston-Salem, NC 27101

t: 336.721.3600
f: 336.721.3660

Via E-mail Only

Re: Notice of Exempt Acquisition pursuant to N.C.Gen.Stat. §131E-184(a)(8)-Acquisition of Existing Health Service Facilities (Skilled Nursing Homes)

Anthony Brett
Partner
Direct Dial: 336-721-3620
Direct Fax: 336-733-8331
E-mail: Anthony.Brett@wbd-us.com

and

Notice of Matter not subject to Certificate of Need Review

Dear Ms. Mitchell:

This correspondence is with respect to a transaction involving multiple facilities in more than one state which is occurring at a "parent entity" level for both parties, although for each facility there are individual selling, buying and leasing legal entities which are identified in the attachments to this correspondence (the "Transaction"). Six facilities in North Carolina are involved. Each of the six is a skilled nursing home (although one facility identified in Attachment A also has adult care home beds), and three of the skilled nursing facilities are a part of a continuing care retirement community (also as indicated on Attachment A).

Five of the facilities involved will be acquired, so they would be subject to exemption from certificate of need review upon provision of prior notice. These five facilities are identified in Attachment A. The sixth facility will be leased by virtue of the assignment of the existing lease to a new entity; the sixth facility is identified in Attachment B.

Notice of Exempt Acquisitions

This notice is with respect to five facilities that will be purchased by affiliated entities in the Transaction with the identifying information contained in Attachment A. For each facility, the Buyer will acquire, among other things, the land, buildings and fixtures of the five existing skilled nursing homes listed in Attachment A. Pursuant to N.C. Gen. Stat. §131E-184(a)(8), these transactions are exempt from certificate of need review. Therefore, I am requesting that you confirm my understanding by providing written confirmation to that effect.



Notice of Matter not Subject to Review

The facility identified in Attachment B shall be leased under an existing lease that will be assigned by the current Lessee – Assignor to the Assignee. The lease does not contain any provision that would transfer ownership from the Landlord to the Assignee. Therefore this notice is a request for the determination that the assignment of the lease is not subject to certificate of need review as it does not constitute a new institutional health service as defined by N.C. Gen. Stat. § 131E-176 (16).

If there are any questions, please let me know at your earliest convenience. Thank you for your cooperation.

Sincerely yours,

Anthony H. Brett

Enclosures: Attachment A and Attachment B

cc: Lisa.Pittman@dhhs.nc.gov (Assistant Chief, Certificate of Need)

Attachment A

| Facility | FID | Address | County | Seller | Buyer | Buyer Bus # |
|---|------------|--|---------------|-----------------------|--|--------------------|
| White Oak Manor-Burlington ¹ | 953553 | 323 Baldwin Road Burlington, NC 27217 | Alamance | White Oak Manor, Inc. | NHC HealthCare /Burlington, LLC | |
| White Oak Manor-Charlotte ² | 923554 | 4009 Craig Avenue Charlotte, NC 28211 | Mecklenburg | White Oak Manor, Inc. | NHC HealthCare /Charlotte, LLC | |
| White Oak Manor-Kings Mountain | 923555 | 716 Sipes Street Kings Mountain, NC 28086 | Cleveland | White Oak Manor, Inc. | NHC HealthCare /Kings Mountain, LLC | |
| White Oak Manor-Shelby | 943557 | 401 North Morgan Street Shelby, NC 28150 | Cleveland | White Oak Manor, Inc. | NHC HealthCare /Shelby, LLC | |
| White Oak Manor-Tryon ^{3 4} | 923558 | 70 Oak Street Tryon, NC 28782 | Polk | White Oak Manor, Inc. | NHC HealthCare /Tryon, LLC | |

¹ In a continuing care retirement community.

² In a continuing care retirement community.

³ In a continuing care retirement community.

⁴ Also has adult care home beds.

Attachment B

| Facility | FID | Address | County | Landlord | Lessee/ Assignor | Assignee | Assignee Bus # |
|------------------------|------------|---|---------------|-----------------------------|-----------------------------|-----------------------------------|---------------------------|
| White Oak of Waxhaw | 061191 | 700 Howie Mine Road Waxhaw, NC 28173 | Union | White Oak of Waxhaw, LLC | White Oak Manor, Inc. | NHC HealthCare /Waxhaw, LLC | |

Attachment A

| Facility | FID | Address | County | Seller | Buyer | Buyer Bus # |
|---|------------|--|---------------|-----------------------|--|--------------------|
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Attachment B

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| White Oak of Waxhaw | 061191 | 700 Howie Mine Road Waxhaw, NC 28173 | Union | White Oak of Waxhaw, LLC | White Oak Manor, Inc. | NHC HealthCare /Waxhaw, LLC | |

From: [Pittman, Lisa](#)
To: [Stancil, Tiffany C](#)
Cc: [Mitchell, Micheala L](#)
Subject: FW: [External] FW: Please see the attachments and confirm their receipt.
Date: Monday, June 17, 2024 1:21:38 PM
Attachments: [image868733.png](#)
[image539604.png](#)
[image761824.png](#)
[image226747.png](#)
[WBD-Scan - 2024-06-13 14.33.47.pdf](#)
[CON Schedule \(4885-7109-7028.2\).docx](#)

Will you record this and assign it to Ena?

Lisa Pittman
Assistant Chief
Division of Health Service Regulation, Healthcare Planning & CON Section
NC Department of Health and Human Services

Office: 919-855-3989 *I work from home and in the office. 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

NCDHHS provides essential services to improve the health, safety and well-being of all North Carolinians. Learn more about [NCDHHS initiatives and priorities.](#)

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From: Brett, Anthony <Anthony.Brett@wbd-us.com>
Sent: Monday, June 17, 2024 12:52 PM
To: Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>; Pittman, Lisa <lisa.pittman@dhhs.nc.gov>
Subject: [External] FW: Please see the attachments and confirm their receipt.

Some people who received this message don't often get email from anthony.brett@wbd-us.com. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

I just want to confirm that you received my earlier email.

From: Brett, Anthony <Anthony.Brett@wbd-us.com>

Sent: Thursday, June 13, 2024 3:29 PM

To: micheala.mitchell@dhhs.nc.gov

Cc: lisa.pittman@dhhs.nc.gov

Subject: Please see the attachments and confirm their receipt.

I have attached the Attachments A and B as a Word document so that you can use them (if you choose to do so) with the addition of the assigned Buyer/Assignee business numbers with your response.

If there are any questions, please let me know.

Anthony Brett

Partner

Womble Bond Dickinson (US) LLP

d: [336-721-3620](tel:336-721-3620)

e: Anthony.Brett@wbd-us.com

One West Fourth Street

Winston-Salem, NC 27101



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