

North Carolina Department of Health and Human Services
Division of Health Service Regulation
Certificate of Need Section

2704 Mail Service Center ■ Raleigh, North Carolina 27699-2704

Beverly Eaves Perdue, Governor
Lanier M. Cansler, Secretary

www.ncdhhs.gov/dhsr

Craig R. Smith, Section Chief
Phone: 919-855-3875
Fax: 919-733-8139

January 27, 2012

Jim Swann, Consultant
Consensus Consulting, LLC
3725 National Drive, Suite 117
Raleigh, NC 27612

RE: Disapproval/ Project I.D. #J-8730-11/ Cary Operations, LLC d/b/a The Rehabilitation and Nursing Center at Cary/ Develop a 120-bed nursing facility in Cary/ Wake County
FID #110720

Dear Mr. Swann:

The Certificate of Need Section, Division of Health Service Regulation, Department of Health and Human Services has disapproved the above referenced certificate of need application. This decision was made after review of all the applications submitted for this cycle and after consideration of G.S. 131E-175 et. seq. and regulations promulgated thereunder, the State Medical Facilities Plan, and other applicable information. Written notice of all findings and conclusions upon which the decision was based will be provided to the applicants within five business days after the date of the decision in accordance with G.S. 131E-186.

A legal proponent or any person aggrieved by this decision may file a petition for a contested case hearing in accordance with G.S. 150B, Article 3, as amended. This petition must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 within thirty (30) days of the decision. [Note: Effective October 1, 2009, OAH requires a filing fee with submittal of petitions for contested cases. Please direct all questions regarding this fee to OAH Clerk's Office (919-431-3000).]

If you file a petition for a contested case hearing, you must serve a copy of the petition on the Department of Health and Human Services by mailing a copy of your petition to:

Emery Milliken
Department of Health and Human Services,
Office of Legal Affairs,
Adams Building – Room 154
2001 Mail Service Center
Raleigh, North Carolina, 27699-2001



It is requested that a copy of the petition also be served on the Certificate of Need Section.

Please be advised that in accordance with G.S. 131E-188 as a condition precedent to proceeding with a contested case hearing on the approval of an applicant for a certificate of need, the petitioner shall deposit a bond with the clerk of superior court where the new institutional health service that is the subject of the petition is proposed to be located. The bond shall be secured by cash or its equivalent in an amount equal to five percent (5%) of the cost of the proposed new institutional health service that is the subject to the petition, but may not be less than five thousand dollars (\$5,000) and may not exceed fifty thousand dollars (\$50,000). Moreover, the applicant who received approval for the new institutional health service that is the subject of the petition may bring an action against a bond filed under this subsection in the superior court of the county where the bond was filed. Upon finding the petition for a contested case was frivolous or filed to delay the applicant, the court may award the applicant part or all of the bond filed.

Please refer to the Project I.D.# and Facility I.D.# (FID) in all correspondence.

Sincerely,



Michael J. McKillip, Project Analyst
Certificate of Need Section



Martha J. Frisone, Assistant Chief
Certificate of Need Section



Craig R. Smith, Chief
Certificate of Need Section

MJM:MJF:CRS:vlw

Attachment

cc: Medical Facilities Planning Section, DHSR
Nursing Home Licensure & Certification Section, DHSR
Construction Section, DHSR

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing notice of **conditional approval** on the following persons by placing a copy in an official depository of the United States Postal Service in a postage-paid, first class envelopes addressed as follows:

Randy Uzzell, President, Britthaven, Inc.
Manager, Spruce LTC Group, LLC
1435 Hwy. 258 North
P.O. Drawer 6159
Kinston, NC 28501
Project I.D. #J-8713-11
FID #110707

Gerald J. Boyle, Consultant
1217 Pond Street
Cary, NC 27511
Project I.D. #J-8721-11
FID #090946

Robert Evans, Manager
E.N.W., LLC
968 Wait Avenue
Wake Forest, NC 27588
Project I.D. #J-8729-11
FID #110719

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing notice of **disapproval** on the following persons by placing a copy in an official depository of the United States Postal Service in a postage-paid, first class envelopes addressed as follows:

Thomas "Ted" Smith, Administrator & Secretary-Treasurer
Hillcrest Convalescent Center, Inc.
1417 West Pettigrew Street
Durham, NC 27795
Project I.D. #J-8711-11
FID #110705

Bruce Hedrick, VP of Development
Medical Facilities of America, Inc.
2917 Penn Forest Blvd., Suite 200
Roanoke, VA 24018
Project I.D. #J-8712-11
FID #110706

Gerald J. Boyle, Consultant
1217 Pond Street
Cary, NC 27511
Project I.D. #J-8714-11
FID #971329

Randy Uzzell, President, Britthaven, Inc.
Manager, Spruce LTC Group, LLC
1435 Hwy. 258 North
P.O. Drawer 6159
Kinston, NC 28501
Project I.D. #J-8715-11
FID #110708

Edward Hillard, Director of Acquisitions
111 Westwood Place, Suite 400
Brentwood, TN 37027
Project I.D. #J-8717-11
FID #110710

Aneel Gill, Health Planner
UHS- Pruitt Corporation
1626 Jeurgens Court
Norcross, GA 30093
Project I.D. #J-8719-11
FID #990762

Aneel Gill, Health Planner
UHS- Pruitt Corporation
1626 Jeurgens Court
Norcross, GA 30093
Project I.D. #J-8720-11
FID #110712

Aneel Gill, Health Planner
UHS- Pruitt Corporation
1626 Jeurgens Court
Norcross, GA 30093
Project I.D. #J-8722-11
FID #110713

Doug Whitman, Development Director
Liberty Healthcare Properties
2334 South 41st Street
Wilmington, NC 28403
Project I.D. #J-8723-11
FID #110714

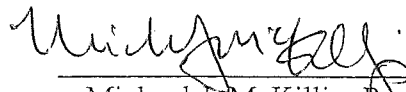
Doug Whitman, Development Director
Liberty Healthcare Properties
2334 South 41st Street
Wilmington, NC 28403
Project I.D. #J-8726-11
FID #110716

Doug Whitman, Development Director
Liberty Healthcare Properties
2334 South 41st Street
Wilmington, NC 28403
Project I.D. #J-8727-11
FID #110717

Jim Swann, Consultant
Consensus Consulting, LLC
3725 National Drive, Suite 117
Raleigh, NC 27612
Project I.D. #J-8730-11
FID #110720

Jim Swann, Consultant
Consensus Consulting, LLC
3725 National Drive, Suite 117
Raleigh, NC 27612
Project I.D. #J-8731-11
FID #110721

This the 27th day of January, 2012



Michael J. McKillip, Project Analyst

