



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Pat McCrory
Governor

Aldona Z. Vos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

RESPONSE REQUIRED

January 28, 2014

Aneel Gill
1626 Jeurgens Court
Norcross, GA 30093

Conditional Approval

Project I.D. #: J-10163-13
Facility: UniHealth Post-Acute Care- Raleigh, LLC (Lessee) and Wake Healthcare Properties, Inc. (Lessor)
Project Description: Acquire 18 nursing facility beds from two WakeMed facilities, relocate these 18 NF beds within Wake County to UniHealth Post-Acute Care- Raleigh, LLC's nursing care facility and renovate and expand the facility including therapy space
County: Wake
FID #: 990762

Dear Mr. Gill:

The Certificate of Need (CON) Section, Division of Health Service Regulation, Department of Health and Human Services has conditionally approved the above referenced certificate of need application. This decision was made after a review of the applications submitted for this cycle and after consideration of the Certificate of Need Law, G.S. 131E-175 et. seq. and regulations promulgated there under, 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. The applicant shall not proceed with the construction, offering or development of this project until the certificate of need is issued. Further, the Department shall not issue the certificate of need until all applicable conditions of approval that can be satisfied before issuance of the certificate of need have been met pursuant to G.S. 131E-187(a). The conditions are as follows:

1. UniHealth Post-Acute Care-Raleigh, LLC (lessee) and Wake Healthcare Properties, Inc. (lessor) shall materially comply with all representations made in its certificate of need



Certificate of Need Section

www.ncdhhs.gov

Telephone 919-855-3873 • Fax 919-733-8139

Location: Edgerton Building • 809 Ruggles Drive • Raleigh, NC 27603

Mailing Address: 2704 Mail Service Center •Raleigh, NC 27699-2704

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application and in the supplemental information materials submitted during the review. In those instances where representations conflict, UniHealth Post-Acute Care- Raleigh, LLC and Wake Healthcare Properties, Inc. shall materially comply with the last made representation.

2. UniHealth Post-Acute Care-Raleigh, LLC (lessee) and Wake Healthcare Properties, Inc. (lessor) shall acquire and relocate 18 NF beds to the UniHealth Post-Acute Care- Raleigh, LLC nursing care facility for a total licensed bed complement of no more than 168 beds upon completion of the project.
3. UniHealth Post-Acute Care- Raleigh, LLC (lessee) and Wake Healthcare Properties, Inc. (lessor) shall take the necessary steps to de-license 18 NF beds at WakeMed Fuquay-Varina and WakeMed Zebulon following completion of the proposed bed addition at UniHealth Post-Acute Care-Raleigh.
4. For the first two full federal fiscal years of operation following completion of the project, UniHealth Post-Acute Care-Raleigh's actual private pay charges shall not be increased more than 5% of the projected private pay charges provided in Section X of the application without first obtaining a determination from the Certificate of Need Section that the proposed increase is in material compliance with the representations made in the certificate of need application.
5. UniHealth Post-Acute Care-Raleigh, LLC (lessee) and Wake Healthcare Properties, Inc. (lessor) shall receive Medicaid per diem rates allowed by the Division of Medical Assistance, under the NC State Plan Section .0102.
6. UniHealth Post-Acute Care-Raleigh, LLC (lessee) and Wake Healthcare Properties, Inc. (lessor) shall develop and implement an Energy Efficiency and Sustainability Plan for the project that conforms to or exceeds energy efficiency and water conservation standards incorporated in the latest editions of the North Carolina State Building Codes. The plan must be consistent with the applicant's representation in the written statement as described in paragraph one of Policy GEN-4.
7. UniHealth Post-Acute Care-Raleigh, LLC (lessee) and Wake Healthcare Properties, Inc. (lessor) shall acknowledge acceptance of and agree to comply with all conditions stated herein to the Certificate of Need Section, in writing prior to issuance of the certificate of need.

Response to the above conditions should be submitted to the CON Section no later than 35 days from the date of the decision. Failure to respond within this time period may result in the CON Section making a determination not to issue a certificate of need for the project referenced above.

The conditional approval is valid only for a capital expenditure of \$10,716,649. If a cost overrun occurs that exceeds the approved capital expenditure amount, a new certificate of need may be required as determined by G.S. 131E-176(16)(e). The applicant should be aware that according

to the Certificate of Need Law any affected person shall have thirty (30) days after the date of decision to file a petition for a contested case on this approval. Further, if you are aggrieved by the conditions of the decision you 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, P.O. Drawer 27447, Raleigh, North Carolina 27611-7447 within thirty (30) days of the date of this 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).] G.S. 150B-23 provides that a party filing a petition must also serve a copy of the petition on all parties to the petition. Therefore, 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 MSC
Raleigh, North Carolina, 27699-2001

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

The certificate of need will not be issued before the completion of this 30 day period ending February 27, 2014. If a contested case request is received within the thirty (30) day period, the certificate will not be issued until the appeal is resolved (10A NCAC 14C .0208).

The timetable for completion of the project is the timetable outlined in the certificate of need application, unless an adjustment has been made by the CON Section because the review period was extended. The timetable for this project is as follows:

Completion of Final Drawings and Specifications _____	August 27, 2014
Approval of Final Drawings and Specifications by the Construction Section, DHSR _____	November 11, 2014
Approval of Site by Construction Section, DHSR _____	November 11, 2014
Contract Award _____	November 11, 2014
25% completion of construction _____	January 16, 2015
Ordering Equipment _____	March 11, 2015
50% completion of construction _____	April 25, 2016
75% completion of construction _____	July 1, 2015
Completion of construction _____	September 7, 2015
Occupancy/Offering of Service _____	October 1, 2015

If the decision is appealed, the timetable set forth in this letter will be adjusted accordingly before the certificate of need is issued. Please contact us if any clarification of this decision is required.

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

Sincerely,

Gregory F. Yakaboski, Project Analyst

Lisa Pittman, Team Leader
Certificate of Need Section

GFY:LP:mw

Attachment

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

CERTIFICATE OF SERVICE

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

Aneel Gill
1626 Jeurgens Court
Norcross, GA 30093

Project I.D. # J-10163-13
FID # 990762

This the 28th day of January, 2014.

Gregory F. Yakaboski
Project Analyst