



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

Pat McCrory
Governor

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

Drexdal Pratt
Division Director

June 14, 2013

Charles Trefzger, Jr.
PO BOX 2568
Hickory, NC 28603-2568

Exempt from Review – Acquisition of Facility

Facility: The Hermitage
Acquisition by: Dillsboro Health Investors, LLC
County: Jackson
FID #: 050758

Dear Mr. Trefzger:

In response to your letter of May 29, 2013, the above referenced proposal is exempt from certificate of need review in accordance with N.C.G.S 131E-184(a)(8). Therefore, Dillsboro Health Investors, LLC may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Adult Care Section of the Division of Health Service Regulation 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. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Julie Halatek
Project Analyst

Craig R. Smith, Chief
Certificate of Need Section

cc: Barbara Ryan, Adult Care Licensure Section, DHR



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

An Equal Opportunity/ Affirmative Action Employer



Skyland House, LLC

*Post Office Box 2568
Hickory, North Carolina 28603-2568*

Juli

May 29, 2013

Mr. Craig Smith, Chief
Certificate of Need Section
Division of Health Service Regulation
Department of Health and Human Services
Dorothea Dix Hospital Campus
809 Ruggles Drive
Raleigh, NC 27603



Re: Exemption Notice for The Hermitage (Adult Care Home in Jackson County)

Dear Mr. Smith:

Dillsboro Health Investors, LLC (“Dillsboro Health Investors”) is planning to acquire an adult care home in Jackson County, currently known as The Hermitage (hereafter “the Facility”). The Facility is located at 185 Brickfarm Road in Dillsboro, North Carolina. The Facility is listed in the “Inventory of Adult Care Home Beds” in the 2013 State Medical Facilities Plan as having 90 adult care home beds (see Exhibit A).

Dillsboro Health Investors is seeking to purchase the Facility through a purchase and sale agreement. The purpose of this letter is to provide prior notice of this acquisition, which is exempt from Certificate of Need (“CON”) review, to the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Certificate of Need Section (the “Agency”). Dillsboro Health Investors seeks confirmation that it is permitted to acquire the Facility as described herein without CON Review, thus acquiring the Facility’s existing CON rights to own that existing health service facility (as defined in the CON statute) with 90 adult care beds.

I. THE PROPOSAL

As of this date, Jackson Health Investors, LLC owns the property and building comprising the Facility, which is an existing “health service facility,” as that term is defined in N.C. Gen. Stat. § 131E-176(9)(b), and Skyland House, LLC is the Licensee. Dillsboro Health Investors will purchase the Facility, and the Licensee will remain Skyland House, LLC. The Facility will still be known as The Hermitage.

II. EXEMPTION NOTICE

Mr. Craig Smith, Chief
Certificate of Need Section
May 29, 2013
Page Two

Under North Carolina law, a Certificate of Need ("CON") is required only prior to offering or developing a "new institutional health service." "New institutional health service" includes a variety of services and activities, including a capital expenditure exceeding \$2 million. N.C. Gen. Stat. § 131E-176(16)(b).

The North Carolina General Assembly saw fit to exempt certain types of services or proposals from CON review, pursuant to N.C. Gen. Stat. § 131E-184. One such exempt service or proposal includes the acquisition of an existing health service facility, "including equipment owned by the health service facility at the time of acquisition." N.C. Gen. Stat. § 131E-184(a)(8).

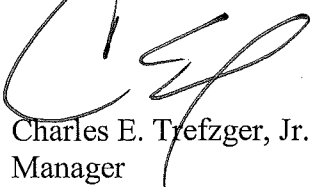
This project involves only the acquisition of an existing adult care home, which falls within the purview of the statutory definition of "health service facility." After acquisition, the Licensee, Skyland House, LLC, will operate the Facility as an adult care home. Furthermore, Dillsboro Health Investors' acquisition of the Facility does not entail the purchase of any major medical equipment or any *per se* reviewable equipment as defined in N.C. Gen. Stat. §§ 131E-176(14)(o) and (16)(f1). Likewise, the acquisition does not include the offering of any *per se* reviewable services. N.C. Gen. Stat. § 131E-176(16)(f). Thus, given that the transaction involves only the acquisition of an existing health services facility, it is exempt from CON review.

III. CONCLUSION

Based on the foregoing information, we hereby request the Agency's confirmation that the proposal described above is exempt from CON review, pursuant to N.C. Gen. Stat. § 131E-184(a)(8), and thus Dillsboro Health Investors may acquire the Facility with all its existing CON rights without a CON.

In addition, we respectfully request that this request be considered on an **expedited basis** because the parties wish to proceed with this transaction as soon as possible. If you require additional information to consider this request, please contact us at (828) 261-7312 as soon as possible. We thank you for your consideration of this request.

Sincerely,



Charles E. Trefzger, Jr.
Manager

Enclosure

Table 11A: Inventory of Adult Care Homes (Assisted Living) Beds

County	Facility Name	Licensed Beds in Nursing Homes	Licensed Beds in Hospitals	Licensed Beds in Adult Care Facilities	Total Licensed Beds	CON Approved/License Pending				Available in SMPF	Total Available	Sum of Exclusions	Total Planning Inventory
						CON	ACH Exempt	ACH Pipeline	CON Bed Transfer				
	Herford Totals	0	0	173	173	0	0	0	0	173	0	173	
Hoke	Autumn Care of Raeford	8	0	0	8	0	0	0	0	8	0	8	
Hoke	Open Arms Retirement Center	0	0	90	90	0	0	0	0	90	0	90	
	Hoke Totals	8	0	90	98	0	0	0	0	98	0	98	
Hyde-Tyrell	Hyde combined service area with Tyrell. Separate county beds no longer counted.	0	0	0	0	0	0	0	0	0	0	0	
	Hyde-Tyrell Totals	0	0	0	0	0	0	0	0	0	0	0	
Iredell	Aurora of Statesville	0	0	80	80	0	0	0	0	80	0	80	
Iredell	Autumn Care of Statesville	10	0	10	10	0	0	0	0	10	0	10	
Iredell	Crown Colony at Mooresville	0	0	60	60	0	0	0	0	60	0	60	
Iredell	Emeritus at Churchhill	0	0	120	120	0	0	0	0	120	0	120	
Iredell	Heritage Place Adult Living Center	0	0	40	40	0	0	0	0	40	0	40	
Iredell	Jurney's Assisted Living	0	0	60	60	0	0	0	0	60	0	60	
Iredell	Maple Leaf Health Care	8	0	0	8	0	0	0	0	8	0	8	
Iredell	Mooresville Center	30	0	0	30	0	0	0	0	30	0	30	
Iredell	Olin Village - (Southland Homes)	0	0	64	64	0	0	0	0	64	0	64	
Iredell	Rosewood Assisted Living	0	0	54	54	0	0	0	0	54	0	54	
Iredell	Statesville Manor on East Broad	0	0	58	58	0	0	0	0	58	0	58	
Iredell	Statesville Place on Peachtree	0	0	87	87	0	0	0	0	87	0	87	
Iredell	Summit Place of Mooresville	0	0	60	60	0	0	0	0	60	0	60	
Iredell	The Clare Bridge at Statesville Place	0	0	40	40	0	0	0	0	40	0	40	
Iredell	The Gardens of Statesville	0	0	67	67	0	0	0	0	67	0	67	
	Iredell Totals	48	0	790	838	0	0	0	0	838	0	838	
Jackson	Morningstar of Jackson Assisted Living	0	0	55	55	0	0	0	0	55	0	55	
Jackson	The Hermitage (Skyland)	0	0	90	90	0	0	0	0	90	0	90	
	Jackson Totals	0	0	145	145	0	0	0	0	145	0	145	
Johnston	Autumn Home Care of Johnston County I	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Autumn Home Care of Johnston County II	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Autumn Home Care of Johnston County III	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Autumn Wind Assisted Living	0	0	20	20	0	0	0	0	20	0	20	
Johnston	Cardinal Care Assisted Living #1	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Cardinal Care Assisted Living #2	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Cardinal Care Assisted Living #3	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Cardinal Care Assisted Living #4	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Cardinal Care Assisted Living #5	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Cardinal Care Assisted Living #6	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Carolina House of Smithfield	0	0	74	74	0	0	0	0	74	0	74	
Johnston	Classic Care Homes	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Classic Care Homes 103	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Classic Care Homes 105	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Clayton House	0	0	60	60	0	0	0	0	60	0	60	
Johnston	Liberty Commons Nursing and Rehab Ctr.	60	0	0	60	0	0	0	0	60	0	60	
Johnston	McLamb's Rest Home	0	0	12	12	0	0	0	0	12	0	12	
Johnston	McLamb's Rest Home #2	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Meadowview Assisted Living Center	0	0	96	96	0	0	0	0	96	0	96	
Johnston	Oakview Commons	0	0	12	12	0	0	0	0	12	0	12	
Johnston	Progressive Care	0	0	77	77	0	0	0	-77	0	0	0	
Johnston	Smithfield House East (closed)	0	0	0	0	0	0	0	77	77	0	77	
Johnston	Smithfield House East - Replacement	0	0	60	60	0	0	0	0	60	0	60	
Johnston	Smithfield House West	20	0	0	20	0	0	0	0	20	0	20	
Johnston	Smithfield Manor	0	0	627	627	0	0	0	0	627	0	627	
	Johnston Totals	80	0	627	707	0	0	0	0	707	0	707	
Jones	Brook Stone Living Center	20	0	0	20	0	0	0	0	20	0	20	

EXHIBIT A