



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

January 29, 2015

Justin K. Brackett  
305 East King Street  
Kings Mountain, NC 28086

**No Review**

Facility or Business: Kings Mountain Care Center

Project Description: Re-designate 20 existing licensed adult care home beds as special care unit beds

County: Cleveland

FID #: 920631

Dear Mr. Brackett:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your letter of December 19, 2014 regarding the above referenced proposal. Based on the CON law **in effect on the date of this response to your request**, the proposal described in your correspondence is not governed by, and therefore, does not currently require a certificate of need. However, please note that 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.

Moreover, you need to contact the Agency's Construction and Adult Care Home Licensure Sections to determine if they have any requirements for development of the proposed project. Please note that S.L. 2014-100 imposes a moratorium on Special Care Unit licenses. You can learn more about it at <http://www.ncdhhs.gov/dhsr/scumoratorium.html>.

It should be noted that this determination is binding only for the facts represented in your correspondence. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by this office. Changes in a project include, but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate; (3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed.

**Healthcare Planning and Certificate of Need Section**

[www.ncdhhs.gov](http://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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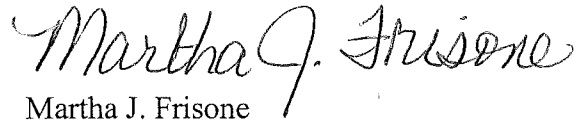
Justin K. Brackett  
January 29, 2015  
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Please contact this office if you have any questions. Also, in all future correspondence you should reference the Facility ID # (FID) if the facility is licensed.

Sincerely,



Julie Halatek  
Project Analyst



Martha J. Frisone  
Assistant Chief, Certificate of Need

cc: Construction Section, DHSR  
Adult Care Licensure Section, DHSR  
Assistant Chief, Healthcare Planning

**TIM MOORE**  
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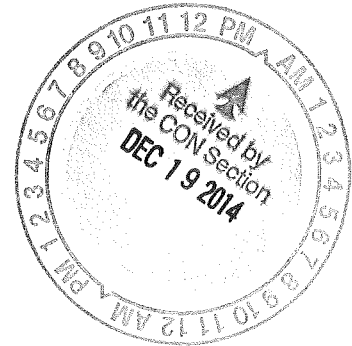
Fax: (704) 739-5051

Attorneys:  
Timothy K. Moore\*  
Justin K. Brackett

\* Licensed in North Carolina  
and the District of Columbia

December 19, 2014

Ms. Julie Halatek  
NC Division of Health Service Regulation  
Certificate of Need Division  
2704 Mail Service Center  
Raleigh, NC 27699-2704



**VIA ELECTRONIC MAIL AND U.S. MAIL**

*RE: Kings Mountain Care – Application for Special Care Unit License*

Dear Ms. Halatek,

My firm has been retained by Kings Mountain Care to assist in procuring its license to operate a Special Care Unit at its current facility in Kings Mountain, North Carolina. As I am sure you are aware, Kings Mountain Care currently operates a twenty bed facility that is properly licensed by the State of North Carolina for nursing care. Kings Mountain Care wishes to be licensed as a Special Care Unit so that it may focus its care on residents who are suffering from Alzheimer's and dementia. In doing so, Kings Mountain Care will not be adding any additional beds to its facility.

As part of the licensure process to become a Special Care Unit, Kings Mountain Care must obtain a Certificate of Need. However, it is my understanding that because of the fact that Kings Mountain Care will not be adding any additional beds, there is no Certificate of Need to be given. We have been informed by the Adult Care Licensure Section that we may proceed without a Certificate of Need if we obtain a waiver or some other form of documentation for the Certificate of Need Division stating that there is no basis for a Certificate of Need in this situation and that a Certificate of Need is not required. Therefore, I am writing you today in hopes that you may provide Kings Mountain Care with just such a waiver or other form of documentation.

*Ms. Julie Halatek*  
*December 19, 2014*  
*Page 2 of 2*

Thank you in advance with your assistance in this matter. Please feel free to contact me if you have any questions or concerns.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Justin K. Brackett". The signature is fluid and cursive, with the first name being the most prominent.

Justin K. Brackett  
Attorney at Law