



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER  
GOVERNOR

MANDY COHEN, MD, MPH  
SECRETARY

MARK PAYNE  
DIRECTOR

February 23, 2018

Robert A. Leandro  
301 Fayetteville Street, Suite 1400  
Raleigh, NC 27601

**Exempt from Review – Acquisition of Facility**

**Record #:** 2525  
**Facility Name:** Carver Living Center  
**Type of Facility:** Nursing Home  
**FID #:** 923077  
**Acquisition by:** Carver Propco, LLC  
**Business #:** 2801  
**County:** Durham

Dear Mr. Leandro:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of February 12, 2018, the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, Carver Propco, LLC, may proceed to acquire the above referenced health service facilities without first obtaining a certificate of need. However, you need to contact the Agency's Nursing Home Licensure and Certification Section, DHSR to obtain instructions for changing ownership of the existing facility. Note that pursuant to N.C. Gen. Stat. §131E-181(b): "*A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need.*"

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,

Bernetta Thorne-Williams  
Project Analyst

Martha J. Frisone, Chief  
Healthcare Planning and Certificate of Need Section

cc: Nursing Home Licensure and Certification Section, DHSR  
Sharetta Blackwell, Program Assistant Healthcare Planning, DHSR

**HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION**

WWW.NCDHHS.GOV

TELEPHONE 919-855-3873

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





Record# 2525  
Bus.# 2801

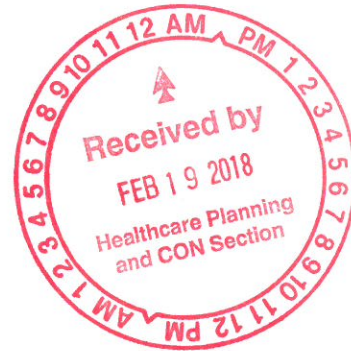
**Robert A. Leandro**  
**Partner**  
Telephone: 919.835.4636  
Direct Fax: 919.835.4614  
robbleandro@parkerpoe.com

Atlanta, GA  
Charleston, SC  
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Columbia, SC  
Greenville, SC  
Raleigh, NC  
Spartanburg, SC

February 12, 2018

***Via E-Mail and U.S. Mail***

Ms. Martha Frisone  
Chief, Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation  
North Carolina Department of Health and Human Services  
2704 Mail Service Center  
Raleigh, North Carolina 27699



**Re: Amended Carver Living Center Exception Request**

Dear Ms. Frisone:

We represent Carver Healthcare, LLC (“Carver”) and Carver Propco, LLC (“Carver Propco”), which are related entities. In 2016, Carver acquired certain assets and operational rights of a skilled nursing facility known as Carver Living Center (“Carver Living”). Carver Living has 232 licensed skilled nursing beds and 20 licensed adult care home beds and is located in Durham, North Carolina.

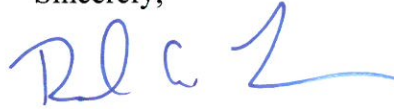
In May of 2016, Carver sought and received a No Review Determination from your Agency. *See* Attachment A. As stated in the attached May 12, 2016 letter, the bricks and mortar of Carver Living are owed by Durham, LLC. Carver is currently the licensee and leasee of the facility.

On February 5, 2018, Carver provided notice to the Agency that it would be acquiring the bricks and mortar of Carver Living and requested confirmation from the Agency that such a transaction was exempt from CON review. *See* Attachment B. Carver would like to amend its request to reflect that the bricks and mortar of Carver Living will be acquired by Carver Propco. Upon the closing of the transaction, which is expected to take place in the coming months, Carver will continue to be the licensee and Carver Propco will become the owner of the bricks and mortar of the facility. Please confirm that the acquisition described above is exempt from Certificate of Need review under N.C. Gen. Stat. § 131E-184(a)(8).

Martha Frisone  
February 12, 2018  
Page 2

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'RAL', followed by a long horizontal flourish.

Robert A. Leandro

RAL:clr

cc: Jacob Stern, Manager  
Carver Healthcare

# ATTACHMENT A



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER  
GOVERNOR

MANDY COHEN, MD, MPH  
SECRETARY

MARK PAYNE  
DIRECTOR

February 9, 2018

Robert A. Leandro  
301 Fayetteville Street, Suite 1400  
Raleigh, NC 27601

**Exempt from Review – Acquisition of Facility**

**Record #:** 2507  
**Facility Name:** Carver Living Center  
**Type of Facility:** Nursing Home  
**FID #:** 923077  
**Acquisition by:** Carver Healthcare, LLC  
**Business #:** 2396  
**County:** Durham

Dear Mr. Leandro:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of February 5, 2018, the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, Carver Healthcare, LLC, may proceed to acquire the above referenced health service facilities without first obtaining a certificate of need. However, you need to contact the Agency's Nursing Home Licensure and Certification Section, DHSR to obtain instructions for changing ownership of the existing facility. Note that pursuant to N.C. Gen. Stat. §131E-181(b): "*A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need.*"

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,

Bernetta Thorne-Williams  
Project Analyst

Martha J. Frisone, Chief  
Healthcare Planning and Certificate of Need Section

cc: Nursing Home Licensure and Certification Section, DHSR  
Sharetta Blackwell, Program Assistant Healthcare Planning, DHSR

**HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION**

WWW.NCDHHS.GOV

TELEPHONE 919-855-3873

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



Record# 2507  
FID# 923077



**Robert A. Leandro**  
*Partner*  
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Spartanburg, SC

February 5, 2018

*Via E-Mail and U.S. Mail*

Ms. Martha Frisone  
Chief, Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation  
North Carolina Department of Health and Human Services  
2704 Mail Service Center  
Raleigh, North Carolina 27699



Re: *Carver Living Center*

Dear Ms. Frisone:

We represent Carver Healthcare LLC ("Carver"). In 2016, Carver acquired certain assets and operational rights of a skilled nursing facility known as Carver Living Center ("Carver Living"). Carver Living has 232 licensed skilled nursing beds and 20 licensed adult care home beds and is located in Durham, North Carolina.

In May of 2016, Carver sought and received a No Review Determination from your Agency. *See* Attachment A. As stated in the attached May 12, 2016 letter, the bricks and mortar of Carver Living are owed by Durham, LLC. Carver is in the process of exercising its option to purchase the bricks and mortar of Carver Living from Durham, LLC. Upon the closing of the transaction, which is expected to take place in the coming months, Carver will become the licensee and owner of the bricks and mortar of the facility. Please confirm that the acquisition described above is exempt from Certificate of Need review under N.C. Gen. Stat. § 131E-184(a)(8).

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'R. A. Leandro'.

Robert A. Leandro

RAL:clr

cc: Jacob Stern, Manager  
Carver Healthcare LLC



Renee J. Montgomery  
Partner  
Telephone: 919.890.4552  
Direct Fax: 919.890.4554  
reneemontgomery@parkerpoe.com



Atlanta, GA  
Charleston, SC  
Charlotte, NC  
Columbia, SC  
Greenville, SC  
Raleigh, NC  
Spartanburg, SC

May 12, 2016

*Via E-Mail and U.S. Mail*

Ms. Martha Frisone  
Assistant Chief, Certificate of Need  
Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation  
North Carolina Department of Health and Human Services  
2704 Mail Service Center  
Raleigh, North Carolina 27699

Re: *Carver Living Center*

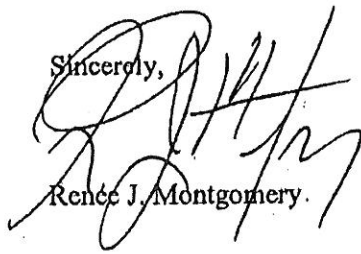
Dear Ms. Frisone:

We represent Carver Healthcare LLC which is acquiring certain assets and operational rights, including the Certificate of Need rights, of a skilled nursing facility known as Carver Living Center located in Durham, North Carolina. Carver Living Center is a 252 bed facility with 232 beds licensed as skilled nursing and 20 beds licensed as adult care home. The bricks and mortar of the facility have been and will continue to be owned by Durham, LLC. Carver Healthcare LLC will enter into a long term lease of the facility with Durham, LLC.

Upon the closing of the transaction which is expected to be on or around June 1, 2016, Carver Healthcare LLC will become the licensee of the facility. Please confirm that the acquisition described above by Carver Healthcare LLC is exempt from Certificate of Need review under N.C. Gen. Stat. § 131E-184(a)(8).

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

  
Renee J. Montgomery

RJM:klb

cc: Jacob Stern, Manager  
Carver Healthcare LLC



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

Pat McCrory  
Governor

Richard O. Brajer  
Secretary DHHS

Mark Payne  
Assistant Secretary for Audit and  
Health Service Regulation

May 17, 2016

Renee J. Montgomery, Partner  
Parker Poe  
PO Box 389  
Raleigh, NC 27602-0389

**Exempt from Review – Acquisition of Facility**

Record #: 1942  
Facility Name: Carver Living Center  
Type of Facility: Nursing Home  
FID #: 923077  
Acquisition by: Carver Healthcare, LLC  
Business #: 2396  
County: Durham

Dear Ms. Montgomery:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of May 12, 2016, the above referenced proposal is exempt from certificate of need review in accordance with G.S. 131E-184(a)(8). Therefore, Carver Healthcare, LLC may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Agency's Nursing Home Licensure and Certification Section to obtain instructions for changing ownership of the existing facility. Note that pursuant to G.S. 131E-181(b): *"A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need."*

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.



**Healthcare Planning and Certificate of Need Section**

[www.ncdhhs.gov](http://www.ncdhhs.gov)

Telephone: 919-855-3873 • Fax: 919-715-4413

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

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

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Rence J. Montgomery  
May 17, 2016  
Page 2 of 2

Sincerely,

*Jane Rhoe-Jones for*  
Bernetta Thorne-Williams  
Project Analyst

*Martha J. Frisone*  
Martha J. Frisone,  
Assistant Chief, Certificate of Need

cc: Nursing Home Licensure and Certification Section, DHR  
Kelli Fisk, Program Assistant, Healthcare Planning, DHR

**ATTACHMENT B**



**Robert A. Leandro**  
*Partner*  
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Direct Fax: 919.835.4614  
robbleandro@parkerpoe.com

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Raleigh, NC  
Spartanburg, SC

February 5, 2018

*Via E-Mail and U.S. Mail*

Ms. Martha Frisone  
Chief, Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation  
North Carolina Department of Health and Human Services  
2704 Mail Service Center  
Raleigh, North Carolina 27699

Re: *Carver Living Center*

Dear Ms. Frisone:

We represent Carver Healthcare LLC ("Carver"). In 2016, Carver acquired certain assets and operational rights of a skilled nursing facility known as Carver Living Center ("Carver Living"). Carver Living has 232 licensed skilled nursing beds and 20 licensed adult care home beds and is located in Durham, North Carolina.

In May of 2016, Carver sought and received a No Review Determination from your Agency. See Attachment A. As stated in the attached May 12, 2016 letter, the bricks and mortar of Carver Living are owed by Durham, LLC. Carver is in the process of exercising its option to purchase the bricks and mortar of Carter Living from Durham, LLC. Upon the closing of the transaction, this is expected to take place in the coming months. Carver will become the licensee and owner of the bricks and mortar of the facility. Please confirm that the acquisition described above is exempt from Certificate of Need review under N.C. Gen. Stat. § 131E-184(a)(8).

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

Robert A. Leandro

RAL:clr

cc: Jacob Stern, Manager  
Carver Healthcare LLC