



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

July 31, 2019

Carmen J. Marzella
cmarzella@marzellalawgroup.com

Exempt from Review – Acquisition of Facility

Record #: 2984
Facility Name: Brookstone Haven of Star Assisted Living
Type of Facility: ACH
FID #: 940857
Acquisition by: Alpha Montgomery Village, LLC
Business #: 3076
County: Montgomery

Dear Mr. Marzella:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your representations, the above referenced proposal is exempt from certificate of need (CON) review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, the above referenced business may proceed to acquire the health service facility identified above without first obtaining a CON. The Agency’s determination is limited to the question of whether or not the above referenced business would have to obtain a CON if the current owners of the health service facility do in fact sell it to the business listed above. 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.”

In the event that the business listed above does acquire the facility, you should contact the Agency’s Adult Care Licensure Section 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 regarding whether or not a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Celia C. Inman (handwritten signature)

Celia C. Inman
Project Analyst

Martha J. Frisone (handwritten signature)

Martha J. Frisone
Chief

cc: Adult Care Licensure Section, DHSR

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION
HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION

LOCATION: 809 Ruggles Drive, Edgerton Building, Raleigh, NC 27603
MAILING ADDRESS: 809 Ruggles Drive, 2704 Mail Service Center, Raleigh, NC 27699-2704
www.ncdhhs.gov/dhsr • TEL: 919-855-3873



Amended Request
Rec'd by Email
7/29/19
GZ

July 29, 2019

Via Email– celia.inman@dhhs.nc.gov

Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
Department of Health and Human Services
2704 Mail Service Center
Raleigh, NC 27699-2704
Attn: Ms. Celia Inman

**Re: *Exemption Request by Alpha Montgomery Village, LLC,
Acquisition of Brookstone Haven of Star Assisted Living, LLC,
Address: 327 Freeman Street, Star, North Carolina, 27356***

Dear Ms. Inman:

On behalf of our client, Alpha Montgomery Village, LLC, ("ALPHA"), we submit this letter to advise the Healthcare Planning and Certificate of Need Section ("CON Section") of a proposed transaction whereby ALPHA will acquire substantially all of the assets of Brookstone Haven of Star Assisted Living, LLC, ("BROOKSTONE") related to BROOKSTONE's ownership of the 54 bed Adult Care Home facility known as Brookstone Haven of Star Assisted Living, ("Facility"). The acquisition by ALPHA will include the real estate, building(s), and all CON rights related to the Facility.

Accordingly, the transaction should be determined to be exempt from certificate of need review under N.C. Gen. Stat. § 131E-184(a)(8), as it constitutes the acquisition, by ALPHA, of an existing health service facility from the Facility's current owner.

At present, the plan is for the transaction to close on or about August 31, 2019. Consequently, we would appreciate your earliest possible attention to this matter and confirmation that the proposed acquisition is exempt under N.C. Gen. Stat. § 131 E-184(a)(8).

On behalf of our client, I thank you for your attention to this matter. If you should have any questions or need any additional information, please contact me so that I may respond immediately.

Thank you for your time and consideration.

Sincerely,

MARZELLA LAW GROUP, PLLC



CARMEN J. MARZELLA

cmarzella@marzellalawgroup.com

CJM/c

cc: Juliet Okwoshah



Rec'd by Email
7/26/19

July 26, 2019

Via Email– celia.inman@dhhs.nc.gov

Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
Department of Health and Human Services
2704 Mail Service Center
Raleigh, NC 27699-2704
Attn: Ms. Celia Inman

***Re: Exemption Request by Alpha Montgomery Village, LLC,
Acquisition of Brookstone Haven of Star Assisted Living, LLC,
Address: 327 Freeman Street, Star, North Carolina, 27356***

Dear Ms. Inman:

On behalf of our client, Alpha Montgomery Village, LLC, ("ALPHA"), we submit this letter to advise the Healthcare Planning and Certificate of Need Section ("CON Section") of a proposed transaction whereby ALPHA will acquire substantially all of the assets of Brookstone Haven of Star Assisted Living, LLC, ("BROOKSTONE") related to BROOKSTONE's ownership of the 54 bed Adult Care Home facility known as Greensboro Retirement Center, ("Facility"). The acquisition by ALPHA will include the real estate, building(s), and all CON rights related to the Facility.

Accordingly, the transaction should be determined to be exempt from certificate of need review under N.C. Gen. Stat. § 131E-184(a)(8), as it constitutes the acquisition, by ALPHA, of an existing health service facility from the Facility's current owner.

At present, the plan is for the transaction to close on or about August 31, 2019. Consequently, we would appreciate your earliest possible attention to this matter and confirmation that the proposed acquisition is exempt under N.C. Gen. Stat. § 131 E-184(a)(8).

On behalf of our client, I thank you for your attention to this matter. If you should have any questions or need any additional information, please contact me so that I may respond immediately.

Thank you for your time and consideration.

Sincerely,

MARZELLA LAW GROUP, PLLC



CARMEN J. MARZELLA

cmarzella@marzellalawgroup.com

CJM/c

cc: Juliet Okwoshah