



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

June 18, 2020

Francisco Morales, Esq.
fmorales@waldrepllp.com

No Review

Record #: 3284
Facility Name: The Gardens of Trent (formerly New Bern House)
FID #: 970158
Business Name: WP-New Bern Health Investors, LLC
Business #: 3218
Project Description: Change the facility name from New Bern House to The Gardens of Trent
County: Craven

Dear Mr. Morales:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your correspondence 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 that correspondence is not governed by, and therefore, does not currently require a certificate of need. 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.

This determination is binding only for the facts represented in your correspondence. If changes are made in the project or in the facts provided in the correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by this office.

Please do not hesitate to contact this office if you have any questions.

Sincerely,

Gregory F. Yakaboski
Project Analyst

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

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**June 15, 2020**

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

**Re: No Review Request - Proposed Name Change for *New Bern House* (HAL-025-035)**

Dear Ms. Frisone:

I am writing on behalf of my clients WP-New Bern Health Investors, LLC (the "Owner") and WP-New Bern Health Holdings, LLC (the "Operator"), North Carolina limited liability companies with their principal places of business located at 400 Second Avenue NW, Hickory, North Carolina 28601. The Owner owns and the Operator operates *New Bern House*, an adult care home located at 2915 Brunswick Avenue, New Bern, Craven County, North Carolina 28562-2601 (the "Facility").

Because the Facility was developed prior to the enactment of Senate Bill 937 in 2001, the Facility has not been issued a Certificate of Need ("CON") by the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section (the "Agency"), though the Facility is subject to North Carolina CON law. Stated differently, the Facility's ACH beds were "grandfathered in" at the time ACHs became subject to the CON law.

Owner and Operator, in coordination with the Facility's management company, Affinity Living Group, LLC ("ALG"), wish to change the name of the Facility from "*New Bern House*" to "*The Gardens of Trent*." Changing the name of the Facility to *The Gardens of Trent* allows the Facility to conform with standardized naming conventions that have recently been instituted and are being implemented at ALG-managed facilities across North Carolina. This name change was made by the Adult Care Licensure Section in 2017, and the Facility has been licensed as *The Gardens of Trent* since that time. However, Owner and Operator failed to notify this Agency of the name change at that time, and, therefore, are now formally requesting that the Agency update its records with the correct Facility name.

Should you need additional information, please do not hesitate to contact me directly.

Sincerely,

WALDREP LLP

Francisco T. Morales  
Partner