



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

December 28, 2021

Timothy J. Walsh
TWalsh@libertyseniorliving.com

Exempt from Review – Acquisition of Facility

Record #: 3767
Date of Request: December 21, 2021
Facility Name: Liberty Commons Assisted Living of Franklin County
Type of Facility: ACH
FID #: 920691
Acquisition by: Liberty Healthcare Properties of Franklin County, LLC
Business #: 3160
County: Franklin

Dear Mr. Walsh:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that the project described above is exempt from certificate of need (CON) review in accordance with G.S. 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 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 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.”

If 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 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
Celia C. Inman, Project Analyst

Micheala Mitchell
Micheala Mitchell, 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
https://info.ncdhhs.gov/dhsr/ • TEL: 919-855-3873

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



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

December 17, 2019

Timothy Walsh
TWalsh@libertyseniorliving.com

Exempt from Review – Acquisition of Facility and Change in Operator/Licensee of Facility

- Record #: See Attachment A
Facility Name: See Attachment A
Type of Facility: See Attachment A
FID #: See Attachment A
Acquisition by: See Attachment A
Business #: See Attachment A
County: See Attachment A

Dear Mr. Walsh:

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 referenced businesses on the attached list may proceed to acquire the health service facilities identified in the attached list without first obtaining a CON. This attached list also acknowledges the change in operator for the listed facilities. 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 Nursing Home Licensure and Certification and Adult Care Licensure Sections to obtain instructions for changing ownership of the existing facilities.

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
Celia C. Inman
Project Analyst

Martha J. Frisoni
Martha J. Frisoni
Chief

cc: Nursing Home Licensure and Certification Section, DHSR
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
https://info.ncdhhs.gov/dhsr/ • TEL: 919-855-3873



**Attachment A**

<b>Record #</b>	<b>County</b>	<b>Nursing Facility</b>	<b>Address</b>	<b>FID #</b>	<b>Owner</b>	<b>Bus. ID#</b>	<b>Operator</b>
3155	Brunswick	Liberty Commons Nursing & Rehabilitation Center of Southport LLC	630 Fodale Avenue Southport, NC 28461	923382	Liberty Healthcare Properties of Brunswick County, LLC	1107	Liberty Commons Nursing & Rehabilitation Center of Southport, LLC
3156	Bladen	Elizabethtown Healthcare & Rehabilitation Center	208 Mercer Road Elizabethtown, NC 28337	923150	Liberty Healthcare Properties of Bladen County, LLC	3159	Liberty Commons Nursing and Rehabilitation Center of Bladen County, LLC
3157	Franklin	Louisburg Healthcare & Rehabilitation Center	202 Smoketree Way Louisburg, NC 27549	923313	Liberty Healthcare Properties of Franklin County, LLC	3160	Liberty Commons Nursing and Rehabilitation Center of Franklin County, LLC
3158	Moore	Pinehurst Healthcare & Rehabilitation Center	300 Blake Boulevard Pinehurst, NC 28374	923403	Liberty Healthcare Properties of Moore County, LLC	3161	Liberty Commons Nursing and Rehabilitation Center of Moore County, LLC
3159	Person	Roxboro Healthcare & Rehabilitation Center	901 Ridge Road Roxboro, NC 27573	923437	Liberty Healthcare Properties of Person County, LLC	3162	Liberty Commons Nursing and Rehabilitation Center of Person County, LLC
3160	Yadkin	Yadkin Nursing Care Center	903 West Main Street Yadkinville, NC 27055	923574	Liberty Healthcare Properties of Yadkin County, LLC	3163	Liberty Commons Nursing and Rehabilitation Center of Yadkin County, LLC
	<b>County</b>	<b>Adult Care Facility</b>	<b>Address</b>	<b>FID #</b>	<b>Owner</b>		<b>Operator</b>
3161	Franklin	Louisburg Manor	114 Smoketree Way Louisburg, NC 27549	920691	Liberty Assisted Living Properties of Franklin County, LLC	3164	Liberty Commons Assisted Living of Franklin County, LLC
3162	Yadkin	The Magnolias Over Yadkin	144 North Lee Ave. Yadkinville, NC 27055	O10281	Liberty Healthcare Properties of Yadkin County, LLC	3163	Liberty Commons Nursing and Rehabilitation Center of Yadkin County, LLC





2334 S. 41<sup>st</sup> Street • Wilmington, NC 28403  
 (910) 815-3122 • FAX: (910) 815-3111

December 13, 2019

VIA EMAIL ONLY

Celia Inman, Project Analyst  
 Mike McKillip, Project Analyst  
 Tanya Saporito, Project Analyst  
 NC Department of Health and Human Services  
 Division of Health Service Regulation  
 Healthcare Planning and Certificate of Need Section  
 2704 Mail Service Center  
 Raleigh, NC 27699-2704

RE: **EXEMPT FROM REVIEW**– Acquisition of nursing home and adult care home facilities by Liberty

To Whom It May Concern:

In accordance with North Carolina G.S. 131E-184(a)(8), this letter is intended to request a determination of exemption from Certificate of Need (“CON”) review by the Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (“Agency”).

Liberty would like to make it known that we are entering into lease agreements of the NF and ACH facilities to operate the buildings. Over the next few years, closing on the acquisitions will take place.

Please see the list below displaying the facility name, address, county, license number, new owner, and new operator. The owner is the new proposed owner of the actual building, and the operator is the proposed operator of the nursing home or adult care home facility.

**Nursing Facilities**

Facility Name	Address	County	License #	Owner	Operator
Liberty Commons Nursing & Rehabilitation Center of Southport LLC	630 Fodale Avenue, Southport, NC 28461	Brunswick	NH0322	Liberty Healthcare Properties of Brunswick County, LLC	Liberty Commons Nursing & Rehabilitation Center of Southport, LLC
Elizabethtown Healthcare & Rehabilitation Center	208 Mercer Road, Elizabethtown, NC 28337-1449	Bladen	NH0328	Liberty Healthcare Properties of Bladen County, LLC	Liberty Commons Nursing and Rehabilitation Center of Bladen County, LLC
Louisburg	202 Smoketree Way,	Franklin	NH0264	Liberty Healthcare	Liberty Commons

Healthcare & Rehabilitation Center	Louisburg, NC 27549-0629			Properties of Franklin County, LLC	Nursing and Rehabilitation Center of Franklin County, LLC
Pinehurst Healthcare & Rehabilitation Center	300 Blake Boulevard, Pinehurst, NC 28374	Moore	NH0294	Liberty Healthcare Properties of Moore County, LLC	Liberty Commons Nursing and Rehabilitation Center of Moore County, LLC
Roxboro Healthcare & Rehabilitation Center	901 Ridge Road, Roxboro, NC 27573	Person	NH0265	Liberty Healthcare Properties of Person County, LLC	Liberty Commons Nursing and Rehabilitation Center of Person County, LLC
Yadkin Nursing Care Center	903 West Main Street, Yadkinville, NC 27055-0879	Yadkin	NH0224	Liberty Healthcare Properties of Yadkin County, LLC	Liberty Commons Nursing and Rehabilitation Center of Yadkin County, LLC

### Adult Care Home Facilities

Facility Name	Address	County	License #	Owner	Operator
Louisburg Manor	114 Smoketree Way, Louisburg, NC 27549	Franklin	HAL-035-003	Liberty Assisted Living Properties of Franklin County, LLC	Liberty Commons Assisted Living of Franklin County, LLC
The Magnolias Over Yadkin	144 North Lee Avenue, Yadkinville, NC 27055	Yadkin	HAL-099-011	Liberty Healthcare Properties of Yadkin County, LLC	Liberty Commons Nursing and Rehabilitation Center of Yadkin County, LLC

The proposed transfer of ownership will not materially affect the State Health Plan Services for nursing homes or adult care homes. Accordingly, we respectfully request an exemption from CON review.

Thank you for your time and attention to this matter. Please contact me if you have any questions.

Best Regards,



Timothy Walsh  
 Liberty Healthcare Management, Inc.  
[TWalsh@LibertyHCare.com](mailto:TWalsh@LibertyHCare.com)  
 (910) 332-1982

**From:** [Timothy J. Walsh](#)  
**To:** [Inman, Celia C](#); [Meymandi, Kimberly](#)  
**Cc:** [Waller, Martha K](#); [Alicia Dell Wilson](#)  
**Subject:** [External] RE: Request of Exemption - Acquisition of nursing home and adult care home facilities by Liberty  
**Date:** Tuesday, December 21, 2021 3:53:42 PM  
**Attachments:** [Liberty - CON Exemption Letter Section for Acquisition of NF Facilities.pdf](#)  
**Importance:** High

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good afternoon Ms. Inman, Ms. Meymandi:

I hope you both are doing well!

We are preparing some of these transactions closing by December 30, 2021 and were confirming previous written notice exemption and noticed we had a slight difference then previously requested for Record 3161 (Louisburg Manor). We had requested the new Owner being Liberty Assisted Living Properties of Franklin County, LLC, whereas the acquiring entity will actually be Liberty Healthcare Properties of Franklin County, LLC. Here is the corrected update (highlighted portion is only change):

Facility Name	Address	County	License #	Owner	Operator
Louisburg Manor	114 Smoketree Way, Louisburg, NC 27549	Franklin	HAL-035-003	Liberty Healthcare Properties of Franklin County, LLC	Liberty Commons Assisted Living of Franklin County, LLC

Please confirm this email is sufficient to serve as an updated request for exemption and if any other details are needed at this time. Thanks so much!

Regards,

**Timothy J. Walsh**

Senior Financial Analyst

*Liberty Senior Living*

[TWalsh@libertyseniorliving.com](mailto:TWalsh@libertyseniorliving.com)

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**From:** Timothy J. Walsh

**Sent:** Friday, December 13, 2019 11:21 AM

**To:** Inman, Celia C <[celia.inman@dhhs.nc.gov](mailto:celia.inman@dhhs.nc.gov)>; Mckillip, Mike <[mike.mckillip@dhhs.nc.gov](mailto:mike.mckillip@dhhs.nc.gov)>; Tanya, Saporito <[tanya.saporito@dhhs.nc.gov](mailto:tanya.saporito@dhhs.nc.gov)>

**Cc:** [disraeliza.flores@dhhs.nc.gov](mailto:disraeliza.flores@dhhs.nc.gov); Waller, Martha K <[martha.waller@dhhs.nc.gov](mailto:martha.waller@dhhs.nc.gov)>

**Subject:** Request of Exemption - Acquisition of nursing home and adult care home facilities by Liberty

**Importance:** High

Good morning all:

Please let the attachment serve as the official written notice of the proposed acquisition of nursing



home and adult care home facilities by Liberty. We respectfully request a letter from the Certificate of Need Section stating that the acquisitions are exempt from certificate of need review in accordance with G.S. 131E-184(a)(8).

I have included the 3 project analysts because the request included at least one county assignments for each analyst.

Thank you in advance for your assistance and please let me know if you have any questions or need additional information.

Regards,

***Timothy J. Walsh***

Senior Financial Analyst

Liberty Senior Living

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Wilmington, NC 28403

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