



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

February 1, 2023

Timothy J. Walsh

twalsh@libertyseniorliving.com

Exempt from Review

Record #: 4126

Date of Request: January 12, 2023

Facility Name: Liberty Commons Nursing and Rehabilitation Center of Columbus County

FID #: 020785

Business Name: Liberty Commons Nursing and Rehabilitation Center of Columbus County, LLC

Business #: 1104

Project Description: Renovate existing licensed facility and convert a 12-bed adult care bed (ACH) hallway to a skilled nursing facility (SNF) hallway, including converting semi-private SNF beds to private SNF beds, and construct a new wing to relocate the 12 ACH beds that were converted to SNF beds

County: Columbus

Dear Mr. Walsh:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency), determined that the above referenced proposal is exempt from certificate of need review in accordance with G.S. 131E-184(e) and (g). Therefore, you may proceed to offer, develop or establish the above referenced project without a certificate of need.

It should be noted that this determination is binding only for the facts represented by you. 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 the Agency. 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.

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

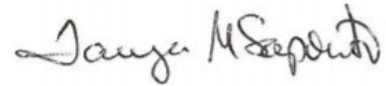
<https://info.ncdhhs.gov/dhsr/> • TEL: 919-855-3873

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Timothy J. Walsh
February 1, 2023
Page 2

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Handwritten signature of Tanya M. Saporito in cursive.

Tanya M. Saporito
Project Analyst

Handwritten signature of Micheala Mitchell in cursive.

Micheala Mitchell
Chief

cc: Construction Section, DHSR
Nursing Home Licensure and Certification Section, DHSR



January 12, 2023

VIA EMAIL ONLY

Tanya Saporito, Project Analyst
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
North Carolina Department of Health & Human Services
809 Ruggles Drive
Raleigh, NC 27603

Subject: EXEMPT FROM REVIEW – Liberty Commons Nursing and Rehab Center of Columbus County / License # NH0283 / Construction of Addition for existing 40 adult care beds and conversion of adult care rooms to skilled rooms to convert skilled semi-private beds; no change in bed count

Dear Ms. Saporito:

I am writing to request a letter from the Certificate of Need Section acknowledging that the above referenced proposal is exempt from Certificate of Need review. Currently, Liberty Commons Nursing and Rehab Center of Columbus County (“Liberty Commons”) is licensed for 40 adult care home (“ACH”) beds and 107 skilled nursing (“SNF”) beds (License # NH0283).

The CON Law has exemption clauses for certificate of need reviews if conditions are met.

Currently, §131E-184(e) states:

The Department shall exempt from certificate of need review a capital expenditure that exceeds the four million dollar (\$4,000,000) threshold set forth in G.S. 131E-176(16)b. if all of the following conditions are met:

- (1) The proposed capital expenditure would meet all of the following requirements:
 - a. Be used solely for the purpose of renovating, replacing on the same site, or expanding any of the following existing facilities:
 1. Nursing home facility.
 2. Adult care home facility.
 3. Intermediate care facility for individuals with intellectual disabilities.
 - b. Not result in a change in bed capacity, as defined in G.S. 131E-176(5), or the addition of a health service facility or any other new institutional health service other than that allowed in G.S. 131E-176(16)b.
- (2) The entity proposing to incur the capital expenditure provides prior written notice to the Department, which notice includes documentation that demonstrates that the proposed capital expenditure would be used for one or more of the following purposes:



- a. Conversion of semiprivate resident rooms to private rooms.
- b. Providing innovative, homelike residential dining spaces, such as cafes, kitchenettes, or private dining areas to accommodate residents and their families or visitors.
- c. Renovating, replacing, or expanding residential living or common areas to improve the quality of life of residents

Additionally, §131E-184(g) states:

The Department shall exempt from certificate of need review any capital expenditure that exceeds the four million dollar (\$4,000,000) threshold set forth in G.S. 131E-176(16)b. if all of the following conditions are met:

- 1) The sole purpose of the capital expenditure is to renovate, replace on the same site, or expand the entirety or a portion of an existing health service facility that is located on the main campus.
- 2) The capital expenditure does not result in (i) a change in bed capacity as defined in G.S. 131E-176(5) or (ii) the addition of a health service facility or any other new institutional health service other than that allowed in G.S. 131E-176(16)b.
- 3) The licensed health service facility proposing to incur the capital expenditure shall provide prior written notice to the Department, along with supporting documentation to demonstrate that it meets the exemption criteria of this subsection

As stated, Liberty Commons is licensed for 40 ACH beds and 107 SNF beds. This proposal includes the following:

1. Liberty Commons proposes to convert a 12-bed adult care hallway to a skilled nursing hallway, which would allow SNF semiprivate rooms to be converted to SNF private rooms.
2. After plans are drawn, approval is received by the DHSR Construction Section, zoning and planning approval is obtained, and financing is obtained, Liberty Commons proposes to construct a new 12-bed ACH wing and relocate the 12 non-operational ACH beds to the new wing.

The purpose of this request is to create more SNF and ACH private beds to meet the demand of our residents. This proposal falls outside of the scope of a requirement for a certificate of need due to it not resulting in a change in bed capacity, converting semiprivate resident rooms to private rooms, and renovate and expand a portion of the facility. Additionally, the proposal will not result in a change in bed capacity. Liberty Commons will remain licensed for 40 ACH beds and 107 SNF beds.



This letter is intended to request a letter from the Certificate of Need Section stating that this proposal is exempt from review in accordance with G.S. 131E-184(e) and G.S. 131E-184(g).

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

Best Regards,

A handwritten signature in black ink that reads "Timothy Walsh". The signature is written in a cursive style with a large initial 'T'.

Timothy Walsh
Director of Business Development
Liberty Senior Living
TWalsh@libertyseniorliving.com
(910) 332-1982

From: [Timothy J. Walsh](#)
To: [Tanya, Saporito](#)
Cc: [Waller, Martha K](#); [Stancil, Tiffany C](#)
Subject: [External] RE: Exempt From Review - Liberty Commons Nursing and Rehab Center of Columbus County / License # NH0283
Date: Friday, January 13, 2023 11:20:48 AM
Attachments: [Liberty - Exemption Letter to CON Section for Liberty Commons Columbus 2023-01-12 \(v.2\).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 morning all:

Apologies, but I had misunderstood the original intent initially. Please find attached an updated letter request. The change made was as follows:

1. Liberty Commons proposes to convert a 12-bed adult care hallway to a skilled nursing hallway, which would allow SNF semiprivate rooms to be converted to SNF private rooms.
2. After plans are drawn, approval is received by the DHSR Construction Section, zoning and planning approval is obtained, and financing is obtained, Liberty Commons proposes to construct a new 12-bed ACH wing and relocate the 12 non-operational ACH beds to the new wing.

Please confirm retrieval of this update and let me know if you need anything additional. Thanks!

Regards,

Timothy J. Walsh

Director of Business Development

Liberty Senior Living

TWalsh@libertyseniorliving.com

From: Timothy J. Walsh
Sent: Wednesday, January 11, 2023 2:29 PM
To: Tanya, Saporito <tanya.saporito@dhhs.nc.gov>
Cc: martha.waller@dhhs.nc.gov; Stancil, Tiffany C <Tiffany.Stancil@dhhs.nc.gov>
Subject: Exempt From Review - Liberty Commons Nursing and Rehab Center of Columbus County / License # NH0283
Importance: High

Good afternoon Tanya:

Please find attached to this email a letter intended to request a letter from the Certificate of Need Section stating that the attached proposal is exempt from review in accordance with G.S. 131E-184(e) and G.S. 131E-184(g).

Please let me know if you have any questions or need additional information. thanks!

Regards,

Timothy J. Walsh

Director of Business Development

Liberty Senior Living

Office: 910-332-1982

Mobile: 910-512-9191

TWalsh@libertyseniorliving.com

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