



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

RESPONSE REQUIRED

September 27, 2019

Timothy Walsh
2334 South 41st Street
Wilmington, NC 28403

Conditional Approval

Project ID #: F-11729-19
Facility: The Terrace at Brightmore of South Charlotte
Project Description: Relocate 4 ACH beds from Radbourne Manor to The Terrace at Brightmore of South Charlotte for a total of no more than 34 ACH beds upon completion of this project, which is a change of scope for Project ID #F-11607-18 (relocate 12 ACH beds from Radbourne Manor to a facility in Mint Hill)
County: Mecklenburg
FID #: 100541

Approved Capital Expenditure: \$65,700
Conditions of Approval: See Attachment A
Approved Timetable: See Attachment B
Last Date to Appeal: October 28, 2019
Required State Agency Findings: Enclosed

Dear Mr. Walsh:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) has conditionally approved the above referenced certificate of need application. This decision was made after review of the application or applications if the review was competitive, consideration of the Certificate of Need Law and regulations promulgated thereunder, the State Medical Facilities Plan, written comments if any, responses to comments if any, and other publicly applicable information.

The conditional approval is valid only for the approved capital expenditure shown above. If the capital cost will exceed the approved capital expenditure amount by more than 115%, the applicant must first obtain a new certificate of need.

Response to the conditions in Attachment A should be submitted to the Agency no later than 35 days from the date of the decision. Failure to respond within this time period may result in the Agency making a determination not to issue a certificate of need for the project referenced above.

The timetable for completion of the project is the timetable outlined in the certificate of need application, unless an adjustment has been made by the Agency because the review period was extended. The approved timetable for this project is found in Attachment B.

**Note: The applicant shall not begin developing this project until after the certificate of need has been issued and the certificate of need will not be issued until the applicant has documented that all conditions that must be met prior to issuance of the certificate of need have been met. Furthermore, if the project requires that plans be submitted to the Construction Section, those plans will not be reviewed or approved until after the certificate of need has been issued.**

The Certificate of Need law provides that any affected person has thirty (30) days after the date of the decision to file a petition for a contested case on this approval. Further, if you are aggrieved by any of the conditions you may file a petition for a contested case hearing in accordance with N.C. Gen. Stat. §150B, Article 3. This petition must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 within thirty (30) days of the date of this decision. Effective October 1, 2009, OAH requires a filing fee with submittal of petitions for contested cases. Please direct all questions regarding this fee to the OAH Clerk's Office (919-431-3000).

N.C. Gen. Stat. §150B-23 provides that a party filing a petition must also serve a copy of the petition on all parties to the petition. Therefore, if you file a petition for a contested case hearing, you must serve a copy of the petition on the Department of Health and Human Services by mailing a copy of your petition to:

Lisa G. Corbett  
Department of Health and Human Services,  
Office of Legal Affairs,  
Adams Building – Room 154  
2001 Mail Service Center  
Raleigh, North Carolina, 27699-2001

It is requested that a copy of the petition also be served on the Agency.

The certificate of need will not be issued before the completion of thirty day appeal period which ends on the date shown above. If a contested case petition is filed with OAH within the thirty day appeal period, the certificate will not be issued until the appeal is resolved.

If the decision is appealed, the timetable set forth in this letter will be adjusted accordingly before the certificate of need is issued. Please contact this office if any clarification of this decision is required.

Please refer to the Project ID # and Facility ID # (FID) in all correspondence.

Sincerely,



Celia C. Inman  
Project Analyst



Fatimah Wilson  
Team Leader

Enclosures:

- Attachment A: Conditions of Approval
- Attachment B: Approved Timetable
- Required State Agency Findings

cc: Adult Care Licensure Section, DHSR

**Attachment A**  
**Conditions of Approval**

1. Charlotte SC Senior Housing OPCO, LLC and Charlotte SC Senior Housing PROPCO, LLC shall materially comply with all representations made in the certificate of need application.
2. Charlotte SC Senior Housing OPCO, LLC and Charlotte SC Senior Housing PROPCO, LLC shall relocate no more than four adult care home beds from Radbourne Manor III for a total of no more than 34 adult care home beds at The Terrace at Brightmore of South Charlotte upon completion of the project.
3. Prior to issuance of the CON, Liberty Commons of Mecklenburg, LLC and Mecklenburg County Healthcare Properties, LLC shall take appropriate steps to relinquish the CON for Project ID #F-11607-19 (Change of scope and cost overrun for Project ID# F-11052-15 and Project ID #F-11461-18 (develop a new 83-bed nursing facility by relocating five nursing facility beds from Warren Hills (Warren County), ten beds from Cross Creek (Hyde County), 20 beds from Bermuda Commons (Davie County), 22 beds from Mary Gran (Sampson Shoreland (Columbus County), and ten beds from Legion Road Healthcare (Orange County)) for a total of no more than 83 NF beds and no more than 12 ACH beds upon completion of all three projects.
4. Upon completion of the project, The Terrace at Brightmore of South Charlotte shall be licensed for no more than 34 adult care home beds.
5. Upon completion of Project ID #F-11461-18, Liberty Commons Nursing and Rehabilitation Center of Mint Hill will be licensed for 83 NF beds and 0 ACH beds.
6. For the first two years of operation following completion of the project, Charlotte SC Senior Housing OPCO, LLC and Charlotte SC Senior Housing PROPCO, LLC shall not increase private pay charges more than 5% of the projected private pay charges provided in Section Q of the application without first obtaining a determination from the Healthcare Planning and Certificate of Need Section that the proposed increase is in material compliance with the representations in the certificate of need application.
7. No later than three months after the last day of each of the first three full fiscal years of operation following initiation of the services authorized by this certificate of need, Charlotte SC Senior Housing OPCO, LLC and Charlotte SC Senior Housing PROPCO, LLC shall submit, on the form provided by the Healthcare Planning and Certificate of Need Section, an annual report containing the:
  - a. Payor mix for the services authorized in this certificate of need.
  - b. Utilization of the services authorized in this certificate of need.
  - c. Revenues and operating costs for the services authorized in this certificate of need.
  - d. Average gross revenue per unit of service.
  - e. Average net revenue per unit of service.
  - f. Average operating cost per unit of service.
8. Charlotte SC Senior Housing OPCO, LLC and Charlotte SC Senior Housing PROPCO, LLC shall acknowledge acceptance of and agree to comply with all conditions stated herein to the Agency in writing prior to issuance of the certificate of need.

**Attachment B**  
**Approved Timetable**

1. Drawings Completed \_\_\_\_\_ March 1, 2020
2. Construction / Renovation Contract(s) Executed \_\_\_\_\_ April 1, 2020
3. 25% of Construction / Renovation Completed (25% of the cost is in place) \_\_\_\_\_ May 1, 2020
4. 50% of Construction / Renovation Completed \_\_\_\_\_ June 1, 2020
5. 75% of Construction / Renovation Completed \_\_\_\_\_ July 1, 2020
6. Construction / Renovation Completed \_\_\_\_\_ August 1, 2020
7. Building / Space Occupied \_\_\_\_\_ October 1, 2020
8. Licensure Obtained \_\_\_\_\_ October 1, 2020
9. Services Offered (required) \_\_\_\_\_ October 1, 2020
10. First Annual Report Due\* \_\_\_\_\_ December 31, 2021