



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

RESPONSE REQUIRED

June 22, 2023

Francisco Morales
110 Oakwood Drive
Suite 420
Winston-Salem, NC 27103

Conditional Approval

Project ID #: P-12326-23
Facility: The Gardens of Rose Hill
Project Description: Relocate no more 15 ACH beds from Autumn Village to The Gardens of Rose Hill for a total of no more than 60 ACH beds upon project completion
County: Duplin
FID #: 945023

Approved Capital Expenditure: \$3,747,587
Conditions of Approval: See Attachment A
Approved Timetable: See Attachment B
Last Date to Appeal: July 24, 2023
Required State Agency Findings: Enclosed

Dear Francisco Morales:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) has conditionally approved the above referenced certificate of need application. 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 attached to an email addressed to the Project Analyst and the Co-signer no later than 35 days from the date of the decision. The certificate of need will not be issued if the response to the conditions in Attachment A has not been received by the Agency.

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.

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.

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 G.S.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

Francisco Morales

June 22, 2023

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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).

G.S. 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:

Julie Cronin
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,



Julie M. Faenza
Project Analyst
Julie.Faenza@dhhs.nc.gov



Michela Mitchell
Chief
Michela.Mitchell@dhhs.nc.gov

Enclosures:

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

cc: Construction Section, DHSR
Adult Care Licensure Section, DHSR

**Attachment A
Conditions of Approval**

- 1. Rosehill Opco, LLC and Rosehill Propco, LLC (hereinafter certificate holder) shall materially comply with all representations made in the certificate of need application and any supplemental responses. If representations conflict, the certificate holder shall materially comply with the last made representation.**
- 2. The certificate holder shall relocate no more than 15 adult care home beds from Autumn Village in Duplin County to The Gardens of Rose Hill in Duplin County.**
- 3. Upon completion of this project, Autumn Village shall be licensed for no more than 73 adult care home beds and The Gardens of Rose Hill shall be licensed for no more than 60 adult care home beds.**
- 4. The certificate holder shall certify at least 24 licensed adult care home beds in the facility for recipients of State/County Special Assistance with Medicaid and provide care to those recipients commensurate with representations made in the application.**
- 5. For the first two years of operation following completion of the project, the certificate holder 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.**
- 6. Progress Reports:**
 - a. Pursuant to G.S. 131E-189(a), the certificate holder shall submit periodic reports on the progress being made to develop the project consistent with the timetable and representations made in the application on the Progress Report form provided by the Healthcare Planning and Certificate of Need Section. The form is available online at: <https://info.ncdhhs.gov/dhsr/coneed/progressreport.html>.**
 - b. The certificate holder shall complete all sections of the Progress Report form.**
 - c. The certificate holder shall describe in detail all steps taken to develop the project since the last progress report and should include documentation to substantiate each step taken as available.**
 - d. The first progress report shall be due on January 1, 2024.**
- 7. The certificate holder shall not acquire as part of this project any equipment that is not included in the project's proposed capital expenditures in Section Q of the application and that would otherwise require a certificate of need.**
- 8. The certificate holder 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

	Milestone	Date
1	Financing Obtained	6/1/2027
2	Drawings Completed	6/30/2027
3	Land Acquired	6/1/2027
4	Construction / Renovation Contract(s) Executed	10/31/2027
5	25% of Construction / Renovation Completed (25% of the cost is in place)	10/31/2027
6	50% of Construction / Renovation Completed	3/30/2028
7	75% of Construction / Renovation Completed	6/30/2028
8	Construction / Renovation Completed	8/30/2028
9	Equipment Ordered	7/1/2028
10	Equipment Installed	9/1/2028
11	Equipment Operational	10/1/2028
12	Building / Space Occupied	12/1/2028
13	Licensure Obtained	12/1/2028
14	Services Offered (required)	12/1/2028
15	Medicare and / or Medicaid Certification Obtained	12/31/2028
16	First Annual Report Due	3/1/2030