



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER  
GOVERNOR

MANDY COHEN, MD, MPH  
SECRETARY

MARK PAYNE  
DIRECTOR

August 15, 2017

Susan Prizant  
Gutnicki LLP  
4711 Golf Road, Suite 200  
Skokie, Illinois 60076

**Exempt from Review – Acquisition of Facility**

**Record #:** 2361  
**Facility Name:** Durham Nursing & Rehabilitation Center  
**Type of Facility:** NH  
**FID #:** 923264  
**Acquisition by:** Durham Max Realty LLC  
**Business #:** 2700  
**County:** Durham

Dear Ms. Prizant:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of August 11, 2017, the above referenced proposal is exempt from certificate of need review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, Winston Salem Max Realty LLC may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Agency's Nursing Home Licensure and Certification Section to obtain instructions for changing ownership of the existing facility. 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.*"

**HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION**

WWW.NCDHHS.GOV

TELEPHONE 919-855-3873

LOCATION: EDGERTON BUILDING • 809 RUGGLES DRIVE • RALEIGH, NC 27603

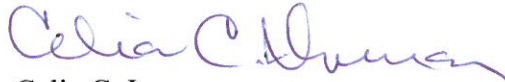
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It should be noted that this Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this Agency and a separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,



Celia C. Inman  
Project Analyst



Martha J. Frisone  
Chief, Healthcare Planning and  
Certificate of Need Section

cc: Construction Section, DHSR  
Nursing Home Licensure and Certification Section, DHSR  
Paige Bennett, Assistant Chief, Healthcare Planning, DHSR

## Inman, Celia C

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**From:** Susan Prizant <sprizant@gutnicki.com>  
**Sent:** Monday, August 14, 2017 10:29 AM  
**To:** Inman, Celia C  
**Subject:** Re: CON Exemptions

Hi Celia yes the CON also thank you

*Sent from my cell phone*

----- Original message-----

**From:** Inman, Celia C  
**Date:** Mon, Aug 14, 2017 9:51 AM  
**To:** Susan Prizant;  
**Cc:**  
**Subject:** CON Exemptions

Ms. Prizant:

The Agency received your Exemption Request dated August 11, 2017 and related to the acquisition of the "real property" associated with Winston Salem Nursing & Rehabilitation Center and Durham Nursing & Rehabilitation Center. For clarification, does the proposed acquisition of the real property include acquiring the associated CONs for the nursing beds at each facility?

Thank you,

**Celia C. Inman**

Project Analyst Certificate of Need  
Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section  
North Carolina Department of Health and Human Services

919-855-3873 office  
[Celia.inman@dhhs.nc.gov](mailto:Celia.inman@dhhs.nc.gov)

809 Ruggles Drive  
2704 Mail Service Center  
Raleigh, NC 27699-2704



Division of Health Service Regulation

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August 11, 2017

Ms. Martha Frisone, Assistant Chief  
Certificate of Need  
Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation  
2704 Mail Center  
Raleigh, NC 27699-2704



Re: **Exemption from Review Request**

Dear Ms. Frisone:

Through a series of transactions the following is intended:

- The acquisition by Winston Salem Max Realty LLC of the real property associated with **Winston Salem Nursing & Rehabilitation Center**, 1900 West 1st Street, Winston Salem, NC 27104 from Winston Salem Property Investment, LLC; and
- The acquisition by Durham Max Realty LLC of the real property associated with **Durham Nursing & Rehabilitation Center**, 411 South LaSalle Street, Durham, NC 27705 from Durham Property Investment, LLC.

In accordance with G.S. 131E-184(a)(8), we request written confirmation that this transaction is not subject to certificate of need review since the buyer is simply acquiring an existing health service facility.

Thank you in advance for your prompt attention to this matter. Should you have any questions, do not hesitate to contact Aaron Rokach at 847-933-9280 ext. 106.

Sincerely,

A handwritten signature in black ink, appearing to be "A. Rokach", written over a horizontal line.

GUTNICKI LLP