



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

June 27, 2017

Carmen J. Marzella
200 Pinner Weald Way, Suite 101
Cary, NC 27513

No Review

Record #: 2310
Facility Name: Greensboro Retirement Center
FID #: 920473
Business Name: Alpha Concord of Greensboro, LLC
Business #: 2666
Project Description: Alpha Concord of Greensboro, LLC intends to operate Greensboro Retirement Center under lease agreement with Alpha Greensboro RE, LLC, which intends to acquire the facility
County: Guilford

Dear Ms. Marzella:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) received your letters of May 2, 2017, May 5, 2017 and June 26, 2017, regarding the above referenced proposal. Based on the CON law **in effect on the date of this response to your request**, the proposal described in your correspondence is not governed by, and therefore, does not currently require a certificate of need. However, please note that if the CON law is subsequently amended such that the above referenced proposal would require a certificate of need, this determination does not authorize you to proceed to develop the above referenced proposal when the new law becomes effective.

However, you need to contact the Agency's Adult Care Licensure Section to determine if they have any requirements for development of the proposed project.

It should be noted that this determination is binding only for the facts represented in your correspondence. Consequently, if changes are made in the project or in the facts provided in

HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION

WWW.NCDHHS.GOV

TELEPHONE 919-855-3873

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

MAILING ADDRESS: 2704 MAIL SERVICE CENTER • RALEIGH, NC 27699-2704

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your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by this office. 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.

Please contact this office if you have any questions. Also, in all future correspondence you should reference the Facility ID # (FID) if the facility is licensed.

Sincerely,



Celia C. Inman
Project Analyst



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

cc: Adult Care Licensure Section, DHSR
Paige Bennett, Assistant Chief, Healthcare Planning, DHSR

Inman, Celia C

From: Carmen J. Marzella, Esq. <cmarzella@marzellalawgroup.com>
Sent: Monday, June 26, 2017 1:42 PM
To: Inman, Celia C
Cc: 'Juliet Okwoshah'; 'Trip Holmes'
Subject: RE: Exemption Response Acquisition of Greensboro Retirement Center

Ms. Inman,

You assisted my client and this office in obtaining an exemption for a Certificate of Need, for the Greensboro Retirement Center.

Due to the need to limit liabilities and to maintain separate entities from other facilities owned by our client, we request that the CON letter reissue to:

1. The Operating Company – Alpha Concord of Greensboro, LLC.
2. The Real Estate Holding Company – Alpha Greensboro RE, LLC.

I apologize for the duplicative work.

If you have any questions, please feel free to contact me.

Thank you.

CARMEN JOSEPH MARZELLA, ESQ.
Member NC & NJ Bars



200 Pinner Weald Way
Suite 101
Cary, North Carolina 27513
T. 919-653-8800 / F. 919-653-8368 / C. 919-413-5763
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From: Inman, Celia C [mailto:celia.inman@dhhs.nc.gov]
Sent: Monday, May 8, 2017 9:13 AM
To: 'Carmen J. Marzella, Esq.' <cmarzella@marzellalawgroup.com>
Subject: RE: Exemption Response Acquisition of Greensboro Retirement Center

FYI. Original is in the mail.



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

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



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From: Carmen J. Marzella, Esq. [<mailto:cmarzella@marzellalawgroup.com>]
Sent: Friday, May 05, 2017 1:29 PM
To: Inman, Celia C <celia.inman@dhhs.nc.gov>
Subject: RE: Exemption Response Acquisition of Greensboro Retirement Center

Alpha Concord Plantation, LLC will own the business operation, and Alpha Haven, LLC will own only the land and lease it to Alpha Concord Plantation, LLC.

CARMEN JOSEPH MARZELLA, ESQ.
Member NC & NJ Bars



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From: Inman, Celia C [<mailto:celia.inman@dhhs.nc.gov>]
Sent: Friday, May 5, 2017 1:24 PM
To: 'Carmen J. Marzella, Esq.' <cmarzella@marzellalawgroup.com>
Subject: RE: Exemption Response Acquisition of Greensboro Retirement Center

Which LLC is acquiring the facility?

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

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2704 Mail Service Center
Raleigh, NC 27699-2704



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From: Carmen J. Marzella, Esq. [<mailto:cmarzella@marzellalawgroup.com>]
Sent: Friday, May 05, 2017 1:06 PM
To: Inman, Celia C <celia.inman@dhhs.nc.gov>
Cc: 'Juliet Okwoshah' <juliet@alphahealthservices.com>; 'Trip Holmes' <tholmes@mindspring.com>
Subject: RE: Exemption Response Acquisition of Greensboro Retirement Center

Ms. Inman,

I realized when I saw the attached letter, that I named the real estate entity, Alpha Haven, LLC as the operating company, instead of Alpha Concord Plantation, LLC as the operating company.

I have attached an amended letter to support our request for an amended exemption.

Sorry for the inconvenience.

CARMEN JOSEPH MARZELLA, ESQ.
Member NC & NJ Bars



200 Pioneer Weald Way
Suite 101
Cary, North Carolina 27513
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From: Inman, Celia C [<mailto:celia.inman@dhhs.nc.gov>]
Sent: Friday, May 5, 2017 12:00 PM
To: 'cmarzella@marzellalawgroup.com' <cmarzella@marzellalawgroup.com>
Subject: Exemption Response Acquisition of Greensboro Retirement Center

FYI. Original will arrive snail mail @ 200 Pinner Weald Way.

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

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Rec'd by Email
5/5/17

May 5, 2017

VIA EMAIL

Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
Department of Health and Human Services
2704 Mail Service Center
Raleigh, NC 27699-2704

**Re: Exemption Request by Alpha Concord Plantation, LLC
Acquisition of Greensboro Retirement Center, Inc.
Address: 3301 Gar Place, Greensboro, NC 27406**

Dear Sir or Madame:

On behalf of our client, Alpha Concord Plantation, LLC, ("ALPHA"), we submit this letter to advise the Healthcare Planning and Certificate of Need Section ("CON Section") of a proposed transaction whereby ALPHA will acquire substantially all of the assets of GREENSBORO RETIREMENT CENTER, INC., ("GRC") related to GRC's ownership of the 64 bed Adult Care Home facility known as Greensboro Retirement Center, ("Facility"). The acquisition by ALPHA will include the real estate, building(s), and all CON rights related to the Facility.

Accordingly, the transaction should be determined to be exempt from certificate of need review under N.C. Gen. Stat. § 131E-184(a)(8), as it constitutes the acquisition, by ALPHA, of an existing health service facility from the Facility's current owner.

At present, the plan is for the transaction to close on or about August 1, 2017. Consequently, we would appreciate your earliest possible attention to this matter and confirmation that the proposed acquisition is exempt under N.C. Gen. Stat. § 131 E-184(a)(8).

On behalf of our client, I thank you for your attention to this matter. If you should have any questions or need any additional information, please contact me so that I may respond immediately.

Thank you for your time and consideration.

Sincerely,

MARZELLA LAW GROUP, PLLC



CARMEN J. MARZELLA

cmarzella@marzellalawgroup.com

CJM/c

cc: Juliet Okwoshah



May 2, 2017



VIA FEDEX

Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
Department of Health and Human Services
2704 Mail Service Center
Raleigh, NC 27699-2704

**Re: Exemption Request by Alpha Haven, LLC
Acquisition of Greensboro Retirement Center, Inc.
Address: 3301 Gar Place, Greensboro, NC 27406**

Dear Sir or Madame:

On behalf of our client, Alpha Haven, LLC, ("ALPHA"), we submit this letter to advise the Healthcare Planning and Certificate of Need Section ("CON Section") of a proposed transaction whereby ALPHA will acquire substantially all of the assets of GREENSBORO RETIREMENT CENTER, INC., ("GRC") related to GRC's ownership of the 64 bed Adult Care Home facility known as Greensboro Retirement Center, ("Facility"). The acquisition by ALPHA will include the real estate, building(s), and all CON rights related to the Facility.

Accordingly, the transaction should be determined to be exempt from certificate of need review under N.C. Gen. Stat. § 131E-184(a)(8), as it constitutes the acquisition, by ALPHA, of an existing health service facility from the Facility's current owner.

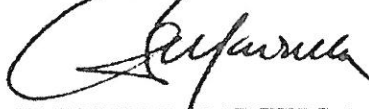
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On behalf of our client, I thank you for your attention to this matter. If you should have any questions or need any additional information, please contact me so that I may respond immediately.

Thank you for your time and consideration.

Sincerely,

MARZELLA LAW GROUP, PLLC



CARMEN J. MARZELLA

cmarzella@marzellalawgroup.com

CJM/c

cc: Juliet Okwoshah