



NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

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

November 22, 2019

Jo-Ann Marchica
1717 K Street NW
Washington, DC 20006-5344

Exempt from Review – Acquisition of Facility

Record #: 3138
Facility Name: The Courtyards at Berne Village
Type of Facility: ACH
FID #: 950090
Acquisition by: 2701 Amhurst Boulevard LLC
Business #: 3154
County: Craven

Dear Ms. Marchica:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your representations, the above referenced proposal is exempt from certificate of need (CON) review in accordance with N.C. Gen. Stat. §131E-184(a)(8). Therefore, the above referenced business may proceed to acquire the health service facility identified above without first obtaining a CON. The Agency’s determination is limited to the question of whether or not the above referenced business would have to obtain a CON if the current owners of the health service facility do in fact sell it to the business listed above. 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.”

In the event that the business listed above does acquire the facility, you should contact the Agency’s Adult Care Licensure Section, DHSR to obtain instructions for changing ownership of the existing facility.

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 regarding whether or not a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Handwritten signature of Gregory F. Yakaboski
Gregory F. Yakaboski
Project Analyst

Handwritten signature of Martha J. Frisone
Martha J. Frisone
Chief

cc: Adult Care Licensure Section, DHSR

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

November 7, 2019

VIA FEDEX and E-MAIL (Greg.Yakaboski@dhhs.nc.gov)

Mr. Greg Yakaboski
Division of Health Service Regulation
Department of Health and Human Services
809 Ruggles Drive
Raleigh, North Carolina 27603

Jo-Ann Marchica

Partner
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Reference Number: 039849.00003

**Re: REQUEST FOR CERTIFICATE OF NEED EXEMPTION
Adult Care Home Change of Ownership**

Dear Mr. Yakaboski:

We are writing to request an exemption from Certificate of Need review pursuant to N.C.G.S.A. § 131E-184 in connection with a transaction involving the change of ownership of The Courtyards at Berne Village, a licensed adult care home located at 2701 Amhurst Boulevard, New Bern, NC 28562 (the "Facility"). The Facility's license numbers are HAL-025-033 and HAL-025-034. The owner of the real property comprising the Facility is NIC 4 Courtyards of New Bern Owner LLC ("Owner") and the current licensed operator of the Facility is NIC 4 Courtyards of New Bern Leasing LLC. Owner has entered into an agreement to sell real property comprising the Facility to 2701 Amhurst Boulevard LLC. As part of the transaction, MC New Bern Subtenant LLC will sublease the Facility and apply to the Adult Care Licensure Section of the Department of Health and Human Services (the "Department") to become the licensed operator of the Facility. The target effective date of the transaction is January 10, 2020.

A letter of acknowledgement of the transaction from your office must be submitted to the Department as part of the application process. Please send a copy of your response to my attention via email at jo-ann.marchica@arentfox.com at your earliest convenience.

Please do not hesitate to contact me at (202) 857-6097 if you have any questions. Thank you.

Sincerely yours,



Jo-Ann Marchica