



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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

VIA EMAIL ONLY

December 14, 2021

Richard G. Clagett
rclagett@williamsmullen.com

Exempt from Review – Acquisition of Facility

Record #: 3755
Date of Request: December 8, 2021
Facility Name: Five Oaks Manor
Type of Facility: Skilled Nursing Facility
FID #: 953488
Acquisition by: Five Oaks SNF Operations LLC
Business #: 3492
County: Cabarrus

Dear Mr. Clagett:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that the project described above is exempt from certificate of need (CON) review in accordance with G.S. 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 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 G.S. 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.*"

If the business listed above does acquire the facility, you should contact the Agency's Nursing Home Licensure and Certification Section 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 a certificate of need would be required. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Julie M. Faenza
Project Analyst

Micheala Mitchell
Chief

cc: Nursing Home Licensure and Certification 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

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

From: [Clagett, Richard](#)
To: [Waller, Martha K](#)
Subject: [External] FW: CHOW Notification - Five Oaks Manor
Date: Wednesday, December 8, 2021 1:44:17 PM

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Ms. Waller,

I intended to copy you on the below email but made an error entering in your email address. Please see below.

Thank you,

Richard G. Clagett | Attorney | Williams Mullen

Williams Mullen Center | 200 South 10th Street, Suite 1600 | P.O. Box 1320 (23218) | Richmond, VA 23219
T 804.420.6172 | C 804.350.6028 | F 804.420.6507 | rclagett@williamsmullen.com | www.williamsmullen.com

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From: Clagett, Richard
Sent: Wednesday, December 8, 2021 12:20 PM
To: julie.faenza@dhhs.nc.gov
Cc: martha.waller@dhhs.nc; Bailey, James <jbailey@williamsmullen.com>
Subject: CHOW Notification - Five Oaks Manor [IMAN-IWOVRIC.FID2304477]

Dear Ms. Faenza:

I am writing to notify the Certificate of Need Section regarding an upcoming change of ownership in the facility located at 413 Winecoff School Road, Concord, NC 28027-0384, scheduled to occur on December 31, 2021 from Five Oaks Manor (Nursing Home License No.: NH 0027) to Five Oaks SNF Operations LLC d/b/a Five Oaks Rehabilitation Center.

The CHOW application was submitted on December 1, 2021 to Qwonthafia Jones in the Licensure and Certification Section and has already been reviewed.

If you have any questions, please do not hesitate to e-mail or call.

Sincerely,

Richard G. Clagett | Attorney | Williams Mullen

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