



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

December 14, 2023

Ann M. Nicholson
anicholson@williamsmullen.com

Exempt from Review – Acquisition of Facility

Record #: See Attachment A
Date of Request: November 30, 2023
Facility Name: See Attachment A
Type of Facility: Nursing Home
FID #: See Attachment A
Acquisition by: See Attachment A
Business #: See Attachment A
County: See Attachment A

Dear Ms. Nicholson:

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,

Ena Lightbourne
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
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AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Attachment A					
Record #	Facility	FID#	County	Acquisition By:	Business #
4328	Elevate Health and Rehabilitation	923265	Buncombe	Carolina Pines at Asheville LLC	3767
4329	Bear Mountain Health and Rehabilitation	922979	Buncombe	Accordius Health at Asheville LLC	3768
4330	Swannanoa Valley Health and Rehabilitation	952947	Buncombe	Pelican Health Asheville LLC	3769
4331	Orchard Valley Health and Rehabilitation	923245	Henderson	Accordius Health at Hendersonville LLC	3040
4332	Hilltop Health and Rehabilitation	923556	Rutherford	Accordius Health at Rutherford LLC	3770
4333	Sapphire Ridge Health and Rehabilitation	922995	Transylvania	Accordius Health at Brevard LLC	3771

From: [Nicholson, Ann](#)
To: [Lightbourne, Ena](#)
Subject: [External] RE: Change of Ownership Exemption Request
Date: Friday, December 1, 2023 9:52:16 AM

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Ena,

The business entities that are acquiring each facility are:

- **Carolina Pines at Asheville LLC**
 - *Facility:* Elevate Health and Rehabilitation
- **Accordius Health at Asheville LLC**
 - Bear Mountain Health and Rehabilitation
- **Pelican Health Asheville, LLC**
 - *Facility:* Swannanoa Valley Health and Rehabilitation
- **Accordius Health at Hendersonville LLC**
 - *Facility:* Orchard Valley Health and Rehabilitation
- **Accordius Health at Rutherford LLC**
 - *Facility:* Hilltop Health and Rehabilitation
- **Accordius Health at Brevard LLC**
 - *Facility:* Sapphire Ridge Health and Rehabilitation

Thanks so much. Let me know if you need anything else.

Best,

Ann

From: Lightbourne, Ena <ena.lightbourne@dhhs.nc.gov>
Sent: Friday, December 1, 2023 9:31 AM
To: Nicholson, Ann <anicholson@williamsmullen.com>
Subject: Change of Ownership Exemption Request

Hi Ms. Nicholson,

This is regarding the CHOW of six facilities exemption request submitted to the Agency. Can you provide the name of the business entity(s) that will acquire the facility?

Thanks.

Ena,

Ena Lightbourne

Certificate of Need, Project Analyst

[Division of Health Service Regulation](#), Healthcare Planning and Certificate of Need Section (*Currently, I am in the office on Thursdays and Fridays. For the rest of the week, I can be reached by email.*)

[NC Department of Health and Human Services](#)

Office: 919-855-4610

Ena.lightbourne@dhhs.nc.gov

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From: [Nicholson, Ann](#)
To: [Stancil, Tiffany C](#); [Waller, Martha K](#)
Cc: [Pittman, Lisa](#); [Clagett, Richard](#)
Subject: [External] RE: CHOW Certificate of Need
Date: Thursday, November 30, 2023 11:29:27 AM

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Good Ms. Stancil and Ms. Waller,

My apologies. The closing is set for December 31, 2023, *not* December 01, 2023.

Thanks,

Ann Nicholson

From: Nicholson, Ann
Sent: Thursday, November 30, 2023 11:25 AM
To: Tiffany.Stancil@dhhs.nc.gov; martha.waller@dhhs.nc.gov
Cc: Lisa.Pittman@dhhs.nc.gov
Subject: CHOW Certificate of Need

Good Ms. Stancil and Ms. Waller,

I am writing to notify the Certificate of Need Section regarding an upcoming change of ownership, scheduled to occur on December 01, 2023, for the following six facilities:

- **Elevate Health and Rehabilitation** (License No: NH0233)
 - 91 Victoria Road, Asheville, North Carolina 28801
- **Bear Mountain Health and Rehabilitation** (License No: NH0321)
 - 500 Beaverdam Road, Asheville, North Carolina 28804
- **Swannanoa Valley Health and Rehabilitation** (NH0528)
 - 1984 US-70, Swannanoa, North Carolina 28778
- **Orchard Valley Health and Rehabilitation** (License No: NH0382)
 - 200 Heritage Circle, Hendersonville, North Carolina 28791
- **Hilltop Health and Rehabilitation** (License No: NH0153)
 - 188 Oscar Justice Road, Rutherfordton, North Carolina 28139
- **Sapphire Ridge Health and Rehabilitation** (License No: NH0277)
 - 115 N Country Club Road, Brevard, North Carolina 28712

The CHOW application has not yet been submitted but Ms. Kelly in the Licensure and Certification Section has been notified of the pending transaction.

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

Best,

Ann Nicholson



Ann M. Nicholson

Law Clerk

T: (804) 420-6025

[email](#) | [website](#)

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