



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

January 19, 2023

Kenneth Burgess
kburgess@bakerdonelson.com

Exempt from Review – Acquisition of Facility

Record #: 4110
Date of Request: December 29, 2022
Facility Name: Valley Nursing Center
Type of Facility: Nursing Facility
FID #: 953152
Acquisition by: Buna Parker Lane and Glennis Lane Bolden, Trustees or their Successors in Interest of the Buna Parker Lane Living Trust dated July 22, 2020, and any amendments thereto
Business #: 3654
County: Alexander

Dear Mr. Burgess:

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

Ena Lightbourne
Project Analyst

Micheala Mitchell

Micheala Mitchell
Chief

cc:

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

Nursing Home Licensure and Certification Section, DHSR

KENNETH LEE BURGESS, SHAREHOLDER

December 29, 2022

Micheala Mitchell, Chief
N.C. Department of Health and Human Services
N.C. Division of Health Service Regulation
Certificate of Need Section
809 Ruggles Drive, Raleigh, N.C. 27603
Via email: micheala.mitchell@dhhs.nc.gov

RE: Notice of Exemption for the Acquisition of an Existing Health Service Facility: Valley Nursing Center, NH0381

Dear Micheala:

This correspondence is provided to supply the history of the ownership of Valley Nursing Center (the "Center") to ensure that the CON Section's information is current. The Center is licensed to operate 183 nursing facility beds. The current licensee of the Center is Westminister Nursing Center Inc. ("Westminister").

The site upon which the Center is located originally consisted of five separate tracts acquired by Henry R. Lane between 1983 and 1987. At the time of acquisition of the five tracts, Henry R. Lane was married to Buna P. Lane. The Center opened on a portion of these tracts in 1986 with 140 nursing facility beds.

Members of the Lane family operated the Center from its opening until 1995. In 1995, Henry R. and Buna P. Lane first leased the Center to Westminister, and Westminister has continuously operated the Center pursuant to the original lease, a subsequent lease in 2005 (which expired in 2015) and without a renewed written lease from 2015 until the present.

In 1997, Henry R. and Buna P. Lane reorganized the five tracts by deeding to themselves the approximately 44 acres involved as three tracts which were used for different purposes, one of which was the 12.993 acre tract which is the site of the Center (Alexander County Tax Parcel ID 0008931). Also in 1997, Henry R. Lane and Westminister were granted a certificate of need to add an additional 43 nursing facility beds to the Center to bring its total of nursing facility beds to the current 183 nursing facility beds following the completion of the projection. While Buna P. Lane was not listed as an applicant on the certificate of need application, she had a marital interest in the five tracts from which the tract which is the site of the Center was created in 1997.

Micheala Mitchell, Esq.

December 29, 2022

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Upon Henry R. Lane's death in 2015, Buna P. Lane became the sole owner of the Center's site as the surviving owner and heir of Henry R. Lane. Subsequent to Henry R. Lane's death, Buna P. Lane created a living trust (the "Trust") of which she is the sole beneficiary during her lifetime. By a deed recorded on December 3, 2021 (Alexander County Register of Deeds Book 647, Pages 147-149), Buna P. Lane deeded the Center's site (along with the other two tracts which her husband and she deeded to themselves in 1997) to the Trust. The Center's site has continuously been owned by the Trust since that time.

The full and complete name of the Trust contained in the 2021 deed is listed as follows, and it should be listed in the records of the CON Section as owner of the Center's site: "Buna Parker Lane and Glennis Lane Bolden, Trustees or their Successors in Interest of the Buna Parker Lane Living Trust dated July 22, 2020 and any amendments thereto."

As this chronology demonstrates, at all times since issuance of the original nursing facility CON, the facility and the land upon which it is situated has remained under the ownership of Henry R. Lane until his death in 2015, at which time it passed to his wife, Buna Parker Lane, until Ms. Lane transferred ownership of the facility to the Trust described herein, also in 2021. We are not aware that Ms. Lane provided the Agency with a Notice of Exemption pursuant to N.C. Gen. Stat. § 131E-184(a)(8) and, on behalf of our client, we apologize for any oversight in providing such Notice. To the extent required to update your records, please consider this correspondence to be a Notice of Exemption for the acquisition of an existing health service facility by the Trust, pursuant to N.C. Gen. Stat. § 131E-184(a)(8).

If there are any questions concerning this information, please let me know. If this information is sufficient to complete the CON Section's records concerning ownership of the Center, then please acknowledge to me at your convenience the receipt of this Notice of Exemption.

Best regards,

A handwritten signature in blue ink that reads "Ken Burgess". The signature is written in a cursive, flowing style.

Kenneth Lee Burgess, Shareholder

Cc: Anthony H. Brett, Esq.