



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

August 16, 2024

Ms. Virginia Lovelace
virginia.lovelace@genesishcc.com

Exempt from Review – Acquisition of Facility

Record #: 4533
Date of Request: June 21, 2024
Facility Name: Pembroke Center
Type of Facility: Nursing facility
FID #: 923393
Acquisition by: OHI Asset (NC) Pembroke, LP
Business #: 3856
County: Robeson

Dear Ms. Lovelace:

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.

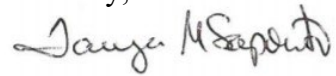
NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION
HEALTHCARE PLANNING AND CERTIFICATE OF NEED SECTION

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

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Tanya M. Saporito".

Tanya M. Saporito
Project Analyst

A handwritten signature in cursive script that reads "Micheala Mitchell".

Micheala Mitchell
Chief

cc: Nursing Home Licensure and Certification Section, DHSR

OHI Asset (NC) Pembroke, LP

303 International Circle, Suite 200
Hunt Valley, MD 21030

Tanya M. Saporito, J.D.
Project Analyst
Division of Health Service Regulation/
Certificate of Need
Department of Health and Human Services
2001 Mail Service Center
Raleigh, NC 27699-2000

June 21 2024
Via Email: Tanya.saporito@dhhs.nc.gov

Re: SunBridge Retirement Care Associates LLC
d/b/a Pembroke Center
310 East Wardell Drive, Pembroke NC 28372-7997

Dear Ms. Saporito:

As the proposed buyer of the nursing facility real property identified above, we request an exemption from the Certificate of Need review process. Our intent is to acquire the real estate from Pemberton Place, Inc. targeted on or before August 22, 2024. We request this exemption pursuant to § G.S. 131E-184 (a)(8): To acquire an existing health service facility, including equipment owned by the health service facility at the time of acquisition. A facility not currently licensed as an adult care home that was licensed as an adult care home within the preceding 12 months is considered an existing health service facility for the purposes of this subdivision.

Please be advised that the licensee will not change in this real property transfer and all current operations will remain the same. Thank you in advance. Please feel free to contact me if further information is necessary to make this exemption determination.

Sincerely,

OHI Asset (NC) Pembroke, LP

By: OHI Asset (NC) QRS GP, LLC, a
Delaware limited liability company,
its general partner

By: 
Name: Vikas Gupta
Title: Senior Vice President – Acquisitions
and Development

From: [Waller, Martha K](#)
To: [Stancil, Tiffany C](#)
Subject: FW: [EXTERNAL SENDER] RE: [External] RE Change
Date: Tuesday, August 13, 2024 10:49:32 AM
Attachments: [image001.png](#)
[Pembroke NC - CON Exemption Letter \(1\).pdf](#)

Martha Waller

Administrative Specialist 1

Division of Health Service Regulation, Certificate of Need Section North Carolina Department of Health and Human Services

Main: 919-855-3873

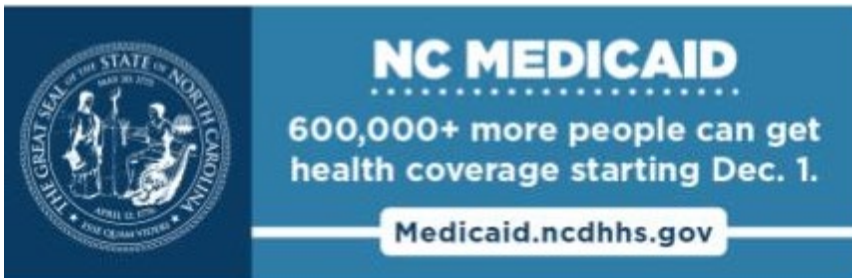
Office: 919-855-3885

martha.waller@dhhs.nc.gov

2704 Mail Service Center

Raleigh, NC 27699-2704

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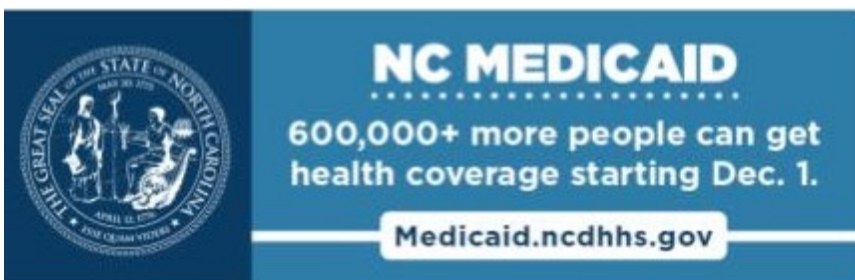
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From: Tanya, Saporito <tanya.saporito@dhhs.nc.gov>
Sent: Tuesday, August 13, 2024 10:35 AM
To: Waller, Martha K <martha.waller@dhhs.nc.gov>
Subject: FW: [EXTERNAL SENDER] RE: [External] RE Change

Tanya M. Saporito, J.D. *I work from home and in the office. Email is the best way to contact me.*
Project Analyst
[Division of Health Service Regulation](#), Certificate of Need
[NC Department of Health and Human Services](#)

Office: 919-855-3873
Tanya.saporito@dhhs.nc.gov

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From: Lovelace, Virginia <virginia.lovelace@genesishcc.com>
Sent: Tuesday, August 6, 2024 3:40 PM
To: Tanya, Saporito <tanya.saporito@dhhs.nc.gov>
Subject: Re: [EXTERNAL SENDER] RE: [External] RE Change

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Hello Tanya - in follow up to my vm today, do you know if the attached exemption request was approved? Thank you!

On Thu, Mar 28, 2024 at 3:05 PM Tanya, Saporito <tanya.saporito@dhhs.nc.gov> wrote:

Hi Virginia,

The Buyer is the party that would submit a request for an exemption for acquisition of an existing health service facility.

With regard to time for Agency response: we try to respond internally within five business days of receipt of the request. It may take a couple of extra days to have the Chief of the Section sign the letter after our internal response. But it will be a reasonably quick turnaround.

Please do not hesitate to contact me with any additional questions! Have a wonderful weekend!

Tanya M. Saporito, J.D. *I work from home and in the office. Email is the best way to contact me.*

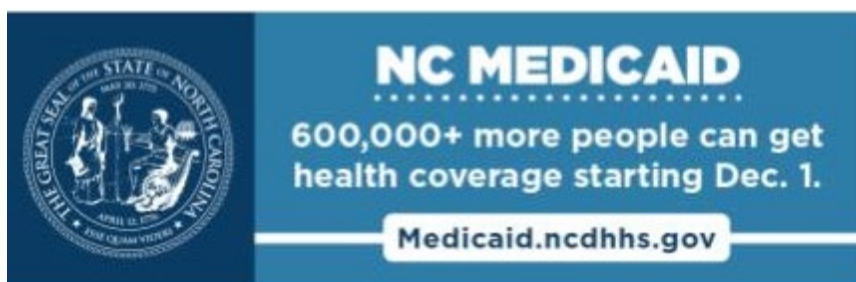
Project Analyst

[Division of Health Service Regulation](#), Certificate of Need
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From: Lovelace, Virginia <virginia.lovelace@genesishcc.com>

Sent: Thursday, March 28, 2024 3:43 PM
To: Tanya, Saporito <tanya.saporito@dhhs.nc.gov>
Subject: [External] RE Change

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Hi Tanya - Martha gave me your email to pose a question. We operate a nursing home in Robeson County and lease the building from our landlord. If that landlord changes (the real estate is sold), which party would request a CON exemption letter - the buyer or the seller? And are you able to tell me an estimate of how long it takes to obtain an exemption letter? Thanks for your help!

--

Genesis Healthcare
Virginia Lovelace
Regulatory Paralegal
101D Sun Avenue NE
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505-803-0687 cell
505.468.8742 fax

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