



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 19, 2024

Jordan Qualls  
[jordanqualls@quallslegal.com](mailto:jordanqualls@quallslegal.com)

**Exempt from Review – Acquisition of Facility**

**Record #:** 4660  
**Date of Request:** November 25, 2024  
**Facility Name:** MerryWood On Park  
**Type of Facility:** Adult Care Home  
**FID #:** 920469  
**Acquisition by:** MSLA Merrywood Holdings, LLC  
**Business #:** 3906  
**County:** Mecklenburg

Dear Jordan Qualls:

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 Adult Care Licensure 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,

Chalice L. Moore  
Project Analyst

Micheala Mitchell  
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

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Qualls, PLLC  
234 Two Creeks Loop  
Chapel Hill, NC 27517

November 22, 2024

**Via E-Mail**

Micheala Mitchell, Chief  
Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation  
N.C. Department of Health and Human Services  
809 Ruggles Drive  
Raleigh, NC 27603

RE: Exemption Letter Request Regarding Change of Ownership of MerryWood on Park (HAL-060-155)

Dear Ms. Mitchell:

The purpose of this letter is to inform you of a proposed transaction (the "Transaction") wherein MSLA Merrywood Holdings, LLC will acquire the adult care home currently known as MerryWood on Park (HAL-060-155) ("MerryWood") on or about January 1, 2025.

We are requesting that the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Healthcare Planning and Certificate of Need Section (the "Agency") confirm that the Transaction is exempt from review under the CON law's exemption provisions in N.C. Gen. Stat. § 131E-184(a)(8).

The General Assembly has chosen to exempt certain, otherwise reviewable, events from CON review, including the acquisition of an existing health service facility. See N.C. Gen. Stat. § 184(a)(8). Under N.C. Gen. Stat. § 131E-176(9b), MerryWood constitutes a "health service facility."

Furthermore, the Transaction does not entail the acquisition of any major medical equipment or any per se reviewable equipment as defined in N.C. Gen. Stat. § 131E-176(14)(o) and (16)(f1). Likewise, the Transaction does not include the offering of any per se reviewable services except those already offered by the existing health service facility. See N.C. Gen. Stat. § 131E-176(16)(f).

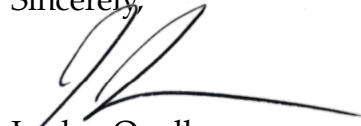
Exemption Letter Request – MerryWood on Park

November 22, 2024

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Based upon the foregoing information, we hereby request the Agency's confirmation that the Transaction is exempt from CON review under N.C. Gen. Stat. § 131E-184(a)(8). If the Agency needs additional information to assist in its consideration of this request, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan Qualls', with a long horizontal flourish extending to the right.

Jordan Qualls

919-904-4345

[jordanqualls@quallslegal.com](mailto:jordanqualls@quallslegal.com)

**From:** [DHSR.CON.Request](#)  
**To:** [Stancil, Tiffany C](#)  
**Subject:** FW: [External] Exemption Letter Request  
**Date:** Monday, November 25, 2024 9:43:32 AM  
**Attachments:** [Exemption Request - MerryWood on Park HAL-060-155.pdf](#)  
[image001.png](#)

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*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

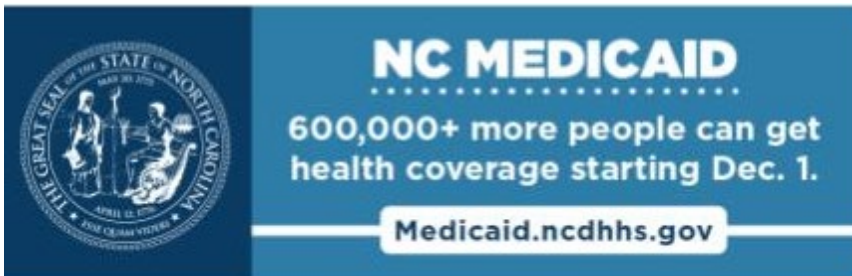
Office: 919-855-3885

[martha.waller@dhhs.nc.gov](mailto:martha.waller@dhhs.nc.gov)

2704 Mail Service Center

Raleigh, NC 27699-2704

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**From:** Jordan Qualls <jordanqualls@quallslegal.com>  
**Sent:** Friday, November 22, 2024 6:50 PM  
**To:** DHSR.CON.Request <DHSR.CON.Request@dhhs.nc.gov>  
**Subject:** [External] Exemption Letter Request

You don't often get email from [jordanqualls@quallslegal.com](mailto:jordanqualls@quallslegal.com). [Learn why this is important](#)

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Please find attached a request for exemption for the purchase of MerryWood on Park (an Adult Care Home).

Thanks,  
Jordan

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**Jordan Qualls**  
Qualls, PLLC  
234 Two Creeks Loop  
Chapel Hill, NC 27517  
Phone: 919.904.4345  
[jordanqualls@quallslegal.com](mailto:jordanqualls@quallslegal.com)

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