



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 9, 2025

Timothy Walsh  
TWalsh@libertyseniorliving.com

**Exempt from Review**

**Record #:** 4672  
**Date of Request:** December 11, 2024  
**Facility Name:** Swift Creek Health Center  
**FID #:** 110717  
**Business Name:** Cary Senior Housing I Opco, LLC  
Cary Senior Housing I Propco, LLC  
**Business #:** 2626 and 2627  
**Project Description:** Installation of kitchenettes in converted ACH rooms  
**County:** Wake

Dear Timothy Walsh

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency), determined that the above referenced proposal is exempt from certificate of need review in accordance with G.S. 131E-184(e). Therefore, you may proceed to offer, develop or establish the above referenced project without a certificate of need.

It should be noted that this determination is binding only for the facts represented by you. Consequently, if changes are made in the project or in the facts provided in your correspondence referenced above, a new determination as to whether a certificate of need is required would need to be made by the Agency. Changes in a project include but are not limited to: (1) increases in the capital cost; (2) acquisition of medical equipment not included in the original cost estimate; (3) modifications in the design of the project; (4) change in location; and (5) any increase in the number of square feet to be constructed.

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

Sincerely,

Crystal Kearney, Project Analyst

Micheala Mitchell, Chief

cc: Construction Section, DHSR  
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



December 11, 2024

*VIA EMAIL ONLY*

Crystal Kearney, Project Analyst  
Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation  
North Carolina Department of Health & Human Services  
809 Ruggles Drive  
Raleigh, NC 27603

**Subject: EXEMPT FROM REVIEW** – Swift Creek Health Center / License # NH0658 / Upfit adult care units with kitchenettes

Dear Ms. Kearney:

I am writing to request a letter from the Certificate of Need Section acknowledging that the above referenced proposal is exempt from Certificate of Need review. Currently, Swift Creek Health Center (“Swift Creek”) is licensed for 82 adult care home (“ACH”) beds and 28 skilled nursing (“SNF”) beds (License # NH0658).

Cary Senior Housing I OPCO, LLC and Cary Senior Housing I PROPCO, LLC (the “Applicants”), were approved to convert 22 nursing facility (“SNF” or “NF”) beds to 22 adult care home (“ACH” or “AL”) beds and add 16 ACH beds at Swift Creek pursuant to Policy LTC-1 of the 2024 State Medical Facilities Plan (“SMFP”) for a total of 120 ACH beds and 6 SNF beds at project completion. Please see attached Project J-12471-24.

The Applicants intend to install full kitchenettes in each of the newly converted ACH rooms. It is important to note that these enhancements are not included in the CON approval for Project J-12471-24, as kitchenettes are not a requirement for ACH rooms.

The CON Law includes exemption clauses for certificate of need reviews if specific conditions are met.

Currently, §131E-184(e) states:

The Department shall exempt from certificate of need review a capital expenditure that exceeds the four million dollar (\$4,000,000) threshold set forth in G.S. 131E-176(16)b. if all of the following conditions are met:

- (1) The proposed capital expenditure would meet all of the following requirements:
  - a. Be used solely for the purpose of renovating, replacing on the same site, or expanding any of the following existing facilities:
    1. Nursing home facility.



2. Adult care home facility.
  3. Intermediate care facility for individuals with intellectual disabilities.
  - b. Not result in a change in bed capacity, as defined in G.S. 131E-176(5), or the addition of a health service facility or any other new institutional health service other than that allowed in G.S. 131E-176(16)b.
- (2) The entity proposing to incur the capital expenditure provides prior written notice to the Department, which notice includes documentation that demonstrates that the proposed capital expenditure would be used for one or more of the following purposes:
- a. Conversion of semiprivate resident rooms to private rooms.
  - b. Providing innovative, homelike residential dining spaces, such as cafes, kitchenettes, or private dining areas to accommodate residents and their families or visitors.
  - c. Renovating, replacing, or expanding residential living or common areas to improve the quality of life of residents

The purpose of this request is to create innovative, homelike spaces within the ACH units. This proposal does not require a certificate of need, as it does not result in a change in bed capacity but rather focuses on the renovation and expansion of a portion of the facility.

Therefore, I kindly request a letter from the Certificate of Need Section stating that this proposal is exempt from review in accordance with G.S. 131E-184(e).

Thank you in advance for your assistance, and please do not hesitate to contact me if you have any questions.

Best Regards,

A handwritten signature in black ink that reads "Timothy Walsh".

Timothy Walsh  
Director of Business Development  
Liberty Senior Living  
[TWalsh@libertyseniorliving.com](mailto:TWalsh@libertyseniorliving.com)  
(910) 332-1982

**From:** [Kearney, Crystal](#)  
**To:** [Stancil, Tiffany C](#)  
**Subject:** FW: [External] Swift Creek Health Center - Exemption Request  
**Date:** Wednesday, December 11, 2024 10:37:54 AM  
**Attachments:** [Swift Creek Health Center - Exemption Request \(kitchenettes\) - 2024-12-11.pdf](#)

---

FYI

**Crystal Kearney**

Project Analyst, Certificate of Need

Division of Health Service Regulations, Healthcare Planning and Certificate of Need

NC Department of Health and Human Services

Office: 919-855-3883 (I am in the office on Monday and Tuesday, and can best be reached by email)

[Crystal.kearney@dhhs.nc.gov](mailto:Crystal.kearney@dhhs.nc.gov)

809 Ruggles Drive, Edgerton Building #228

2704 Mail Service Center

Raleigh, NC 27699-2704

---

**From:** Timothy J. Walsh <TWalsh@libertyseniorliving.com>  
**Sent:** Wednesday, December 11, 2024 10:14 AM  
**To:** Kearney, Crystal <crystal.kearney@dhhs.nc.gov>  
**Cc:** Waller, Martha K <martha.waller@dhhs.nc.gov>  
**Subject:** [External] Swift Creek Health Center - Exemption Request

**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.

Good morning Ms. Kearney:

Please find attached a request for exemption for Swift Creek Health Center to add kitchenettes to AL units.

Please let me know if you have any questions. Thanks so much!

Regards,

**Timothy J. Walsh**

Director of Business Development

*Liberty Senior Living*

Office: 910-332-1982

Mobile: 910-512-9191

[TWalsh@libertyseniorliving.com](mailto:TWalsh@libertyseniorliving.com)

2334 S. 41 Street, Wilmington, NC 28403  
Visit our website at [www.LibertySeniorLiving.com](http://www.LibertySeniorLiving.com)



---

*Confidentiality Notice: This email, and any documents, files, or previous email messages attached to it, may contain confidential information. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this email in error, please immediately notify us by reply email or by telephone at (866) 999-5447, and destroy the original transmission and its attachments without reading or downloading them.*

---

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized State official. Unauthorized disclosure of juvenile, health, legally privileged, or otherwise confidential information, including confidential information relating to an ongoing State procurement effort, is prohibited by law. If you have received this email in error, please notify the sender immediately and delete all records of this email.