



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**JOSH STEIN** • Governor

**DEVPUTTA SANGVAI** • Secretary

**MARK PAYNE** • Director, Division of Health Service Regulation

**VIA EMAIL ONLY**

July 30, 2025

Trevor P. Presler  
[tpresler@wyrick.com](mailto:tpresler@wyrick.com)

**Exempt from Review – Acquisition of Facility**

**Record #:** 4846  
**Date of Request:** July 8, 2025  
**Facility Name:** Rose Hill Retirement Community  
**Type of Facility:** Adult Care Home  
**FID #:** 960008  
**Acquisition by:** Rose Hill Operations, LLC  
**Business #:** 3972  
**County:** McDowell

Dear Mr. Presler:

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 and change the operator to Rose Hill Operations, LLC 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,

Ena Lightbourne  
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



Wyrick Robbins Yates & Ponton LLP  
ATTORNEYS AT LAW

4101 Lake Boone Trail, Suite 300, Raleigh, NC 27607

PO Drawer 17803, Raleigh, NC 27619

P: 919.781.4000 F: 919.781.4865 [www.wyrick.com](http://www.wyrick.com)

**MEMBER OF MERITAS LAW FIRMS WORLDWIDE**

Frank S. Kirschbaum  
[fkirschbaum@wyrick.com](mailto:fkirschbaum@wyrick.com)

June 27, 2025

**VIA ELECTRONIC MAIL**

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

**Re: Notice of Exempt Acquisition pursuant to N.C. Gen. Stat. §131E-184(a)(8)-  
Acquisition of Existing Health Service Facilities (Adult Care Homes)**

Dear Ms. Mitchell:

This correspondence serves as a Notice of Exempt Acquisition regarding a transaction (the "Transaction") involving the sale of the eighty-seven (87) bed Adult Care Home known as Rose Hill Retirement Community (the "ACH" or "Rose Hill"). The ACH, presently operated by Your H.O.M.E., Inc. ("Seller") under license number HAL-059-027, will be sold to Rose Hill Operations, LLC ("Buyer"). The anticipated closing date for the Transaction is July 31, 2025. Buyer and certain Buyer-affiliated entities will acquire, among other things, the land, buildings and fixtures of the ACH, and will continue to operate the ACH thereafter.

We understand that the Transaction is exempt from certificate of need review pursuant to N.C. Gen. Stat. §131E-184(a)(8), which exempts from CON review proposals "[t]o acquire an existing health service facility, including equipment owned by the health service facility at the time of acquisition." Further, Rose Hill was first licensed as a "Home for the Aged" on or around January 16, 1996. This date was before adult care homes were made subject to the Certificate of Need law on January 1, 2002 (pursuant to Session Law 2001-234); consequently, there is no CON for this facility. Therefore, I am requesting your confirmation that the Transaction is exempt from review pursuant to N.C. Gen. Stat. §131E-184(a)(8), and that no CON is required for this facility, which was licensed prior to the date that adult care homes

became subject to the CON law and does not have or need a CON. Additional information about the ACH and the parties to the Transaction is provided in table format below.

<b>FACILITY NAME AND ADDRESS</b>	<b>COUNTY</b>	<b>License # CON</b>	<b>SELLER</b>	<b>BUYER</b>
Rose Hill Retirement Community 120 Fleming Avenue Marion, NC, 28752	McDowell	HAL 059 027 (1996- present)  No CON Issued or Required	Your H.O.M.E., Inc.	Rose Hill Operations, LLC

Thank you for your consideration, and please let me know at your earliest convenience if there are any questions.

Sincerely,



Frank S. Kirschbaum

cc: [Lisa.Pittman@dhhs.nc.gov](mailto:Lisa.Pittman@dhhs.nc.gov) (Assistant Chief, Certificate of Need)

**From:** [Mitchell, Micheala L](#)  
**To:** [Stancil, Tiffany C](#)  
**Cc:** [Lightbourne, Ena](#)  
**Subject:** FW: [External] Exemption Notification/Request Letter  
**Date:** Thursday, July 3, 2025 12:11:32 PM  
**Attachments:** [CON Notice and Request, Rose Hill 2025.pdf](#)

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Tiffany,

Would you mind logging and assigning this to Ena when you return on the 7<sup>th</sup>?

Thank you!!

Micheala Mitchell, JD  
[NC Department of Health and Human Services](#)  
[Division of Health Service Regulation](#)  
Section Chief, Healthcare Planning and CON Section  
809 Ruggles Drive, Edgerton Building  
2704 Mail Service Center  
Raleigh, NC 27699-2704  
Office: 919 855 3879  
[Micheala.Mitchell@dhhs.nc.gov](mailto:Micheala.Mitchell@dhhs.nc.gov)

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**From:** Trevor P. Presler <TPresler@wyrick.com>  
**Sent:** Thursday, July 3, 2025 10:06 AM  
**To:** Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>  
**Cc:** Frank Kirschbaum <FKirschbaum@wyrick.com>  
**Subject:** [External] Exemption Notification/Request Letter

**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. Mitchell,

We represent Rose Hill Operations, LLC in its acquisition of Rose Hill Retirement Community from its current owner/licensee Your H.O.M.E., Inc. Please find attached a Notice of Exempt Acquisition pursuant to N.C. Gen. Stat. §131E-184(a)(8)- Acquisition of Existing Health Service Facilities. We understand that the facility does not have and does not require a CON, as it was first licensed in 1996, six years before Adult Care Homes become subject to the CON law. Please let us know if you have any questions or need any additional information, and I hope you have a good holiday weekend!

Sincerely,

Trevor Presler

**Trevor P. Presler**  
ATTORNEY

Direct: 919.228.2901  
Mobile: 919.428.3525  
[tpresler@wyrick.com](mailto:tpresler@wyrick.com)

**Wyrick Robbins Yates & Ponton LLP**  
4101 Lake Boone Trail, Suite 300  
Raleigh, NC 27607  
P: 919.781.4000 F: 919.781.4865  
[www.wyrick.com](http://www.wyrick.com)

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