



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

JOSH STEIN • Governor

DEV DUTTA SANGVAI • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

VIA EMAIL ONLY

May 12, 2025

Patricia A. Markus

[Trish.markus@nelsonmullins.com](mailto:Trish.markus@nelsonmullins.com)

**Exempt from Review – Acquisition of Facility**

**Record #:** 4772  
**Date of Request:** April 17, 2025  
**Facility Name:** Home Place of New Bern  
**Type of Facility:** Adult Care Home  
**FID #:** 970675  
**Acquisition by:** Home Place New Bern NC SLC LLC  
**Business #:** 3948  
**County:** Carteret

Dear Ms. Markus:

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.

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

Patricia A. Markus  
May 12, 2025  
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Sincerely,

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

Gregory F. Yakaboski  
Project Analyst

A handwritten signature in black ink, appearing to read 'Micheala Mitchell', written in a cursive style.

Micheala Mitchell  
Chief

cc: Adult Care Licensure Section, DHSR

Patricia A. Markus, CIPP/US  
T: (919) 329-3853  
trish.markus@nelsonmullins.com

301 Hillsborough Street, Suite 1400  
Raleigh, NC 27603  
T: (919) 329-3800 F: (919) 329-3799  
nelsonmullins.com

April 17, 2025

**VIA E-MAIL ONLY**

Ms. Micheala Mitchell, Chief  
Mr. Greg Yakaboski, Project Analyst  
Healthcare Planning and Certificate of Need Section  
Division of Health Service Regulation  
N.C. Department of Health and Human Services  
2704 Mail Service Center  
Raleigh, NC 27699-2704

Re: Diversified Healthcare Trust – Request for Exemptions Due to Change in Property Owners

Dear Ms. Mitchell and Mr. Yakaboski:

We are seeking a determination by the Healthcare Planning and Certificate of Need Section that Diversified Healthcare Trust, our client and the ultimate parent company of the adult care homes identified below, is not required to obtain Certificates of Need due to its planned corporate restructuring, which involves a transfer of the real property and buildings of Home Place of New Bern and Morningside of Raleigh to new owners.

Here are the details of these two transactions:

- **Home Place of New Bern** - Facility ID 970675  
1309 McCarthy Boulevard  
New Bern, NC 28562
  - The current property owner, SNH/LTA SE Home Place New Bern LLC, is transferring the property to Home Place New Bern NC SLC LLC
  - The tenant/licensee of the facility, SNH NC Tenant LLC, will remain the same
  - The operator of the facility, FVE Managers, Inc., will remain the same
  - The name of the facility will remain the same
  - Contact information for the new property owner is:

Ms. Micheala Mitchell, Chief  
Mr. Greg Yakaboski, Project Analyst  
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Two Newton Place  
255 Washington Street, Suite 300  
Newton, MA 02458  
(617) 796-8350  
licensing@5ssl.com

- **Morningside of Raleigh** - Facility ID 940715

801 Dixie Trail  
Raleigh, NC 27607

- The current property owner, SNH/LTA Properties Trust, is transferring the property to Morningside Raleigh NC SLC LLC
- The tenant/licensee of the facility, SNH NC Tenant LLC, will remain the same
- The operator of the facility, FVE Managers, Inc., will remain the same
- The name of the facility will remain the same
- Contact information for the new property owner is:

Two Newton Place  
255 Washington Street, Suite 300  
Newton, MA 02458  
(617) 796-8350  
licensing@5ssl.com

The current and new property owners have the same ultimate owner, so these transfers represent solely an internal reorganization.

Please contact us if you have questions or need any further information regarding this request. We appreciate your prompt attention to this matter.

Very truly yours,

NELSON MULLINS RILEY & SCARBOROUGH LLP



Patricia A. Markus

**From:** [Yakaboski, Greg](#)  
**To:** [Stancil, Tiffany C](#)  
**Subject:** FW: [External] Request for Exemptions  
**Date:** Thursday, April 17, 2025 11:15:51 AM  
**Attachments:** [DHT - Request for Exemptions \(Change in Property Owner\) 4922-6011-1671 v.2.pdf](#)

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FYI- Just received.

Sincerely,

*Gregory F. Yakaboski*

**Gregory F. Yakaboski**  
Project Analyst  
[Division of Health Service Regulation](#), Certificate of Need  
[NC Department of Health and Human Services](#)

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#StayStrongNC and get the latest at [nc.gov/covid19](https://nc.gov/covid19)

Office: 919-855-3873  
[Greg.Yakaboski@dhhs.nc.gov](mailto:Greg.Yakaboski@dhhs.nc.gov)

809 Ruggles Drive, Edgerton Building  
2704 Mail Service Center  
Raleigh, NC 27699-2704

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**From:** Trish Markus <trish.markus@nelsonmullins.com>  
**Sent:** Thursday, April 17, 2025 10:50 AM  
**To:** Mitchell, Micheala L <Micheala.Mitchell@dhhs.nc.gov>; Yakaboski, Greg <greg.yakaboski@dhhs.nc.gov>  
**Subject:** [External] Request for Exemptions

**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 and Mr. Yakaboski:

Attached please find correspondence seeking exemption determinations from the CON Section. Please do not hesitate to contact me if you have any questions or need further information.

Kind regards,

Trish



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PATRICIA A. MARKUS, JD, CIPP/US **PARTNER**

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