



State of New Jersey
DEPARTMENT OF HEALTH
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Governor

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Commissioner

May 13, 2022

VIA ELECTRONIC & FIRST CLASS MAIL

Mr. Gregory Hook
Executive Vice President
Compliance & Regulatory Affairs
Spring Hills PASL, LLC
26 Main Street
Edison, New Jersey 08837

Re: B-Well Assisted Living at Livingston
Request for Second Extension of Time
CN ER# 2014-1004-03
Total Project Cost: \$ 4,200,000
Expiration Date: January 31, 2023

Dear Mr. Hook:

Please be advised that the Department of Health (Department) is approving the Expedited Review Certificate of Need application for B-Well Assisted Living at Livingston (B-Well), a new Assisted Living (AL) facility which will be licensed for 151 AL beds. B-Well's application, submitted on January 26, 2022, pursuant to N.J.A.C. 8:33-5.1(a)6, requests a second extension of time for CN ER# 141004-07-37. The first extension was granted by the Department in a letter dated August 18, 2020 and expired on January 31, 2022.

The original certificate of need for the establishment of a newly constructed AL facility, to be located at 346 E. Cedar Street in Livingston, Essex County was granted on July 30, 2015. The Applicant's licensed operator will be KBWB Operations, LLC, a for-profit entity. In addition, on August 23, 2016, the Department approved a change in scope to increase the number of beds to 151.

The Department has carefully reviewed the current application which requests a 12-month extension of time. In accordance with this request, this certificate of need is now extended for one additional 12-month time period from your last expiration date of January 31, 2022. It is expected that this project will be fully implemented by January 31, 2023.

The decision to approve B-Well's extension application is based on a review of the documents submitted. The applicant stated an extension of time was needed due to complications arising as a result of the coronavirus pandemic, which affected construction material supply chains and personnel availability. Applicant also stated that the project can be completed by January 31, 2023. A transfer of ownership for the Atrium facilities is underway, but the B-Well facility will be retained by the current owner until completion and licensing. The applicant also confirmed that financing remains in place for this project and will be sufficient to cover any increases in project costs, and that local zoning and building approvals for the project are still in place.

Please be advised that this approval is limited to the proposal as presented and reviewed. The application, related correspondence and any completeness questions and responses are incorporated and made a part of this approval. An additional review by the Department may be necessary if there is any change in scope as defined in N.J.A.C. 8:33-3.9. However, in accordance with N.J.A.C. 8:33-3.9(a) 1-3, a change of cost of an approved certificate of need is exempt from certificate of need review but subject to the following:

1. The applicant shall file a signed certification as to the final total project cost expended for the project at the time of the application for license for the beds/services with the Certificate of Need and Healthcare Facility Licensure Program.
2. Where the actual total project cost exceeds the certificate of need approved total project cost and is greater than \$1,000,000, the applicant shall remit the additional certificate of need application fee due to the Certificate of Need and Healthcare Facility Licensure Program. The required additional fee shall be 0.25 percent of the total project cost in excess of the certificate of need approved total project cost.
3. The Department will not issue a license for the beds/services until the additional fee is remitted in full.

The Department, in approving this application, has relied solely on the facts and information presented. The Department has not undertaken an independent investigation of such information. If material facts have not been disclosed or have been misrepresented as part of this application, the Department may take appropriate administrative regulatory action to rescind the approval or refer the matter to the Office of the New Jersey Attorney General.

Any approval granted by this Department relates to certificate of need and/or licensing requirements only and does not imply acceptance by a reimbursing entity. This letter is not intended as an approval of any arrangement affecting reimbursement or any remuneration involving claims for health care services.

This approval is not intended to preempt in any way any municipality's authority to regulate land use within its borders and shall not be used by the applicant to represent that the Department has made any findings or determination relative to the use of any specific property.

Please be advised that services may not commence until a license has been issued by the Certificate of Need and Healthcare Facility Licensure Program to operate this facility. A survey by Department staff will be required prior to commencing services.

The Department looks forward to working with the applicant to provide a high quality of care to the Assisted Living residents. If you have any questions concerning this Certificate of Need approval, please do not hesitate to contact Michael J. Kennedy, Executive Director, Division of Certificate of Need and Licensing at michael.kennedy@doh.nj.gov.

Sincerely,

Robin C. Ford

Robin C. Ford, MS
Deputy Commissioner
Health Systems

cc: Stefanie J. Mozgai, DOH (Electronic mail)
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