



State of New Jersey
DEPARTMENT OF HEALTH
PO BOX 358
TRENTON, N.J. 08625-0358
www.nj.gov/health

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHRISTOPHER R. RINN
Acting Commissioner

December 15, 2017

VIA ELECTRONIC & FIRST-CLASS MAIL

Robert J. Fogg, Esq.
Archer & Greiner, P.C.
101 Carnegie Center, Suite 300
Princeton, NJ 08540
RFogg@archerlaw.com

Re: Masonic Village at Burlington - CCRC
CN# ER17 1002-03-38
TOTAL PROJECT COST: \$0.00
Expiration Date: December 15, 2022

Dear Mr. Fogg:

Please be advised that I am approving the certificate of need (CN) application submitted on October 2, 2017 for the addition of twelve (12) comprehensive personal care home (CPCH) beds to the existing licensed capacity of 75 beds at Masonic Village at Burlington, a Continuing Care Retirement Community (CCRC), located at 902 Jacksonville Road in Burlington, NJ. The 264 long term care beds at Masonic Village at Burlington will not change at this time. This application is being approved at a total project cost as noted above.

N.J.S.A. 26:2H-8 provides for the issuance of a CN only where the action proposed in the application for such certificate is necessary to provide required health care in the area to be served, can be economically accomplished and maintained, will not have an adverse economic or financial impact on the delivery of health services in the region or statewide, and will contribute to the orderly development of adequate and effective health care services. In making such determinations, I must take into consideration: a) the availability of facilities or services which may serve as alternatives or substitutes; b) the need for special equipment and services in the area; c) the possible economies and improvement in services to be anticipated from the operation of joint central services; d) the adequacy of financial resources and sources of present and

Masonic Village at Burlington - CCRC
CN# ER17 1002-03-38
TOTAL PROJECT COST: \$0.00
Expiration Date: December 15, 2022
Page 2

As to the aforementioned specifics of this application, I note that in identifying those services that are subject to expedited review, the Department of Health (Department) chose services that would have a minimal impact on the health care system as a whole and, therefore, for which a statistical bed need methodology would not be necessary. The services in this application are subject to expedited review pursuant to N.J.A.C. 8:33-5.1(a)(4) and, therefore, a need assessment is not required. I believe that the criterion regarding the availability of facilities or services which may serve as alternatives or substitutes is not applicable inasmuch as the services in this application will have a minimal impact on the health care system as a whole. The need for sufficient special equipment and services in the area does not apply as this application is for a comprehensive personal care home, which does not require any special equipment. The facility will realize economies of scale from the operation of joint central services as it shares common ownership with other facilities/services in New Jersey. I believe that this project can be economically accomplished and maintained, as the applicant projects a continued positive net income with the addition of these beds. I also note that additional professional staff will not be required to accommodate the implementation of these additional comprehensive personal care home beds.

Finally, I have taken into consideration the applicable regulations for the services subject to expedited review (i.e., N.J.A.C. 8:33-5.3 and 8:33H-1.16). I find that Masonic Village at Burlington has provided an appropriate project description, which includes information as to the total project cost, operating costs and revenues, services affected, equipment involved, source of funds, utilization statistics, and justification for the proposed project (N.J.A.C. 8:33-5.3(a)(1)); assurance that all residents of the area, particularly the medically underserved, will have access to services (N.J.A.C. 8:33-5.3(a)(2)); and documentation that it will meet appropriate licensing and construction standards (N.J.A.C. 8:33-5.3(a)(3)(i)). In addition, Masonic Village at Burlington has demonstrated a track record of substantial compliance with the Department's licensing standards (N.J.A.C. 8:33-5.3(a)(3)(ii)).

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 at N.J.A.C. 8:33-3.9. However, a change in cost of an approved certificate of need is exempt from certificate of need review 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 licensure for the beds/services with the Department's Certificate of Need and Healthcare Facility Licensure Program.

Masonic Village at Burlington - CCRC
CN# ER17 1002-03-38
TOTAL PROJECT COST: \$0.00
Expiration Date: December 15, 2022
Page 3

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 beds/services until the additional fee is remitted in full.

Pursuant to N.J.A.C. 8:36-5.1(m), as a CCRC, Masonic Village at Burlington is not required to accept Medicaid. As such, N.J.S.A. 26:2H-12.16, which requires "a new facility that is licensed to operate as an assisted living residence or comprehensive personal care home shall reserve ten percent of the additional beds for use by Medicaid-eligible persons," does not apply to Masonic Village at Burlington.

Pursuant to N.J.A.C. 8:33-6.1(a)(9), CCRCs that contain a minimum of four independent living units for every one long-term care bed are exempt from the certificate of need requirement. **Masonic Village at Burlington does not meet the minimum ratio for independent to long term care beds.**

The Department, in approving this application, has relied solely on the facts and information presented to us. The Department offers no opinion as to whether the facility's ownership or business organization are in compliance with the Codey Act, Board of Medical Examiners administrative rules, or federal anti-referral (Stark) and anti-kickback laws. We have not undertaken an independent investigation of such information. If material facts with respect to this application have not been disclosed or have been misrepresented, 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 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 you to represent that the Department has made any findings or determinations 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 with the additional beds. A survey by Department staff may be required prior

Masonic Village at Burlington - CCRC
CN# ER17 1002-03-38
TOTAL PROJECT COST: \$0.00
Expiration Date: December 15, 2022
Page 4

to commencing services; if such a determination is made, you will need to contact a representative from the Department's Division of Health Facility Survey and Field Operations to discuss this matter at (609) 292-9900.

We look forward to working with you and helping you to provide a high quality of care to your residents. If you have any questions concerning this certificate of need or the licensure of these additional CPCH beds, please do not hesitate to telephone Mr. John A. Calabria, Director, Certificate of Need and Healthcare Facility Licensure Program at (609) 292-8773.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alison Gibson".

Alison Gibson, RN, MA, MPA
Deputy Commissioner
Health Systems

cc: John A. Calabria