

**Long-Term and Behavioral Health Committee  
Agency Report for Petition Regarding  
Home Health Agency Adjusted Need Determination Petition  
Proposed 2012 State Medical Facilities Plan**

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*Petitioner:*

Ivan Belov  
Personal Home Care of North Carolina, LLC  
1515 Mockingbird Lane, Suite 801  
Charlotte, N.C. 28209

*Request:*

The Petition requests an adjusted need determination for Medicare-certified Home Health Agencies or Offices in Mecklenburg County. Specifically, the petition asks that the projected need be reduced from two to one additional home health agency office in Chapter 12 of the Proposed 2012 State Medical Facilities Plan (SMFP).

*Background Information:*

The home health need methodology projects future need based on trends in historical data including the “Average Annual Rate of Change in Number of Home Health Patients” over the previous three years and the “Average Annual Rate of Change in Use Rates per 1000 Population” over the previous three years. Average annual rates of change are compiled based on “Council of Governments (COG)” regions.

The methodology utilized in the development of the State Medical Facilities Plan does not project future need based on the number of home health agencies in any given county. Rather, it projects need based on the number of patients served. Furthermore, the standard methodology indicates, “...in counties for which additional home health agency office need determinations were made by the standard methodology...determine the difference between 275 and the number of patients actually served by each new agency in the county for which a need determination was made”. An agency serving more than 275 patients is to report the actual number of patients served. And if a new agency serves less than 275 patients, an adjustment “placeholder” equal to the difference the reported number of home health patients and 275 is used.

In the 2009 State Medical Facilities Plan an adjusted need determination for an additional Medicare-certified home health agency or office in Mecklenburg was granted by the State Health Coordinating Council in response to a petition even though the standard methodology indicated no need for any additional Medicare-certified home health agencies or offices anywhere in the state. This adjusted need determination was made to address the special needs of the non-English speaking, non-Hispanic population in Mecklenburg County. The SMFP stipulated qualified applicants were required to provide evidence of fluency in multiple languages other than Spanish, including Russian.

In June 2009, Personal Home Care of North Carolina submitted a Certificate of Need application for the Medicare-certified home health agency or office adjusted need determination with conditions and in October 2009 they were issued the Certificate of Need (CON #: F-8341-09) for the same.

*Analysis/Implications:*

The Proposed 2012 SMFP indicated a projected need determination for two new Medicare-certified home health agencies or offices in Mecklenburg County. The petitioner notes that “Personal Home Care of North Carolina, LLC” was not included in the proposed plan nor was there a “placeholder” for this “new” agency. The petitioner cites “year-to-date” statistics indicating that Personal Home Care of North Carolina has served 180 patients, speculating that the absence of this agency data (or its placeholder of 275 patients) was the reason for the projected “...need determination for 2 additional Mecklenburg County home health agencies.”

For purposes of the Proposed 2012 SMFP, the data reporting period for home health services is October 1, 2009 through September 30, 2010. The data from Personal Home Care of North Carolina, LLC for that reporting period were originally submitted on a “Home Care” form, which did not show up in the Proposed 2012 SMFP. Since the public hearings, that issue has been addressed and the number of Medicare-certified home health patients reported for October 1, 2009 through September 30, 2010 totaled seventeen. Those patients have been included in revised home health need projection tables, with no effect on the projected need in Mecklenburg County. More recent “year-to-date” information on patients receiving services after September 30, 2010 will be reflected in the Proposed 2013 SMFP.

With regard to the “placeholder” for new agencies, as noted in “Background Information,” these are only allowed in instances where the future need is projected by the standard methodology. Since Personal Home Care of North Carolina, LLC was developed in response to an “adjusted need determination,” no placeholder is allowed.

*Agency Recommendation:*

The Agency supports the standard methodology and recommends that the request to adjust the need determination for Mecklenburg County downward from 2 agencies to 1 agency for review in the 2012 SMFP be denied.