

**Long Term & Behavioral Health Committee
Agency Report
Petition to
Create Ventilator Nursing Care Bed Policy
Proposed 2015 State Medical Facilities Plan**

Petitioner:

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Contact:

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Request:

The petitioner requests the creation of a policy to allow nursing care facilities to apply for a Certificate of Need to add ventilator beds within the facility without regard to need determinations listed in the State Medical Facilities Plan.

Background Information:

Chapter 2 of the State Medical Facilities Plan (SMFP) describes the purpose and process for submitting petitions to amend the SMFP during its development. Petitions may be sent to the Medical Facilities Planning Branch twice during the course of plan development. Early in the planning year petitions related to basic SMFP policies and methodologies that have a statewide impact may be submitted. The SMFP defines changes with the potential for a statewide impact as “*the addition, deletion, and revision of policies and revision of the projection methodologies.*” The review requested by this petitioner could affect a methodology and/or policies in the SMFP and should be considered before publication of the Proposed 2015 SMFP.

Later in the planning cycle when need projections are identified in the Proposed SMFP, petitions may be submitted seeking adjustments to the projected need determination in any service area if the petitioner believes the needs of a service area are not fully addressed by the standard methodology.

Included in the basic assumptions of the nursing home bed methodology is the requirement that “when substantial blocks of nursing care beds have been converted to care for head injury or ventilator-dependent patients, the beds will be removed from the inventory” (2014 SMFP, p. 199). This policy was enacted when the current nursing care bed methodology was created in order to encourage nursing care providers to create ventilator beds in their facilities.

Analysis/Implications:

The current methodology describes the criteria for excluding ventilator beds from the inventory as being met when “substantial blocks of nursing care beds” have been converted to ventilator beds. Because there are only 90 licensed ventilator beds in North Carolina and “substantial” has never been defined, all such beds are excluded from the inventory annually.

The petition aptly describes the shortage of ventilator beds in North Carolina. The eastern part of the state is particularly underserved since Vidant Pungo in Beaufort County, the only ventilator bed provider east of Guilford County, closed its facility. The Agency is aware of the shortage and has taken steps to encourage providers to convert under-utilized nursing care beds to vent beds. However, few providers have opted to convert at this time, despite the existing incentive of having these beds excluded from the planning inventory. Providers have expressed that the additional expense of maintaining ventilator beds, including the higher staffing ratio required, are factors that create disincentives for converting.

The petition suggests creating a policy that provides an incentive to providers for developing new ventilator beds without regard to need determinations published in the annual SMFP. These beds would then be excluded from the inventory and be available for use only for ventilator-dependent patients. While the Agency agrees that more ventilator beds are needed in the state, the proposed policy is unnecessary. If a provider wishes to create new beds for the purpose of serving ventilator-dependent patients, the provider has the option to submit a petition to the State Health Coordinating Council in the summer cycle for an adjusted need determination for such beds. Additionally, ventilator beds are already excluded from the inventory and do not impact need projections.

Agency Recommendation:

The petitioner requests the creation of a policy to allow nursing care facilities to apply for a Certificate of Need to add ventilator beds within the facility without regard to need determinations listed in the State Medical Facilities Plan. Given the available information and comments submitted by the March 5, 2014 deadline and in consideration of factors discussed above, the agency recommends denial of the petition.