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March 22, 2018

NC Division of Health Service Regulation
ATTN: NC State Health Coordinating Council
Healthcare Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, NC 27699-2704

Submitted electronically
DHSR.SMFP.Petitions-Comments@dhhs.nc.gov

RE: Opposition to LeadingAge North Carolina's Petition for Exemption to Certificate of Need (CON)

Dear Dr. Ullrich and Members of the Council:

Thank you for the opportunity to provide comments on LeadingAge's petition submitted to the State Health Coordinating Council. BAYADA Home Health Care, located at 280 Concord Pkwy. S, Concord, NC, has been operating under an approved CON since 2010 under Medicare provider 347021. In 2017, we served 1,249 unduplicated patients from this office.

BAYADA opposes LeadingAge's petition for an exemption to CON and provide the following comments:

1. **CON utilizes data to determine need – Petitioner has not shown need.** NC has a process by which it evaluates patient need based on established criteria to ensure access to care and the viability of our healthcare continuum. The Petitioner failed to provide any data to support an unmet need within the CCRCs. In fact, during Petitioner's testimony, they indicated that there was no data to show an unmet need, only anecdotes. They further testified that there are no access to care issues, rather they desire to directly provide the home health services for their residents, thereby eliminating patient choice. A decision this important should not be devoid of data.
2. **Freedom of choice would be in jeopardy:** Currently all CCRC residents have choice of providers. BAYADA is concerned with the Petitioner's indication that they would limit choice for their residents (see page 10 of their petition). This limitation is contrary to federal requirements of mandating patient choice. There are no reports of CCRCs residents not having access to needed home health care. Further, Petitioner stated in their testimony that there are no access to care issues for their residents, drawing into question the need for an exemption.



In closing, BAYADA opposes the Petitioner's exemption request to the established CON. We appreciate the opportunity to comment on this petition. Should you have any questions my direct line is 704-720-4401. You may also contact Lee Dobson, Area Director of Government Affairs at 919-523-2992.

BAYADA is celebrating its 43rd year and has a 29-year history of providing quality in-home and home health services across North Carolina. In 2017 with 53 offices (9 Medicare-certified), employing more 5,500 staff -including registered nurses, licensed practical nurses, certified nursing assistants, nurse aides, habilitation technicians, social workers, therapists, and office personnel- we have a track record of providing quality home health care services. Health care services delivered in the home are cost effective and patient-preferred. While coping with serious illness, disability, or chronic disease, helping people have a safe home life with comfort, independence, and dignity is part of *The BAYADA Way, our company philosophy and mission.*

Sincerely,

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