

March 22, 2018

Ms. Valerie Jarvis, Chair, Long Term and Behavioral Health Committee
North Carolina State Health Coordinating Council
c/o NC Division of Health Service Regulation
Healthcare Planning and Certificate of Need Section
2704 Mail Service Center
Raleigh, NC 27699-2704
DHSR.SMFP.Petitions-Comments@dhhs.nc.gov

Re: Petition Regarding Policy Change for Home Health Agencies in CCRCs

Dear Ms. Jarvis and Members of the Committee:

NCHA represents 130 hospitals and health systems in North Carolina, and we thank you for the opportunity to comment on the Petition received by the State Health Coordinating Council on March 8 proposing an exclusion to the need methodology for home health agencies.

The applicant, LeadingAge North Carolina, has member providers, including Continuing Care Retirement Communities, that wish to become certified as Home Health Agencies in order to provide and be reimbursed for these services to residents of their communities. The proposal would provide an exemption to the need determination for Home Health Agency applicants for a Certificate of Need to serve only members of qualified CCRC facilities.

NCHA does not support the petition for the following reasons:

1. The petitioner has not demonstrated the impact it would have on existing facilities. Currently the populations of CCRC's are served by CON-approved and Medicare Certified Home Health Agencies. Approval of the petition could result in a significant number of new Medicare Certified Home Health Agencies serving many of the same patients already served by existing agencies. Approval of this petition could result in an unnecessary duplication of services.
2. The CON law and regulatory process has no mechanism for the audit of CON approved projects to ensure that they are providing services to only the population for which they are approved. A certified Home Health Agency would not be subject to any Federal restrictions on serving patients outside the CCRC, nor does the Division of Health Service Regulation have a survey or audit process to ensure that only current residents are served.
3. The petition requests a carve-out from the existing need methodology for home health agencies in the State Medical Facilities Plan. As such, the Committee should carefully examine whether the service needs can be met by existing providers, most of which have already been approved by the SHCC and obtained certification through existing channels. We do not believe this petition has met the criteria to bypass the need methodology.



Thank you for your consideration of our comments. Please contact Mike Vicario (mvicario@ncha.org) or myself if you have questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "S. J. Lawler". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen J. Lawler
President
North Carolina Healthcare Association

Cc: Christopher Ullrich, SHCC Chair