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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](mailto: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 1500 Pinecroft Road Suite 119, Greensboro, NC 27407, has been operating under an approved CON since 2005 under Medicare provider 1619236924. In 2017, we served 1,304 unduplicated patients from this office.

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

- 1. Exemption could lead to unintended consequences:** The CON process calculates the need to ensure individuals have access to care, while ensuring the viability of the provider network to offer sufficient choice. Several non-CON states (Texas and Florida) have serious issues, (Medicare fraud), resulting in increased healthcare costs. Allowing an exemption to CON could open the doors to these types of unintended consequences.
- 2. Medicare home health care is not a free-market:** Medicare HHAs do not set the reimbursement rates. The rates are set by the government, as are all the regulatory requirements. Unlike many other industries where consumers are enticed with lower costs, differing service options, warranties, etc., Medicare sets the rates and the program guideline.

**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 336-315-7601. 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,

**Chelsea Nedwick, MHA**

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