

**Personal Touch Home Care  
Public Hearing Comments**

DFS Health Planning  
RECEIVED

MAR 02 2011

PTHC supports the recommendation of the Long Term Care Committee to keep in place the need determinations identified in the 2011 SMFP.

Medical Facilities  
PLANNING SECTION

PT is a 37-year old, privately-owned, national home health agency headquartered in Bayside, NY

PT operates 37 Medicare-certified home health agencies in 13 states with a large presence in New York City, Dallas, Pittsburgh, Cincinnati, San Antonio, and Baltimore.

Unlike in other CON states, where an applicant may submit an application for a new home health agency at any time, but must prove to the state agency that a new home health agency is needed, in NC the SHCC must first identify a need before an application can be submitted. As a result, the NC CON law has limited PT's ability to expand into NC.

However, when the 4 Medicare-certified home health agency need determinations were identified in the 2011 SMFP, PT immediately began its planning process to expand into NC including hiring a local CON consultant, visiting the service area, engaging a real estate agent, contacting physicians and other referral sources, developing pro forma financial statements, essentially completing the required CON application. As such, PT, not to mention all of the companies engaged by PT, has expended considerable staff time and financial resources to prepare a CON application based on the 2001 SMFP.

It is PT's understanding that the Planning Section and SHCC had five months or nearly 900 business hours to review and scrutinize the draft 2011 SMFP, including the home health need methodology, after it was published and before it became effective.

PT believes that eliminating the home health need agency determinations in the 2011 SMFP, especially less than 13 days before the Mecklenburg County CON applications are due, will cause harm to those companies that acted in good faith based on Governor Perdue's signed and approved 2011 SMFP, which became effective on January 1.

PTHC also does not believe that maintaining the home health agency need determinations in the 2011 SMFP will cause harm to existing home health agencies, especially in Mecklenburg County. As an example, the 7 largest Medicare-certified home health agencies with offices in Mecklenburg County treated 11,000 unduplicated patients in FY2008. In FY2009, those same 7 agencies treated 14,000 unduplicated patients, which resulted in over 30,000 duplicated patient admissions and over 235,000 home health visits. The presence of one or even two more home health agencies that must show a minimum unduplicated patient volume of 275 patients will have no impact on the existing home health agencies.

It is for these reasons that PT supports the recommendation of the Long Term Care Committee to keep the need determinations identified in the 2011 SMFP in place.

Finally, I also represent the concerns of over a dozen healthcare systems, physician groups, and other health care facilities in NC and these providers would like assurances that if the SHCC is willing to amend the SMFP to correct an error on the Agency's part that results in the elimination of several need determinations after the SMFP became effective, that it will also hold a special committee meeting and public hearing to amend the SMFP to correct any facility data errors that any reporting health care facility may bring to the SHCC's attention after the SMFP becomes effective, whether that data correction eliminates or creates a need determination in the SMFP.