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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

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 1605 Westbrook Plaza Drive, Suite 103 Winston Salem, NC 27103, has been operating under an approved CON since 2012 under Medicare provider 347187. In 2017, we served 2,054 unduplicated patients from this office.

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

- 1. Financial viability is questionable with such a targeted population:** The Petitioner indicated that CCRCs would only provide services to their residents (a limitation that is not possible under Medicare). The regulatory burden to comply with all COPs and rules would make it financially impractical with such a small patient population. CCRCs would be required to adhere to the COPs, licensure rules, etc. regardless of whether they have one resident on service or more. The established need methodology calls for a 325-patient threshold in order to be financially viable. Serving less than the threshold is a sure way to operate at a loss. Financial viability is important to quality of care.
- 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



(336) 760-3634. 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,

A handwritten signature in black ink that reads "Alexa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alexa Ciancia