



August 8, 2023

Ms. Micheala Mitchell, Chief Healthcare Planning & Certificate of Need
Dr. Andrea Emmanuel, Interim Assistant Chief Healthcare Planning
John Young, Chair, Acute Care Services Committee
Ms. Elizabeth Brown, Planner
Healthcare Planning and Certificate of Need Section
Division of Health Service Regulation
809 Ruggles Drive
Raleigh, North Carolina 27603

VIA EMAIL: DHSR.SMFP.Petitions-Comments@dhhs.nc.gov

Re: Liberty Healthcare and Rehabilitation Services – Petitions for Adjusted Need Determinations for Outpatient Dialysis Stations in 24 Counties

Dear Ms. Mitchell, Dr. Emmanuel, Mr. Young, and Ms. Brown:

The North Carolina Health Care Facilities Association (“NCHCFA”) represents nearly 400 non-profit and proprietary nursing facilities throughout North Carolina. Collectively, our members provide long-term and post-acute care to tens of thousands of North Carolinians every day. On behalf of the nearly 400 skilled nursing facility members of the NCHCFA, I am submitting this letter to support the policy sought by Long Term Care Management Services, LLC d/b/a Liberty Healthcare and Rehabilitation Services (“Liberty”) 2023 summer petitions for adjusted need determinations for outpatient dialysis stations in 24 counties (the “2023 Summer Petitions”).

NCHCFA appreciates the opportunity to comment on the policy sought by the Liberty 2023 Summer Petitions. Through our representation of nursing facilities throughout North Carolina, one of the biggest healthcare hurdles we have heard is the struggle skilled nursing communities face regarding the care for SNF-dialysis residents. They often cannot accept these higher acuity residents due to the travel demands and cost associated, and the outpatient centers are unable to support patient comorbidities. This results in residents being readmitted to the hospital. Consequently, not only do we support the Liberty 2023 Summer Petitions—and we do support them—we also urge the State Health Coordinating Council (“SHCC”) to pursue this policy change in the state’s remaining counties with skilled nursing facilities so this can be an option available to all SNF patients and residents who need dialysis.

North Carolina has a Certificate of Need (“CON”) program that is driven by objective review of data, facts, best practices, and designed to appropriately allocate healthcare resources. A principal component of North Carolina’s enviable CON system is the role played by the SHCC. This group of experts in the various fields of healthcare conducts a comprehensive and meticulous process each year to produce for the Governor’s approval and adoption a State Medical Facilities Plan for the following year. Approval of the 2023 Summer Petitions would add appropriate adjusted need determinations to the 2024 State Medical Facilities Plan (“SMFP”) and allow any licensed nursing home facility to develop at least the minimum number of stations required for Medicare certification by CMS as a dialysis facility. This would result in residents discharging from the hospital sooner, re-admit to the hospital less, recover more quickly after treatment, and achieve a higher quality of life. A higher quality of life is what all our nursing facilities strive to produce when caring for their residents.

We strongly encourage you to approve the Liberty 2023 Summer Petitions and to expand the policy sought in those petitions to the remaining counties in North Carolina.

Thank you for your consideration of our comments, and please contact me at adams@nchcfa.org if you have any questions or we can provide any additional information.

Sincerely,

/s

Adam Sholar
President and Chief Executive Officer

Cc: Ken Burgess, Esq. (via email: kburgess@bakerdonelson.com)