



Proposed Amendments  
to 105 CMR 100.000:  
Determination of Need Program  
March 12, 2014

# Ch. 224 Changes to DoN

- Changes to definitions
- Changes to procedural provisions of Chapter 111 Section 25C
- New entities
- Fee increase
- Timeline

# Changes to Definitions

- Ambulatory Surgery: "Ambulatory surgery", health care services restricted to those defined by the department as surgical services, not requiring overnight stay, typically provided to ambulatory patients on an elective, urgent, or emergency basis whether provided in a free standing ambulatory surgical center licensed as a clinic pursuant to section 51 or by a hospital.
- Innovative Service: "Innovative service", a service or procedure, which for reasons of quality, access, or cost is determined to be innovative by the department.
- New Technology: "New technology", equipment such as magnetic resonance imagers and linear accelerators, as defined by the department, or a service, as defined by the department, which for reasons of quality, access or cost is determined to be new technology by the department.

# Changes to Names/New Entities

- Department of Developmental Services
- Center for Health Information and Analysis (CHIA)
- Health Policy Commission (HPC)
- Attorney General's Office (AGO)

# Major Changes to Provisions of Ch. 111 Section 25C

- Review of applications:
  - timeline cut to four months;
  - HPC may comment;
  - AGO may request hearing/intervene;
  - DoNs will have to conform to state health plan;
  - DPH may request applicant to provide independent cost-analysis to demonstrate application is consistent with HPC cost-containment goals.
- Application fees may double (from .1% to .2% of capital expenditure)

# Other Proposed Amendments

- Technical corrections (clarify current procedures, update terminology, correct inconsistencies).
- Proposal to assign transfers of ownership of ambulatory surgery centers that have not attracted any public comment to the delegated review process.
- Codify the longstanding statutory enforcement and penalty provision at Section 25G.

# Steps to Final Promulgation

- PHC initial briefing March 2014
- Public hearing April 2014
- Staff review,  
analysis of comments May 2014
- Present recommendations to PHC  
for final approval June or July 2014
- Promulgate final regulations June or July 2014