



Commonwealth of Massachusetts
Department of Public Health

Helping People Lead Healthy Lives In Healthy Communities

Amendments
to 105 CMR 100.000:
Determination of Need Program
June 18, 2014

Ch. 224 Changes to DoN

- Changes to definitions
 - Ambulatory surgery
 - Innovative service
 - New technology
- Changes to procedural provisions of Chapter 111 Section 25C
- Changes to entities, names, or responsibilities
- Fee increase
- Timeline

Procedural Provisions

- 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.

Other Changes

- DoN application fees
 - Fees may double (from .1% to .2% of total capital expenditure)
- Entities
 - Department of Developmental Services
 - Center for Health Information and Analysis (CHIA)
 - Health Policy Commission (HPC)
 - Attorney General's Office (AGO)

Other Amendments

- Technical corrections (clarify current procedures, update terminology, correct inconsistencies).
- 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.

Public Hearing

- Three parties submitted written comments.
 - Re: independent cost analysis: “shall” vs “may”
 - Re: ASC transfers of ownership
 - Re: 105 CMR 100.308 exemptions
- No changes proposed as a result of comments

Steps to Final Promulgation

- PHC final approval
- 30-day notice to legislature
- Promulgate final regulations July 2014