

113 CMR: HEALTH FACILITIES APPEALS BOARD

113 CMR 2.00: GENERAL INFORMATION

Section

2.01: Description of Board and its Operation

2.02: Definitions

2.01: Description of Board and its Operation

(1) Scope and Purpose of 113 CMR. 113 CMR includes regulations adopted by the Health Facilities Appeals Board, in 113 CMR called the Board.

(2) Scope and Purpose of 113 CMR 2.01. 113 CMR 2.01 includes regulations describing the Board and its operations.

(3) Health Facilities Appeals Board. The Board was established by M.G.L. c. 6, § 166, which took effect on June 1, 1972. It consists of five members appointed by the Governor for terms of three years. Three members are consumers of health care services who are not officers or employees of, and do not bear any fiduciary relationship to, a person or institution providing health care services. One such consumer member is an attorney and is designated by the Governor to serve as chairman of the Board.

(4) Location, Hours, Telephone Number and Zip Code. The offices of the Board are located at Rm. #980, Boston University School of Law, 765 Commonwealth Avenue, Boston, MA 02215 c/o William Kaleva, Administrator. Office hours are from 9:00 A.M. to 5:00 P.M., Monday through Friday, except legal holidays, the telephone number is (617) 353-2794. The postal zip code is 02215.

(5) General Authority of the Board. The Board hears appeals from determinations of need rendered by the Department of Public Health, in 113 CMR called the Department. Such appeals are filed under and governed by M.G.L. c. 111, § 25E. The Board issues final decisions in such appeals either denying the appeal or ordering the matter remanded to the Department for action consistent with the opinion of the Board.

(6) Authority. Each agency is required by M.G.L. c. 30A, § 6A to "make available for inspection ... a descriptive statement ... of its organization." This part is adopted to comply with this requirement.

2.02: Definitions

Meaning of Terms in 113 CMR. As used in 113 CMR unless the context otherwise requires, terms shall have the meaning ascribed in 113 CMR 2.02.

Board. "Board" means the Health Facilities Appeals Board.

Department. "Department" means the Department of Public Health.

Determination of Need. "Determination of Need" means the issuance of:

- (a) a Certification of Need constituting official written notification of the Department of a determination that need exists for a project, in whole or in part, and containing the conditions incident to such determination; or
- (b) an official notification that no need for a project has been found by the Department.

Paper. "Paper" means an appeal, motion, brief or any other document relating to an appeal except the record designated in accordance with 113 CMR 1.03(7).

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2.02: continued

Comparable Applications. "Comparable Applications" are those regular applications filed in the same filing period which propose similar or reasonably interchangeable health care services for applicable service areas which are the same in whole or in significant part.

REGULATORY AUTHORITY

113 CMR 2.00: M.G.L. c. 30A, § 9; c. 111, § 25F.