



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street Boston, MA 02108

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March 7, 2018

VIA EMAIL - alevine@barrettsingal.com

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Boston, MA 02108-3106

RE: Notice of Final Action DoN # 17111513-HE
Partners HealthCare System, Inc.
BWH Capital Expenditure

Dear Mr. Levine:

At their meeting of March 6, 2018, the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to M.G.L. c.111 section 25C and the regulation promulgated thereunder, to approve with conditions the Determination of Need application through which Partners Healthcare System, Inc. (Partners) proposes to expand the Emergency Department at Brigham and Women's Hospital and add certain DoN-Required Equipment.

This Notice of Final Action incorporates by reference the Staff Report, the Addendum to the Staff Report, and the Public Health Council proceedings concerning this application.

This Application was reviewed pursuant to M.G.L. c. 111, § 25C and the regulatory provisions of 105 CMR 100.000 et seq. Based upon a review of the materials submitted, the Department finds that the Applicant has met each DoN factor and approves this Determination of Need application subject to all standard conditions (105 CMR 100.301) and subject to the other conditions which, pursuant to 105 CMR 100.360, shall become conditions of the DoN:

Other Conditions

1. The evaluation metrics set out in Attachment 1 shall be reported upon and the benchmarks set forth shall be considered in assessment of continuing compliance with the DoN.
2. The annual reporting required under 105CMR 100.310(J) the Holder shall track the impact of the ED expansion upon the following at BWH:

- a. ED boarding (as that term is defined by DPH);
 - b. wait times and through-put times at all stages of care as reported to CMS, and walk-out rates;
 - c. acuity appropriate usage of the ED (effectiveness of overall care coordination directing patients to appropriate levels of care including primary and urgent care)
 - d. rate of medical error, which is defined as the number of DPH serious reportable events that occur in the ED (related to the expansion project) divided by total ED visits;
 - e. utilization of the BH and cancer spaces;
 - f. The Holder shall report on the results of the program that follows frequent ED users. In addition, it shall report on the results of the program's extension to the Partners ACO. Specifically, for those tracked frequent users the reporting shall include the reduction in: ED visits, in unnecessary admissions and in medical expenses.
3. Using DPH guidelines for ED reporting, the Holder shall report monthly ED utilization (registered visits) to the Department as requested, and annually to the DoN program.
 4. The Holder shall document the cost savings and avoided costs generated by the new equipment and commits that any additional costs (capital or operating) shall not be passed on to consumers or payers in higher rates, unnecessary utilization, or cost sharing.

Ongoing compliance with the conditions and all terms of the DoN is, pursuant to the Regulation, a precondition to the filing of any future DoN by the Holder.

Sincerely,

~S~

Nora J. Mann, Esq.
Director
Determination of Need Program

cc: Sherman Lohnes, Director, Division of Health Care Facility Licensure and Certification
Rebecca Rodman, Deputy General Counsel
Samuel Louis, Office of Health Equity
Mary Byrnes, Center for Health Information and Analysis
Steven Sauter, MassHealth
Katherine Mills, Health Policy Commission
Ben Wood, Office of Community Health Planning