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October 19, 2017

VIA EMAIL

Nora J. Mann, Esq.
Director, Determination of Need Program
Massachusetts Department of Public Health
250 Washington Street, 6th floor
Boston, MA 02108

Dear Nora:

I am writing on behalf of the Henry M. Goldman School of Dental Medicine ("School") in response to the "Staff Report to the Public Council for the Determination of Need" that you distributed on October 6, 2017 ("Staff Report") concerning the School's proposed renovation of its Pre-Doctoral Treatment Center at 100 East Newton Street in Boston ("Project").

The School respectfully requests that the Department of Public Health ("DPH") revise the second sentence of the second condition on page 11 of the Staff Report and clarify the timing of the School's payment into the statewide Community Health Initiative fund ("CHI Fund") as described on page 10 of the Staff Report.

Requested Revisions to Second Condition

The School requests that DPH revise the second sentence of the second condition on page 11 of the Staff Report to read as follows:

"The Applicant commits, as a condition of this DoN, that (1) the volume of CBCT scans provided at the Pre-Doctoral Treatment Center will not appreciably increase except to the extent that the number of implant evaluations in the Pre-Doctoral Treatment Center increases or FDA and/or ADA recommendations are revised to support additional uses for CBCT scans and (2) the payer mix for CBCT scans provided at the Pre-Doctoral Treatment Center will not appreciably change year to year unless the overall payer mix of the Pre-Doctoral Treatment Center changes."

We do not view these proposed language changes as being substantive in nature. Rather, our proposed language changes are simply intended to clarify what we believe to be your intent in adopting this condition.

Our changes are intended to help clarify the following.

1. The condition is intended to apply to the School's Pre-Doctoral Treatment Center, as the Project consists of the renovation of, and the purchase of a CBCT for, the School's Pre-Doctoral Treatment Center.
2. As reflected on page 8 of the Staff Report, the School uses its CBCTs in the context of evaluating a patient for a dental implant. Therefore, if the number of dental implant evaluations that the School conducts increases, its use of CBCT scans may increase in proportion.
3. We believe it is more accurate and precise to reference FDA and American Dental Association recommendations rather than "evidence of improved efficacy," as reasonable people could disagree on what constitutes sufficient "evidence of improved efficacy."
4. Finally, we would like the condition to acknowledge that the payer mix for CBCT scans could change in the event that the overall payer mix of the Pre-Doctoral Treatment Center changes.

Requested Clarification on Payment into CHI Fund

The School believes that the language in the Staff Report regarding the School's payment into the CHI Fund lacks clarity regarding the timing of payment. The School respectfully requests that the Notice of Determination of Need (if approved) clearly state that the School's payment into the CHI Fund will be made in two equal installments, with the first payment due within three months following the School's receipt of notice and instructions for payment from DPH and the second payment due one year after the first payment.

We make this request due to the following language found on page 10 of the Staff Report: "[T]he Applicant will make payment in the amount of \$1,853,834.60 This payment will occur within three (3) months after receiving notice and instructions for payment by the Department." This language suggests that the full payment must be made in one installment. However, we believe our requested clarification above is consistent with DPH guidance (in particular, "Determination of Need Community-Based Health Initiative Planning Guideline, January 2017") and DPH's interpretation of such guidance.

Accordingly, we believe this request is a technical correction of the language in the Staff Report and is also consistent with the mutual understanding of the School and the DPH on this matter.

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Thank you for your consideration of these changes. Please do feel free to reach out if additional clarification is needed.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Rusczek". The signature is fluid and cursive, with the first name "Andrew" and last name "Rusczek" clearly distinguishable.

Andrew P. Rusczek