



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Determination of Need Program
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TO: Interested Parties

FROM: Nora Mann, Director, Determination of Need Program

DATE: June 29, 2017

RE: Disaggregation

The Determination of Need ("DoN") regulations, at 105 CMR 100.100, define "Disaggregation" as "the act of dividing up projects, or component parts of a project that are reasonably related, for the purposes of keeping a Proposed Project below the Substantial Capital Expenditure Minimum or to decrease the Maximum Capital Expenditures. For the purposes of Disaggregation, any Conservation Project proposed at the same Health Care Facility within one year of a previously Proposed Project shall be considered a component part of any Proposed Project subject to 105 CMR 100.000." The purpose of this memorandum is to inform interested parties of the time period Applicants should use to determine whether proposed projects should be aggregated for DoN purposes.

The Department of Public Health ("Department") expects Applicants to aggregate any planned projects that are reasonably related and expected to commence within an 18 month time period¹. An Applicant may submit in writing for review by the Program Director, the reasons why a planned project is not reasonably related to the Applicant's proposed project and should not be considered part of a DoN-eligible project. The Program Director will respond in writing with a determination as to whether the planned project must be aggregated with the other components of the Applicant's proposed project(s) as part of the DoN application. In addition, the Department may determine that a proposed project that is outside the 18 month time frame is so clearly related to the previously proposed project as to require the Applicant to aggregate the projects for DoN purposes.

Please direct any questions or comments about this memorandum to the Determination of Need Program at dph.don@state.ma.us.

¹ The one year time period for Conservation Projects is defined from the date of commencement of the first project.