



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Determination of Need Program
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PUBLIC COMMENTS ARE BEING ACCEPTED ON THIS MEMORANDUM
Public Comments will be accepted for 14 days, ending on June 17, 2019.
Comments should be sent to: dph.don@state.ma.us.

MEMORANDUM

TO: Determination of Need Applicants
FROM: Elizabeth Chen, PhD, MBA, MPH,
Assistant Commissioner
DATE: May 31, 2019
RE: Proposals Addressing the Long-Term Care Needs of Individuals

Effective immediately, the Determination of Need Program (DoN) will accept applications for Determination of Need for new long-term care beds if they meet all of the following four criteria:

1. Proposal improves access to long-term care in a defined geographic area and addresses at least one of the following:
 - a. Demonstrated ability to treat substance misuse and mental health disorders in a long term care setting, including the ability to provide Medication-Assisted Treatment and psychiatric medications/treatments;
 - b. Ability to provide safe and innovative models of care for individuals with dementia;
 - c. Reduces the risk of homelessness by improving housing stability; or
 - d. Addresses unmet cultural or linguistic needs of a population.
2. At least 65% of capacity, after expansion or construction, is reserved for individuals whose payments are provided by MassHealth directly or through a contractor, or whose payments are provided directly or indirectly by another agency in the Commonwealth.
3. The Applicant is a current licensee whose mean performance scores for all facilities under its ownership and management is among the top quartile performers as measured and reported in the Commonwealth's [Nursing Home Survey Performance Tool](#). The Applicant may use the [CMS Nursing Home Compare Rating System](#) as an alternate indicator of quality. When using the CMS measure, no facility under the ownership or management of the Applicant may have a composite score below 3 and 75% of the facilities under the Applicant's ownership or management must have a score above 3.

Applicants with a current license for only Level IV¹ beds that are not scored using the Commonwealth's Performance Tool or the CMS Rating System must not have had any deficiencies within the past 2 years in the following areas addressed in long-term care regulations: nursing services; dietary services; social services; administration; and resident bathrooms and washrooms.²

4. Proposals must address at least one of the DoN Health Priorities:
 - a. Social Environment;
 - b. Built Environment;
 - c. Housing;
 - d. Violence and Trauma;
 - e. Employment; and
 - f. Education.

Once accepted by the DoN Program, applications will be evaluated in accordance with the factors set forth in 105 CMR 100.210, including confirming that the applicant is in compliance with applicable federal and state laws and regulations.

DRAFT

¹ As defined in 105 CMR 150.001

² For specific regulatory requirements for each of these areas, please see 105 CMR 150.007, 105 CMR 150.009, 105 CMR 150.011, 105 CMR 150.002, and 105 CMR 150.470.