

## Memorandum to the Commissioner

**APPLICANT:** BMC Health System, Inc.

**PROJECT NUMBER:** BMC Health System, Inc. - BMC Brockton Behavioral Health Center - Emergency Application (DoN Application # BMCHS-23030111-EA)

**Filing DATE:** March 9, 2023

### Introduction

This memorandum presents, for Commissioner's Review and action, the Determination of Need (DoN) Program's recommendation pertaining to a request by BMC Health System, Inc. ("the Applicant") for an Emergency DoN pursuant to 105 CMR 100.740. The Applicant seeks to expand its existing inpatient psychiatry capacity by twenty-four (24) beds into existing space at BMC Brockton Behavioral Health Center located at 34 North Pearl Street in Brockton ("BBHC").

The total value of the Proposed Project is \$1,300,000. There is neither Community Health Initiative (CHI) contribution nor a DoN filing fee required for an Emergency DoN.

#### **1. Nature of the Emergency**

On February 7, 2023, a fire occurred at Signature Healthcare Brockton Hospital ("Signature"), located at 680 Centre Street in Brockton that resulted in the closure of all inpatient services, including its twenty-two (22) inpatient psychiatry beds. In response to this fire, in order to ensure continued access to inpatient behavioral health services within the greater Brockton community, the Applicant is proposing to add twenty-four (24) inpatient psychiatry beds at BBHC.

#### **2. Identity of The Applicant**

Boston Medical Center Corporation d/b/a Boston Medical Center ("BMC") is the Applicant's 570 bed (licensed) academic medical center whose main campus is located at One Boston Medical Center Place in Boston. The Applicant states it is the largest safety net hospital as well as the busiest trauma and emergency services center in New England. BMC provides a wide range of emergency, outpatient, and inpatient services, with over seventy (70) medical specialties and subspecialties and is the primary teaching affiliate for the Boston University Chobanian & Avedisian School of Medicine.

The Applicant states that BBHC opened in October 2022 to address the ongoing need in the Commonwealth of Massachusetts for inpatient behavioral health capacity that was exacerbated by the COVID-19 pandemic. BMC is licensed to operate fifty-six (56) inpatient psychiatry beds at BBHC, which are dually licensed by the Department and the Department of Mental Health, and as

previously stated a twenty-six (26) bed Clinical Stabilization Service (“CSS”) certified by the Bureau of Substance Addiction Services, the site of the proposed project. BMC states that it has steadily been ramping up BBHC to full capacity as of February 28, 2023.

### **3. Proposed Project: Nature, Scope, Location, and Projected Costs**

As previously referenced, the Proposed Project is to convert the existing twenty-six (26) bed CSS <sup>1</sup> unit at BBHC to a twenty-four (24) bed inpatient psychiatry unit on the first floor, thereby adding a third inpatient psychiatry unit to BBHC. Both BBHC and Signature are located in Brockton and are approximately 4.5 miles apart.

The Applicant states that they built out the CSS unit to conform with the required architectural standards for an inpatient psychiatry unit at the time of construction, therefore, minimal modifications are necessary to convert the unit to an inpatient psychiatry unit leading to the low capital expenditure of \$1,300,000.

### **4. Demonstration that the Proposed Project will address the Emergency Situation, and that without issuance of a Notice of Determination of Need, the public health will be measurably harmed**

The Applicant states *“Due to the ongoing shortage of available inpatient psychiatry beds across the Commonwealth, public health in the greater Brockton community is measurably harmed as a result of the fire at Signature. This harm will persist until Signature is able to bring its licensed inpatient psychiatry beds back into service, which will take some time. The Proposed Project will ensure continued availability of inpatient psychiatry beds...”*

The Applicant further notes that the loss of beds in the Brockton area requires patients to travel farther for treatment in facilities not connected to the network of services in their home communities, which could result in lack of engagement in care or care disruptions following discharge.

### **Staff Analysis**

Staff notes that there is a well-documented need for inpatient psychiatry beds in Massachusetts. Patients in need of behavioral health services consistently face long boarding times in emergency departments across the region as they wait for an available bed to open. With the Signature inpatient psychiatry beds closed, the net loss in inpatient psychiatry beds lengthens wait times for this vulnerable population in need of complex coordinated care and services and may require families to travel further distances to be engaged in their treatment plans and lead to fragmentation in the delivery of post-discharge services.

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<sup>1</sup> certified by the Bureau of Substance Addiction Services.

As such, staff finds the Applicant made a convincing case that there is an urgent need for patients residing in Brockton and surrounding communities, to have uninterrupted continuity of care and access to local services. The current reduction in these services means residents of the Brockton Community face challenges and risk potential disruptions in their behavioral health treatment plan if their care is delivered outside of their service area. Requiring patients to travel distances to access care creates an undue burden on them, and their accompanying family/caregivers and consequently their outcomes may be negatively impacted. Staff finds that the Proposed Project will play a role in mitigating this burden.

### **Findings**

Based upon a review of the Proposed Project as submitted by the Applicant, DoN staff recommend that the Commissioner determine that there is an Emergency Situation, as defined in 105 CMR 100.100. Staff further finds that the Applicant convincingly demonstrates that expanding the inpatient psychiatry capacity by 24 beds at BBHC will address the Emergency Situation and without the issuance of a Notice of Determination of Need, that the public health will be measurably harmed. Staff further recommend that, in light of the urgent need to maintain access to and continuity of treatment, certain notice and comment regulations be waived, specifically pursuant to 105 CMR 100.435(D) and 105 CMR 100.440 (B), and the related sections of 105 CMR 100.405(C)(2).

As a result, staff recommend that the Commissioner issue a Notice of Determination of Need, subject to all Standard Conditions set out in 105 CMR 100.310(A) except 100.310(A)(10).

The Commissioner may subsequently require a full Application for Determination of Need consistent with 105 CMR 100.405.