

July 19, 2019

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Via Email and Hand Delivery – Return Receipt Requested

Margo Michaels, MPH
Director, Determination of Need Program
Department of Public Health
250 Washington Street
Boston, MA 02108

Re: Partners HealthCare System, Inc. Determination of Need Application
PHS-19030610-HS

Dear Ms. Michaels:

On behalf of Partners HealthCare System, Inc. ("Applicant" or "Partners"), we write to thank the Department of Public Health ("Department") for its collaborative approach in reviewing the above-captioned Determination of Need ("DoN") Application related to Brigham and Women's Faulkner Hospital ("BWFH"). We appreciate the efforts of the Department's staff to conduct a thoughtful analysis of the potential effects of the proposed project. Pursuant to 105 CMR 100.510(C), we write to submit written comments on behalf of the Applicant regarding certain of the proposed conditions contained in the Department's Memorandum to the Commissioner (the "Memorandum") for the above-captioned DoN Application. We offer the following comments.

In Condition 3, the Department requests annual reporting for the Applicant's and BWFH's Patient Panel as follows in order to "Demonstrate that the proposed project is contributing to Health Delivery System Transformation by ensuring growth in patients under managed risk contracts for the Partners and BWFH Patient Panel":

Managed Care Contracts
List percentages
<ul style="list-style-type: none">• ACO and Managed Risk Contracts• Non- ACO and Managed Risk Contracts

First, it is important to recognize the proposed cone beam CT project for which DoN approval is sought would not impact the "growth in patients under managed risk contracts". However, the Applicant will provide the Department with certain data that demonstrate continued transformation and ongoing growth in the percentage of patients covered under managed risk/ACO contracts. Second, participation in managed risk/ACO contracts is not demonstrated by reviewing which patients obtain care at a hospital. Rather, the number of patients that are covered under managed risk/ACO contracts is a factor of attribution to a primary care physician ("PCP") panel for managing the patient's care, and thus the risk. For example, a patient may be referred to a Partners

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facility/provider for care but is managed by a non-Partners PCP. Thus, it is important to note that the data that will be used to determine the percentage of lives covered in the Partners' risk contracts will differ from the Partners' Patient Panel as defined by the DoN regulation and included in the DoN Application; the risk contract data is based on primary care lives, whereas Patient Panel data is a standard report of all of patients that received care over the last three fiscal years from one of the five Partners acute care hospitals and/or hospital physicians, including referral patients.

Accordingly, the Applicant proposes to provide the percentage of primary care lives within the patient panels of the Partners' PCPs that are covered under risk contracts (Partners bears risk). This data will show participation by the Applicant in managed risk/ACO contracts over time via DoN annual reporting, thereby allowing the Department to ensure the continued growth of patients in such contracts.

The Applicant appreciates your consideration of our suggested clarifications to certain of the proposed conditions in the Memorandum as explained above. Please contact Crystal Bloom, Esq. or me if you have any questions regarding this letter and our proposed changes.

Sincerely,



Andrew S. Levine

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