

April 15, 2020

Via E-Mail

Margo Michaels, MPH  
Director, Determination of Need Program  
Department of Public Health  
250 Washington Street  
Boston, MA 02511



Re: Emerson Hospital – Application to Acquire DoN-Required Equipment Pursuant to Order of the Commissioner of Public Health Regarding Determination of Need Approvals Related to COVID-19

Dear Ms. Michaels:

Pursuant to the Order of the Commissioner of Public Health Regarding Determination of Need Approvals Related to COVID-19, issued on March 24, 2020, Emerson Hospital (“the Applicant”) respectfully requests the Department of Public Health (“DPH”) review and approve the acquisition of a Canon Aquilion Prime SP 80 Slice CT Scanner by Emerson Hospital, located at 133 Old Road to Nine Acre Corner, Concord, MA 01742, in X-Ray Room One of the Radiology Department, to address the needs of its patient population in response to the outbreak of COVID-19 (“Proposed Project”).

On March 10, 2020, Governor Baker declared a State of Emergency in response to an outbreak of the novel coronavirus 2019 (“COVID-19”).<sup>1</sup> Symptoms of COVID-19 range from mild to severe illness and include respiratory problems such as cough and shortness of breath.<sup>2</sup> Individuals with a severe reaction to the virus may experience trouble breathing or chest pressure or pain.<sup>3</sup> Chest radiography, including CT, plays an important role in assessing, evaluating, and managing the disease.<sup>4</sup> For example, the presence of certain findings on a CT for an individual with a confirmed case of COVID-19 can predict patient progression and the potential for the development of

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<sup>1</sup> Exec. Order No. 591: Declaration of a State of Emergency to Respond to COVID-19 (Mar. 10, 2020), <https://www.mass.gov/executive-orders/no-591-declaration-of-a-state-of-emergency-to-respond-to-covid-19>.

<sup>2</sup> *Symptoms of Coronavirus*, CDC, <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html> (last reviewed Mar. 20, 2020).

<sup>3</sup> *Id.*

<sup>4</sup> Hosseiny et al., *Radiology Perspective of Coronavirus Disease 2019 (COVID-19): Lessons From Severe Acute Respiratory Syndrome and Middle East Respiratory Syndrome*, AM. J. ROENTGENOLOGY (Feb. 28, 2020, online ahead of print), available at <https://www.ajronline.org/doi/full/10.2214/AJR.20.22969>. See also Yan Li & Liming Xia, *Coronavirus Disease 2019 (COVID-19): Role of Chest CT in Diagnosis and Management*, AM. J. ROENTGENOLOGY (Mar. 4, 2020, online ahead of print), available at <https://www.ajronline.org/doi/full/10.2214/AJR.20.22954>.

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complications.<sup>5</sup> Moreover, studies have shown that CT imaging may detect presence of COVID-19 earlier than swab testing for patients suspected of having the disease.<sup>6</sup> Accordingly, CT imaging is a necessary component of diagnosis and treatment of COVID-19.

As of April 12, 2020, Massachusetts has 25,475 confirmed cases of COVID-19.<sup>7</sup> There have been 2,235 hospitalizations and 756 deaths due to the virus. The Applicant currently has only one CT unit at its facility to assess and treat patients with suspected or confirmed COVID-19. As part of its infection prevention protocols to prevent the spread of COVID-19, Emerson Hospital completes a thorough cleaning of its CT unit and the exam room between patients, including requiring the exam room to sit idle for approximately twenty to thirty minutes for a complete air refresh to eliminate any airborne virus particles. As a result, there is a significant delay to the time of the next available exam and the CT unit is reaching capacity.

Moreover, if the current CT unit breaks down or malfunctions in any way, the Applicant will be unable to provide necessary CT imaging for its patients. This would result in a major impediment to patient care and may require the Applicant to transfer patients to other facilities with sufficient imaging capacity. Such transfers would result in potential detrimental delays in care and would overwhelm other hospitals that are already over capacity due to the surge in patients. Accordingly, the Applicant seeks to acquire a second CT unit to respond to the needs of its patients during this public health emergency.

By submitting this request, the Applicant hereby attests that the Proposed Project is intended for use in the management and treatment of the COVID-19 virus.

The cost associated with the Proposed Project is \$1,091,709.00 which includes the cost of acquiring the CT unit and construction necessary for implementation.

In addition, please see Attachment A for an affidavit signed by Emerson Hospital's CEO.

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<sup>5</sup> Adam Bernheim, *Chest CT Findings in Coronavirus Disease-19 (COVID-19): Relationship to Duration of Infection*, RADIOLOGY (Feb. 20, 2020), available at <https://pubs.rsna.org/doi/10.1148/radiol.2020200463>.

<sup>6</sup> Hosseiny et al., *supra* note 4.

<sup>7</sup> *COVID-19 Cases in Massachusetts*, MASS.GOV, <https://www.mass.gov/info-details/covid-19-cases-quarantine-and-monitoring> (last updated Apr. 12, 2020).

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We thank you for our attention to this matter. Please contact me or Crystal Bloom, Esq. if you have any questions or require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "ASL", is written over a light blue horizontal line.

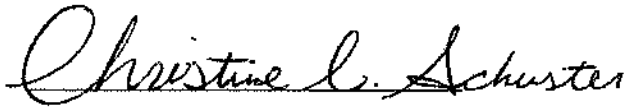
Andrew S. Levine

Enclosure

cc: Rebecca Rodman, Esq., DPH  
Christine Gallery, Emerson

## Attachment A

Pursuant to the Order of the Commissioner of Public Health Regarding Determination of Need Approvals Related to COVID-19 , dated March 24, 2020, and the Memorandum from Margo Michaels, Director of the Determination of Need Program, dated March 24, 2020, providing guidance on requesting Determination of Need (“DoN”) approval for projects related to COVID-19 during the State of Emergency, I, Christine Schuster, the undersigned CEO of Emerson Hospital, hereby submit this DoN application under the pains and penalties of perjury.

A handwritten signature in cursive script that reads "Christine L. Schuster". The signature is written in black ink and is positioned above the printed name.

Christine Schuster, CEO