



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
250 Washington Street Boston, MA 02108

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June 22, 2017

VIA EMAIL

Andrew Levine, Esq.  
Donoghue Barrett & Singal  
One Beacon Street Suite 1320  
Boston, MA 02108-3106

RE: Notice of Final Action  
UMass Memorial Medical Center, Project Number 2-3C60

Dear Mr. Levine:

At their meeting of June 15, 2017, the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to M.G.L. c.111, §25C and the regulations adopted thereunder, to approve with conditions the Determination of Need application filed by UMass Memorial Medical Center (UMMMC) in connection with a substantial capital expenditure for renovations affecting four floors at the UMMMC University Campus designed to address medical/surgical (M/S) capacity, and emergency department (ED) wait times.

This Notice of Final Action incorporates by reference the Staff Summary as amended, and the Public Health Council proceedings concerning this application. The conditions as set forth in this Notice of Final Action reflect the amendment voted by the Department at its meeting.

This Application was reviewed pursuant to M.G.L. c. 111, § 25C and the regulatory provisions of 105 CMR 100.000 et seq. In its review, Staff found that the Applicant satisfied the standards applied under 105 CMR 100.533, subject to conditions outlined below, in addition to the terms and conditions set forth in 105 CMR 100.551.

The conditions of approval are as follows:

1. UMMMC shall accept the maximum capital expenditure of \$30,400,243 (December 2016 dollars) as the final cost figure, except for those increases allowed pursuant to 105 CMR 100.751 and 100.752.
2. UMMMC shall contribute \$8,248,487 equity out of the total approved maximum capital expenditure.

3. The total approved gross square feet ("GSF") for this project shall be 53,458 GSF of renovation.
4. UMMMC shall adopt the recommendations of the Office of Health Equity for improvement of policies and procedures related to language access for non-English or limited English proficient patients as detailed in Attachment 5 of the Staff Summary.
5. UMMMC shall contribute a total of \$1,520,012 (December 2016 dollars), over a period of 5 years to fund the community health services initiatives referenced in the Staff Summary as detailed in Attachment 6 of the Staff Summary.
6. UMMMC shall maintain its same level of commitment to the underserved patients in its service area by continuing to provide access to all irrespective of payer.
7. UMMMC shall prioritize for admission to an inpatient psychiatric bed within the UMMMC system those patients covered by a payer with whom the potential off-site entity does not at the time of admission, have a contract for reimbursement.
8. UMMMC has agreed to the following plan to address transportation in connection with patients who will be admitted to a psychiatry bed off-site. In order to accommodate visitation for these patients, for a 6 month period, UMMMC will institute a daily shuttle from and to the University Campus that will round at Tara Vista, the Harrington Hospital sites and the Westboro facility. This shuttle will run twice per day and will be available to those wishing to visit patients at the alternative facilities at no cost. During this 6 month period, UMMMC will assess the demand for such services and other options that may be available.
9. UMMMC shall report back to the DoN program regarding: 1) the total number of adult psychiatric and M/S patients boarded for 12 or more hours at UMMMC; 2) the number of adult psychiatric patients admitted to beds other than at UMMMC; 3) where those patients are placed; 4) the primary and secondary diagnoses for any psychiatric patients who are admitted to beds other than UMMMC; 5) the number of patients who present at UMMMC with psychiatric indications and leave against medical advice; 6) for all of the above reports, subject to HIPAA confidentiality requirements, UMMMC shall include the following: insurance type; race; ethnicity; and primary language spoken; 7) the average turn-around time for both psychiatric and M/S patients presenting at University ED from presentation at the ED to admission to a bed or transfer to another facility; and 8) an affirmation that UMMMC has prioritized for placement within the UMMMC system those patients for whom insurance coverage may present an access issue at another facility.

These reports shall be quarterly, shall commence upon approval of the DoN and shall continue through the later of December 2020 or one year after the opening for operation of the new, UMMHC-affiliated inpatient psychiatry service in Worcester.

If the DoN program determines, based upon the reports submitted or otherwise, that the implementation of this DoN Project results in non-compliance with one or more of the conditions thereto: to wit, that patients shall not lose access to care because of insurance; that patients with co-occurring medical acuity and psychiatric indications will be admitted to UMMMC; and that psychiatric ED boarding does not precipitously increase, then Staff may refer this matter to the PHC for further consideration of whether the Holder may be in violation of one or more condition of its DoN. Upon referral to the PHC, the Applicant may include a presentation of evidence that the purported violation occurred as a result of factors beyond the control of UMMMC.

Sincerely,

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Nora J. Mann, Esq.  
Director  
Determination of Need Program

cc: Sherman Lohnes, Director, Division of Health Care Facility Licensure and Certification  
Rebecca Rodman, Deputy General Counsel  
Samuel Louis, Office of Health Equity  
Mary Byrnes, Center for Health Information and Analysis  
Steven Sauter, MassHealth  
Katherine Mills, Health Policy Commission  
Ben Wood, Office of Community Health Planning