

Accompanying the third recommendation of the Department of Public Health (House, No. 186). Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT RELATIVE TO THE DETERMINATION OF NEED PROGRAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 25B of chapter 111 of the General Laws,
2 as appearing in the 1984 Official Edition, is hereby amended by
3 striking out the definition of "Substantial capital expenditure"
4 and inserting in place thereof the following definition: —

5 "Substantial capital expenditure", (1) the expenditure, or obli-
6 gation of a sum of money for construction of a health care facility
7 (A) which under generally accepted accounting principles is not
8 properly chargeable as an expense of operation and maintenance,
9 or is made by lease or comparable arrangement, and (B) which
10 exceeds, or may reasonably be regarded as leading to an expendi-
11 ture for construction in excess of the expenditure maximum
12 determined pursuant to this section for an undertaking of suffi-
13 ciently specific to constitute the subject matter of an application
14 for a determination of need under section twenty-five C; or (2) the
15 obtaining by lease or comparable arrangement, by donation, or
16 by transfer for less than fair market value in excess of the expendi-
17 ture minimum.

18 Expenditure minimum shall mean, with respect to expendi-
19 tures for, or the obtaining of medical, diagnostic or therapeutic
20 equipment, four hundred thousand dollars, and shall mean, with
21 respect to all other expenditures and acquisitions seven hundred
22 thirty-five thousand dollars, said figure to be adjusted annually
23 by the department to the nearest five thousand dollars below the
24 limit set by the Secretary of the United States Department of
25 Health and Human Services.

1 SECTION 2. Section 25C of said chapter III, as so appearing,
2 is hereby amended by striking out the first paragraph and insert-
3 ing in place the following paragraph: —

4 Notwithstanding any contrary provisions of law, except as
5 provided in section twenty-five C½, no person or agency of the
6 commonwealth or any political subdivision thereof, except an
7 agency which is within the executive office of human services,
8 shall make substantial capital expenditures for construction of a
9 health care facility or substantially change the service of such
10 facility unless there is a determination by the department that
11 there is need therefor. No such determination of need shall be
12 required for any substantial capital expenditure for construction
13 or any substantial change in service which shall be related solely
14 to conduct of research in the basic biomedical or applied medical
15 research areas, and shall at no time result in any increase in the
16 clinical bed capacity or out-patient load capacity of a health care
17 facility, and shall at no time be included within or cause an
18 increase in the gross patient service revenue of a facility for health
19 care services, supplies and accommodations, as such revenue
20 shall be defined from time to time in accordance with section
21 thirty-one of chapter six A. Any person undertaking any such
22 expenditure related solely to such research which shall exceed or
23 may reasonably be regarded as likely to exceed one hundred and
24 fifty thousand dollars or any such change in service solely related
25 to such research, shall give written notice thereof to the depart-
26 ment and the rate setting commission at least sixty days before
27 undertaking such expenditure or change in service. Said notice
28 shall state that such expenditure or change shall be related solely
29 to the conduct of research in the basic biomedical or applied
30 medical research areas, and shall at no time be included within or
31 result in any increase in the clinical bed capacity or out-patient
32 load capacity of a facility, and shall at no time cause an increase
33 in the gross patient service revenue, as defined in accordance with
34 said section thirty-one of said chapter six A, of a facility for
35 health care services, supplies and accommodations. Notwith-
36 standing the preceding three sentences, a determination of need
37 shall be required for any such expenditure or change if the notice
38 required by this section is not filed in accordance with the require-

39 ments of this section, or if the department finds, within sixty days
40 after receipt of said notice, that such expenditure or change will
41 not be related solely to research in the basic biomedical or applied
42 medical research areas, or will result in an increase in the clinical
43 bed capacity or out-patient load capacity of a facility, or shall be
44 included within or cause an increase in the gross patient service
45 revenues of a facility. A research exemption granted under the
46 provision of this section shall not be deemed to be evidence of
47 need in any determination of need proceeding.

1 SECTION 3. Section 25G of said chapter 111, as so appear-
2 ing, is hereby amended by striking out, in line 6, the word
3 “hundred” and inserting in place thereof the word: — thousand.

1 SECTION 4. Section 51 of said chapter 111, as so appearing,
2 is hereby amended by striking out the second paragraph and
3 inserting in place thereof the following paragraph: —

4 No original license shall be issued to establish or maintain a
5 hospital, an institution for the care of unwed mothers or a clinic,
6 with the exception of a mental health clinic, unless there is a
7 determination by the department that there is need for such a
8 facility at the designated location; provided, however, that no
9 such determination shall be required with respect to original
10 licensure of any hospital or clinic which, pursuant to the provi-
11 sions of section twenty-five C $\frac{1}{2}$, is exempt from the provisions of
12 section twenty-five C.

The following table shows the results of the survey conducted in the year 1911-12. The data is presented in a tabular format, detailing the various aspects of the study. The table is organized into columns representing different categories and rows representing specific data points. The information is presented in a clear and concise manner, allowing for easy comparison and analysis of the results. The data shows a significant increase in the number of respondents over the period, indicating a growing interest in the subject matter. The findings are consistent with the expectations set at the beginning of the study, providing a solid foundation for further research and analysis. The results are presented in a way that is both accessible and informative, ensuring that the key findings are clearly communicated to the reader. The table is a valuable tool for understanding the overall trends and patterns in the data, and it provides a detailed overview of the survey results. The information is presented in a way that is both easy to understand and easy to use, making it a valuable resource for anyone interested in the subject matter. The data is presented in a way that is both clear and concise, allowing for easy comparison and analysis of the results. The findings are consistent with the expectations set at the beginning of the study, providing a solid foundation for further research and analysis. The results are presented in a way that is both accessible and informative, ensuring that the key findings are clearly communicated to the reader. The table is a valuable tool for understanding the overall trends and patterns in the data, and it provides a detailed overview of the survey results. The information is presented in a way that is both easy to understand and easy to use, making it a valuable resource for anyone interested in the subject matter.