



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Care Safety and Quality
Determination of Need Program
250 Washington Street, Boston MA 02511

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Memorandum

TO: Interested Parties

FROM: Margo Michaels, MPH, Director, Determination of Need Program

DATE: March 24, 2020

RE: **Requesting Determination of Need (DoN) Approval for projects related to COVID-19 during the State of Emergency**

The Massachusetts Department of Public Health (DPH) continues to work with state, federal and local partners on the outbreak of Coronavirus Disease 2019 (COVID-19), caused by the virus SARS-CoV-2, and we continue to appreciate the essential role all Health Care Facilities have responding to this evolving situation.

Pursuant to an Order issued by the Commissioner of Public Health, a Notice of Determination of Need shall not be required for any person seeking approval for a Substantial Capital Expenditure, Substantial Change in Service, or Transfer of Site necessary to address COVID-19, provided the person seeking approval complies with this guidance.

Prior to commencing a Substantial Capital Expenditure, Substantial Change in Service, or Transfer of Site necessary to address COVID-19, a person seeking approval must provide a notification to the Department, signed under the pains and penalties of perjury by either the Chief Executive Officer or board chair, which must include:

1. The identity of the Applicant and/or Health Care Facility;
2. A description of the Proposed Project and why it is needed to address the COVID-19 emergency;
3. The rationale for such service(s) or construction and how without issuance of a Notice of Determination of Need, the public health will be measurably harmed;
4. An attestation that the facility, service or equipment is intended to be used for the management and treatment of the COVID-19 virus; and

5. The location and projected costs of the Proposed Project

After receiving notification, DPH will review to determine whether the need for the Proposed Project relates to the state of emergency. If it does, DPH will confirm the person seeking approval may commence the Substantial Capital Expenditure, Substantial Change in Service, or Transfer of Site necessary to address COVID-19. Note that for construction or changes in service that are not temporary in nature and will remain in place after the termination of the State of Emergency, DPH may, in its discretion, direct the facility to apply for a full Notice of Determination of Need, including all applicable Factors, upon termination of the State of Emergency.

Please direct any questions or comments about this memorandum to the Determination of Need Program at dph.don@state.ma.us.

Additionally, please visit DPH's website that provides up-to-date information on COVID-19 in Massachusetts: <https://www.mass.gov/2019coronavirus>.