



Michael S. Dukakis
Governor

Phillip W. Johnston
Secretary

Deborah Prothrow-Stith, M.D.
Commissioner

The Commonwealth of Massachusetts
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1989 JUN 14 AM 10:35
EXECUTIVE OFFICE OF HUMAN SERVICES
CAMBRIDGE
Department of Public Health

150 Tremont Street

Boston 02111

617-727-2700

June 13, 1989

To Holder and all Public Commenters:

Enclosed is the Memorandum to be presented to the Public Health Council for amendment of a Determination of Need on Tuesday, June 20, 1989, at 10:00 a.m., in the Public Health Council Room in the basement of 150 Tremont Street, Boston, MA.

Since you have filed written comments within the time period provided by the DoN Regulations, you are entitled to make a brief oral presentation to the Council at the time the amendment request is heard, in accordance with 100.720(F) of the DoN Regulations.

If you have any questions regarding the meeting or the Memorandum, please contact Mindy Merow Rubin at 727-8825.

Sincerely,

A handwritten signature in cursive script, reading "Susan K. Glazer".

Susan K. Glazer
Program Director
Determination of Need Program

SKG:ms

Enclosure



The Commonwealth of Massachusetts
Executive Office of Human Services
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CAMBRIDGE MA

MEMORANDUM

TO: Commissioner Prothrow-Stith and Members of the Public Health Council

FROM: Mindy Merow Rubin, Compliance Director

THROUGH: Susan K. Glazer, DoN Program Director

DATE: June 20, 1989 (Issued June 13, 1989)

RE: The Journey Home
Approved DoN #4-4788
Request for Transfer of Site

INTRODUCTION:

The purpose of this memorandum is to present Staff's recommendation to approve the request by the Holder of the above-referenced approved DoN for a transfer of site from 775 Trapelo Road in Waltham to 85 Otis Street in Cambridge. This project was approved by the Public Health Council (PHC) on September 20, 1988, for renovation and construction to provide a 60 bed substance abuse treatment facility. This request is before the PHC pursuant to 105 CMR 100.720(F), which provides for the Department to review the request where objections have been filed to the proposed transfer.

STAFF ANALYSIS

The Holder has requested this transfer in order to expedite the operation of the facility. The Holder has an option to lease the Waltham site. The Holder now expects final execution of the lease to require an additional one to two years. This delay was not anticipated at the time the application was presented to the PHC on September 20, 1988. The Holder has contracted to purchase the proposed site, thereby avoiding any such delays. It is also larger, though still within Department recommended space guidelines, which the Holder believes will provide a more conducive environment for effective treatment.

The Holder has filed this request pursuant to 105 CMR 100.720, and submitted all of the required documents, including documentation of sufficient interest in the site and evidence that the site may be used for this purpose. The DoN regulations allow the Department to deny a request for a transfer of site only if the transfer will substantially change the population to be served, or will result in a substantial change in service. The proposed new site will not change the population served by this project as substance abuse services are considered to be a statewide resource. In fact, the proposed site is in the same HSA as the originally approved site. Additionally, the proposed transfer will not affect the services provided.

The DoN regulations further provide that the Department shall approve a requested transfer of site unless it finds that the transfer to the proposed site would likely violate the objectives of the DoN process. These objectives are the allocation of health care resources and the improvement of health care delivery systems such that adequate health care services are made reasonably available to every person within the Commonwealth at the lowest reasonable aggregate cost (105 CMR 100.532). Staff has determined that any increase in construction costs due to the proposed transfer will not affect aggregate health systems costs, as the reimbursement methodology employed for this type of service does not factor in the capital costs of the project. It is anticipated that the transfer to the Cambridge site will enable the project to be implemented sooner than if it remained at the originally approved site. For these reasons, Staff finds that the proposed transfer will not violate the objectives of the DoN process, but in fact will help to achieve these objectives.

Staff received individual comments from one State Representative, two Cambridge City Councillors, approximately twenty-five area residents, a petition signed by approximately six hundred residents and a resolution from the Cambridge City Council. All of these comments oppose the transfer of this project to the proposed site, which is the site of Otis Hospital. The most widely received comment was that the proposed site is inappropriate for this use, as it is located in a densely populated area directly opposite a children's playground and a housing complex for the elderly. Comments were also received concerning the traffic implications this project would engender. As in previous projects, Staff notes that the issues of site appropriateness and traffic are local in nature and are best addressed by the city or town zoning authority.

Additionally, a number of comments suggested that a better use for the site would be a long-term care facility, and urged the Department to secure new ownership for the site and recertify it as such. Staff wishes to make clear to all parties that the purchase of Otis Hospital is a wholly private transaction outside the jurisdiction of the Department.

The Holder has satisfied the requirements of the DoN Regulations pertaining to standing: i.e. documenting that the Holder has sufficient interest in the site and documenting that zoning approval for the proposed use requires only a special permit (105 CMR 100.306). Thus Staff recommends approval of the proposed transfer.

CONCLUSION:

Staff recommends approval of the transfer of site of approved DoN #4-4788 from 775 Trapelo Road in Waltham to 85 Otis Street in Cambridge. Staff bases this recommendation on the fact that the Holder has fulfilled all the requirements of the DoN Regulations pertaining to transfers of site, 105 CMR 100.720, and the concerns expressed in public comment are not within the jurisdiction of the Department.

3. S-472

Comm. from Susan K. Glazer, Program Director, Dept. of Public Health, transmitting notification of a public hearing on Tuesday, June 20, 1989 at 10:00 a.m. in the Public Health Council Room, 150 Tremont St., Boston, transmitting an amendment request of the DoN Regulations.

In City Council,

June 19, 1989

6-19-89

Placed on file. Copy
to the City Manager.

copy sent to the City Manager 6/21/89
wlr