

**BARTLETT REGIONAL HOSPITAL
EMERGENCY DEPARTMENT EXPANSION and RENOVATION PROJECT
CERTIFICATE OF NEED APPLICATION**

**TIMELINE
And
RECOMMENDATION**

PREPARED BY: Alexandria Hicks, CON Program Coordinator

Date: July 31, 2024

Timeline:

Timeline of Events relating to Bartlett Regional Hospital (BRH) Emergency Department Expansion and Renovation Project (EDERP) Certificate of Need (CON) Application:

- First CON application submitted: September 22, 2022
- CON Modification Request: March 3, 2023
- Second, modified CON application submitted: March 4, 2024
- Department of Health (DOH) response on modified CON application due: July 17, 2024
- CON Program's Staff Analysis and Recommendation emailed to Commissioner's Office (CO): June 11, 2024
- DOH request for additional information from Deputy Commissioner (DC) Ricci sent to applicant: July 17, 2024
- Response to DOH request for additional information submitted: July 19, 2024 (received July 22, 2024)
- Email received from BRH inquiring about anticipated timeframe for DOH decision for its CON: July 25, 2024
- Email received from BRH forwarded by CON Program to CO: July 25, 2024
- DC Ricci requests the CON Program put together a response to BRH, provide this overview and recommended next steps, required for the Commissioner to make her decision: July 25, 2024

Recommendation:

The CON Program recommends the following action as it pertains to reaching a final decision on BRH's EDERP CON Application.

The CON Program proposes preparing a document outlining the pertinent, and updated facts as they relate to the current BRH EDERP status, information which was gleaned from the

Commissioner's request for additional information, and BRH's corresponding response, necessary to make her decision.

Note, this information was received after the CON Program performed its analysis and formerly submitted its CON Staff Analysis and Recommendation to the Commissioner for her review and decision.

This document will also include a section that will reflect the CON Program's informed, and updated recommendation on the revised status of the project given the update provided by BRH.

The CON Program recommends that the language in this document be incorporated into the Commissioner's final decision letter noting references (BRH, and the CON Program) and how it informs the basis of her decision to either, a) approve the project in full, b) deny the project in full, or c) partially approve or deny the project.

This approach is necessary as the CON Program cannot revise the original and submitted CON Staff Analysis (substantively), after the fact, to reflect the change in budget and other information gleaned in the Commissioner's request for additional information, because as stated, *this information was obtained after the CON Program review and Staff Analysis and Recommendation had been finalized and formally submitted to the Commissioner.*

It is also important to note that all communication between the Commissioner and BRH regarding the request for additional information and corresponding response regarding BRH's EDERP CON Application will be public record once a decision has been made and posted.

Per 7 AAC 07.070 Decision by commissioner:

(a) The commissioner's decision under this section will be made in writing within 45 days after the commissioner receives the department's analysis and recommendations under 7 AAC 07.010, unless the commissioner

(1) requires additional information from the

(A) department staff who prepared the analysis and recommendations.

(B) department staff or other persons with expertise regarding the proposed activity; or

(C) applicant; or

(2) finds that further analysis is required by the department before a final decision can be made.

(b) If the commissioner's decision is inconsistent with the analysis and recommendations submitted under 7 AAC 07.060, the commissioner will include a written statement of the reasons for the decision.

This approach is the appropriate way to incorporate any information relating to a pending CON project's change in status, obtained because of a request by the Commissioner, after the CON Program has formally submitted its original CON Staff Analysis and Recommendation. There are precedents for this in other decisions handed down by DOH, (see most recent, attached)

The CON Program also recommends the Commissioner, and her staff, carefully review the

information submitted by BRH and determine if there are any other questions or information needed from BRH, the CON Program or any other applicable internal source. (per AAC 07.070).

Please note, the original Impact to Medicaid Analysis included in the June 11, 2024 CON Program Staff Analysis and Recommendation remains unchanged as a result of the higher budget proposed in BRH's response to the Commissioner's request for additional information.

Lastly, please be aware there is no identified timeframe in which a decision is due from the Commissioner, formally spelled out or otherwise stated or implied, in the CON regulations once additional information has been requested. However, as noted in the draft letter in response to BRH's July 25, 2024, inquiry, given BRH's status overall, and its request for a timeline, it behooves the DOH to be as expedient as possible.