

**§ 999.5(d)(5)(H)**

*A description of each measure proposed by the applicant to mitigate or eliminate any significant adverse effect on the availability or accessibility of health care services to the affected community that may result from the agreement or transaction.*

The proposed transaction does not present any terms or conditions that would have an adverse effect on the availability or accessibility of health care services to the affected communities. Prime has agreed in the Definitive Agreement, in public statements and in multiple documents that it will continue, not reduce or eliminate, the role of the DCHS Health Facilities as general acute care hospitals, with emergency departments open to all regardless of ability to pay. It has agreed that the DCHS Health Facilities will continue to participate in the Medicare and Medi-Cal programs as providers. It has agreed to maintain historical levels of financial support for charity care and community benefit expenditures. The quality of care provided by Prime hospitals in California, measured by objective national standards, meaningfully exceeds the quality of care of alternatives considered by DCHS and, as noted in Section 995.5(d)(1)(A) of this application, was an essential basis for the DCHS Board's selection of Prime. Moreover, Prime has agreed to continue to provide an appropriately staffed and funded pastoral care program at the DCHS Health Facilities for at least five years, preserving in a nonsectarian mode a key characteristic of the health care provided by the DCHS Health Facilities historically. [Definitive Agreement, § 7.8(c)] No closure or material reduction of services is contemplated by the Definitive Agreement or otherwise.

Adverse effects on health services that may result from the transaction are in large part speculative. On the other hand, real, concrete and harmful health care deficits would result in the communities serviced by the DCHS Health Facilities if any of them were to close because of financial failure. The transaction with Prime and Prime Foundation was chosen by the DCHS Board and the Boards of Directors of the Hospital Corporations because, in their judgment, based on prayerful discernment and expert advice, it offered the best—indeed only—comprehensive solution to the urgent need for a strong, stable platform for the DCHS Health Facilities' ongoing service to the communities in northern and southern California served by the DCHS Health Facilities. Prompt completion of the transaction offers those communities the best hope of mitigation or elimination of the risk of the greatest harm, closure of one or more of the DCHS Health Facilities.