

**Acknowledgment of Receipt of Determination of Need and
Attestation Regarding Participation in MassHealth**

Pursuant to 105 C.M.R. § 100.310(A)(2) we, the undersigned*, on behalf of New England Baptist Surgery Center, LLC (the "Holder"), hereby acknowledge that the Holder is in receipt of the Determination of Need Notice of Final Action, dated November 18, 2022, issued by the Massachusetts Department of Public Health (the "Department") with respect to Application No. 22051121-TO. This attestation is being provided to the Department and to all Parties of Record within thirty (30) days of the Determination of Need Notice of Final Action.

In addition, pursuant to 105 CMR 100.310(A)(11), we hereby attest that New England Baptist Surgery Center, LLC (the Health Care Facility or Facilities for which the Notice of Determination has been issued) [participates, or intends to participate] in MassHealth pursuant to 130 CMR 400.000 through 499.000.

IN WITNESS WHEREOF, the undersigned have duly executed this Attestation on this November 29, 2022.



David Passafaro



Kris Mineau

*Due to the structure of the Holder (as a limited liability company or "LLC") and its current formation status, the Holder does not have a President or board chair. David Passafaro is President of New England Baptist Hospital, the holder of the majority membership interest in the holding company that holds a majority interest in the LLC. Kris Mineau is President & CEO of Constitution Surgery Alliance, the entity that will manage the surgery center that is to be owned and operated by the LLC. Mr. Passafaro executed the Affidavit of Truthfulness on behalf of the Holder (for the DON application) and Mr. Mineau is identified in the LLC's Certificate of Organization as having certain signature authority on behalf of the LLC. Mssrs. Passafaro and Mineau are mindful of the Holder's DON-related obligations following approval of Project # 22051121-TO and are in a position to monitor and promote the Holder's compliance with those obligations.