

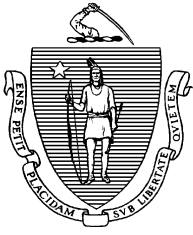
**CAPE COD HOSPITAL  
DON APPLICATION # CCHC-23122109-AM**

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## **APPENDIX 4**

### **ORIGINAL DoN NOTICE OF APPROVAL**



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
250 Washington Street, Boston, MA 02108-4619

**CHARLES D. BAKER**  
Governor

**KARYN E. POLITO**  
Lieutenant Governor

**MARYLOU SUDDERS**  
Secretary

**MARGRET R. COOKE**  
Commissioner

Tel: 617-624-6000  
[www.mass.gov/dph](http://www.mass.gov/dph)

July 22, 2022

Crystal Bloom, Partner  
Husch Blackwell LLP  
One Beacon Street, Suite 1320  
Boston, MA 02108-3106

VIA electronic mail  
[Crystal.Bloom@huschblackwell.com](mailto:Crystal.Bloom@huschblackwell.com)

RE: Notice of Final Action DON Application # CCHC-22021416-HE

Dear Attorney Bloom,

At their meeting of July 13, 2022, the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to M.G.L. c.111, §25(c) and the regulations adopted thereunder, to approve the Determination of Need application filed by Cape Cod Healthcare, Inc. (Applicant) located at 27 Park Street, Hyannis, MA 02601 for a Substantial Capital Expenditure to construct a new facility that will consist of the following: (1) relocated and expanded medical oncology department; (2) relocated radiation oncology department; (3) relocated medical/surgical unit consisting of 32 beds; and (4) shell space for future projects. This Notice of Final Action incorporates by reference the Staff Report, and the Public Health Council proceedings concerning this application, all of which are incorporated herein by reference.

This Determination of Need Application was reviewed pursuant to M.G.L. c. 111, § 25(c), and the regulatory provisions of 105 CMR 100.000 et seq. Based upon a review of the materials, the Department found that the Applicant has met each DoN factor with conditions and approves this Determination of Need application for a substantial capital expenditure for the Proposed Project of \$137,048,632.00. The total required Community Health Initiative (CHI) contribution is \$6,852,431.60.

In compliance with the provisions of 105 CMR 100.310 A (2) and (11) the Holder shall submit an acknowledgment of receipt to the Department (attached) and include a written attestation of participation or intent to participate in MassHealth.

In compliance with 105 CMR 100.310(A)(12), which requires a report to the Department, at a minimum on an annual basis, including the measures related to achievement of the DoN factors for a period of five years from completion of the Proposed Project, the Holder shall address its assertions with respect to all the factors.

## **Other Conditions to the DoN**

### **Condition 1 – CHI Contribution**

1. Of the total required CHI contribution of \$6,852,431.60
  - a. \$1,678,845.74 will be directed to the CHI Statewide Initiative
  - b. \$5,036,537.23 will be dedicated to local approaches to the DoN Health Priorities
  - c. \$137,048.63 will be designated as the administrative fee.
2. To comply with the Holder's obligation to contribute to the Statewide CHI Initiative, the Holder must submit a check for \$1,678,845.74 to Health Resources in Action (the fiscal agent for the CHI Statewide Initiative).
  - i. The Holder must submit the funds to HRiA within 30 days from the date of the Notice of Approval.
  - ii. The Holder must promptly notify DPH (CHI contact staff) when the payment has been made.

Payment should be sent to:  
Health Resources in Action, Inc., (HRiA)  
2 Boylston Street, 4th Floor  
Boston, MA 02116  
Attn: Ms. Bora Toro

**Condition 2** – The Holder shall provide, in its annual report to the Department, the following outcome measures. These metrics will become part of the annual reporting on the approved DoN, required pursuant to 105 CMR 100.310(A)(12). Reporting will include a description of numerators and denominators.

### **OUTPATIENT MEDICAL ONCOLOGY QUALITY MEASURES**

1. Patient Satisfaction: Patients that are satisfied with their care are more likely to seek additional treatment when necessary. CCH staff will review patient satisfaction scores from the Hospital Consumer Assessment of Healthcare Providers and Systems related to overall patient satisfaction
  - a. Measure: Staff will review responses pertaining to registration, wait times, changing room privacy, facility navigation, staff communication, and personal needs. Response options include Very Poor, Poor, Fair, Good, and Very Good.  
*Numerator:* # of responses with highest score; *Denominator:* Total # of responses
  - b. Baseline: 69.78% of patients responded with the highest score ("Top Box Score")
  - c. Projections: Year 1: 71%; Year 2: 73%; Year 3: 74%
  - d. Monitoring: Results will be reviewed annually by oncology leadership.

2. Hospital Readmissions: This measure will monitor the rate of patients who receive non-routine inpatient care at the Hospital within 30 days of chemotherapy.

a. Measure: The percent of Medical Oncology patients who are admitted within 30 days of receiving chemotherapy (number of patients admitted/number of chemotherapy patients within last 30 days). This is a rolling measure.

*Numerator:* # of patient admitted within 30 days of receiving chemotherapy; *Denominator:* # of patient receiving chemotherapy

b. Baseline: 5.6%

c. Projections: Year 1: ≤5.0%; Year 2: ≤4.5%; Year 3: ≤3.9%

d. Monitoring: Results will be reviewed annually by oncology leadership.

#### RADIATION ONCOLOGY QUALITY MEASURES

3. Patient Satisfaction: Patients that are satisfied with their care are more likely to seek additional treatment when necessary. CCH staff will review patient satisfaction scores from the Hospital Consumer Assessment of Healthcare Providers and Systems related to overall patient satisfaction

a. Measure: Staff will review responses pertaining to registration, wait times, changing room privacy, facility navigation, staff communication, and personal needs. Response options include Very Poor, Poor, Fair, Good, and Very Good.

*Numerator:* # of responses with highest score; *Denominator:* Total # of responses

b. Baseline: 81.12% of patients responded with the highest score ("Top Box Score")

c. Projections: Year 1: ≥82%; Year 2: ≥83.5%; Year 3: ≥85%

d. Monitoring: Results will be reviewed annually by oncology leadership.

#### INPATIENT CARDIAC MEDICAL-SURGICAL QUALITY MEASURES<sup>1</sup>

4. Patient Satisfaction: Patients that are satisfied with their care are more likely to seek additional treatment when necessary. CCH staff will review patient satisfaction scores from the Hospital Consumer Assessment of Healthcare Providers and Systems specific to the hospital environment.

a. Measure: Staff will review responses to "During this hospital stay, how often was the area around your room kept quiet at night?". Response options include: Never, Sometimes, Usually, and Always

*Numerator:* # of responses with highest score; *Denominator:* Total # of responses

b. Baseline: 60% of patients responded with the highest score ("Top Box Score").

c. Projections: Year 1: 62%; Year 2: 64%; Year 3: 65%

d. Monitoring: Scores are reviewed quarterly.

5. Fall Prevention: This measure will monitor the rate of patient falls resulting in injury.

a. Measure: The number of patient falls with injury per 1000 acute patient days.

*Numerator:* # of patient falls with injury; *Denominator:* patient days/1000

b. Baseline: 0.29

c. Projections: Year 1: 0; Year 2: 0; Year 3: 0

d. Monitoring: The Department of Nursing will review falls data on a monthly basis.

---

<sup>1</sup> These projections are limited to the care to be provided in the proposed cardiac medical-surgical inpatient unit.

6. Hospital Readmissions: This measure will monitor the rate of patients who are re-admitted to the Hospital within 30 days of discharge.

a. Measure: The number of re-admissions/the number of discharges within a 30-day period.  
This is a rolling measure.

*Numerator:* # of patient admitted within 30 days; *Denominator:* # of patient discharges

b. Baseline: 0.7754

c. Projections: Year 1:  $\leq 1$ ; Year 2:  $\leq 1$ ; Year 3:  $\leq 1$

d. Monitoring: Scores are reviewed quarterly.

Ongoing compliance with the conditions and all terms of the DoN is, pursuant to the Regulation, a precondition to the filing of any future DoN by the Holder.

Sincerely,



Elizabeth Kelley

Director, Bureau of Health Care Safety and Quality

cc:

Stephen Davis, Division of Health Care Facility Licensure and Certification

Daniel Gent, Division of Health Care Facility Licensure and Certification

Rebecca Rodman, General Counsel's Office

Samuel Louis, Office of Health Equity

Jennica Allen, Division of Community Health Planning and Engagement

Elizabeth Maffei, Division of Community Health Planning and Engagement

Katelyn Teague, Division of Community Health Planning and Engagement

Elizabeth Almanzor, Center for Health Information Analysis

Katherine Mills, Health Policy Commission

Eric Gold, Attorney General's Office

Pavel Terpelets, MassHealth

Christopher King, Executive Office of Health and Human Services

Tomaso Calicchio, Executive Office of Health and Human Services

Hai Nguyen, Executive Office of Health and Human Services

Karina Mejias, Executive Office of Health and Human Services

Priscilla Portis, Executive Office of Health and Human Services

## **APPENDIX 5**

### **NOTICE OF INTENT**

## Speech

Continued from Page 1A

● Deerfield potato farmers Lisa and Jay Savage, who suffered major crop losses in the devastating floods that hit Massachusetts in 2023.

● Danita Mends, a Roxbury mother benefitting from MassReconnect, the governor's program offering free community college to all residents over 25 who do not have a prior degree.

● Abelardo and Gabriela, Haverhill residents who had despaired of finding affordable housing to purchase in the state until they were connected to state programs that allowed them to realize their dreams.

● Elaine Correia from New Bedford, an 87-year-old grandmother who has faced tough financial decisions such as having to choose between gifts for her nine grandchildren, groceries or paying the heating bill.

Healey thanked the Legislature for collaboration in passing tax cuts, for including universal free meals for Massachusetts' public school students into the annual budget, for funding emergency disaster relief for farmers hard hit by climate emergencies and to help fund the rebuilding of Central Massachusetts communities after flash floods in September washed away roads, bridges and people's yards.

Discussing the weather-related disasters and climate change, Healey applauded the initiative of Sen. Jo Comerford, D-Norfolk, and Rep. Natalie Blais, D-Deerfield, to create a permanent disaster relief fund so that Massachusetts residents, businesses and municipalities do not have to rely on the federal government.

In her remarks, Healey failed to mention the six months of dismal tax revenue that fell short of expectations and triggered a \$350 million cut to the budget, mostly to social service programs and mental health care services.

The state will also seek some \$700 million, diverting interest payments from investments, to plug gaps in the budget.

In discussing the influx of migrants and the subsequent strain on the state's emergency shelter system, Healey did not mention the shortfall in funding, which had been set to support half the

current 7,500 families lodged in emergency shelters through June 2024. The Legislature has since allocated another \$250 million to the system. Healey also plans to dip into a special escrow fund and take \$700 million to subsidize the program through the end of the fiscal year.

Instead, she talked about her success working with the federal government in obtaining working papers for 3,000 new Massachusetts residents and finding employment for some of those able to work. Some Massachusetts legislators have suggested the state's "Right to Shelter" law be revised to limit those eligible for the program to Massachusetts residents and citizens of the United States.

### Sen. Peter Durant gives Republican response

In remarks billed as the Republican response to Healey's address, newly elected Sen. Peter Durant, R-Spencer, said the Right to Shelter law is being exploited.

"You are bearing the economic burden," Durant said, speaking to state taxpayers. "We must work together to amend the Right to Shelter law to carry out the mission it was intended to 40 years ago when it was written: To serve residents of the commonwealth with emergency housing when they find themselves in distress."

"Without action, our state will continue to be a magnet for an influx of migrants, with far-reaching consequences that will impact you and future generations."

Durant called for education reform, expanded investments in vocational education, a streamlined process to build new housing, increased use of natural gas to contain costs during the state's clean energy push, and strategies to ease burdens on middle-income residents who are forced to leave Massachusetts due to affordability woes.

### Healey's priorities for 2024

The governor announced new initiatives: A \$4 billion housing bond bill and Literary Launch, a program to ensure that each of Massachusetts' 351 school districts has access to the best reading material incorporating it over the next five years.

She said her fiscal 2025 state budget will propose to, "double our support for MBTA (Massachusetts Bay Transportation Authority) operations and tackle deferred maintenance," plus establish a "permanent reduced fare for low-income T riders."

Neither Healey nor administration officials put specific figures on her proposed MBTA investments, but those commitments are likely to cost tens or hundreds of millions of dollars.

The governor also pledged to "increase funding for local roads and bridges to record levels, with special investments dedicated to rural communities," and convene a task force to rethink long-term transportation financing questions "in the clean energy era."

She also called for investing in education, lowering child care costs and working with the state's vocational schools to support apprenticeships, internships and certificate programs offered through community colleges.

Tuesday, Healey toured a child care center in Malden, taking the opportunity to announce her Gateway to Pre-K program; designed to lower out-of-pocket child care costs and establish universal pre-K in all 26 of Massachusetts' Gateway Cities.

Following her remarks, Brad Jones, R-North Reading, ranking House minority leader, pointed out that universal pre-K for Gateway Cities is "aspirational," and suggested that Massachusetts implement full-day kindergarten statewide before seeking to implement pre-K. "Other residents in the commonwealth may need access to the same programs; maybe they should be income-based," rather than concentrated in the Gateway communities, he said.

"The ambitious goals laid out by the governor do not jibe with the (recent 9C) cuts to the budget," Jones said, also pointing out that her proposed spending would come on the heels of the \$1 billion in tax cuts offered by the governor and enacted by the Legislature.

In her speech, the governor promised continued full funding of the Student Opportunity Act and investments in early college programs and mental health services for the state's youth. She touted the state's response to concerns about youth mental health including opening 26 community mental health centers and cutting emergency room stays for youth in crisis in half.

"That's a real impact," Healey said, adding her next budget will include \$10 million to provide services, including residential, for the state's most vulnerable youth.

The governor touted the creation of the Federal Funds and Infrastructure Office and the use of interest accrued from the \$8 billion rainy-day fund to chase every federal dollars available in grants and loans.

That effort, Healey said, has already borne fruit, attracting \$3 billion to build projects: \$108 million for the West-East Rail through Worcester, \$24 million to rebuild Leonard's Wharf in New Bedford, \$33 million for electric school buses, and \$372 million to finally start the replacement of Cape Cod bridges.

Massachusetts will become, Healey vowed, the national leader in life sciences, and a climate change innovator with its investment in offshore wind electricity generation, investment in electric bus fleets and a push to get more motorists in electric vehicles.

"We set high goals for our first year in office," Healey said. "And because we came together, and we acted with urgency, we delivered results and we met every one of our goals. Today, Massachusetts is more affordable, more competitive and more equitable than it was a year ago. And the state of our commonwealth, like the spirit of our people, is stronger than ever."

### Legislative leaders rule out tax hikes

Asked if he would consider proposals to raise taxes to pay for lofty spending promises with fiscal stormclouds gathering, House Speaker Ron Mariano said "life goes on" and pointed to a tax cut package lawmakers and Healey passed last year.

"No we're not going to raise taxes. We just lowered taxes. We're not schizophrenic," the speaker said. "We've chosen the course of action and we think the competitiveness that the tax cut gets us is an important fact."

Mariano praised last year's tax reforms, which figured prominently in Healey's speech, saying they will "go a long way" to make living in Massachusetts more affordable.

Senate President Karen Spilka also said her chamber is not considering raising taxes.


"That is not something that I believe we are looking at. I believe, you know, that we will take a look and closely monitor our revenue for the coming months, for the coming year, and we will take a look. We will take a look at the governor's budget and then the House will do its budget and we'll do ours. But we will closely monitor our revenue," Spilka said.

The state budget has ballooned in recent years, in line with a surge in tax collections since the beginning of the COVID-19 pandemic. The budget in fiscal 2020 was slightly above \$43 billion, compared to the \$56 billion fiscal 2024 budget.

Just before the pandemic hit in 2020, the House approved a package of tax and fee increases to increase funding for the MBTA and transportation projects. The Senate didn't take up the bill and then Beacon Hill's priorities shifted to addressing the pandemic.

Wednesday night, Healey proposed doubling support for MBTA operations and addressing deferred maintenance on the system that has become increasingly unreliable and unsafe in the time since.

However, without raising taxes and with less general tax revenue to spend in the next budget than was originally appropriated for fiscal 2024, when asked how the state would afford Democrats' spending priorities both Mariano and Spilka said they look forward to seeing the details of Healey's budget proposal.



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Continued from previous page

Plymouth police report.

Security footage showed a dark car, described as a Chevrolet Traverse or Equinox, carrying four people pulled into the employee parking lot around 2 a.m. on Nov. 7, 2022, according to

the report. Three people got out and walked towards the exhibits.

They returned about 18 minutes later carrying what appeared to be the reported missing items.

On Dec. 1, 2022, Plymouth police received a box containing two bearskin rugs and two woven mats. A museum official

confirmed to police the items were the ones taken from the exhibit and said they appeared undamaged.

### Severed ties between tribe and museums

The incident comes months after the Wampanoag tribe severed ties with Plimoth Patuxet Museums, citing the direction of its programs and approach to Native American history.

In 2021, Weeden, then 28, became the youngest person elected chairman of the Mashpee Wampanoag Tribe.

Zane Razzag writes about housing and real estate. Reach her at zrazzag@capecodonline.com. Follow her on Twitter @zaneazzag.



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### Public Announcement Concerning a Proposed Health Care Project

Cape Cod Healthcare, Inc (the "Applicant"), with a principal place of business at 27 Park Street, Hyannis, MA 02601, intends to file a request with the Massachusetts Department of Public Health for a Significant Change ("Application") by Cape Cod Hospital (the "Hospital") located at the same address. The previously issued Determination of Need (CCHC-22021416-HE) approved the construction of a new facility on the Hospital's main campus for outpatient oncology services, inpatient cardiac services, and shell space for future projects (collectively, the "Approved Project"). This Application now requests to build out approved shell space to accommodate 32 medical/surgical beds. The costs associated with the Application will increase the total value of the Project based on a maximum capital expenditure ("MCE") by \$14,666,613, for a total MCE of \$151,715,245. The Applicant does not anticipate any price or service impacts on the Applicant's existing patient panel as a result of the Proposed Project.



**Public Notices**

Mortgage, to rights or claims in personal property installed by tenants or former tenants now located on the premises, and to laws and ordinances including, but not limited to, all building and zoning laws and ordinances.

**TERMS OF SALE:** The highest bidder in the sale of the premises shall deposit a bank treasurer's check, or certified check in the amount of Ten Thousand Dollars (\$10,000) at the time and place of the sale of the premises as a non-refundable earnest money deposit towards the purchase price to be held at the option of the Mortgagee as liquidated damages for any default by the successful bidder. The balance is to be paid by certified or bank check to Joseph Perl, Attorney at Law, 203 Arlington St., Suite 2, Watertown, MA 02472, whose phone number is 781-704-7047, within thirty (30) days from the date of sale. A deed will be provided to purchaser for recording upon receipt in full of the purchase price. The successful bidder shall be required to sign a Memorandum of Sale at the public auction containing the terms herein and any additional terms set forth in the Memorandum of Sale or announced at the public auction. The description of the premises contained in said mortgage shall control in the event of an error in this publication. In the event that the successful

**Public Notices**

bidder at the public auction fails to perform in the time specified to purchase the premises, the Mortgagee reserves the right, at its sole election, to sell the premises by foreclosure deed to the other qualified bidders, in descending order beginning with the next highest bidder, provided that in each case the next highest bidder delivers to Mortgagee the amount of the required deposit within three (3) business days after written notice of the default of the previous highest bidder and promptly executes a Memorandum of Sale providing for performance within thirty (30) days of execution. Mortgagee also reserves the right, at its sole election, to assume the bid of any defaulting or declining bidder. The Mortgagee reserves the right to postpone this sale to a later date by public proclamation at the time and date appointed for the sale and to further postpone any adjourned sale date by public proclamation at the time and date appointed for the adjourned sale date.

Other terms, if any, to be announced at the sale.

Amos Financial LLC  
Present holder of said mortgage  
By its attorney,  
Joseph Perl, Esq.  
Law Office of Joseph Perl  
203 Arlington St., Suite 2  
Watertown, MA 02472  
781-704-7047

**Public Notices**

Commonwealth of Massachusetts  
The Trial Court  
Probate and Family Court  
Suffolk Probate and Family Court  
24 New Chardon Street  
Boston, MA 02114  
Docket No. SU22D1040DR  
Divorce Summons By  
Publication and Mailing  
Vanessa Williams vs. Ricardo Oliveira Gomes  
To the Defendant: The Plaintiff has filed a Complaint for Divorce requesting that the Court grant a divorce for Irretrievable Breakdown. The Complaint is on file at the Court.  
An Automatic Restraining Order has been entered in this matter preventing you from taking any action which would negatively impact the current financial status of either party. SEE Supplemental Probate Court Rule 411.  
You are hereby summoned and required to serve upon Vanessa Williams your answer, if any, on or before 02/29/2024. If you fail to do so, the court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer, if any, in the office of the Register of this Court.  
Witness, Hon. Brian J. Dunn,  
First Justice of this Court.  
Date: January 9, 2024  
Register of Probate

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**Public Announcement Concerning a Proposed Health Care Project**

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02-38019407

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tickets	pets	appliances
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computers	furniture	cameras
boats	auctions	coins

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garage sales	jewelry
tickets	furniture
antiques	auctions
motorcycles	collectibles
computers	jobs
boats	appliances
sports	yard sales
equipment	tablets
pets	cameras



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## **APPENDIX 6**

### **CHANGE IN SERVICE**



# Massachusetts Department of Public Health

## Determination of Need

### Change in Service

Version: DRAFT  
6-14-17

**DRAFT**

Application Number: CCHC-23122109-AM

Original Application Date: 02/02/2024

#### Applicant Information

Applicant Name: Cape Cod Healthcare, Inc.

Contact Person: Michael Bachstein Title: Vice President of Facilities

Phone: 5088525225 Ext: E-mail: MBachstein@capecodhealth.org

#### Facility: Complete the tables below for each facility listed in the Application Form

1 Facility Name: Cape Cod Hospital CMS Number: 220135 Facility type: Hospital

#### Change in Service

2.2 Complete the chart below with existing and planned service changes. Add additional services with in each grouping if applicable.

Add/Del Rows		Licensed Beds	Operating Beds	Change in Number of Beds ( +/- )		Number of Beds After Project Completion (calculated)		Patient Days	Patient Days	Occupancy rate for Operating Beds		Average Length of Stay (Days)	Number of Discharges	Number of Discharges
		Existing	Existing	Licensed	Operating	Licensed	Operating	(Current/ Actual)	Projected	Current Beds	Projected	(Days)	Actual	Projected
	<b>Acute</b>													
	Medical/Surgical	197	197	32	32	229	229	70,078	72,163	97%	86%	4.7	16,960	17,255
	Obstetrics (Maternity)									0%	0%			
	Pediatrics									0%	0%			
	Neonatal Intensive Care									0%	0%			
	ICU/CCU/SICU									0%	0%			
<b>+</b>	<b>-</b>									0%	0%			
	Total Acute	197	197	32	32	229	229	70,078	72,163	97%	86%	4.7	16,960	17,255
	<b>Acute Rehabilitation</b>									0%	0%			
<b>+</b>	<b>-</b>									0%	0%			
	Total Rehabilitation									0%	0%			
	<b>Acute Psychiatric</b>													

Add/Del Rows		Licensed Beds	Operating Beds	Change in Number of Beds (+/-)		Number of Beds After Project Completion (calculated)		Patient Days (Current/ Actual)	Patient Days Projected	Occupancy rate for Operating Beds		Average Length of Stay (Days)	Number of Discharges	Number of Discharges
		Existing	Existing	Licensed	Operating	Licensed	Operating			Current Beds	Projected		Actual	Projected
	Adult									0%	0%			
	Adolescent									0%	0%			
	Pediatric									0%	0%			
	Geriatric									0%	0%			
<div>+ -</div>										0%	0%			
	Total Acute Psychiatric									0%	0%			
	Chronic Disease									0%	0%			
<div>+ -</div>										0%	0%			
	Total Chronic Disease									0%	0%			
	Substance Abuse													
	detoxification									0%	0%			
	short-term intensive									0%	0%			
<div>+ -</div>										0%	0%			
	Total Substance Abuse									0%	0%			
	Skilled Nursing Facility													
	Level II									0%	0%			
	Level III									0%	0%			
	Level IV									0%	0%			
<div>+ -</div>										0%	0%			
	Total Skilled Nursing									0%	0%			

2.3 Complete the chart below If there are changes other than those listed in table above.						
Add/Del Rows	List other services if Changing e.g. OR, MRI, etc	Existing Number of Units	Change in Number +/-	Proposed Number of Units	Existing Volume	Proposed Volume
<div><div>+</div><div>-</div></div>						

**Document Ready for Filing**

When document is complete click on "document is ready to file". This will lock in the responses and date and time stamp the form. To make changes to the document un-check the "document is ready to file" box.  
Edit document then lock file and submit Keep a copy for your records. Click on the "Save" button at the bottom of the page.

To submit the application electronically, click on the "E-mail submission to Determination of Need" button.

**This document is ready to file:**

☒

Date/time Stamp: 02/01/2024 12:38 pm

E-mail submission to  
Determination of Need

**APPENDIX 7**

**AFFILIATED PARTIES**



Massachusetts Department of Public Health  
Determination of Need  
Affiliated Parties

Version: DRAFT  
3-15-17

DRAFT

Application Date: 02/02/2024      Application Number: CCHC-23122109-AM

Applicant Information

Applicant Name: Cape Cod Healthcare, Inc.

Contact Person: Michael Bachstein      Title: Vice President of Facilities

Phone: 5088625225      Ext:      E-mail: MBachstein@capecodhealth.org

Affiliated Parties

1.9 Affiliated Parties:  
List all officers, members of the board of directors, trustees, stockholders, partners, and other Persons who have an equity or otherwise controlling interest in the application.

Add/ Del Rows	Name (Last)	Name (First)	Mailing Address	City	State	Affiliation	Position with affiliated entity (or with Applicant)	Stock, shares, or partnership	Percent Equity (numbers only)	Convictions or violations	List other health care facilities affiliated with	Business relationship with Applicant
<input type="checkbox"/> <input type="checkbox"/>	Lauf	Michael	2 Meadow Spring Drive	E. Sandwich	MA	Cape Cod Healthcare, Inc.	President and CEO, CCHC CEO, Cape Cod Hospital			No	Cape Cod Hospital	Yes
<input type="checkbox"/> <input type="checkbox"/>	Johnston	Alastari Bruce	2141 Oyster Harbors	Osterville	MA	Cape Cod Healthcare, Inc.	Chairman			No		No
<input type="checkbox"/> <input type="checkbox"/>	Devereux	Robin	15 Peace Pipe Road	Falmouth	MA	Cape Cod Healthcare, Inc.	Vice Chair			No		No
<input type="checkbox"/> <input type="checkbox"/>	Ayer	Ramani	22 Horseshoe Lane, North	South Orleans	MA	Cape Cod Healthcare, Inc.	Treasurer			No		No
<input type="checkbox"/> <input type="checkbox"/>	Talerman	Robert A.	34 Wild Goose Way	Centerville	MA	Cape Cod Healthcare, Inc.	Clerk			No		No
<input type="checkbox"/> <input type="checkbox"/>	Jones	Michael G.	65 Shady Lane	Hatchville	MA	Cape Cod Healthcare, Inc.	Co-Clerk			No		Yes
<input type="checkbox"/> <input type="checkbox"/>	Adduci, M.D.	Alexander	46 Greenwood Street	Sherborn	MA	Cape Cod Healthcare, Inc.	Trustee			No	Cape Cod Hospital	Yes
<input type="checkbox"/> <input type="checkbox"/>	Capodilupo	Lawrence	77 Geranium Drive	Chatham	MA	Cape Cod Healthcare, Inc.	Trustee			No		No
<input type="checkbox"/> <input type="checkbox"/>	Gergyes, M.D.	Joseph	104 Old Kings Road	Cotuit	MA	Cape Cod Healthcare, Inc.	Trustee			No	Falmouth Hospital	Yes
<input type="checkbox"/> <input type="checkbox"/>	Tilton Gibson	Linda	2139 Oyster Harbors	Osterville	MA	Cape Cod Healthcare, Inc.	Trustee			No		No
<input type="checkbox"/> <input type="checkbox"/>	Hostetter, M.D.	John	30 Marvin Circle	Falmouth	MA	Cape Cod Healthcare, Inc.	Trustee			No	Falmouth Hospital	Yes
<input type="checkbox"/> <input type="checkbox"/>	Kennedy	Sharon	40 Fort Hill Road	East Sandwich	MA	Cape Cod Healthcare, Inc.	Trustee			No		No
<input type="checkbox"/> <input type="checkbox"/>	Mulchay, Jr.	Edward James	2037 Oyster Harbors	Osterville	MA	Cape Cod Healthcare, Inc.	Trustee			No		No

Add/ Del Rows	Name (Last)	Name (First)	Mailing Address	City	State	Affiliation	Position with affiliated entity (or with Applicant)	Stock, shares, or partnership	Percent Equity (numbers only)	Convictions or violations	List other health care facilities affiliated with	Business relationship with Applicant
<div>+ -</div>	Rudman, M.D.	Nathan T.	48 Waterman Farm Road	Centerville	MA	Cape Cod Healthcare, Inc.	Trustee			No	Cape Cod Hospital	Yes
<div>+ -</div>	Vilsaint, M.D.	Kevin	103 Pine Tree Drive	Centerville	MA	Cape Cod Healthcare, Inc.	Trustee			No	Cape Cod Hospital	Yes
<div>+ -</div>	Wilsterman M.D	Robert	83 Cumloden Drive	Falmouth	MA	Cape Cod Healthcare, Inc.	Trustee			No	Falmouth Hospital	Yes
<div>+ -</div>					MA							
<div>+ -</div>					MA							
<div>+ -</div>					MA							
<div>+ -</div>					MA							

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Edit document then lock file and submit Keep a copy for your records. Click on the "Save" button at the bottom of the page.  
To submit the application electronically, click on the"E-mail submission to Determination of Need" button.

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Date/time Stamp: 02/01/2024 10:16 am

E-mail submission to  
Determination of Need



## **APPENDIX 8**

### **ARTICLES OF ORGANIZATION**

[https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchRedirector.aspx?Action=PDF&Pat h=CORP\\_DRIVE1/2014/0122/000532784/0374/000222600704\\_1.pdf](https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchRedirector.aspx?Action=PDF&Pat h=CORP_DRIVE1/2014/0122/000532784/0374/000222600704_1.pdf)

[https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchRedirector.aspx?Action=PDF&Pat h=CORP\\_DRIVE1/2013/1011/000486337/0084/020502697936\\_1.pdf](https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchRedirector.aspx?Action=PDF&Pat h=CORP_DRIVE1/2013/1011/000486337/0084/020502697936_1.pdf)

[https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchRedirector.aspx?Action=PDF&Pat h=CORP\\_DRIVE1/2011/0804/000355238/0005/020503446952\\_1.pdf](https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchRedirector.aspx?Action=PDF&Pat h=CORP_DRIVE1/2011/0804/000355238/0005/020503446952_1.pdf)

## **APPENDIX 9**

### **AFFIDAVIT**



**Massachusetts Department of Public Health**  
**Determination of Need**  
**Affidavit of Truthfulness and Compliance**  
**with Law and Disclosure Form 100.405(B)**

Version: 7-6-17

**Instructions:** Complete information below. When complete check the box "This document is ready to print". This will date stamp and lock the form. Print Form. Each person must sign and date the form. When all signatures have been collected, scan the document and e-mail to: [dph.don@state.ma.us](mailto:dph.don@state.ma.us) Include all attachments as requested.

Application Number: CCHC-23122108-AM

Original Application Date: 2/2/2024

Applicant Name: Cape Cod Healthcare, Inc.

Application Type: Hospital/Clinic Substantial Capital Expenditure ]

Applicant's Business Type: ☒ Corporation ☐ Limited Partnership ☐ Partnership ☐ Trust ☐ LLC ☐ Other

Is the Applicant the sole member or sole shareholder of the Health Facility(ies) that are the subject of this Application? ☒ Yes ☐ No

The undersigned certifies under the pains and penalties of perjury:

1. The Applicant is the sole corporate member or sole shareholder of the Health Facility(ies) that are the subject of this Application;
2. I have read 105 CMR 100.000, the Massachusetts Determination of Need Regulation;
3. I understand and agree to the expected and appropriate conduct of the Applicant pursuant to 105 CMR 100.800;
4. I have read this application for Determination of Need including all exhibits and attachments, and certify that all of the information contained herein is accurate and true;
5. I have submitted the correct Filing Fee and understand it is nonrefundable pursuant to 105 CMR 100.405(B);
6. I have submitted the required copies of this application to the Determination of Need Program, and, as applicable, to all Parties of Record and other parties as required pursuant to 105 CMR 100.405(B);
7. I have caused, as required, notices of intent to be published and duplicate copies to be submitted to all Parties of Record, and all carriers or third-party administrators, public and commercial, for the payment of health care services with which the Applicant contracts, and with Medicare and Medicaid, as required by 105 CMR 100.405(C), et seq.;
8. I have caused proper notification and submissions to the Secretary of Environmental Affairs pursuant to 105 CMR 100.405(E) and 301 CMR 11.00; will be made if applicable
9. If subject to M.G.L. c. 6D, § 13 and 958 CMR 7.00, I have submitted such Notice of Material Change to the HPC - in accordance with 105 CMR 100.405(G);
10. Pursuant to 105 CMR 100.210(A)(3), I certify that both the Applicant and the Proposed Project are in material and substantial compliance and good standing with relevant federal, state, and local laws and regulations, as well as with all previously issued Notices of Determination of Need and the terms and conditions attached therein;
11. I have read and understand the limitations on solicitation of funding from the general public prior to receiving a Notice of Determination of Need as established in 105 CMR 100.415;
12. I understand that, if Approved, the Applicant, as Holder of the DoN, shall become obligated to all Standard Conditions pursuant to 105 CMR 100.310, as well as any applicable Other Conditions as outlined within 105 CMR 100.000 or that otherwise become a part of the Final Action pursuant to 105 CMR 100.360;
13. Pursuant to 105 CMR 100.705(A), I certify that the Applicant has Sufficient Interest in the Site or facility; and
14. Pursuant to 105 CMR 100.705(A), I certify that the Proposed Project is authorized under applicable zoning by-laws or ordinances, whether or not a special permit is required; or,
  - a. If the Proposed Project is not authorized under applicable zoning by-laws or ordinances, a variance has been received to permit such Proposed Project; or,
  - b. The Proposed Project is exempt from zoning by-laws or ordinances.

**Corporation:**

Attach a copy of Articles of Organization/Incorporation, as amended

Michael K. Lauf

CEO for Corporation Name:

Signature: *Michael Lauf*

Date: 1-25-24

A. Bruce Johnston

Board Chair for Corporation Name:

Signature: *A. Bruce Johnston*

Date: 1-25-24

\*been informed of the contents of

\*\*have been informed that

\*\*\*issued in compliance with 105 CMR 100.00, the Massachusetts Determination of Need Regulation effective January 27, 2017 and amended December 28, 2018

Affidavit of Truthfulness

Page 1 of 2

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