

5. Factor 6 Supplemental Documents

BHS 2022 Community Health Needs Assessment, available at:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjxieubqoSAAxV7F1kFHUqNDIcQFnoECBOQAQ&url=https%3A%2F%2Fwww.berkshirehealthsystems.org%2Fassets%2Fdocuments%2Fcommunity-benefit-reports%2Fbhs_2022_chna_final.pdf&usg=AOvVaw16tXHZzjK3PmLSdmpNhbdD5&opi=89978449

8. Notice of Intent



"I can't give up on him and his quality of life," Sara Martell said. "He's only 6 years old. I miss having him able to run around the apple orchard on four legs. It's been heart-breaking."

Dog

FROM PAGE 1

"He's our little hero dog," Sara said, proudly.

"If the fire had gone unattended for a couple minutes longer, we would have lost everything that's here," David added. "They were able to stop it in a reasonable amount of time. With only minimal insurance, we did the repairs ourselves," backed by the Willard Family Trust, owners of the business. "They reinvested the money to get everything back together, to support us and the business."

Now, it's Benjamin who needs a heroic response.

Adopted in December 2018 from the Pioneer Sentinel Animal Shelter in Pittsfield, Benjamin came with genetic knee deformities — or the pelvic lameness from a displaced kneecap and ruptured knee ligaments — that require specialized, costly surgery.

"He was the only dog who didn't bark, and he had these beautiful, soulful eyes, so I fell in love with him," Sara recalled during a conversation at the century-old Hilltop Orchard and its subsidiaries, Furness Brook Vine and UMass.

"This was the perfect

forever home for a dog, so he joined us and became part of the family."

The Martells, natives of East Chatham, N.Y., are reluctant to ask for help.

But friends have started a GoFundMe crowdsource campaign to help give Benjamin a better quality of life.

The gentle creature hobbled out of the Martells' home, warmly greeting this reporter during a recent visit. The dog has had three unsuccessful local surgeries between April and July 2022. Now, the couple has a consult scheduled Oct. 8 with an orthopedic surgeon, Dr. Paul McCarthy of Sturbridge, who has ties to Filter Critics in Lee, a physical therapy clinic for canines founded in 1999 by Judy Chiquine.

Last January, an additional "odd, crazy complication," a "smoldering infection" was diagnosed, also requiring treatment, Sara said.

"Now, we're back at square one, but he's worse than where we started," the couple pointed out, because of their dog's scar tissue, trauma and the effects of anesthesia. Benjamin is also on several pain-relief medications costing \$50 a month.

Still, the couple had a long heart-to-heart discussion to decide

whether they wanted to seek donations, in part to help cover medical expenses they've paid out of pocket.

Citing Tilton's community donations to area food pantries and food banks, and the 25 employees they've hired at the business, David noted that "we always preach to people that you receive what you give. Maybe it wouldn't hurt to receive this time. We had never asked for anything. Benjamin had a pretty rough start to his life."

With upcoming surgeries anticipated, the total outlay is expected to range from \$22,000 to \$25,000, he said. The couple has already spent, or financed, over \$20,000 so far.

Much of the time, the dog is housebound and on sedatives, with physical activity mostly limited to swimming in nearby Quinebaug Lake and at Filter Critics, which has an indoor aquatic program.

"I can't give up on him and his quality of life," Sara said tearfully, ruling out amputation for now. "He's only 6 years old. I miss having him able to run around the apple orchard on four legs. It's been heart-breaking."

Clarissa Fanto can be reached at clanto@berkshireeagle.com.

Dealer

FROM PAGE 1

The Licensing Board was presented with a retracted report from Lt. Marc Maddalena, who alleged the employee in question was Devon Pitts, who was listed as a dealer for Wheels and Deals but engaged in questionable practices for vehicle registrations and financing over the past year in a salesman role.

While O'Neil owned the business, she also had another full-time job working with her family's masonry business. As such, she entrusted Pitts to manage sales in her absence.

The board was already familiar with Pitts for his role as a co-owner of D & K Affordable Motors, a business he had with his then-fiance, Kathryn Kathan. That business handed over its license after allegations of forgery in March 2022, including an allegation that both Pitts and Kathan had forged documents to receive Paycheck Protection Program loans.

Pitts is now accused of more recent misconduct, including demanding the state out of sales tax money from Murray, assistant manager of the Pittsfield Registry of Motor Vehicles, said dealers that sell vehicles expected to bring paperwork to the RMV in order to register the cars after the transaction is completed.

Murray testified that she had dealings with Pitts in which he showed up without proper documentation, demanding the process be expedited and was aggressive with registry workers beginning in early 2022, then ultimately asked him not to return. Pitts then began sending customers to the RMV with signed documents stating that the cars he sold were worth \$10,000, while the actual prices were considerably more.

As Murray explained, dealers need to sign documents to verify the price of a car when it is sold to go toward the state's 6.25 percent sales tax. By misrepresenting the price, the dealership avoided paying the tax.

The RMV in Pittsfield began asking customers for the actual prices of their vehicles when they came in as a result.

Sabrina Rodriguez, a Pittsfield resident who purchased a used Dodge caravan from the dealership for \$7,000, testified about her experience buying from Wheels and Deals. Rodriguez is currently in pending litigation against the dealership to get her money back after she was placed without her knowledge on a monthly payment plan through financing arranged by Pitts.

Court records indicate that Wheels and Deals Automotive is listed in three pending small claims court cases, including Rodriguez's.

Rodriguez told Maddalena in the report that she was questioned by the RMV about how much money she paid for the vehicle when she had to speak with them because of an issue with the registration, after Pitts tried to register the vehicle under a false \$1,000 price tag.

Rodriguez said that the car also had a number of issues after she purchased it, including some that she tried to have fixed at the dealership to no avail. She's dealing with the costs herself now.

She said, "\$11,417 is what I'm swimming in for a broken car."

Maddalena also testified about another customer, who was not at the meeting, who purchased a vehicle from the dealership after discovering that her Pontiac G6 had severe rust problems on its undercarriage. She sold it to the dealership for \$200 and disclosed the vehicle's rust problems.

The car was up for sale during a spot check last week, Maddalena's report said, for \$8,000. The customer also had several problems with the Ford Focus she purchased.

Maddalena made a series of other observations during a spot check of the dealership last week, including the fact that it did not have 30-day warranty information posted visibly in the vehicles in accordance with state law. The dealership also was not operating during its posted hours, he said.

In a defense to the allegations made against Wheels and Deals, attorney Ismail said that O'Neil was not denying wrongdoing on Pitts' part, but that she was not aware of it until recently and that she fired him after being informed of the issues in mail. He said that O'Neil was going to try to make things right with those who were impacted by the behavior.

"My position here is he did things wrong, and my client is trying to fix it," Ismail said.

That wasn't enough for the board members, who characterized the dealings in various comments as "deceitful," "negotiated" and "disgraceful." The unanimous decision from the board came to read the following at 6 p.m. Monday.

"This is disturbing to me because the people that are buying those cars don't have any other options," said board member Jody Phillips. "I understand that he is your employee, but ultimately it's your business. It's your license. It's your responsibility to know what's happening there."

Hospitals

FROM PAGE 1

was determined to be necessary for the region, State Rep. Peter Caputo, D-Lynn, introduced the House version of the bill. Lynn Union Hospital closed under similar circumstances in 2016.

There is supposed to be a 90-day public notice period before a hospital closes, Mark said, but that doesn't always happen, and didn't in the case of NARH. The proposed legislation would put teeth in the 90-day requirement, as the state would take over management of the hospital.

"In the case of a hospital being deemed critical care, region, and it turns out there's some kind of mismanagement or other oversight, then, ideally, having the receivership period would allow for a different organization to come in and take over," Mark said.

He said that if this law were in place in 2011, it would've bought time to find an organization able to keep the hospital going in full form.

"For a hospital organization to not meet that 90 days is a breach of its responsibility to the community. The problem is, if they have no money, if they have no one willing to do anything, what's

the punishment?" Mark said.

"What we've seen is, there really isn't one. At the least, the 90 days can allow for a proper transition."

Mark said the hope is that within the 90-day period, another entity steps in with either a six-month reopening plan, or the doors never shut.

"You can't have hospitals that are critical to a community shut down with no notice," he said. "It's a disaster."

Mark said he believes the bill would provide a process for either the governor or state government to step in.

The project process didn't exist last before, he said.

The legislation has passed, Mark said, though he thinks it has a better chance of passing next year.

"The more situations like what happened in North Adams happen around the state, the more concern there's going to be and that adds to the momentum," he said.

"I've heard that there's hope for a health care package next year; this is one of those things I would try to throw in there."

Maynard Seider, an emeritus professor of sociology from Massachusetts College of Liberal Arts, is an expert on labor history in the Northern Berkshires and has written extensively about the

closure of NARH. He wholeheartedly supports the bill.

"The key to me is to get something done if it's shown that there's a need for the facility in the area," Seider said.

He highlighted a state commission report when the hospital closed in 2014 that found there was a need.

"If it's a question of need, it was there, but the state didn't follow through," Seider said.

Both Seider and retired mail carrier Dick Dassatti, who was one of the leaders in the protest of the hospital closure in 2014, brought up the fact that academics at the time wrote a paper saying the governor then, Deval Patrick — had the emergency power to keep the hospital going. But nothing came of it.

"Governor Patrick failed to act," Dassatti told The Eagle. "I'm glad this legislation would take the decision out of the governor's hands."

Dassatti argued that hospitals should be "too big to fail."

"We can't let them close," he said.

"With proliferation, everything has to pay for itself in order to have it," Dassatti continued. "They can't lose money; they have to break even at least. But my belief is, there's certain benefits to having a hospital in a community that can't be

measured in dollars and cents."

Others expressed vehement support for the bill at a public hearing in early July, held by the Joint Committee on Public Health. Yousif Abdullah, director of the North Shore Labor Council, said the legislation could help continue the provision of essential health services and preserve jobs.

"There is no way to keep a hospital open, even if we

measured it necessary," Abdullah said.

"This bill would require the DPH to establish a process of state receivership of a hospital that's pending closure."

Health care workers and concerned citizens argued that access to care is becoming more difficult for poorer and rural residents in Massachusetts. Dassatti shared a similar sentiment.

"If we had universal health care in Massachusetts, everyone would be paying the same," he said. "Hospitals wouldn't close because someone has good or bad insurance. More affluent communities can support hospitals, apparently less affluent ones can't."

Seider Spella can be reached at seider@berkshireeagle.com or 435-632-0085.

Public Announcement Concerning a Proposed Health Care Project Berkshire Health Systems, Inc.

Berkshire Health Systems, Inc. ("Applicant"), located at 25 North Street, Pittsfield, MA 01201, intends to file an Application for Determination of Need ("Application") with the Massachusetts Department of Public Health for an original hospital license to operate a Medicare-certified critical access hospital ("the Proposed Project") at 71 Hospital Avenue, North Adams 01447 (the "North Adams Site"). The Proposed Project will return 18 inpatient beds to the North Adams community. The North Adams Site is currently home to a Berkshire Medical Center ("BMC") satellite facility. That office manages emergency services and other outpatient services (the "BMC Satellite Services"). In addition to returning inpatient services to the Northern Berkshire community, the Applicant will convert certain BMC Satellite Services, including the BMC Satellite Emergency Facility, to the North Adams Regional Hospital license as part of the Proposed Project. The renamed North Adams Regional Hospital will have 18 medical/surgical beds (which will also be certified for use as swing beds for subacute care), a 4-room rated inpatient/outpatient surgical space (comprised of existing open and closed operating and endoscopy rooms from the prior hospital and current satellite facility), and imaging, emergency services and other outpatient services. The Applicant may add up to 7 additional inpatient beds in the future. The Proposed Project does not result in any expansion of gross square feet of the existing facility. The Applicant anticipates that the Proposed Project will increase access to inpatient healthcare services for the Applicant's Patient Panel living in Northern Berkshire County and surrounding areas, with no anticipated changes in charges. The Proposed Project is based on the maximum capital expenditure of \$2,850,000. Any fee payers of Massachusetts may register in connection with the intended Application by no later than 15, 2023 or 30 days from the filing date, whichever is later, by contacting the Department of Public Health Determination of Need Program, 67 Forest Street, Marlborough, MA 01752 or by email at adjud@dmass.state.ma.us.

1340-0777-0614-0009

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9. ACO Letter



DEBORAH DEVAUX
CHAIR

The Commonwealth of Massachusetts

HEALTH POLICY COMMISSION

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BOSTON, MASSACHUSETTS 02109
(617) 979-1400

DAVID M. SELTZ
EXECUTIVE DIRECTOR

December 22, 2022

Mr. Scott St. George
Berkshire Health Systems, Inc.
725 North Street
Pittsfield, MA 01201

RE: ACO LEAP Certification

Dear Mr. St. George:

Congratulations! The Health Policy Commission (HPC) is pleased to inform you that Berkshire Health Systems, Inc. meets the requirements for ACO Certification under our Learning, Equity, and Patient-Centeredness (LEAP) standards. This certification is effective from January 1, 2023, through December 31, 2024.

The ACO Certification program, in alignment with other state agencies including MassHealth, is designed to accelerate care delivery transformation in Massachusetts and promote a high quality, efficient health system. ACOs participating in the program have met a set of objective criteria focused on core ACO capabilities demonstrating dedication to patient-centered care, use of evidence-based and data-driven strategies to improve care delivery, and commitment to addressing long-standing health inequities. Berkshire Health Systems, Inc. meets those criteria.

The HPC will promote Berkshire Health Systems, Inc. as a Certified ACO on our website and in our marketing and public materials. Enclosed you will find an ACO Certification logo for your organization to use in accordance with the attached Terms of Use. We hope you will use the logo on promotional materials when you highlight your ACO Certification to your patients, payers, and others.

The HPC looks forward to ongoing engagement with you over the next two years. We intend to follow up shortly to provide an overview and some reflections on what we saw in the Health Equity Responses, a new feature of the ACO Certification application starting in 2021, across the cohort of Certified ACOs. We hope your organization will find that information helpful as we all continue to explore ways to improve health equity in the Commonwealth.

Thank you for your dedication to providing accountable, coordinated health care to your patients, and to continued learning and improvement over time. If you have any questions about this letter or the ACO Certification program, please do not hesitate to contact Mike Stanek, Senior Manager, at HPC-Certification@mass.gov or (617) 757-1649.

Best wishes,

David Seltz
Executive Director

10. Articles of Organization

Available at:

https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchRedirector.aspx?Action=PDF&Path=CORP_DRI VE1/2022/0830/002289561/0001/202240229540_1.pdf

https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchRedirector.aspx?Action=PDF&Path=CORP_DRI VE1/2013/1121/000486410/0027/200982324880_1.pdf

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11. Affidavit of Truthfulness & Compliance



Determination of Need

Affidavit of Truthfulness and Compliance
with Law and Disclosure Form 100.40S(B)

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 Include all attachments as requested.

Application Number: BHS-23072710-OL
Applicant Name: Berkshire Health Systems, Inc.
Application Type: Original License

Original Application Date: August 15, 2023

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(8);
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(6);
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;
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

Darlene Rodowicz, President & CEO

CEO for Corporation Name:

Signature:

Date: 8/8/2023

Barton D. Raser, Board Chair

Board Chair for Corporation Name:

Signature:

Date: 8/8/23

* been informed of the contents of

** have been informed that


***issued in compliance with 105 CMR 100.00, the Massachusetts Determination of Need

Affidavit of Truthfulness Berkshire Health System Regulation effective January 27, 2017 and amended December 28, 2018 Page1 of 2

12. Filing Fee

VERIFICATION INSTRUCTIONS

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.

**Berkshire Health Systems**
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