 The Commonwealth of Massachusetts

Executive Office of Health and Human Services

Department of Public Health

250 Washington Street, Boston, MA 02108-4619

MAURA T. HEALEY

Governor

KIMBERLEY DRISCOLL

Lieutenant Governor

KATHLEEN E. WALSH

Secretary

ROBERT GOLDSTEIN, MD, PhD

Commissioner

**Tel: 617-624-6000**

[**www.mass.gov/dph**](http://www.mass.gov/dph)

November 23, 2023

Kathleen Harrell, Esq.

10 Overlook Circle

Plymouth, Massachusetts, 02360

VIA EMAIL: kharrell@barrettharrell.com

RE: Boston Medical Center– Substantial Change in Service

Notice of Final Action: Determination of Need # BMCHS-23050914-RE

Dear Attorney Harrell,

This shall serve as notification that, based on the information provided by the Applicant and staff analysis, and pursuant to M.G.L. c. 111, § 25C and the regulatory provisions of 105 CMR 100.000 et seq, including 105 CMR 100.715 (DoN-required Services and DoN-required Equipment), and 105 CMR 100.630(6), I hereby approve the application for Determination of Need (DoN) filed by BMC Health System, Inc. (Applicant) for the addition of one Magnetic Resonance Imaging unit (“MRI”) and associated renovations at the Boston Medical Center located at One Boston Medical Center Place, Boston, MA 02118. The capital expenditure for the Proposed Project is $7,994,800.00 (August 2023 dollars); the Community Health Initiatives (CHI) contribution is $399,740.00. This Notice of Final Action incorporates by reference the Memorandum concerning this Application and is subject to the conditions set forth therein.

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.

Please notify the DoN Program at DPH.DON@State.MA.US of the anticipated completion date of all the components of the DoN-approved Project once it has been established. Additionally, send an email confirming the Project's completion (licensure/ amended licensure approval date) and the first day of operations to determine the annual DoN reporting timeline.

**Oher Conditions to the DoN**

1. Of the total required CHI contribution of $399,740.00
	1. $38,375.04 will be directed to the CHI Statewide Initiative
2. $345,375.36 will be dedicated to local approaches to the DoN Health Priorities
3. $15,989.60 will be designated as the administrative fee.
4. To comply with the Holder’s obligation to contribute to the Statewide CHI Initiative, the

Holder must submit a check for $38,375.04 to Health Resources in Action (the fiscal agent

for the CHI Statewide Initiative).

1. The Holder must submit the funds to HRiA within 30 days from the date of the Notice of Approval.
2. The Holder must promptly notify DPH (CHI contact staff) when the payment has been made.
3. Payment should be sent to:

 Resources in Action, Inc., (HRiA)

 2 Boylston Street, 4th Floor

 Boston, MA 02116

 Attn: Ms. Bora Toro

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,

[signature on file]

Robert Goldstein, MD, PhD

Commissioner, MA Department of Public Health

cc:

Dennis Renaud, Director Determination of Need Program

Elizabeth Kelley, Director Bureau of Health Care Safety and Quality

Rebecca Kaye, General Counsel’s Office

Stephen Davis, Director, Division of Health Care Facility Licensure and Certification

Judy Bernice, Division of Health Care Facility Licensure and Certification

Daniel Gent, Health Care Facility Licensure and Certification

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, Office of the Attorney General

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