 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

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

September 21, 2022

Norma Bacon, Administrator

New England Surgery Center, LLC

900 Cummings Center, Suite 122U

Beverly, MA 01915

Via electronic mail – nebacon@ne-surgerycenter.org

Notice of Final Action: NESC-22060213-AM

 Significant Amendment to DoN 20072809-AS

Dear Ms. Bacon,

At their meeting of September 14, 2022, the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to 105 C.M.R. 100.635(A) to approve the request for a Significant Change to a previously approved DoN project at New England Surgery Center, LLC in Beverly MA. There are no additional gross square feet or changes in scope requested. The approval, at the above location, is for an increase in the capital expenditure of the project related to circumstances that could not have been reasonably foreseen. The total approved capital expenditure is now increased to $2,946,581 (June 2022 Dollars) and the total approved CHI is $147,329.05. This approval incorporates the Memorandum to the Public Health Council (Memorandum) and the Public Health Council proceedings concerning this Request.

Based upon a review of the materials submitted the Department found that this request falls within the definition of Significant Change that includes " ... Any build-out of shell space that was subject to a Notice of Determination of Need" and that the proposed change is both within the scope of the Notice of Determination of Need and is reasonable.

Under 100.635(A) " ... Final Actions may include additional terms and Conditions to be attached to the Notice of Determination of Need." This approval is conditioned as described in the Memorandum, a copy of which is attached hereto and made a part hereof. All other conditions in DoN 20072809-AS remain in effect.

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

Finally, to comply with the obligation to contribute to the Statewide Community Health Initiative, please submit a check for $67,946.75 to Health Resources in Action (the fiscal agent for the CHI Statewide Initiative) within 30 days from the date of this Notice of Approval. Please 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

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]

Dennis Renaud

Director

Determination of Need Program

cc:

Elizabeth Kelley, Bureau of Health Care Safety and Quality

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 Almanzar, 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

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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