



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

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Governor

KIMBERLEY DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary

ROBERT GOLDSTEIN, MD, PhD
Commissioner

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November 21, 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.

Other Conditions to the DoN

1. Of the total required CHI contribution of \$399,740.00
 - a. \$38,375.04 will be directed to the CHI Statewide Initiative
 - b. \$345,375.36 will be dedicated to local approaches to the DoN Health Priorities
 - c. \$15,989.60 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 \$38,375.04 to Health Resources in Action (the fiscal agent for the CHI Statewide Initiative).
 - a. The Holder must submit the funds to HRiA within 30 days from the date of the Notice of Approval.
 - b. 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,



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