



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619
617-624-6000 | mass.gov/dph

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Kiame Mahaniah, MD, MBA
Secretary

Robert Goldstein, MD, PhD
Commissioner

October 8, 2025

Crystal Bloom
Partner
HUSCH BLACKWELL
One Congress Street,
Suite 3102
Boston, MA 02114

Via email: Crystal.Bloom@huschblackwell.com

Notice of Final Action: Emerson Endoscopy and Digestive Health Center, LLC
DoN #EDHC-25021711-AS

Dear Attorney Bloom,

At their meeting of October 8th, 2025, the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to M.G.L. c.111, §25C and the regulations adopted thereunder, to approve the Determination of Need (DoN) application filed by Emerson Endoscopy and Digestive Health Center, LLC (Applicant) for a Substantial Change in Service to increase the number of procedure rooms from two to three and increase the number of pre/post-procedure beds from six to nine at the proposed site (Proposed Project). This Notice of Final Action incorporates by reference the Staff Report and the Public Health Council proceedings concerning this application.

This application was reviewed pursuant to M.G.L. c. 111, §25C and the regulatory provisions at 105 CMR 100.000 et seq. Based upon a review of the materials submitted, the Department found that the Applicant has met each DoN factor and approves this Determination of Need application for a Substantial Change in Service subject to all standard conditions (105 CMR 100.310) and pursuant to 105 CMR 100.360, subject to the Other Conditions listed below. The total capital expenditure for the Proposed Project is \$484,856.00 (May 2025 dollars) and the required CHI contribution is \$24,242.80.

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 of the factors.

Please notify the DoN Program at DPH.DON@mass.gov of the anticipated completion date of all the components of the DoN-approved Project once it has been established. Additionally, please 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 \$24,242.80
 - a. \$2,375.79 will be directed to the CHI Statewide Initiative.
 - b. \$21,382.15 will be dedicated to local approaches to the DoN Health Priorities.
 - c. \$484.86 will be designated as the administrative fee.

2. To comply with the Holder's obligation to contribute to the CHI Statewide Initiative, the Holder must submit a check for \$2,375.79 to Health Resources in Action (the fiscal agent for the CHI Statewide Initiative) **within 30** days from the date of the Notice of Approval.
 - a. Payments should be made out to:

Health Resources in Action, Inc. (HRiA)
2 Boylston Street, 4th Floor
Boston, MA 02116 Attn: MACHHAF c/o Bora Toro
DoN project: # EDHC-25021711-AS

 - b. Please send a PDF image of the check or **confirmation of payment** to DONCHI@Mass.gov and dongrants@hria.org. If you should have any questions or concerns regarding the payment, please contact the CHI team at DONCHI@Mass.gov.

3. With its annual report, the Holder will submit a plan to the Department detailing how it will increase MassHealth in its payer mix. The Holder shall update this plan and report annually to the Department to demonstrate measurable progress resulting from its efforts to increase its MassHealth payer mix, detailing the strategies being implemented to achieve this goal and the outcomes of the Holder's efforts.

The DoN Program shall review the data received in accordance with Condition 3. If the DoN Program determines that the Holder's MassHealth payer mix materially decreased year-over-year, the Holder shall provide to the Department an explanation for MassHealth decrease in its

payer mix. After review of the Holder's explanation, the Department may refer the matter to the Public Health Council for review and consideration of the Holder's compliance with the DoN approval.

4. The Holder shall report on the Center's patients stratified by race, ethnicity, language, zip code of residence, and payer mix.
5. To demonstrate that clinically appropriate/routine cases continue to shift from Emerson Hospital to the Center proportional to the increase in procedure room capacity, the Holder shall report annually on total routine endoscopy procedure volume at Emerson Hospital Endoscopy Department and at the Center (count and percent).

The DoN Program shall review the data received in accordance with Condition 5. If the DoN Program determines that the ratio of routine endoscopy procedures performed at the Center to total routine endoscopy procedures performed at the Center and Emerson Hospital has materially decreased year-over-year, the Holder shall provide to the Department an explanation for the decrease. After review of the Holder's explanation, the Department may refer the matter to the Public Health Council for review and consideration of the Holder's compliance with the DoN approval.

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,

Dennis Renaud

Dennis Renaud
Director, Determination of Need Program

cc:

Teryl Smith, Director, Bureau of Health Care Safety and Quality
Jaclyn K. Gagné, Chief Deputy General Counsel, Health Care Licensure
Stephen Davis, Director, Division of Health Care Facility Licensure and Certification
Judy Bernice, Division of Health Care Facility Licensure and Certification
Hilary Ward, Division of 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
Katherine Mills, Health Policy Commission
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
Pavel Terpelets, Executive Office of Health and Human Services
Elizabeth Almanzor, Center for Health Information and Analysis