



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
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October 31, 2024

VIA electronic mail: benjamin.wilson@ropesgray.com

NOTICE OF FINAL ACTION: Lifespan of Massachusetts, Inc. Emergency DoN Morton Hospital -
DoN # LMA-T-24102218-EA

Dear Attorney Wilson,

The Department received the submission for an Emergency Determination of Need (DoN) on October 23rd, 2024, on behalf of Lifespan of Massachusetts, Inc. ("the Applicant").

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 100.740 (Emergency Applications), the Chapter 11 bankruptcy filing by Steward Health Care and the potential resulting imminent closures of Norwood Hospital Satellites, this constitutes an Emergency Situation. As a result, I hereby approve the Emergency DoN for the Substantial Change in Service in which the following three elements are included in the scope of the Proposed Project:

1. The transfer of operations from Norwood to Morton Hospital of the two Foxborough Satellites:
 - a. The Norwood Hospital Cancer Center at Foxborough, 70 Walnut Street, Foxborough; and,
 - b. The Radiology/infusion center, 70 Walnut Street, Foxborough.
2. The addition of the Satellites to the Morton Hospital License; and,
3. Morton Hospital will operate the DoN-Required Equipment and DoN-Required Services for the existing two Computed Tomography ("CT")¹ and LINAC services.

This Approval is contingent upon the Applicants securing the rights to occupy and operate the existing assets and subject to all Standard Conditions set out in 105 CMR 100.310(A) except 105 CMR 100.310(A)(10). The Substantial change in service described herein will address the Emergency Situation and I find that without issuance of an Emergency DoN the public health

¹ One CT is used solely for simulation purposes.

will be measurably harmed due to access challenges and potential disruptions in patients' treatment. The total value of the Proposed Project is \$0.00.

This Notice of Final Action incorporates by reference the Memoranda concerning this Application and is subject to all applicable standard and other conditions. The Commissioner may subsequently require a full Application for Determination of Need consistent with 105 CMR 100.405.

Other Conditions

In establishing Conditions, the DoN Program ("Program") acknowledges that due to the Emergency Situation the Holder reports that it does not have full access to information that would provide complete picture of the operations of the Satellites.

1. In the interest of ensuring ongoing viability of the satellites, the Holder will report to the Department on the ability of the Holder to secure the rights to occupy and operate the existing assets.
2. The reporting requirements of all conditions assigned to Morton Hospital's Emergency Application² (September 24, 2024) approval shall include this approval where applicable.

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 also include a written attestation of participation or intent to participate in MassHealth. 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, Commissioner

Jaclyn Gagne, Chief Deputy General Counsel Health Care Licensure
Stephen Davis, Division of Health Care Facility Licensure and Certification
Hilary Ward, Division of Health Care Facility Licensure and Certification
Samuel Louis, Office of Health Equity
Pavel Terpelets, Deputy Director of Institutional Programs OLTSS, MassHealth
Katherine Mills, Health Policy Commission

² <https://www.mass.gov/doc/decision-letter-pdf-lifespan-of-massachusetts-emergency-application/download>

Eric Gold, Attorney General's Office
Dennis Renaud, Director Determination of Need