



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  
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Lieutenant Governor

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Secretary

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Commissioner

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March 13, 2024

Crystal Bloom, Esq  
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VIA Email: [Crystal.Bloom@huschblackwell.com](mailto:Crystal.Bloom@huschblackwell.com)

Notice of Final Action: MGB-23120412-AM  
Significant Amendment to DoN Project #PHS-18022210-HE

Dear Attorney Bloom,

At their meeting of March 13, 2024, the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to 105 C.M.R. 100.635(A)(2) to approve the request by Mass General Brigham, Inc. for a Significant Change to a previously approved project located at Mass General Waltham 52 Second Ave in Waltham. This approval incorporates the Memorandum to the Public Health Council (Memorandum) and the Public Health Council proceedings concerning this Request.

The approval is for the build-out of the remaining 9,881 GSF of approved shell space to accommodate the construction of three outpatient operating rooms (OR) and eleven peri-operative bays. The increase in the Maximum Capital Expenditure (MCE) of this project is \$21,156,000 (January 2024 dollars), for a new MCE of \$51,660,587. The increase to the Community Health Initiatives (CHI) contribution is \$1,057,800.

Based upon the information submitted, and information in the record,<sup>1</sup> the Department found that the Significant Change is within the scope of the Notice of Determination of Need as previously approved by the Department and ... is reasonable" 105 C.M.R. 100.635(A)(2), which are the requirements for approval of an Amendment. This Notice of Final Action incorporates by reference the Application, the Memorandum to the Commissioner, and the Public Health Council proceedings concerning this Amendment.

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<sup>1</sup> 2018 Staff Report and Notice of Final Action (Project # PHS-18022210-HE)

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.

Please notify the DoN Program at [DPH.DON@mass.gov](mailto:DPH.DON@mass.gov) of the anticipated completion date of all the components of the approved Amendment 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. Post DoN reporting for the original DoN (#PHS-18022210-HE) shall continue for five years after the completion of the Amendment Project with Amendment Conditions included in the reporting.

#### **Other Conditions to the DoN**

1. Of the total CHI contribution of \$1,057,800.
  - a. \$256,516 will be directed to the CHI Statewide Initiative.
  - b. \$769,550 will be dedicated to local approaches to the DoN Health Priorities.
  - c. \$31,734 will be designated as the administrative fee.
2. The Holder must submit payment to Health Resources in Action (the fiscal agent for the CHI Statewide Initiative). If there are any questions or concerns regarding payment, please contact the CHI team at [DONCHI@mass.gov](mailto:DONCHI@mass.gov).
  - a. Payment should be made out the Massachusetts Community Health and Healthy Aging Funds (MACHHAF) in the full amount of \$256,516.
  - b. The Holder must submit the funds to HRiA within 30 days from the date of the Notice of Approval.
  - c. The Holder must send a PDF image of the check (or confirmation of payment) to [DONCHI@mass.gov](mailto:DONCHI@mass.gov) and [dongrants@hria.org](mailto:dongrants@hria.org).

Payment should be sent to:  
Health Resources in Action, Inc., (HRiA)  
2 Boylston Street, 4th Floor  
Boston, MA 02116  
Attn: MACHHAF c/o Bora Toro  
DoN project #: MGB-23120412-AM (Amendment)/ PHS-18022210-HE  
(Original)

3. The Holder will report on Surgical Volume by Specialty for both MG Waltham and MGH Main Campus based on the case type listed below. Annual reporting should demonstrate that the additional OR capacity is reducing the volume of low acuity surgeries at MGH Main Campus.

#### **Surgical Volume by Specialty**

Case Type
Burn
Endoscopy
Surgical Oncology
Gynecology
Neurosurgery
Oral Maxillofacial Surg
Orthopedic Surgery
Reconstructive Surgery

Podiatry
Radiology
Urology
<b>Grand Total</b>

4. The Holder will report the median number of days from the time a case was requested to when the surgery was performed for both MG Waltham as well as MGH Main Campus. Annual reporting should demonstrate that the additional capacity is maintaining or reducing the wait time for surgeries at MG Waltham.

The DoN program shall review the data received in accordance with Condition 3 to determine whether one or more of the following Referral Indicators is present:

- a) A material increase in total volume of the targeted surgeries at MGH Main Campus
- b) A material decrease in total volume of targeted surgeries at MG Waltham

The DoN program shall review the data received in accordance with Condition 4 to determine whether the following Referral Indicators is present:

- a) A material increase in wait time for surgeries at MG Waltham

If the DoN Program finds any one or more of the Referral Indicators, the matter shall be referred to the Public Health Council (PHC) for review to determine whether MGB is in violation of one or more of the conditions and thus out of compliance with the terms of this Notice of DoN.

Upon referral to the PHC based upon any one or more of the Referral Indicators, MGB shall have an opportunity to show cause why the PHC shall not find one or more of the Referral Indicators.

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:

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  
Hilary Ward, 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  
Roxanne Rocco, Center for Medicaid and Medicare Services  
Christopher King, Executive Office of Health and Human Services  
Tomaso Calicchio, Executive Office of Health and Human Services  
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