



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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Secretary

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Commissioner

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September 21, 2022

Norma Bacon, Administrator  
New England Surgery Center, LLC  
900 Cummings Center, Suite 122U  
Beverly, MA 01915

VIA EMAIL - [nbacon@ne-surgerycenter.org](mailto:nbacon@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.

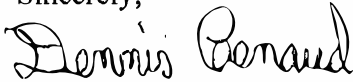
Finally, to comply with the obligation to contribute to the Statewide Community Health Initiative, please submit a check for \$67,946.75 to Health Resources in Action (the fiscal agent for the CHI Statewide Initiative) within 30 days from the date of this Notice of Approval. Please notify DPH (CHI contact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



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 Alien, 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, Attorney General's Office  
Pavel Terpelets, MassHealth  
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  
Priscilla Portis, Executive Office of Health and Human Services