



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  
Governor

KIMBERLEY DRISCOLL  
Lieutenant Governor

KATHLEEN E. WALSH  
Secretary

ROBERT GOLDSTEIN, MD, PhD  
Commissioner

Tel: 617-624-6000  
[www.mass.gov/dph](http://www.mass.gov/dph)

July 28, 2023

Emily B. Kretchmer, Esq.  
Krokidas & Bluestein, LLP  
600 Atlantic Avenue  
Boston, MA 02210

Via electronic mail – [ekretchmer@kb-law.com](mailto:ekretchmer@kb-law.com)

Holder: Sudbury Pines Extended Care Facility  
Original Emergency DoN: Project- 4-1523  
Notice of Final Action: SPEC-23051912-AM

Dear Attorney Kretchmer,

This shall serve as notification that, based on the information provided by Sudbury Pines Extended Care Facility ("SPEC") and staff analysis, and pursuant to 105 C.M.R. 100.635(A), I hereby approve the significant change request by SPEC, to increase the approved maximum capital expenditure ("MCE") of the Emergency Determination of Need ("DoN") following extensive flood damage, from \$2,750,000 (April 2010 dollars) to \$7,037,407.03 (March 2023 dollars) to account for unforeseen costs associated with replacing its DoN approved waste water treatment plant ("WWTP").

Based upon a review of the materials submitted the Department found that this request falls within the definition of Significant Change that includes " ... (2) Any increase or decrease in the maximum Capital Expenditure over 10% of the inflation adjusted originally approved total expenditure. An increase shall be allowed only for contingencies that could not have been reasonably foreseen, that are not reasonably within the control of the Holder, as determined by the Commissioner..." , and that the proposed change is both within the scope of the Notice of Determination of Need and is reasonable. This Notice of Final Action incorporates by reference the Application, and the Memorandum to the Commissioner.

Approval of this Amendment is subject to one Other Condition pursuant to 105 CMR 100.360.

1. From the date of approval of this Amendment, the Holder shall report to the DoN Program on the progress of WWTP, annually and until completion of the project.

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.

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.

Please notify the DoN Program at [DPH.DON@State.MA.US](mailto: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.

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  
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  
Elizabeth Almanzor, Center for Health Information Analysis  
Katherine Mills, Health Policy Commission  
Sandra Wolitzky, 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