

HUSCH BLACKWELL

Crystal M. Bloom
Partner

One Beacon Street, Suite 1320
Boston, MA 02108
Direct: 617.598.6783
Fax: 617.720.5092
crystal.bloom@huschblackwell.com

August 24, 2022

VIA E-MAIL

Stephen Davis, Director
Division of Health Care Facility Licensure and Certification
Department of Public Health
67 Forest Street
Marlborough, MA 01752

Re: VHS Acquisition Subsidiary Number 9, Inc. (d/b/a MetroWest Medical Center) – Closure of Oncology Infusion and Radiation Oncology at Framingham Union Campus – Response to Department of Public Health’s Review of Response Following Essential Services Finding

Dear Mr. Davis:

This letter is submitted on behalf of VHS Acquisition Subsidiary Number 9, Inc. (d/b/a MetroWest Medical Center) (“MWMC”) regarding the closure of the infusion and radiation oncology services at MetroWest Medical Center Framingham Union Campus located at 99 Lincoln St., Framingham, MA 01702. In response to the Department of Public Health’s (“Department”) letter dated August 15, 2022 and pursuant to 105 CMR 130.122(G), MWMC submits the following response to the comments issued by the Department.

(1) Status of Negotiations: In your response dated August 5, 2022, much of the information provided is based on the assumption that Tufts Medical Center (“Tufts MC”) becomes the licensed provider of Oncology Infusion and Radiation Oncology services at the current location. The Department requests the Hospital provide it with information about progress in negotiations with Tufts MC. Specifically, the Department requests a time frame for negotiations and information on any potential barriers to reaching an agreement. Additionally, the Department requests a mechanism be put in place through which the Hospital keeps the Department up to date with the status of the negotiations on an ongoing and regular basis.

HUSCH BLACKWELL

Stephen Davis, Director
Division of Health Care Facility Licensure and Certification
Department of Public Health
August 24, 2022
Page 2

The Hospital and Tufts MC continue to work towards transitioning services to Tufts MC and have entered into a Letter of Intent with the goal of transitioning services as soon as possible. At this point, the parties are working to address how related pharmacy services will be provided within the construct of the Department's requirements. The most significant impact on the timeline is the time associated with several regulatory approvals that are needed for Tufts MC to become the licensed provider.

The Hospital will provide the Department with informal, periodic updates as material transactional milestones are accomplished as the parties progress towards transitioning the services to Tufts MC.

(2) Scope of Successor Agreement: In your response dated August 5, 2022, you state that Tufts MC plans to offer the same services that are currently available at the Hospital. As negotiations with Tufts MC continue, the Department requests ongoing confirmation that the scope of the successor agreement includes Tufts MC assuming the entirety of the Oncology Infusion and Radiation Oncology services now offered by the Hospital. If the scope of the services offered by the successor provider changes during negotiations, the Department requests information on those changes.

The Hospital and Tufts MC are working towards transitioning the oncology infusion and radiation oncology services currently offered by the Hospital to the Tufts MC license. The Hospital will inform the Department if there is any proposed change in the scope of services to be provided by Tufts MC.

(3) Alternative Delivery Sites: In your response dated August 5, 2022, you provided information on Saint Vincent Hospital as an alternative delivery site. The Department requests the Hospital provide it with similar information for alternative delivery sites other than Saint Vincent Hospital.

In addition to Saint Vincent Hospital, Milford Regional Medical Center, Newton-Wellesley Hospital and Tufts MC's Boston campus offer oncology infusion and radiation oncology services. The Hospital has been in contact with the oncology departments at each of these alternative delivery sites and has confirmed that there is capacity to take new patients at each site. The travel times to the identified alternative delivery sites are as follows.

Hospital	Address	Peak Minutes ¹	Non-Peak Minutes	Miles
Milford Regional Medical Center	14 Prospect St., Milford	30-55	30-45	13.7

¹ Peak travel times were calculated on Google Maps based on the following hours: 8 a.m. – 9 a.m. and 4 p.m. – 5 p.m.

HUSCH BLACKWELL

Stephen Davis, Director
Division of Health Care Facility Licensure and Certification
Department of Public Health
August 24, 2022
Page 3

Newton-Wellesley Hospital	2014 Washington Street, Newton	20-35	18-30	12.2
Tufts MC- Boston	800 Washington Street, Boston	35-65	30-50	21.4

If a patient chooses to transition their care to another provider, including one of the identified alternative delivery sites, the healthcare team at MWMC will assist patients with transitioning their care. The MWMC team will work with each patient's new oncology team to ensure a smooth transition. Specifically, MWMC will facilitate appropriate insurance referrals and will coordinate to schedule appointments. Medical records will be transferred to the accepting oncologists to facilitate care transition and MWMC oncologists will be available to discuss. For both oncology infusion and radiation oncology patients, the MWMC oncology teams will facilitate a coordinated transition plan for patients who transfer their care.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,



Crystal M. Bloom

cc: A. Mehlman, Esq., DPH
E. Kelley, DPH
J. Bernice, DPH
J. Riley, DPH
R. Kaye, Esq., DPH
W. Mackie, Esq., DPH
S. Carlson, DPH
D. Elgarico, MWMC
C. Jackson, MWMC
T. Williams, Esq., MWMC