

APPENDIX 6

NOTICE OF INTENT

IVF ruling

Continued from Page 1A

wide because providers could fear potential criminal prosecution.

"(IVF) is a difficult enough process without having to go through boundaries and hurdles put up by laws based on religious beliefs," Smith said, alluding to language in the Alabama court's concurring opinion that is heavy on scripture and theology.

Already, several IVF providers in Alabama have ended operations for fear of potential criminal liability and Smith fears a similar outcome could happen nationwide if the U.S. Supreme Court gets involved.

"In Massachusetts, there are laws enshrined to protect women, so we should not start to freak out just yet. But (a SCOTUS ruling that could end IVF treatments nationwide) is a possibility," she said.

Meanwhile, some congressional Republicans are expressing support for IVF. However, some of the same Republicans reportedly support legislation called the Life at Conception Act that includes several definitions of a human being including at the moment of fertilization.

Massachusetts: Grounded in IVF

Massachusetts was one of the first states to require insurance companies to cover infertility treatments including IVF in 1987. The state also has the second-highest percentage of babies born through assisted reproductive technology (nearly 6%), trailing only Washington, D.C.

Nationally, just over 2% of babies in 2021 were conceived through the technology. At UMass Memorial Health, the health system's IVF Center has roughly 300 patient visits annually on average. Last year, UMass reported 144 embryo retrievals, 49 transfers, 147 frozen transfers, 108 pregnancies and 28 live births.

The U.S. Centers for Disease Control and Prevention reported numbers at the UMass IVF Center in 2021 when the program started: 13 pregnancies, 11 deliveries and 12 infants born. A UMass doctor was not available for comment.

Boston IVF, with an office in Worcester, did not have a physician available for comment. The doctors at Boston IVF are affiliated with Beth Israel Deaconess Medical Center and Harvard University's School of Medicine.

Here's how IVF works

Fertility injections stimulate egg production and the eggs are combined with sperm in a lab to produce embryos. Doctors determine the embryo that likely has the best chance of resulting in a pregnancy and the embryo is transferred into the uterus.



Melanie Smith, of Norfolk, pictured with her husband, Drew Greene, is concerned about the broader implications of the Alabama decision on access to in vitro fertilization procedures. COURTESY PHOTO

Other viable embryos are frozen for possible future use and some are discarded because it is determined they are abnormal and can't result in pregnancy.

IVF insurance mandate in Mass.: Not universal

While Massachusetts requires insurance companies cover the cost of infertility treatments, it's not universal. The mandate reportedly doesn't cover the cost of freezing eggs and sperm. Also, public health plans including Medicare and MassHealth (the state's Medicaid insurance plan) are exempt from the mandate, according to the National Institutes of Health. In addition, those who are self-employed and offer insurance to their workers aren't required to have policies that pay for IVF.

Due to the exemptions, only 26% to 36% of women in Massachusetts of childbearing age are covered by the mandate, according to an NIH study from 2016-2019.

No immediate impact

Several Massachusetts lawmakers — Democrat and Republican — noted the Alabama ruling has no immediate impact in Massachusetts because the state has laws on the books that protect reproductive services.

However, some Democrats appear to harbor trepidation about what could happen if an appeal makes it way to the U.S. Supreme Court.

"Every woman should be concerned with the trajectory of the (federal) government and the U.S. Supreme Court stripping back our reproductive rights. We all know, overturning Roe was just



Sen. Robyn Kennedy is concerned about a potential U.S. Supreme Court decision. RICK CINCLAIR/TELEGRAM & GAZETTE FILE

the beginning," said state Sen. Robyn Kennedy, D-Worcester. "We will continue in Massachusetts to protect and expand reproductive rights."

State Rep. Michael Soter, R-Bellingham, also believes the high court will have a role to play. "In the back of my mind, I could see a (SCOTUS) ruling come down. We'll have to look at how it affects Massachusetts in any way."

U.S. Rep. James P. McGovern, D-Worcester, said Congress needs to enact federal laws to protect IVF and other reproductive services, but he said that won't happen because Republicans block all efforts to do it. The only way to achieve change, McGovern said, is for Democrats to win elections and gain a majority control in the House.

Meanwhile, the Worcester Diocese follows Catholic Church teachings and opposes IVF, according to a diocese spokesman.

"The church says 'no' to IVF due to the massive destruction of embryonic life, the assault on the meaning of the conjugal act by 'manufacturing' embryos, and the treatment of the child as a product not a gift," said a diocese statement. "Another way as explained on the U.S. Bishops' website, 'In IVF, children are engendered through a technical process, subjected to 'quality control,' and eliminated if found 'defective.'"

Massachusetts Citizens for Life issued this statement: "We would hope that any embryos created through IVF would be allowed to grow and thrive like any other preborn child."

'Unprecedented, shocking, devastating'

Those adjectives were spoken by Kate Weldon LeBlanc to characterize the Alabama ruling. LeBlanc is executive director at Resolve New England, a non-profit that gives support, education and advocacy in fertility and family building.

Like some Massachusetts lawmakers, LeBlanc said the Alabama decision poses no immediate risk to fertility care or embryos in Massachusetts. But that doesn't mean there aren't storm clouds on the horizon. "The potential fear for

(Resolve New England) is a lot of things start on the state level, spread to other states and in a case like this one that could go to SCOTUS. There is potential impact for the whole country."

Massachusetts can't rest on its laurels, said LeBlanc. She noted the state has laws that are 40 years out of date when it comes to the modern dynamics of what constitutes a family, especially when reproductive services are involved.

One pending state bill that Resolve Massachusetts supports to bring Massachusetts in line with current times is an Act to Ensure Legal Parentage Equality, known as the Massachusetts Parentage Act. It updates current law to protect all children, regardless of circumstances at birth, according to Gay & Lesbian Advocates & Defenders.

Among its protections, the act clarifies how to establish parentage for children born through assisted reproduction like IVF. Currently, the law doesn't treat children equally, with some forced to wait six months or longer to achieve a parent-child relationship.

Possible SCOTUS avenues

Marsha Kazarosian, former president of the Massachusetts Bar Association and a practicing attorney, doesn't think the Alabama ruling will reach the U.S. Supreme Court on appeal.

However, if an appeal does reach the highest court in the land, then Kazarosian said the argument could hinge on whether the Alabama ruling deprived someone of their rights under the U.S. Constitution. She also noted Alabama's concurring opinion included language heavy on religion that arguably violated the Establishment Clause in the U.S. Constitution's First Amendment that prohibits the government from establishing a religion.

A legal argument could also be presented that the Alabama court interfered with someone's rights to have children, but Kazarosian said such a tact is likely not viable.

The bottom line, as Kazarosian sees it, is all bets are off if SCOTUS hears an appeal. "If it gets there, with the makeup of the court, who knows what will happen."

Contact Henry Schwan at henry.schwan@telegram.com. Follow him on X: @henrytelegram.

Public Announcement Concerning a Proposed Health Care Project
Masonic Health System of Massachusetts, Inc. (the "Applicant"), with a principal place of business at 88 Masonic Home Road, Charlton, Massachusetts 01507, intends to file a Notice of Determination of Need ("Application") with the Massachusetts Department of Public Health for a substantial capital expenditure on behalf of Overlook Masonic Health Center ("Overlook" or the "Facility"), a 167-bed skilled nursing facility located at the same address. The Facility plans to renovate one (1) floor of its existing building to accommodate 40 short-term rehabilitation beds in private rooms as well as improvements to clinical and ancillary services on the unit ("Proposed Project"). The Facility plans to close 21 Level II beds through the Proposed Project, resulting in a total of 146 beds at the Facility, including 28 Level IV rest home beds, 78 Level II beds for long-term care residents and 40 Level II beds for short-term rehabilitation residents. The total value of the Proposed Project based on the maximum capital expenditure is \$2,975,000. The Applicant does not anticipate any price or service impacts on the Applicant's existing patient panel as a result of the Proposed Project. Any ten Taxpayers of Massachusetts may register in connection with the intended Application by no later than April 12, 2024, or 30 days from the Filing Date, whichever is later, by contacting the Department of Public Health, Determination of Need Program, 67 Forest Street, Marlborough, MA 01752.

THEATRE AT THE MOUNT

NEXT ON THE THEATRE AT THE MOUNT STAGE!

The Music Man follows fast-talking traveling salesman, Harold Hill, as he cons the people of River City, Iowa, into buying instruments and uniforms for a boys' band that he vows to organize—this, despite the fact that he doesn't know a trombone from a treble clef. His plans to skip town with the case are foiled when he falls for Marian, the librarian. By turns wicked, funny, warm, romantic, and touching, The Music Man is family entertainment at its best.

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APPENDIX 7

ARTICLES OF INCORPORATION

https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchRedirector.aspx?Action=PDF&Path=CORP_DRIVE1/2010/0708/000304500/0016/020503621423_1.pdf

https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchRedirector.aspx?Action=PDF&Path=CORP_DRIVE1/2010/0628/000304536/0041/020503877189_1.pdf

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APPENDIX 8

AFFIDAVIT



Massachusetts Department of Public Health

Determination of Need

Affidavit of Truthfulness and Compliance

with Law and Disclosure Form 100.405(B)

Version: 7-6-17

Instructions: Complete Information below. When complete check the box "This document is ready to print:". This will date stamp and lock the form. Print Form. Each person must sign and date the form. When all signatures have been collected, scan the document and e-mail to: **dph.don@state.ma.us** Include all attachments as requested.

Application Number: Original Application Date:

Applicant Name:

Application Type: Long Term Care Substantial Capital Expenditure

Applicant's Business Type: ☒ Corporation ☐ Limited Partnership ☐ Partnership ☐ Trust ☐ LLC ☐ Other

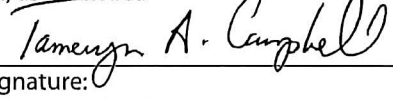
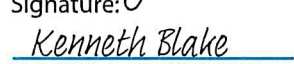
Is the Applicant the sole member or sole shareholder of the Health Facility(ies) that are the subject of this Application? ☒ Yes ☐ No

The undersigned certifies under the pains and penalties of perjury:

1. The Applicant is the sole corporate member or sole shareholder of the Health Facility[ies] that are the subject of this Application;
2. I have ~~read~~ 105 CMR 100.000, the Massachusetts Determination of Need Regulation;
3. I understand and agree to the expected and appropriate conduct of the Applicant pursuant to 105 CMR 100.800;
4. I have ~~read~~ this application for Determination of Need including all exhibits and attachments, and ~~certify that~~ all of the information contained herein is accurate and true;
5. I have submitted the correct Filing Fee and understand it is nonrefundable pursuant to 105 CMR 100.405(B);
6. I have submitted the required copies of this application to the Determination of Need Program, and, as applicable, to all Parties of Record and other parties as required pursuant to 105 CMR 100.405(B);
7. I have caused, as required, notices of intent to be published and duplicate copies to be submitted to all Parties of Record, and all carriers or third-party administrators, public and commercial, for the payment of health care services with which the Applicant contracts, and with Medicare and Medicaid, as required by 105 CMR 100.405(C), et seq.;
8. I have ~~caused~~ proper notification and submissions to the Secretary of Environmental Affairs pursuant to 105 CMR 100.405(E) and 301 CMR 11.00; will be made if applicable
9. If subject to M.G.L. c. 6D, § 13 and 958 CMR 7.00, I have submitted such Notice of Material Change to the HPC - in accordance with 105 CMR 100.405(G);
10. Pursuant to 105 CMR 100.210(A)(3), I certify that both the Applicant and the Proposed Project are in material and substantial compliance and good standing with relevant federal, state, and local laws and regulations, as well as with all ~~previously issued~~ Notices of Determination of Need ~~and the terms and Conditions attached therein;~~
11. I have ~~read~~ and understand the limitations on solicitation of funding from the general public prior to receiving a Notice of Determination of Need as established in 105 CMR 100.415;
12. I understand that, if Approved, the Applicant, as Holder of the DoN, shall become obligated to all Standard Conditions pursuant to 105 CMR 100.310, as well as any applicable Other Conditions as outlined within 105 CMR 100.000 or that otherwise become a part of the Final Action pursuant to 105 CMR 100.360;
13. Pursuant to 105 CMR 100.705(A), I certify that the Applicant has Sufficient Interest in the Site or facility; and
14. Pursuant to 105 CMR 100.705(A), I certify that the Proposed Project is authorized under applicable zoning by-laws or ordinances, whether or not a special permit is required; or,
 - a. If the Proposed Project is not authorized under applicable zoning by-laws or ordinances, a variance has been received to permit such Proposed Project; or,
 - b. The Proposed Project is exempt from zoning by-laws or ordinances.

Corporation:

Attach a copy of Articles of Organization/Incorporation, as amended

Tameryn Campbell		March 11, 2024
CEO for Corporation Name:	Signature:	Date
Kenneth Blake	 Kenneth Blake (Mar 12, 2024 00:46 EDT)	March 11, 2024
Board Chair for Corporation Name:	Signature:	Date

*been informed of the contents of

**have been informed that

***issued in compliance with 105 CMR 100.00, the Massachusetts Determination of Need Regulation effective January 27, 2017 and amended December 28, 2018

This document is ready to print: ☐

Date/time Stamp:

APPENDIX 9

FILING FEE

039300

Vendor ID	Name	Document Number	Check Date
COMMON012	Commonwealth of Massachusetts	039300	3/8/2024

Invoice Number	Date	Description	Amount	Discount	Net Amount Paid
FILING FEE DON	3/8/2024	Masonic Health System/DoN fee	\$5,990.57	\$0.00	\$5,990.57

\$5,990.57

\$0.00

\$5,990.57

ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON CHEMICAL REACTIVE PAPER

OVERLOOK MASONIC HEALTH CENTER
P.O. BOX 1000
CHARLTON, MA 01507

M & T Bank
Buffalo, NY 14203
10-4/220

039300

DATE
3/8/2024

AMOUNT
\$5,990.57

Five Thousand Nine Hundred Ninety Dollars and 57 Cents

PAY

TO THE
ORDER
OF

Commonwealth of Massachusetts

AUTHORIZED SIGNATURE

OVERLOOK MASONIC HEALTH CENTER CHARLTON MA 01507

039300

Vendor ID	Name	Document Number	Check Date
COMMON012	Commonwealth of Massachusetts	039300	3/8/2024

Invoice Number	Date	Description	Amount	Discount	Net Amount Paid
FILING FEE DON	3/8/2024	Masonic Health System/DoN fee	\$5,990.57	\$0.00	\$5,990.57

\$5,990.57

\$0.00

\$5,990.57