



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Determination of Need (DoN) Program
250 Washington Street Boston, MA 02108

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

June 12, 2017

Via e-mail and first class mail

Alan H. Einhorn
Foley & Lardner LLP
111 Huntington Avenue | Suite 2500
Boston, MA 02199-7610

RE: Notice of Final Action
Project Number 3-4965
Northeast Endoscopy Center, LLC
Transfer of Ownership

Dear Mr. Einhorn:

This shall serve as notification to you that pursuant to M.G.L. c.111, §25C and the regulations adopted thereunder, I hereby approve the Determination of Need ("DoN") application for Transfer of Ownership filed by Northeast Endoscopy Center, LLC ("NEC" or "Applicant").

This application was filed under the DoN Regulation effective before January 27, 2017. Under that regulatory scheme, the Application is evaluated under the Alternate Process for Change of Ownership found in 105 CMR 100.600 et seq. Based upon a review of the application as submitted, Staff finds that the Applicant satisfies the applicable standards applied under 100.602. This is an Application that is subject to delegated review pursuant to 105 CMR 100.505(A) in that no public hearing was requested and for which the Department received no comments from parties other than the Applicant.

NEC is a freestanding single specialty ambulatory surgery center located at 59 Lowes Way, Lowell, MA. NEC has been licensed by the Massachusetts Department of Public Health as a clinic since September 4, 2009. NEC seeks approval to change its ownership in the following manner: NEC will merge into a to-be-formed Tennessee limited liability company called Northeast Endoscopy Center, LLC ("New LLC"). The current owners of NEC will have all the financial and management interest in New LLC. Thereafter, AmSurg Holdings, Inc. ("AmSurg"), a Tennessee corporation, will purchase a sixty percent (60%) share in the New LLC. The current owners will continue to operate the center, and will retain a forty percent (40%) ownership share.

Based upon the analysis set out in the Staff Summary which is incorporated herein and made a part of this Notice of Final Decision, I hereby approve, with certain conditions, Project Number 4-4965 for transfer of ownership of NEC resulting from a change in its corporate membership.

The conditions of approval are as follows:

1. The Applicant shall provide interpreter services as described in the document prepared by the Office of Health Equity, which is appended as Attachment 2 and is incorporated herein by reference.
2. The Applicant shall meet the Medicare conditions of participation for Ambulatory Surgical Services and shall maintain Medicare certification.

Sincerely,

A handwritten signature in black ink, appearing to read 'MB', with a stylized flourish extending to the right.

Monica Bharel, MD, MPH
Commissioner

CC: Sherman Lohnes
Rebecca Rodman
Samuel Louis
Mary Byrnes
Katherine Mills
Ben Wood
Eric Gold