

**SHIELDS IMAGING OF EASTERN MASSACHUSETTS, LLC
DON APPLICATION # -18080612-AM
ATTACHMENTS**

**SIGNIFICANT AMENDMENT
SHIELDS IMAGING OF EASTERN MASSACHUSETTS, LLC**

AUGUST 8, 2018

BY

**SHIELDS IMAGING OF EASTERN MASSACHUSETTS, LLC
700 CONGRESS STREET, SUITE 204
QUINCY, MA 02169**

SHIELDS IMAGING OF EASTERN MASSACHUSETTS, LLC
APPLICATION # -18080612-AM

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Exhibit 1

2. Project Description

The proposed request is filed with respect to the previously issued DoN Project #4-4886 to establish a mobile PET/CT clinic at South Shore Hospital, 55 Fogg Road, Weymouth, MA 02190. The service currently operates one day per week. The Application requests approval to add a second day of mobile PET/CT services at this location ("Project").

10. Amendment

10.5.a Describe the proposed change.

Shields Imaging of Eastern Massachusetts, LLC ("SIEM") currently operates a licensed clinic that provides mobile PET/CT services one (1) day per week at South Shore Hospital. The proposed significant change will add a second day of mobile PET/CT services at South Shore Hospital.

10.5.b Describe the associated cost implications to the Holder.

The proposed Project will have no cost implications to SIEM. The mobile PET/CT service is an existing service operated by SIEM. The proposed significant change will not result in any additional capital costs to operate the mobile PET/CT an additional day per week.

10.5.c Describe the associated cost implications to the Holder's existing Patient Panel.

The proposed Project will have no cost implications to SIEM's patient panel. SIEM currently provides services one (1) day per week at South Shore Hospital and will provide a second day of services upon approval. All pricing will be consistent with current charges.

10.5.d Provide a detailed narrative, comparing the approved project to the proposed Significant Change, and the rationale for such change.

The Applicant is Shields Imaging of Eastern Massachusetts, LLC ("SIEM"). Shields Imaging of Massachusetts, LLC was a consortium that received Determination of Need ("DoN") approval in 2002 for Project #4-4886 to acquire a mobile positron emission tomography ("PET/CT") unit to provide services at three host sites. The consortium was comprised of Shields Imaging of Eastern Massachusetts, LLC, Shields Imaging of Worcester, LLC, and Shields Imaging of Springfield, LLC. The host sites offering the mobile PET/CT services included Baystate Medical Center, UMass Memorial Medical Center, and South Shore Hospital. Pursuant to a DoN amendment, each host site was licensed as a separate clinic, one for each member of the original consortium. The three licensed clinics that now hold the approval to provide PET/CT pursuant to Project #4-4886 are Baystate MRI and Imaging Center, LLC ("BMIC"), and UMass Memorial MRI and Imaging Center, and SIEM.

Pursuant to the original DoN, SIEM currently operates the mobile PET/CT service one (1) day per week at South Shore Hospital. Demand for PET/CT services at South Shore Hospital has increased, resulting in the need for additional PET/CT capacity at that location. The mobile PET/CT unit currently operates at South Shore Hospital on Tuesdays from 7:30AM to 10:00PM, in excess of fourteen (14) hours per day. Historical average daily volume for the mobile PET/CT service is 23 patients in 2015, 25 patients in 2016, 23 patients in 2015, and 22 patients daily

year-to-date 2018. The average daily volume data indicates that the service is operating at capacity and scanning the maximum number of patients possible during the service day. Given the hours of operation and the number of patients scanned per day, SIEM is not able to further increase the volume of patients scanned at South Shore Hospital without expanding operating hours to times of day that are not preferred by patients. Even now, patients are scanned late into the evening. By adding an additional day, the Applicant can adjust operating hours to a more efficient schedule across two days at hours that patients find more convenient.

Historical and year-to-date volumes further demonstrate that SIEM's PET/CT service is at capacity during its one service day per week. SIEM performed 1,219 PET/CT scans in 2015, 1,196 PET/CT scans in 2016, and 1,287 PET/CT scans in 2017. The service has performed 853 PET/CT scans year-to-date through July 2018, with a projected total scan volume of 1,351 scans for 2018. There are slight annual fluctuations in the scan volume; however, taken together with the number of patients scanned per day, the data demonstrates that the service is operating at maximum capacity. Without a second day of service, SIEM cannot accommodate scanning additional patients at South Shore Hospital. This results in the need for patients to wait to undergo PET/CT scanning or for patients to travel offsite to a third-party provider of such services. As the service is located at the hospital's cancer center, requiring patients to travel to another provider for cancer-based imaging results in fragmented care and delays care. Due to the nature of the patient's condition, it is important for care to be timely, cohesive, and convenient.

By adding a second day of service, SIEM will be able to scan more patients in need of PET/CT services that currently are scanned outside of the hospital's cancer center due to the capacity constraints of the clinic. The addition of a second day of service at South Shore Hospital is expected to result in increased volume that will ramp up over time. SIEM anticipates volume will increase to 1,391 PET/CT scans in 2019, 1,433 PET/CT scans in 2020, and 1,476 PET/CT scans in 2021. A second day of mobile PET/CT services will allow SIEM to accommodate the needs of the patient panel, for whom PET/CT is an integral modality as part of diagnosis and treatment planning particularly for cancers.

The addition of a second day of mobile PET/CT services at South Shore Hospital will allow SIEM to accommodate the increased demand for the service. The proposed significant change will result in the available day of service under Project #4-4886 that formerly was used by BMIC to be transferred to SIEM to allow for an additional day of service at South Shore Hospital. The second day of service at South Shore Hospital will allow SIEM to meet the demonstrated demand for PET/CT services.

Exhibit 2

RETURN OF PUBLICATION

I, the undersigned, hereby certify under the pains and penalties of perjury, that I am employed by the publishers of **The Patriot Ledger** and the following Public/Legal announcement was published in two sections of the newspaper on **Friday, July 20, 2018** accordingly:

- 1) "Public Announcement Concerning a Proposed Health Care Project" page 28,
Legal Notice Section.

(check one) Size two inches high by three columns wide
 X Size three inches high by two columns wide

- 2) "Public Announcement Concerning a Proposed Health Care Project" page 3,
 "A Section.

(check one) X Size two inches high by three columns wide
 Size three inches high by two columns wide

Debra A. Dillon
Signature

Debra A. Dillon
Name

Legal Advertising Rep
Title

condemned. Heroes are never forgotten," read the sign at Hanover Landscape and Garden Center. "RIP Sgt. Chesna

unity poles along Route 228. Staff at the Hingham Community Center were forced to fashion their own ribbon out of

killed in her home. Chesna leaves behind a wife, Cindy, and two children, Olivia and Jack.

LEGAL NOTICE

Public Announcement Concerning a Proposed Health Care Project

Shields Imaging of Eastern Massachusetts, LLC ("Applicant") located at 700 Congress Street, Suite 204, Quincy, MA 02169 intent to file a Notice of Determination of Need ("DoN") for Significant Change ("Application") with respect to the previously issued DoN Project #4-4886 to establish a mobile PET/CT clinic at South Shore Hospital, 55 Fogg Road, Weymouth, MA 02190. The Application requests approval to add a second day of mobile PET/CT services at this location. The total value of the requested change based on the approved maximum capital expenditure is \$0. The Applicant does not anticipate any price or service impacts on the Applicant's existing Patient Panel as a result of the Project. Any ten taxpayers of Massachusetts may register in connection with the intended Application no later than 30 days of the filing of the Notice of Determination of Need by contacting the Department of Public Health, Determination of Need Program, 250 Washington Street, 6th Floor, Boston, MA 02108.

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Michael C. Dansereau
Probate Court
Plymouth County
Docket No. PL18P1278PM

To all persons interested in the estate of Michael C. Dansereau of Brockton in said County, person under temporary conservatorship.

A petition has been presented to said Court for license to sell at private sale, public auction, certain real estate of said Michael C. Dansereau for his maintenance.

If you desire to object thereto you or your attorney should file a written appearance to said Court at Plymouth before ten o'clock in the forenoon on the thirtieth day of July 2018, the return day of this citation.

Health Care Project

Public Announcement Concerning a Proposed Health Care Project

Shields Imaging of Eastern Massachusetts, LLC ("Applicant") located at 700 Congress Street, Suite 204, Quincy, MA 02169, intends to file a Notice of Determination of Need ("DoN") for Significant Change ("Application") with respect to the previously issued DoN Project #4-4886 to establish a mobile PET/CT clinic at South Shore Hospital, 55 Fogg Road, Weymouth, MA 02190. The Application requests approval to add a second day of mobile PET/CT services at this location. The total value of the requested change based on the approved maximum capital expenditure is \$0. The Applicant does not anticipate any price or service impacts on the Applicant's existing Patient Panel as a result of the Project. Any tax-payers of Massachusetts may register in connection with the intended Application no later than 30 days of the filing of the Notice of Determination of Need by contacting the Department of Public Health, Determination of Need Program, 250 Washington Street, 6th Floor, Boston, MA 02108.

CN13709647
Patriot Ledger 7/20/18

WATER SYSTEM IMPROVEMENT APPLICATION, SCITUATE
LEGAL NOTICE

post island road

NOTICE OF PUBLIC HEARING

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WEATHERSHIELD PRO

Exhibit 3

STAFF SUMMARY FOR DETERMINATION OF NEED
BY THE PUBLIC HEALTH COUNCIL
January 22, 2002

APPLICANT: Shields Imaging of Massachusetts, LLC PROGRAM ANALYST: Jere Page

LOCATION: Crown Colony Office Park
700 Congress Street
Quincy, MA 02169 REGION: HSA IV

DATE OF APPLICATION: February 1, 2001 PROJECT NUMBER: 4-4886

PROJECT DESCRIPTION: Provision of Positron Emission Tomography (PET) services through acquisition of a mobile PET body scanner and related equipment. The services will be provided at three host sites: South Shore Hospital in Weymouth, UMass Memorial Medical Center in Worcester, and Baystate Medical Center in Springfield.

ESTIMATED MAXIMUM CAPITAL EXPENDITURE:

Requested: \$2,564,000 (February 2001 dollars)
Recommended: \$2,564,000 (February 2001 dollars)

ESTIMATED FIRST YEAR OPERATING COST:

Requested: \$3,135,291 (February 2001 dollars)
Recommended: \$3,135,291 (February 2001 dollars)

LEGAL STATUS: A regular application for substantial changes in service pursuant to M.G.L. c.111, s.25C and the Regulations adopted thereunder.

ENVIRONMENTAL STATUS: No environmental notification form or environmental impact report is required to be submitted for this project since it is exempt under 301 Code of Massachusetts Regulations 11.00, promulgated by the Executive Office of Environmental Affairs pursuant to Massachusetts General Laws, Chapter 30, Sections 61-62H. As a result of this exemption, the project has, therefore, been determined to cause no significant damage to the environment.

OTHER PENDING APPLICATION: None

COMPARABLE APPLICANTS: Brigham and Women's Hospital (Project No. 4-3993), Beth Israel Deaconess Medical Center (Project No. 4-3994), and Children's Hospital Medical Center (Project No. 4-3995)

COMMENTS BY THE DIVISION OF HEALTH CARE FINANCE AND POLICY: None submitted

COMMENTS BY THE DIVISION OF MEDICAL ASSISTANCE: None submitted

TEN TAXPAYER GROUP(S): The Mark R. Taylor, Mary T. Sweeney, and Stephen M. Weiner Ten Taxpayer Groups (TTGs) registered in connection with the project. The Brockton Ten Taxpayer Group originally registered as well and requested a public hearing, but subsequently rescinded its request on August 6, 2001, and withdrew as a TTG on August 7, 2001.

RECOMMENDATION: Approval with conditions

Exhibit 4



JANE SWIFT
GOVERNOR

ROBERT P. GITTENS
SECRETARY

HOWARD K. KOH MD, MPH
COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Determination of Need Program
250 Washington Street, Boston, MA 02108-4619
(617) 624-5002

February 5, 2002

CERTIFIED MAIL
RETURNED RECEIPT REQUESTED

NOTICE OF DETERMINATION OF NEED
Project Number 4-4886
Shields Imaging of Massachusetts, LLC
(Establish Mobile PET Service)

Andrew Levine, Esq.
Donoghue, Barrett & Singal, P.C.
One Beacon Street
Boston, MA 02108

Dear Mr. Levine:

At their meeting of January 22, 2002 the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to M.G.L. c.111, s25C and the Regulations adopted thereunder, to approve with conditions, the application filed by Shields Imaging of Massachusetts, LLC for a Determination of Need. The application, as approved, provides for provision of Positron Emission Tomography (PET) services through acquisition of a mobile PET body scanner and related equipment. The services will be provided at three host sites: South Shore Hospital in Weymouth, UMass Memorial Medical Center in Worcester, and Baystate Medical Center in Springfield. This Notice of Determination of Need incorporates by reference the attached Staff Summary and the Public Health Council proceedings concerning this application.

The approved maximum capital expenditure of \$2,564,000 (February 2001 dollars) is itemized below:

Major Movable Equipment	\$2,504,000
Other: Fair Market Value of Shared Space at Host Sites	<u>60,000</u>
Total Construction Costs	<u>\$2,564,000</u>
Total Maximum Capital Expenditure	\$2,564,000

The approved MCE of \$2,564,000 (February 2001 dollars) will be funded with a 23.4% equity contribution (\$600,000 in February 2001 dollars), whereby Shields Imaging of Massachusetts, UMass Memorial Medical Center, and Baystate Medical Center's hospital affiliate, Baystate Radiology Imaging, LLC will contribute proportional equity shares that are yet to be determined. The remaining MCE of \$1,964,000 (February 2001 dollars) will be financed through the vendor, Siemens Medical Systems, Inc., at an interest rate of 9% for a sixty (60) month term.

Shields Imaging of Massachusetts

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Project No. 4-4886

The approved operating costs of \$3,135,291 (February 2001 dollars) for the project's first full year of operation (FY 2003), are based on a projected volume of 1,500 PET scans in that year, and are itemized as follows:

Salaries, Wages, Fringe Benefits	\$ 495,000
Supplies and Other Expenses	1,685,300
Purchased Services	315,200
Depreciation	506,800
Interest	<u>132,991</u>
Total Operating Costs	\$3,135,291

The reasons for this approval with conditions are as follows:

1. Shields Imaging of Massachusetts, LLC proposes to provide Positron Emission Tomography (PET) services through acquisition of a mobile PET body scanner and ancillary equipment, including a trailer. The services will be provided at three host sites: South Shore Hospital in Weymouth, UMass Memorial Medical Center in Worcester, and Baystate Medical Center in Springfield.
2. The Department found that the project meets the requirements of the health planning process consistent with the Guidelines for Positron Emission Tomography (Guidelines).
3. The Department found that Shields Imaging of Massachusetts, LLC has demonstrated demand for a mobile PET unit to serve South Shore Hospital, UMass Memorial Medical Center, and Baystate Medical Center, as discussed under the Health Care Requirements factor of the Staff Summary.
4. The Department found that the project, with adherence to a certain condition, meets the operational objectives factor of the DoN Regulations.
5. The Department found that the project meets the standards compliance factor of the DoN Regulations.
6. The Department found the recommended maximum capital expenditure of \$2,564,000 (February 2001 dollars) reasonable, based on the price quote from the PET equipment vendor, which, when the trailer is excluded, is similar to comparable projects.
7. The Department found the recommended incremental operating costs of \$3,135,291 (February 2001 dollars) are reasonable for a freestanding mobile PET service.
8. The Department found the project financially feasible and within the financial capability of the applicant.
9. The Department found the project meets the relative merit requirements of the DoN Regulations.
10. The Department found the project, with adherence to a certain condition, meets the community health service initiatives of the DoN Regulations.
11. The Mark R. Taylor, Mary T. Sweeney, and Stephen M. Weiner Ten Taxpayer Groups (TTGs)

Shields Imaging of Massachusetts

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Project No. 4-4886

registered in connection with the proposed project. The Brockton Ten Taxpayer Group originally registered as well and requested a public hearing, but subsequently rescinded its request on August 6, 2001, and withdrew as a TTG on August 7, 2001. The Taylor TTG submitted written comments, which indicated that there was excess capacity at New England PET Imaging System in Methuen, a DoN exempt physician practice. The Department found that this excess capacity has not eliminated demand for existing PET services at Massachusetts General Hospital and Dana Farber Cancer Institute, as indicated by patient waiting times at these facilities.

12. The Department found that this project is one of four comparable applications filed by Shields Imaging of Massachusetts, LLC, Children's Hospital Medical Center, Brigham and Women's Hospital, and Beth Israel Deaconess Medical Center. When considered alone, all of the applications are capable of being approved, since each has demonstrated demand for PET services. A detailed comparability analysis was not undertaken since each of the four applications meets all the review factors of the PET Guidelines.

This Determination is effective twenty (20) days after receipt of this Notice. The Determination is subject to the conditions set forth in Determination of Need Regulation 105 CMR 100.551, including sections 100,551 (C) and (D) which read in part:

- (C) ...such determination shall be valid authorization only for the project for which made and only for the total capital expenditure approved.
- (D) The determination...shall be valid authorization for three (3) years. If substantial and continuing progress toward completion is not made during the three (3) year authorization period, the authorization shall expire if not extended by the Department for good cause shown (see 105 CMR 100.756)... Within the period of authorization, the holder shall make a substantial and continuing progress toward completion; however, no construction may begin until the holder has received final plan approval in writing from the Division of Health Care Quality.

This Determination is subject to the following conditions, in addition to the terms and conditions set forth in 105 CMR 100.551. Failure of the applicant to comply with the conditions may result in Department sanctions, including possible fines and/or revocation of the DoN.

1. Shields Imaging of Massachusetts, LLC shall accept the approved maximum capital expenditure of \$2,564,000 (February 2001 dollars) as the final cost figure except for those increases allowed pursuant to 105 CMR 100.751 and 752.
2. Shields Imaging of Massachusetts, LLC shall contribute 23.4% in equity (\$600,000 in February 2001 dollars) toward the final approved MCE.
3. Prior to implementation of the mobile PET service, Shields Imaging of Massachusetts, LLC will obtain a certificate of registration from the Department's Radiation Control Program.
4. Prior to implementation of the mobile PET service, Shields Imaging of Massachusetts, LLC shall secure a written agreement with a provider of radiopharmaceuticals to ensure that a reliable supply will be available for the service.

Shields Imaging of Massachusetts

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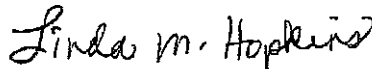
Project No. 4-4886

5. Shields Imaging of Massachusetts, LLC shall not consider ability to pay or insurance status in selecting or scheduling patients for PET services.

6. Shields Imaging of Massachusetts, LLC shall provide a total of \$130,000 (February 2001 dollars) over five years at \$26,000 per year to fund grant-based prevention programs that support the Healthy People 2010 leading indicators, particularly cancer and heart disease prevention. Each Community Health Network Area (CHNA) associated with the three host sites, including South Shore Hospital (CHNA #20), UMass Memorial Medical Center (CHNA #8), and Baystate Medical Center (CHNA #4), will award its share of the funding through community grants to community based health and wellness organizations, based upon recommendations by the Grant Review Committees of each CHNA. Specific details of the grant award process will be determined through further consultation with the Department and each CHNA. Shields will file reports, as specified by the Department, detailing the frequency, content, and formalities of programming resulting from the grants and evaluations of the programming's effect on the health of service area residents. Such reports shall be filed annually or more frequently if so determined by the DoN Program Director. Funding for this initiative will begin upon project implementation, and notification to the Department's Office of Healthy Communities.

Please note that any party wishing to appeal the Department's action stated above must file a claim of appeal with the Health Facilities Appeals Board, Attention of: William Kaleva, Administrator, Boston University School of Law, 765 Commonwealth Avenue, Boston, MA 02215, within fourteen (14) days of receipt of this Notice. Each Appellant must include a statement that the appeal is not knowingly interposed for delay and must comply with the Board's "Rules of Procedure" available upon request from the Board. A copy of any claim of appeal filed with the Board must be served upon this Department through its Office of General Counsel, 250 Washington Street, Second Floor, Boston, MA 02108.

FOR THE PUBLIC HEALTH COUNCIL

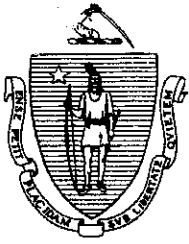


Linda M. Hopkins
Secretary to the Council

LMH/JJ/jp

cc: Jean Pontikas, Division of Health Care Quality
Kathleen Coyle, Division of Health Care Quality
Steve McCabe, Division of Health Care Finance and Policy
Elizabeth Pressman, Division of Medical Assistance
Decision Letter File
Public File
MIS
Jere Page, Program Analyst

Exhibit 5



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Determination of Need Program
250 Washington Street, Boston, MA 02108-4619
(617) 624-5002

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

RONALD PRESTON
SECRETARY

CHRISTINE C. FERGUSON
COMMISSIONER

April 10, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF PUBLIC HEALTH COUNCIL
ACTION
PREVIOUSLY APPROVED PROJECT
NUMBER 4-4886
Shields Imaging of Massachusetts, LLC
Request to Add a Fourth Host Site to the
Mobile Positron Emission Tomography
Service

Andrew S. Levine
Donoghue Barrett & Singal, P.C
One Beacon Street
Boston, MA 02108

Dear Mr. Levine:

At their meeting of April 3, 2003, the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to M.G.L. c.111, s. 25C and the Regulations adopted thereunder to approve with condition a significant change to DoN Project No. 4-4886 filed by Shields Imaging of Massachusetts, LLC. The approval provides for the addition of Berkshire Medical Center located at 725 North Street, Pittsfield, MA as a fourth host site to the mobile Positron Emission Tomography service. One day of mobile service per month will be provided at the fourth site.

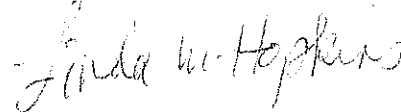
The reasons for the Public Health Council's action are as follows:

1. The Department found that pursuant to 105 CMR 100.753(A) of the Determination of Need Regulations, the significant change meets the Procedures for Significant Changes set forth at 105 CMR 100.756.
2. The Department found that after careful consideration, the comments submitted by Alliance Imaging, Inc. provided no basis for the recommendation of denial.

The condition accompanying this approval is as follows:

All conditions attached to the original and amended approval of Project No. 4-4886 shall remain in effect.

Sincerely,



Linda Hopkins

Secretary for the Public Health Council

LH/jj

cc: Sherman Lohnes, DHCQ
Donna Allen, DHCQ
Steve McCabe, Division of Health Care Finance and Policy
Elizabeth Pressman, Division of Medical Assistance
Public File
Decision Letter File
MIS



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Determination of Need Program
2 Boylston Street, Boston, MA 02116
(617) 753-7340
FAX (617) 753-7349

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

TIMOTHY R. MURPHY
SECRETARY

PAUL J. COTE, JR.
COMMISSIONER

November 17, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF PUBLIC HEALTH COUNCIL
ACTION
PREVIOUSLY APPROVED PROJECT
NUMBER 4-4886
Shields Imaging of Massachusetts, LLC
Request to Add a Fifth Host Site to the
Mobile Positron Emission Tomography
Service

Andrew S. Levine
Donoghue Barrett & Singal, P.C.
One Beacon Street
Boston, MA 02108

Dear Mr. Levine:

At their meeting of September 27, 2005, the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to M.G.L. c.111, s. 25C and the Regulations adopted thereunder to approve with condition a significant change to DoN Project No. 4-4886 filed by Shields Imaging of Massachusetts, LLC. The approval provides for the addition of the Burbank campus of HealthAlliance Hospital located at 275 Nichols Road, Fitchburg, MA as a fifth host site to the mobile Positron Emission Tomography service. One day of mobile service per week of the three days per week currently allocated to UMass Memorial Medical Center in Worcester month will be provided at the fifth site.

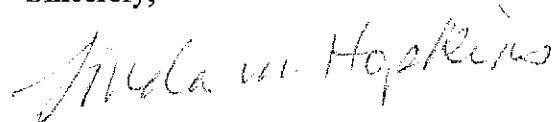
The reason for the Public Health Council's action is as follows:

The Department found that pursuant to 105 CMR 100.753(A) of the Determination of Need Regulations, the significant change meets the Procedures for Significant Changes set forth at 105 CMR 100.756.

The condition accompanying this approval is as follows:

All conditions attached to the original and amended approval of Project No. 4-4886 shall remain in effect.

Sincerely,



Linda Hopkins
Secretary for the Public Health Council

LH/jj

cc: Sherman Lohnes, DHCQ
Jill Mazzola, DHCQ
Steve McCabe, Division of Health Care Finance and Policy
Elizabeth Pressman, Division of Medical Assistance
Public File
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The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Determination of Need Program
2 Boylston Street, Boston, MA 02116
(617) 753-7340
FAX (617) 753-7349

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

TIMOTHY R. MURPHY
SECRETARY

PAUL J. COTE, JR.
COMMISSIONER

August 9, 2006

Andrew S. Levine
Donoghue Barrett and Singal, PC
One Beacon Street, Suite 1320
Boston, MA 02108

Re: Approved DoN Project No. 4-4886
Establish Mobile PET Service
Request for Minor Change

Dear Mr. Levine:

This is in response to your letter dated July 12, 2006, requesting a minor change to the approved DoN Project No. 4-4886 referenced above. Shields Imaging of Massachusetts, LLC, (Shields Imaging) a consortium comprised of Shields Imaging of Eastern Massachusetts, LLC, Shields Imaging of Worcester, LLC and Shields Imaging of Springfield, LLC was approved on February 5, 2002 to provide PET services through acquisition of a mobile PET scanner and related equipment. As stated in the DoN decision letter, the services were to be provided at three host sites: Baystate Medical Center, UMass Memorial Medical Center and South Shore Hospital. These sites were subsequently licensed as three separate clinics, one for each of the consortium members and the current licensees are: Baystate MRI and Imaging Center, LLC, UMass Memorial MRI and Imaging Center, LLC and Shields Imaging of Eastern Mass, LLC.

The minor change requested in your letter of July 12 involves the deletion of Shields Imaging of Massachusetts, LLC as the provider of service for this project in order to correctly specify the individual consortium members currently licensed to provide the mobile PET services. The reason given for the minor change is that the deletion of Shields Imaging will correctly reflect the three clinics, Baystate MRI and Imaging Center, LLC, UMass Memorial MRI and Imaging Center, LLC and Shields Imaging of Eastern Mass, LLC., as the providers of services under the DoN and all subsequent amendments.

Pursuant to 105 CMR 100.752 of the Determination of Need Regulations, I hereby approve the minor change to Project No.4-4886 as requested for the following reasons:

1. All criteria set forth in 105 CMR 100.755 of the Determination of Need Regulations have been satisfied.
2. The minor change involves no change in the scope of the project or maximum capital expenditure.

Please note that all terms and conditions attached to the original approval of Determination of Need Project No.4-4886 shall remain in effect.

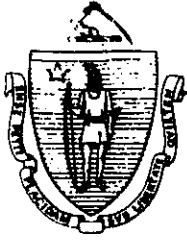
Sincerely,

A handwritten signature in black ink, appearing to read "Joan Gorga". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joan Gorga
Director
Determination of Need Program

JMG/jmg

cc: Sherman Lohnes, DHCQ
Public File
Compliance
MIS



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Determination of Need Program
99 Chauncy Street, 2nd Floor, Boston, MA 02111
617-753-7340
FAX 617-753-7349

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JUDYANN BIGBY, MD
SECRETARY

JOHN AUERBACH
COMMISSIONER

October 13, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NOTICE OF PUBLIC HEALTH COUNCIL ACTION
PREVIOUSLY APPROVED PROJECT NUMBER 4-4886

Andrew S. Levine
Donoghue Barrett & Singal, P.C
One Beacon Street
Boston, MA 02108

UMass Memorial MRI and Imaging Center, LLC
Request to Add a Sixth Host Site to the
Mobile Positron Emission Tomography Service

Dear Mr. Levine:

At their meeting of October 12, 2011, the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to M.G.L. c.111, s. 25C and the Regulations adopted thereunder to approve with condition a significant change to DoN Project No. 4-4886 filed by UMass Memorial MRI and Imaging Center, LLC. The approval provides for the addition of the Wing Memorial Hospital and Medical Center located at 40 Wright Street, Palmer, MA as a sixth host site to the mobile Positron Emission Tomography service. One half-day of mobile service every two weeks will be provided at the sixth site.

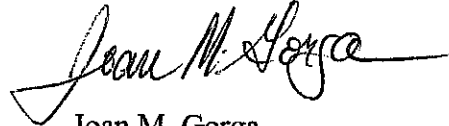
The reason for the Public Health Council's action is as follows:

The Department found that pursuant to 105 CMR 100.753(A) of the Determination of Need Regulations, the significant change meets the Procedures for Significant Changes set forth at 105 CMR 100.756.

The condition accompanying this approval is as follows:

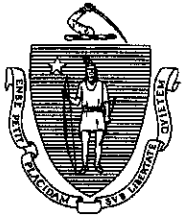
All conditions attached to the original and amended approval of Project No. 4-4886 shall remain in effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan M. Gorga". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joan M. Gorga
Director, Determination of Need

cc: Sherman Lohnes, DHCQ
Paul DiNatale, DHCQ
Steve McCabe, Division of Health Care Finance and Policy
Terri Yannetti, Division of Medical Assistance
Public File
Decision Letter File



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

JOHN W. POLANOWICZ
SECRETARY

LAUREN A. SMITH, MD, MPH
INTERIM COMMISSIONER

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Care Safety and Quality
Determination of Need Program
99 Chauncy Street, Boston, MA 02111
617-753-7340

February 14, 2013

Andrew S. Levine, Esq.
Donoghue, Barrett & Singal, P.C.
One Beacon Street, Suite 1320
Boston, MA 02108

NOTICE OF PUBLIC HEALTH COUNCIL
ACTION
PREVIOUSLY APPROVED DON #4-4886
Baystate MRI and Imaging Center, LLC.
Request for Significant Change

Dear Mr. Levine:

At their meeting of February 13, 2013, the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to M.G.L. c. 111, § 25C and the regulations adopted thereunder, to approve with conditions a significant change to approved Determination of Need ("DoN") Project Number 4-4886 of Baystate MRI and Imaging Center, LLC ("BMIC" or "Holder"). The change authorizes establishment of an additional host site for the BMIC mobile PET service at Berkshire Medical Center ("Berkshire"), 725 North Street in Pittsfield. The DoN is held jointly by BMIC, Shields Imaging of Eastern Massachusetts, LLC, and UMass Memorial MRI and Imaging Center and currently operates at South Shore Hospital in Weymouth, Baystate Medical Center in Springfield, and at three UMass Memorial Medical Center campuses in Worcester, Fitchburg, and Palmer.


As approved, the significant change will result in one day of PET services per week at Berkshire and a reduction in service at the Springfield host site from two days to one day per week. This change has an associated capital expenditure estimated at \$200,000.

The conditions accompanying this approval are as follows:

1. Upon implementation of the Berkshire Medical Center site for the mobile PET service, Baystate MRI and Imaging Center, LLC shall contribute an additional \$10,000 to fund community health initiatives in the greater Pittsfield area to be approved by the Office of Healthy Communities ("OHC") in consultation with the Community Health Network of Berkshire County (CHNA 1). BMIC shall contact OHC at least three months prior to implementation of the project to begin the planning process

2. All other conditions attached to the original and amended approvals of this project shall remain in effect.

Sincerely,



Bernard Plovnick, Director
Determination of Need Program

cc: Steve McCabe, DHCFP
Sherman Lohnes, DHCQ
Paul DiNatale, DHCQ
Daniel Gent, DHCQ
Cathy O'Connor, OHC
Kristin Golden, Commissioner's Office

Exhibit 6

**SHIELDS IMAGING OF EASTERN MASSACHUSETTS, LLC
CERTIFICATE OF ORGANIZATION**

Pursuant to the provisions of the Massachusetts Limited Liability Company Act (the "Act"), the undersigned hereby certifies as follows:

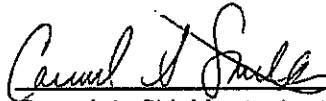
1. *Name of the Limited Liability Company.* The name of the limited liability company formed hereby (the "LLC") is Shields Imaging of Eastern Massachusetts, LLC.
2. *Office of the Limited Liability Company.* The address of the LLC in the Commonwealth required to be maintained by Section 5 of the Act is Crown Colony Office Park, 700 Congress Street, Quincy, Massachusetts 02169.
3. *Business of the LLC.* The general character of the business of the LLC is to acquire, own and/or invest in positron emission tomography scanning equipment; to acquire, own, invest in, develop, operate and/or manage persons and entities providing positron emission tomography services; to provide management services to hospitals, medical practices and other persons and entities that provide positron emission tomography services; to invest in and provide management services to persons and entities that engage in any of the foregoing activities; and to engage in any other business or activity in which a limited liability company may lawfully engage.
4. *Date of Dissolution.* There shall be no specific date on which the limited liability company is to dissolve.
5. *Agent for Service of Process.* The resident agent for service of process in the Commonwealth is John M. Shields, c/o Shields Healthcare Group, Inc., Crown Colony Office Park, 700 Congress Street, Quincy, Massachusetts 02169.
6. *Manager.* At the time of formation of the LLC, the LLC's sole manager will be:

John M. Shields
c/o Shields Healthcare Group, Inc.
Crown Colony Office Park, 700 Congress Street
Quincy, Massachusetts 02169
7. *Execution of Documents (Secretary of the Commonwealth).* Each of John M. Shields and Carmel A. Shields, acting singly in any case, is authorized to execute and deliver any documents to be filed with the Massachusetts Secretary of State's Office.
8. *Execution of Documents Relating to Real Property.* John M. Shields, acting singly in any case, is authorized to execute, acknowledge, deliver and record any recordable instrument on behalf of the Company purporting to affect an interest in real property in the

(Handwritten initials)

Commonwealth of Massachusetts, whether to be recorded with a registry of deeds or a district office of the land court.

IN WITNESS WHEREOF, the undersigned hereby affirms, under the penalties of perjury, the facts stated herein are true as of this 25 day of January, 2001.



Carmel A. Shields, Authorized Person

CONSENT TO USE OF NAME

January 31, 2001

Each of the undersigned entities hereby consent to the use of "Shields Imaging of Eastern Massachusetts, LLC" as the name of a Massachusetts limited liability company to be formed by Carmel A. Shields.

Very truly yours,

SHIELDS HEALTHCARE GROUP, LP
By: SHIELDS HEALTHCARE GROUP, Inc.
Its General Partner

By: Carmel A. Shields
Carmel A. Shields, Secretary

SHIELDS CONGRESS STREET
LIMITED PARTNERSHIP
SHIELDS REALTY LIMITED
PARTNERSHIP

By: SHIELDS REALTY CORPORATION,
INC.
Its General Partner

By: Carmel A. Shields
Carmel A. Shields, Secretary

SHIELDS HEALTHCARE GROUP, INC.
SHIELDS MANAGEMENT CO, INC.
SHIELDS CLINICAL LABORATORIES, INC.
SHIELDS HEALTHCARE OF SUFFOLK, INC.
SHIELDS HEALTHCARE OF DARTMOUTH,
INC.
SHIELDS HEALTHCARE OF WEYMOUTH,
INC.
SHIELDS HEALTHCARE OF CAMBRIDGE,
INC.
SHIELDS HEALTHCARE OF ESSEX, INC.
SHIELDS HEALTHCARE OF MIDDLESEX,
INC.
SHIELDS HEALTHCARE OF NEWTON, INC.
SHIELDS HEALTHCARE OF COLORADO, INC.
SHIELDS HEALTHCARE OF BROCKTON, INC.
SHIELDS ONCOLOGY SERVICES, INC.
SHIELDS RADIOLOGY ASSOCIATES, P.C.
SHIELDS REALTY CORPORATION, INC.
SHIELDS LABORATORY RESOURCES, INC.
SHIELDS HEALTH CARE M.R.I. I, INC.
SHIELDS HEALTH CARE M.R.I. II, INC.
SHIELDS HEALTH CARE M.R.I. III, INC.
SHIELDS HEALTH CARE M.R.I. IV, INC.
SHIELDS HEALTH CARE M.R.I. V, INC.
SHIELDS HEALTH CARE M.R.I. VI, INC.
SHIELDS HEALTHCARE OF SPRINGFIELD,
LLC
SHIELDS HEALTHCARE WORCESTER, LLC
SHIELDS MRI & IMAGING CENTER OF CAPE
COD, LLC

By: Carmel A. Shields
Carmel A. Shields, Secretary

SECRETARY
739602E
2001 JAN 26 PM 3:41
CORPORATION DIVISION

Ck.#

1008607

The Commonwealth of Massachusetts
Limited Liability Company
(General Laws, Chapter 156C)

Filed this 26 day January, 2001.

8500
FEE PAID

JAN 26 2001

CASHERS
SECRETARY'S OFFICE

William Francis Galvin

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

Morse Barnes Brown & Fendleton

1601 Trapelo Rd

Waltham, MA 02451

Phone: (781) 622-5930

Terry McKenna

Exhibit 7



**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:

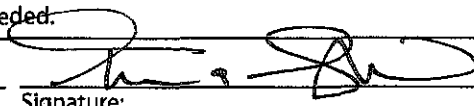
Application Type:

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 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.;
 6. 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);
 7. 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;~~ ^{**}
 8. 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;
 9. 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;
 10. Pursuant to 105 CMR 100.705(A), I certify that the Applicant has Sufficient Interest in the Site or facility; and
 11. 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.

LLC
All parties must sign. Add additional names as needed.

Thomas A. Shields 
Name: Signature: Date

This document is ready to print: Date/time Stamp:

*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