

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

December 16, 2022

Dennis Renaud, Director
Determination of Need Program
Department of Public Health
250 Washington Street, 6th Floor
Boston, MA 02108

RE: Tufts Medicine, Inc. DoN Emergency Application #TUFTS-22081208-EA

Dear Mr. Renaud:

We write to provide additional information regarding the radiation therapy service for which Tufts Medicine, Inc ("Tufts") received Emergency Determination of Need ("DoN") Approval to operate on November 18, 2022. The approval authorizes Tufts Medical Center ("Tufts MC") to expand its existing radiation therapy service by assuming control of an existing linear accelerator ("LINAC") located at 115 Lincoln Street, Framingham, Massachusetts 01702 due to an imminent closure of the Radiation Oncology service currently operated by MetroWest Medical Center ("MWMC"). Specifically, we seek to clarify the services and equipment necessary to operating the radiation therapy service.

Namely, an essential component of radiation therapy is pre-treatment planning. This process ensures the accuracy of the treatment to be delivered via radiation. The most common method of pre-treatment planning is simulation with a computed tomography ("CT") unit. Prior to simulation, the patient is measured and marked to ensure the treatment is delivered to the same site during each treatment. The imaging done during simulation is used to design the patient's treatment plan and create a "map" for the treatment team. It does not serve any diagnostic or therapeutic function outside of the patient's radiation therapy planning and cannot serve as a replacement for other imaging of the patient's cancer that may be warranted. With respect to MWMC's existing radiation therapy program, a CT simulator is used for pre-treatment planning. In order to successfully carry out radiation therapy with the LINAC to be operated by Tufts MC, patients must continue to have access to CT simulation prior to their radiation therapy. To that end, it is crucial that Tufts receive supplemental approval to the Emergency DoN to also allow for its operation of the CT simulator.

Because of the limited role of CT when used for radiation therapy simulation, it is our understanding that it falls outside the scope of those services for which a DoN is required. In reviewing the Department's Determination of Need-Required Equipment and Services Guidelines, the Department did not include simulation as a use of CT that does not lead to better patient outcomes or more cost-efficient care. Accordingly, the CT unit to be used by Tufts MC for radiation therapy planning was not included in the original Emergency DoN Application.

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Assuming control of the radiation therapy service currently operated by MWMC will address the Emergency Situation, but only if Tufts MC can provide the full spectrum of care to existing and future patients. Therefore, Tufts is requesting confirmation that the previously issued Emergency DoN Approval extends to the existing CT simulator. In furtherance of this request, Tufts notes that the project's total value as originally submitted, \$7,078,647.00, reflects the full scope of the radiation therapy service, inclusive of the LINAC and CT simulator.

We thank you for our attention to this matter. Please contact me or Kasey Ciolfi, Esq. if you have any questions or require any additional information.

Sincerely,

HUSCH BLACKWELL LLP



Crystal M. Bloom

cc: Andrew Levine, Esq, Husch Blackwell
Zachary Redmond, Esq., Tufts
Elizabeth Bahnuk, Tufts
Steve Davis, DPH
Daniel Gent, DPH
Elizabeth D. Kelley, DPH
Rebecca Rodman, Esq., DPH
Elizabeth Almanzor, CHIA
Center for Health Information and Analysis
Health Policy Commission
Office of the Attorney General (Massachusetts)