



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

May 17, 2021

Kathleen G. Healy, Partner
Verrill
One Federal Street, 20th Floor
Boston, MA 02110

VIA EMAIL: khealy@verrill-law.com

RE: Notice of Final Action DoN #20121712-TO

Dear Ms. Healy,

At their meeting of May 12, 2021, the Commissioner and the Public Health Council, acting together as the Department, voted pursuant to M.G.L. c.111, §51 and 105 CMR 100.000, to approve the Determination of Need application filed by UMass Memorial Health Care, Inc. (UMMHC or Applicant) located at One Biotech Park, 365 Plantation Street Worcester, MA 01605 for a proposed Transfer of Ownership to acquire ownership interest in Harrington Health Care System (HHCS), which is in turn the parent of Harrington Memorial Hospital, Inc., which operates an acute care, community hospital with campuses in Southbridge, and Webster, MA. This Notice of Final Action incorporates by reference the Staff Report, and the Public Health Council proceedings concerning this application.

This Application was reviewed pursuant to M.G.L. c. 111, § 51, and the regulatory provisions of 105 CMR 100.000. Based upon a review of the materials submitted, the Department found that the Applicant has met each DoN factor and approves this Determination of Need application for a Transfer of Ownership subject to all applicable standard conditions (105 CMR 100.310) and pursuant to 105 CMR 100.360, subject to Other Conditions listed below.¹ The total capital expenditure for the Proposed Project is \$143,325,965.00.

In compliance with the provisions of 105 CMR 100.310(A)(2) and (11) the Holder shall submit an acknowledgment of receipt to the Department (attached) and also include a written attestation of participation or intent to participate in MassHealth.

¹ A Determination of Need Application for a Transfer of Ownership pursuant to 105 CMR 100.735 is exempt from the Determination of Need Factors (5) and (6), unless otherwise specified.

In compliance with the provisions of 105 CMR 100.310(A)(12), which require a report to the Department, at a minimum on an annual basis, including the measures related to achievement of the DoN factors for a period of five years from completion of the Proposed Project, the Holder shall address its assertions with respect to all the factors.

Other Conditions:

1. The Holder will inform the Department of any plans to change or close any services including, but not limited to any decrease of behavioral health services and/or inpatient behavioral health beds at Harrington Memorial Hospital. In such circumstances of any changes to services, the Holder will provide a justification for the reduction or discontinuation of the service, including but not limited to an analysis of utilization patterns and Patient Panel need for such service and an analysis sufficient for DoN staff to determine that the proposed reduction or closure will not have a negative impact on access for patients in the HHCS service area.
2. The Holder will notify the Department should HHCS propose discontinuing its participation in the MassHealth ACO Program, and in such notice the Holder will provide an explanation sufficient for DoN staff to determine that its patients who are enrolled in the MassHealth ACO Program will maintain access to services within the HHCS service area.
3. The Holder shall provide, in its annual report to the Department, reporting on its proposed measures to assess the impact of the Proposed Project.

Ongoing compliance with the conditions and all terms of the DoN is, pursuant to the Regulation, a precondition to the filing of any future DoN by the Holder.

Sincerely,
Lara Szent-Gyorgyi



Director
Determination of Need Program

cc:

Elizabeth Kelley, Bureau of Health Care Safety and Quality
Sherman Lohnes, Division of Health Care Facility Licensure and Certification
Daniel Gent, Division of Health Care Facility Licensure and Certification
Rebecca Rodman, General Counsel's Office
Samuel Louis, Office of Health Equity
Mary Byrnes, Center for Health Information Analysis
Pavel Terpelets, MassHealth
Katherine Mills, Health Policy Commission
Ben Wood, Office of Community Health Planning
Eric Gold, Attorney General's Office