

**[105 Mass. Code Regs. 130.109.]**

130.109. Transfer of Ownership or Location: Hospital Licensure

(A) To transfer ownership or location, a hospital must comply with any additional procedures set forth in 105 CMR 100.000: Determination of Need.

(B) A licensed hospital must notify the Department immediately in writing of any proposed change in name or location of a facility. A license shall not be transferred from one person or entity to another or from one location to another.

(C) The proposed licensee shall submit a Notice of Intent to acquire a hospital to the Department at least 90 calendar days in advance of any transfer of ownership.

(1) If the hospital is an acute-care hospital, the Department shall schedule a public hearing on the proposed transfer of ownership.

(2) If the transfer of ownership will follow the merger or acquisition of the hospital, the board of trustees of the hospital must publicly present and evaluate all proposals for such a merger or acquisition.

(D) Any person applying for a license as a result of any transfer of ownership shall file an application for licensure within two business days of the transfer or such longer period in advance as the Commissioner shall prescribe.

(E) An application filed as a result of a transfer of ownership, if timely filed, shall have the effect of a license for a period of three months from the date of filing or until such time as the Department takes action on the application. If not timely filed, such an application shall not have such effect.

(F) Any notice of hearing, order or decision which that the Department or the Commissioner issues for a hospital prior to a transfer of ownership shall be effective against the former owner prior to such transfer and, where appropriate, the new owner, following such transfer unless said notice, order or decision is modified or dismissed by the Department or by the Commissioner.

(G) A transfer of ownership shall not be recognized and the new owner shall not be considered suitable for licensure when the transfer is proposed or made to circumvent the effect and purposes of 105 CMR 130.000. The Department shall consider the following factors in determining whether a transfer has been proposed or made to circumvent 105 CMR 130.000:

(1) the transferor's record of compliance with Department licensure laws and 105 CMR 130.000;

(2) the transferor's current licensure status;

(3) the transferor's familial, business and/or financial relation to the transferee;

(4) the terms of the transfer; and

(5) the consequences of the transfer.