



The Commonwealth of Massachusetts  
Executive Office of Elder Affairs  
One Ashburton Place, 5th Floor  
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**PROGRAM INSTRUCTION (PI)**

**EOEA PI -17-03**  
**Ref: PI-96-42**  
**PI-02-37**

**TO:** Aging Service Access Points

**CC:** Home Care Council

**FROM:** Alice F. Bonner, Secretary 

**DATE:** March 3, 2017

**RE: Clarification relative to procedure for name changes, mergers,  
consolidations and acquisitions**

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**Purpose and Background:**

The Executive Office of Elder Affairs is issuing this Program Instruction to clarify contractual procedures for processing corporate name changes, mergers, consolidations or acquisitions. This Program Instruction supersedes all other Program Instruction including EOEA-PI-96-42 and PI-02-37.

It is the Aging Services Access Point (ASAP)'s decision to continue with the contract/new entity. In the event the ASAP determines that it is not in the best interest of the Commonwealth to continue the contract with the new entity, the ASAP may decide to terminate the contract without cause as outlined in Section 14, Termination or Suspension, of the Homemaker/Personal Care/Non-Homemaker Services Provider Agreement.

## PROCEDURAL REQUIREMENTS

### Provider Name Changes, Mergers, Consolidations, and Acquisitions

#### I. Provider Name Changes

- A. The Provider must submit a statement on its corporate letterhead explaining the name change and, at a minimum, the following information:
1. Provider's new name, including any "doing business as (dba)";
  2. Effective date of the change; and
  3. Any change in address, telephone, or contact person, if any.
- B. This letter of notification shall be sent to all the ASAPS with whom the Provider currently holds contracts.
- C. Attach a copy of the notice required by law to be filed with, or filed with and approved by, the Commonwealth Secretary of State's Corporation Division (One Ashburton Place, 17th floor, Boston, MA 02108. 617-722-2853) for both non-profit and for-profit corporation name changes, mergers, consolidations, or acquisitions. The form can be found at - [www.sec.state.ma.us/cor/corpabout.htm](http://www.sec.state.ma.us/cor/corpabout.htm)
- D. The ASAP and Provider will sign the one page Contract Amendment form documenting the provider name change.
- E. The ASAP will complete the Form to Request to Add/Update a Provider in *SAMS* to reflect said name change and email to [sims.support@state.ma.us](mailto:sims.support@state.ma.us).

#### II. Merger, Consolidation, Acquisition or Change in Tax ID number of a Provider

- A. All conditions within Section I above apply, with the exception of D.
- B. Not less than 60 calendar days prior to the effective date of the merger or acquisition, the new Provider and each contracting ASAP must have completed the following:
1. The Notification of intent (NOI) documents;
  2. Final, negotiated unit rate(s) resulting from said merger/acquisition; and
  3. A newly signed and dated Homemaker/Personal Care/Non-Homemaker Services Provider Agreement.

- C. ASAPS must terminate the original contract, allowing time for submission of a final bill.
- D. The ASAP will complete the form to Request to Add/Update a Provider in SAMS to replace the previous Provider and Create the new Provider, including unit rate (s) for the new entity and email to [sims.support@state.ma.us](mailto:sims.support@state.ma.us).

**Merger and Consolidation** as defined by Massachusetts law under M.G.L. c. 180 s.7(a) or M.G.L. c. 156B, ss.78, 79 or 82:

**Acquisition** as defined by Massachusetts law under M.G.L. 110C:

**Effective Date:**

March 5, 2017

**Contact:**

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