

HUSCH BLACKWELL

Andrew S. Levine
Partner

One Beacon Street, Suite 1320
Boston, MA 02108
Direct: 617.598.6758
Fax: 617.720.5092
andrew.levine@huschblackwell.com

May 17, 2023

VIA E-MAIL

Stephen Davis, Director
Massachusetts Department of Public Health
Division of Health Care Facility Licensure and Certification
67 Forest Street
Marlborough, MA 01752

Re: Emerson Rehabilitation and Transitional Care Unit - Notice of Intent to Close

Dear Mr. Davis:

This letter is submitted on behalf of Emerson Hospital, licensee of Emerson Rehabilitation and Transitional Care Unit (the "Facility") located at 133 Old Road to Nine Acre Corner, Concord, Massachusetts 01742. Pursuant to 105 CMR 153.023, the Facility hereby provides the required one hundred twenty (120) day notice to the Department of Public Health ("Department") of the proposed closure of the Facility effective September 7, 2023, following completion of the regulatory process for voluntary closure of a long-term care facility required by the Department. As required, the Facility is also submitting the enclosed draft Closure Plan (the "Closure Plan").

Please note that in compliance with the Department's regulations¹, the Facility is sending the Notice of Intent to Close and Closure Plan today to the Office of the State Long-Term Care Ombudsman; the Office of the Local Long-term Care Ombudsman; Senator Michael J. Barrett; Representative Carmine L. Gentile; Matthew Johnson, Select Board Chair; and Kerry Lafleur, Town Manager.

As you are aware, the Facility is licensed by the Department as a free-standing nursing home for 20 Level II beds and historically functioned as a short-term rehabilitation unit. In response to the COVID-19 Pandemic, beginning March 2020 under the Public Health Emergency waivers, the Facility's space has been used to operate medical surgical beds instead of Level II rehabilitative

¹ Pursuant to 105 CMR 153.023(A)(3), a facility is required to give notice of intent to close and draft closure plan to (a) each resident of the Facility and where applicable the resident's legal representative; (b) the designated family member of each resident; (c) the Facility's resident council; (d) the Facility's family council; (e) each staff member of the Facility; (f) every labor organization that represents the Facility's workforce during the period of the transfer of ownership. The Facility does not currently have residents; therefore, the aforementioned parties are not listed to receive the Notice of Intent to Close and Closure Plan.

HUSCH BLACKWELL

Stephen Davis, Director
Massachusetts Department of Public Health
Division of Health Care Facility Licensure and Certification
May 17, 2023
Page 2

care beds to meet the demand for acute care services. The Facility currently has no residents and has made the decision to permanently cease operation of its rehabilitative care beds.

The Facility's representative who interested parties may contact with questions regarding the proposed closure is Eric Stastny, Senior Vice President of Operations and Chief Operating Officer, by email at ESTastny@emersonhosp.org or by phone at (978) 287-3074.

A public hearing will be held on the proposed closure at least ninety (90) days prior to the proposed closure date. At least fourteen (14) days prior to the public hearing, the Facility will provide: (i) a copy of the Closure Plan; and (ii) written notice regarding the date, time, and place of the hearing to each person who is receiving this Notice of Intent to Close. Interested parties may file comments on the proposed closure and the Closure Plan with the Department up until the date of the public hearing.

Thank you for your attention to this matter. If you have any questions, please contact me at 617-598-6758 (andrew.levine@huschblackwell.com).

Sincerely,

HUSCH BLACKWELL LLP



Andrew S. Levine

Enclosure

cc: E. Kelley (DPH)
W. Mackie (DPH)
Carolyn Fenn, Office of the State LTC Ombudsman
Krystyn Milone, Office of the Local LTC Ombudsman
C. Gallery Esq. (EH)