

# HUSCH BLACKWELL

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November 9, 2022

## REVISED LETTER

### Via Email

Stephen Davis, Director

Division of Health Care Facility Licensure and Certification

Department of Public Health

67 Forest Street

Marlborough, MA 01752

Re: Saint Elizabeth's Medical Center– Closure of Outpatient Dialysis Unit

Dear Mr. Davis:

This letter is submitted on behalf of Steward Health Care System LLC, which owns and operates Saint Elizabeth's Medical Center, located at 736 Cambridge Street, Brighton, MA 02135 (the "Medical Center"), in follow-up to the initial essential services closure notice that the Medical Center filed on October 11, 2022 with the Department of Public Health (the "Department") and the appropriate parties required by the Department's regulations. Pursuant to 105 CMR 130.122(B), the Medical Center hereby provides the required ninety (90) day notice to the Department of the proposed closure of its Outpatient Dialysis Unit (the "Unit") at the Medical Center.

The Medical Center has experienced a decline in outpatient dialysis visits. The outpatient dialysis services performed at the Unit (the "Service") has significantly declined. The proposed closure of the Service will result in minimal impact on patients due to alternative, comparable services offered at nearby facilities identified below.

In compliance with 105 CMR 130.122(B), the following information regarding the closure is provided for the Department's review.

1. Current Utilization Rates. The following table details the Service for the last two fiscal years ("FY"), including nine months of FY22.

<b>Outpatient Dialysis Services</b>	<b>FY20</b>	<b>FY21</b>	<b>FY22 through July</b>
Treatments per Year	11,389	10,370	5,555
*Average Treatments per Day	36.5	33.2	30.9

\*Average based on a 6-day week

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As illustrated in the table above, the Medical Center's Unit has experienced a low Average Per Daily Census ("ADC") over the past two years and year to date. The continued low ADC is evidence of insufficient demand to continue to operate the Unit.

2. Impact of Discontinuance. The Medical Center does not anticipate significant impact on patients in the Medical Center's service area. Patients can be placed at other dialysis centers in the area. The Medical Center has aligned with dialysis providers, including Dialysis Clinic, Inc., ("DCI") and Fresenius Medical Care ("Fresenius"), who have both indicated they have capacity for additional patients. DCI has four locations in and around Boston, and Fresenius, whose North American headquarters is based in Waltham, MA, has more than 20 dialysis clinics within 25 miles of Boston. DCI is the nation's largest non-profit dialysis provider with approximately 230 outpatient dialysis clinics in 28 states, and Fresenius Medical Care is the global leader in outpatient dialysis care: overseeing 2,600 outpatient dialysis clinics in North America and providing care for more than 200,000 patients annually. Given the dedicated and sole focus of outpatient dialysis care that is the mission of DCI and Fresenius, the Medical Center's outpatient dialysis patients will receive the highest quality of care at these facilities. In addition, four physicians at the Medical Center will be part of the medical staff at these dialysis providers to ensure continuity of care and maintaining patient-provider relationships. Patients may also continue to seek care from their nephrologist at the Medical Center. Further, there will be no impact on staff. The Medical Center will offer the registered nurses other opportunities at the Medical Center and there will be staffing opportunities for the technicians at DCI.
3. Date Set of Discontinuance. This ninety (90) day notice is hereby provided for a target closure date of February 7, 2023.
4. Community Engagement and Planning Activities. The Medical Center conducted the following community engagement and planning activities with respect to the closure of the Service:
  - On October 7, 2022, the Medical Center communicated with the following local and state elected officials regarding the closure of the Service: office of State Representative Kevin Honan, office of State Senator William Brownsberger, office of Michelle Wu, Mayor of Boston, and office of Boston City Councilor, Liz Breadon.
  - The Medical Center has informed the Patient and Family Advisory Council. The Medical Center physicians and staff are working closely with the patients who will be impacted by the closure and will continue to communicate with those patients until they find alternative sites for their dialysis treatment.
  - The Medical Center's nephrologists met with affected patients to inform them of the upcoming change in the outpatient dialysis program. During the meetings the physicians also shared a notification letter from the Medical Center's President.

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- Labor Relations teams met with representatives of the Service Employees International Union (SEIU) and Massachusetts Nurses Association (MNA).
- The Medical Center's President informed the Medical Center's staff and Board of Directors of the decision to close outpatient dialysis services.

Thank you for your attention to this matter. If you have any questions, please contact me at 617-598-6758 or Deborah Medeiros at 401-454-0400.

Sincerely,



Andrew S. Levine

cc: E. Kelley, DPH  
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Health Policy Commission  
Office of the Attorney General (Massachusetts)  
Center for Health Information and Analysis  
Executive Office of Labor and Workforce Development