



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Care Safety and Quality
Division of Health Care Facility Licensure and Certification
67 Forest Street, Marlborough, MA 01752

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July 27, 2021

Andrew Levine, Esq.
Summit Health Law Partners
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Boston, MA 02108
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BY EMAIL ONLY

Re: **Essential Services Finding**
Facility: Anna Jaques Hospital
Services: 8 Bed Pediatric Service
Ref. #: 2006-367

Dear Attorney Levine:

On July 20, 2021, the Department of Public Health (the "Department") held a public hearing in response to the notification received from you on behalf of Anna Jaques Hospital regarding their proposed plans to discontinue Inpatient Pediatric Service at Anna Jaques Hospital (the "Hospital") in Newburyport, MA, effective September 24, 2021. As a result of its review, the Department has made a finding that the services provided by the Hospital are in fact necessary for preserving access and health status within the Hospital's service area.

Accordingly, pursuant to 105 CMR 130.122(F), the Hospital is required to prepare a plan that details how access to inpatient Pediatric Service will be maintained for the residents of the service area. The plan must be submitted to the Department no later than 15 calendar days of receipt of this letter. The Hospital's plan must include the elements specified in 105 CMR 130.122(F) as listed below:

(1) Information on utilization of the services prior to proposed closure;

- (2) Information on the location and service capacity of alternative delivery sites. Include an explanation of the basis for the Hospital's determination that the alternative delivery sites **do** or **do not** have the capacity (necessary space, resources, etc.) to handle the increased patient volume at the identified sites. To support that assertion, please provide the following specific details:
 - (a) Current utilization at these alternative sites;
 - (b) Type of services available at the alternative sites;
 - (c) Type of medical diagnoses accepted; and
 - (d) Adequacy of space and resources at the alternative sites.
- (3) Travel times to alternative service delivery sites, for both peak and non-peak travel times, and an explanation as to the source for this information or what these estimates are based on;
- (4) An assessment of transportation needs post discontinuance and a plan for meeting those needs;
- (5) A protocol that details mechanisms to maintain continuity of care for current patients of the discontinued service; and
- (6) A protocol that describes how patients in the Hospital's service area will access the services at alternative delivery sites. The protocol should specifically address the following:
 - (a) The process that will be employed to effectively refer patients to other facilities or providers;
 - (b) The impact that this may have on the current occupancy rates at alternative delivery sites;
 - (c) The ability of the alternative delivery sites to meet the needs of these patients; and
 - (d) Other alternatives if medical needs cannot be accommodated at the proposed alternative sites.

In addition to the regulatory elements listed above, and in light of the Department's review of comments on the proposed closure, your plan must also address the following:

- (1) **Pediatric Advisory Council:** Based on opening remarks given by the Hospital at the July 20th hearing, the Hospital has created a Pediatric Advisory Council. The plan which you are required to submit must address the makeup of this council and whether it represents the diversity of the community served by the Hospital.
- (2) **Day Surgery:** Based on opening remarks given by the Hospital, Anna Jaques Hospital will continue to provide outpatient services, including day surgery and emergency services. The plan which you are required to submit must address how the Hospital will address the potential need for a day surgery pediatric patient to stay overnight.

- (3) **Transportation:** Based on the 90-day notice submitted by the Hospital to the Department on June 26, 2021, patients will continue to have access to nearby hospitals for inpatient pediatric services following the closure of Pediatric Service at Anna Jaques Hospital. The plan which you are required to submit must address how the Hospital will assist families and patients with transportation when inpatient care is needed. Additionally, the Hospital must provide information on methods of transportation for patients who need access to inpatient care after the elimination of Pediatric Service.

Under the provisions of 105 CMR 130.122(G), the plan the Hospital submits to the Department will be reviewed to determine if it appropriately assures access to the essential services in question following the plans to discontinue operation of inpatient Pediatric Service at Anna Jaques Hospital.

Thank you for your continued cooperation in this process. If you have any questions, please contact Sherman Lohnes at Sherman.Lohnes@Mass.Gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'SL', written in a cursive style.

Sherman Lohnes
Division Director

cc: E. Kelley, DPH
S. Davis, DPH
R. Kaye, DPH
M. Callahan, DPH