



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 & Certification
67 Forest Street, Marlborough, MA 01752

CHARLES D. BAKER
Governor

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Lieutenant Governor

MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPH
Commissioner

Tel: 617-624-6000
www.mass.gov/dph

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Vanessa L. Smith, Esq.
Senior Vice President & Chief Legal Officer
Baystate Health
280 Chestnut Street
Springfield, MA 01199
Vanessa.Smth@baystatehealth.org

BY EMAIL ONLY

Re: Essential Services Finding

Facility: Baystate Mary Lane Outpatient Center
Services: Satellite Emergency Facility and Hospital-Based
Services
Ref. #: 2PW2-008

Dear Attorney Smith:

On April 1, 2021, the Department of Public Health (the "Department") held a public hearing in response to the notification received from you on behalf of Baystate Wing Hospital Corporation (the "Hospital") regarding their proposed plans to close the Satellite Emergency Facility and discontinue operation of other hospital-based services at Baystate Mary Lane Outpatient Center (the "Satellite") in Ware, MA, effective June 1, 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 Emergency Service and other hospital-based services 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) **Engagement with Local Officials:** Based on testimony presented at the April 1, 2021 hearing, concern was expressed that the Hospital failed to appropriately communicate with state and local officials, several of whom

indicated they heard about the closure through social media rather than directly from Baystate Health, the timing of the closure and Baystate Health's assertion that it would be cost prohibitive to renovate the Satellite location while at the same time making a significant capital commitment to its Springfield location. The plan which you are required to submit must address how the Hospital will ensure there is ongoing meaningful engagement with local officials as well as community groups to address their concerns, and to get their input on the development and implementation of a plan to ensure access in the future.

- (2) **Transportation:** Testimony presented at the hearing on April 1, 2021 raised concerns regarding access to transportation by members of the community given the limited public transportation in the Satellite's service area. Specifically, concern was expressed over the impact on members of the community who do not have a car and will need to travel as far as Springfield to receive cancer care. The plan which you are required to submit must address methods of transportation for patients who will need to travel outside of Ware to access services they are currently receiving at the Satellite.
- (3) **Emergency Department Transport Times:** Testimony presented at the hearing on April 1, 2021 raised concerns over the increased transport time to Baystate Wing Hospital in Palmer, with an emphasis on the increased transport time for area emergency medical services coming from towns north of Ware. Additionally, concern was raised regarding the planned work on a Route 32 bridge which runs between Ware and Palmer. The plan which you are required to submit must provide information on steps taken by the Hospital to reach out to those towns whose ambulance services will experience longer transport times to discuss the impact of the closure and what can be done to mitigate transport times to Palmer before, during and after construction on the Route 32 bridge.
- (4) **SEF Utilization Data:** Baystate Health's opening statement at the April 1, 2021 hearing indicated that there are two or three ambulance arrivals at the SEF daily and on average less than one transfer per day via ambulance to another facility. Testimony presented by the Ware Fire Chief at the April 1, 2021 hearing indicated their records show three or four ambulance arrivals at the SEF from their town alone. In addition to data on the utilization of the SEF prior to closure, the plan which you are required to submit must include data sourced from emergency medical services and community partners throughout the Satellite's service area.
- (5) **Emergency Services:** Based on written comments submitted to the Department regarding the April 1, 2021 hearing, concern was expressed regarding the closure of the SEF and the affect this will have on patients experiencing behavioral health crises. The plan which you are required to

submit must include information on steps taken to ensure patients experiencing behavioral health crises receive the emergency care they require.

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 close the Satellite Emergency Facility and discontinue other hospital-based services at Baystate Mary Lane Outpatient Center.

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

Sincerely,



Sherman Lohnes
Division Director

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