



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

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June 3, 2021

Andrew Levine, Esq.
Barrett & Singal
One Beacon Street, Suite 1320
Boston, MA 02108

BY EMAIL ONLY

Re: Essential Services Finding

Facility: Steward Good Samaritan Medical Center
Services: Inpatient and Outpatient Substance Use Disorder Services
Ref. #: 2KGH-006

Dear Attorney Levine:

On May 20, 2021, the Department of Public Health (the "Department") held a public hearing in response to the notification received from you on behalf of Steward Good Samaritan Medical Center, Inc. (the "Hospital") regarding the Hospital's proposed plan to discontinue inpatient and outpatient Substance Use Disorder Services at Norcap Lodge, 71 Walnut Street, Foxborough, MA, effective September 1, 2021. As a result of its review, including testimony presented at the hearing and submitted in writing, 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 and outpatient Substance Use Disorder 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 testimony on the proposed closure, your plan must also address the following:

- (1) **Timing of Closure:** In your letter of notice dated November 23, 2020, you indicate that "...discontinuance of the Services at Norcap is anticipated to coincide with the opening of SUD services at Morton pursuant to DoN approval for the proposed project." Based on testimony submitted to the Department and presented at the hearing on May 20, 2021, concern was expressed regarding the timing of anticipated filings, construction and the approval of replacement services. The plan which you are required to submit must include specific steps and an anticipated timeline for the opening of replacement services, and whether the Hospital will commit to maintaining current services until replacement services have opened.
- (2) **Ongoing Access to Level 3 Substance Use Disorder Services:** Based on testimony submitted to the Department, concern was expressed that while Morton Hospital will be the future site of Level 4 substance use disorder

services, it was unclear as to where those in need of Level 3 substance use disorder services would go for care. The plan which you are required to submit must address the availability of Level 3 substance use disorder services following the proposed closure of Norcap Lodge.

- (3) **Utilization of Services:** Based on testimony presented at the hearing on May 20, 2021 hearing, concern was expressed regarding statements made on behalf of the Hospital that there has been a decline in census from 80% to 52% over the last year, and how much of that was due to lower use of hospital services overall due to COVID-19 concerns. The plan which you are required to submit must include information on utilization of the services prior to proposed closure by month for calendar years 2018 and 2019, and the Hospital's assessment for the utilization of services following the end of the COVID-19 State of Emergency.
- (4) **Engagement with Community Groups:** Based on testimony submitted to the Department and presented at the May 20, 2021 hearing, concern was expressed as to how the Hospital will ensure there is transparency and accountability, and communication with the local community, including elected officials, emergency medical services providers, and community members. The plan which you are required to submit must address how the Hospital will continue to provide information on an ongoing basis to the community to ensure they are aware of the impact of the discontinuance of these services, and how the Hospital will obtain community input on the development and implementation of its plan to ensure access in the future.

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 Norcap Lodge.

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
Director

cc: E. Kelley, DPH-BHCSQ
M. Callahan, DPH-BHCSQ
S. Davis, DPH-DHCFLC
R. Kaye, DPH-OGC