

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
250 Washington Street, Boston, MA 02108-4619

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

MARGRET R. COOKE
Acting Commissioner

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

November 23, 2021

Carolyn Jackson, Chief Executive Officer
Saint Vincent Hospital
123 Summer Street
Worcester, MA 01608

Dear Ms. Jackson,

As a follow up to the letters sent by the Department of Public Health (“the Department”) to Saint Vincent Hospital (“the Hospital”) on July 30, 2021 and August 14, 2021 regarding the reduction in services, the Department has determined that the closure of all inpatient behavioral health beds constitutes the closure of an essential service in its entirety and triggers the requirements of the essential service hearing process at 105 CMR 130.122. Although the Hospital has asserted that the closure of these beds is temporary due to the ongoing nursing strike, these beds have been closed for more than three months. The Department has repeatedly requested that the Hospital provide a date certain for the inpatient behavioral health beds reopening and the Hospital has failed to provide one. In our most recent call, you clearly stated there is no plan in place to reopen the beds. **Therefore, at this time, the Department requires that the Hospital begin the essential services process for the closure of the Hospital’s inpatient behavioral health services or immediately plan to reopen these essential services.**

On July 28, 2021, you informed the Department that on August 2, 2021, the Hospital would reduce the number of inpatient behavioral health beds from 20 to 10 beds. On August 12, 2021, the Hospital informed the Department that it intended to close its remaining behavioral health beds on August 16, 2021. These beds were temporarily closed on August 16, 2021.

Since that time, the Department has relied on the Hospital’s assertion that these behavioral health beds would be reopening as soon as possible, no later than after the end of the Massachusetts Nurses Association (the “MNA”) strike which the Hospital anticipated would be less than six months. In the following weeks the Hospital reported the following:

- On September 8, 2021, the Hospital indicated that it was approximately 2 weeks away from reopening the behavioral health beds.
- On September 20, 2021, the Hospital indicated that one more over-night registered nurse was required for the hospital to reopen 10 of the behavioral health beds.

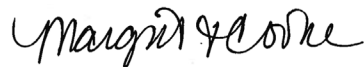
- On September 29, 2021, the Hospital informed the Department that the final position needed to be filled to reopen 10 of the behavioral health beds was filled and if confirmed, onboarding would be completed in approximately 2 weeks.
- On October 6, 2021, the Hospital informed the Department that instead of prioritizing reopening the behavioral health beds, their focus had shifted to maximizing the use of the behavioral health beds at Leonard Morse. Following that decision, the Hospital has kept the Department informed of the number of individuals who were at the Hospital, requiring behavioral health beds, and were boarding in the Emergency Department and the number of beds available at Leonard Morse.

Further, since August 2021, the Hospital has continuously reported to the Department that there has been no movement to resolve the dispute with the MNA, providing no assurance as to the reopening of this essential service.

While the Hospital has continued to assert that it will open the behavioral health unit upon the end of the strike, or sooner if they are able to get enough staff to safely open, no progress has been made on either front and you have provided no plan to the Department. Given that the inpatient behavioral health beds have been closed for more than three months, the nursing strike has not been resolved and the Hospital has made no plans to acquire additional nursing staff to re-open the beds, the Department expects that within **10 calendar days** of receipt of this letter that the Hospital will inform the Department and the parties outlined in 105 CMR 130.122(B) of its intent to submit notice to close the inpatient behavioral health beds. The Department expects that the Hospital will then follow the essential services closure timeline and process outlined in 105 CMR 130.122 to ensure the Department may schedule a timely hearing. Failure to meet these requirements may result in a fine of no less than \$1,000 and not more than \$10,000 for each day the deficiency continues to exist. If the Hospital reopens all of the behavioral health beds prior to the hearing, the Department will cancel the scheduled hearing.

If you have any questions, please contact Steve Davis, Director, Division of Health Care Facility Licensure and Certification, Bureau of Health Care Safety and Quality.

Sincerely,



Margret R. Cooke
Acting Commissioner

Cc: E. Kelley, BHCSQ
S. Davis, DHCFLC