



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

MAURA T. HEALEY
Governor

KIMBERLEY L. DRISCOLL
Lieutenant Governor

KATHLEEN E. WALSH
Secretary

ROBERT GOLDSTEIN, MD, PhD
Commissioner

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

June 1, 2023

Andrew Levine, Esq.
Husch Blackwell, LLP
One Beacon Street, Suite 1320
Boston, MA 02108-3106
Andrew.Levine@huschblackwell.com

BY EMAIL ONLY

Re: Essential Services Finding
Facility: Morton Hospital
Services: Morton Hospital's Comprehensive Addiction Program ("MORCAP")
Ref. #: 2022-606

Dear Attorney Levine:

On May 18, 2023, the Department of Public Health (the "Department") held a public hearing in response to the notification received from you on behalf of Morton Hospital, A Steward Family Hospital Inc. regarding their proposed plans to discontinue operation of Morton Hospital's Comprehensive Addiction Program ("MORCAP") at Morton Hospital (the "Hospital") in Taunton, MA, effective June 27, 2023. MORCAP consists of 32 licensed substance use treatment beds. 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 Substance Use Disorder Services will be maintained for 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, with emphasis on staffed vs. unstaffed beds, prior to proposed closure;
- (2) Information on the location and service capacity of alternative delivery sites, including Carney Hospital. 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;
- (6) A protocol that describes how patients in the Hospital's service area will access the equivalent services, i.e. level 4 beds, at alternative delivery sites. The protocol should specifically address the following:
 - (a) The process that will be employed to directly facilitate patient referrals and placement at 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, in compliance with applicable requirements of BSAS approval under 105 CMR 164, if medical needs cannot be accommodated at the proposed alternative sites;
- (7) Information on ongoing provision of services at MORCAP until such time as additional capacity is operational at Carney Hospital; and
- (8) Information on Steward Health Care System, LLC's ("Steward") anticipated timing for determination of need to add 25 Level 4 substance use disorder beds at Carney Hospital, as referenced in outside counsel's April 20, 2023 letter submitted to the Department on behalf of Steward.

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) **Transportation:** Based on testimony submitted to the Department and presented at the hearing on May 18, 2023, concern was expressed regarding the ability of patients who lack resources to reach alternative providers. The plan which you are required to submit must address how the Hospital will assist families and patients who need access to transportation once MORCAP is closed.
- (2) **Equity & Inclusion:** Based on testimony presented at the hearing on May 18, 2023, concern was expressed regarding the closure of MORCAP having a disproportionate effect on marginalized communities. The plan which you are required to submit must address this issue and include details on what will be done to ensure transition plans are in place for marginalized patients including MassHealth patients. Additionally, the plan which you are required to submit must address the Hospital's plans to meet the cultural and linguistic needs of patients from the Taunton area community when referring these patients to alternate facilities.
- (3) **ED Boarding:** Based on testimony presented at the hearing on May 18, 2023, concern was expressed regarding the effect the closure of MORCAP will have on ED boarding at area hospitals. The plan which you are required to submit must include information on steps taken to ensure patients in need of substance use disorder treatment beds will have access to an alternative care site once MORCAP has closed.
- (4) **Community Engagement:** Based on testimony presented at the May 18, 2023, hearing, concern was expressed that Morton Hospital failed to appropriately communicate with the local community to assess the impact of eliminating these services on patients in need, and possible alternatives to the elimination of substance use disorder treatment beds at MORCAP. 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.
- (5) **Staffing:** Based on testimony presented at the hearing on May 18, 2023, concern was expressed regarding continued staffing problems at MORCAP and the Hospital's practice of floating staff to other areas while capping the census of MORCAP. The plan which you are required to submit must detail the efforts taken to adequately staff MORCAP for 32 substance use disorder treatment beds.

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 Morton Hospital's Comprehensive Addiction Program at Morton Hospital.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Step Davis". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

Stephen Davis
Division Director

cc: E. Kelley, DPH
J. Bernice, DPH
R. Kaye, DPH
A. Mehlman, DPH
M. Callahan, DPH
E. Weil, DPH
M. Butler, DPH
T. McNamara, DPH