



April 13, 2020

The Honorable Maura Healey
Office of the Attorney General
1 Ashburton Place, 20th Floor
Boston, MA 02108

Dear Madam Attorney General,

We write to ask for your intervention in these extremely urgent situations:

In the midst of the COVID-19 crisis, Steward Health Care indefinitely closed the Intensive Care Units (ICU) at Nashoba Valley Medical Center (NVMC) in Ayer and Holy Family Hospital's Merrimack campus (the former Merrimack Valley Hospital) and Cape Cod Health Care (CCHC) announced the permanent closure of maternity and pediatrics at Falmouth Hospital. All were shuttered without the required 90-day notice to state and local authorities, and without the owner's submission of plans and public hearings that are explicitly required under 105 CMR 130.122. The attached letter to Health and Human Services Secretary Sudders provides more detail.

The closure of both ICUs place the hospitals' communities in *imminent* danger during the COVID-19 crisis. The permanent closure of essential services at Falmouth Hospital continues the rapid elimination of these services throughout Southeast Massachusetts and the Cape.

We ask your office to act in coordination with the DPH to order the hospitals to reopen the services in compliance with 105 CMR 130.122. We also write with a *second concern* that is appropriate to bring to your office:

There is evidence to suggest that Steward might use this crisis to permanently close NVMC:

- Since the closure of the ICU on April 2, the hospital's daily census of admitted patients has been reduced to as close as a hospital can be to zero (< 10 inpatients);
- The administration is aware that the local *EMS services are no longer bringing patients to the hospital* since the April 2 closure. This past weekend staff saw equipment including but not limited to number of IV pumps and ventilators had been moved out of the hospital.
- In September, the owner, Steward, made a written threat to close the hospital, which was reported in the press and was widely known among elected officials;

- We ask whether this is an attempt to *create* the conditions by which the company would argue permanent closure to be “necessary”, and/or to create the conditions for a threat of closure to create a ransom situation in which the state must provide millions to the for profit owner or be blamed for the closure. Events during the COVID-19 crisis in Pennsylvania argue for this possibility:

A few weeks ago, in an act tantamount to extortion, Steward Healthcare in threatened that it would close the hospital it recently purchased in Easton, PA effective April 1 in the middle of the COVID19 crisis unless the state government met demands by midnight the same day it issued the threat:

Steward gave the state of Pennsylvania “until midnight” on the day of a letter “to assume operations and responsibility” of the hospital, saying, “If the Commonwealth has no interest in assuming all operating expenses and liabilities of Easton Hospital, Steward Health Care will proceed immediately on planning to close the facility [to take place April 1],” Steward Health Care System LLC executive Dr. Michael Callum wrote in a letter to Gov. Tom Wolf. Attached are several articles reporting on subject

While these actions should not be sanctioned at any time, certainly in the midst of the worst pandemic in 100 years these actions are opportunistic and offensive, and we hope your office will in take immediate action to rectify the situation.

Sincerely,

A handwritten signature in cursive script that reads "Donna Kelly-Williams, RN". The signature is written in black ink and has a fluid, elegant style with a large, sweeping flourish at the end.

Donna Kelly-Williams, RN
President, Massachusetts Nurses Association