

Governor Paul LaPage
State House
Augusta, Maine

January 6, 2014

Dear Governor LaPage,

I am writing to you today in response to a hand-written note I received from you on 8/12/13. It was kind of you to take time out of your busy schedule to write to me. Please find a copy of that note attached. Your statement was that “state law does not allow the Governor to intervene unless it is a matter concerning the Certificate of Need which this is not.” In closing, you shared, that you would be willing to persuade people in our favor, but could make no promises.

I also received a letter, on 8/15/2013, from Mary Mayhew, Commissioner of Health and Human Services, stating that the Certificate of Need process was not subject for review in this situation.

So here we were. We had heard from the Attorney General that she could do nothing to help stop the closure of our hospital. We had heard from the Governor that a Certificate of Need was not necessary and the same from the Commissioner of Health and Human Services. And we sat and watched as Maine Health and Lincoln County Health removed critical services, personnel, and equipment from the St. Andrews Campus to the Miles Campus. The Emergency Department was converted to an Urgent Care Facility on October first and all skilled beds were removed. In essence, we now have a “Doc in The Box” from 8 AM to 8 PM. An ambulance cannot take clients to the facility and patients in the region must go elsewhere to heal—shuffled about because of the lack of skilled beds in Lincoln County.

Shortly before October first, Lincoln County Healthcare announced that they were going to close Miles Memorial...giving up its license...and expand the St. Andrews license and Critical Access Designation to cover two campuses—one in Boothbay Harbor and one in Damariscotta. In so doing, they eliminated the 25 skilled beds in Boothbay Harbor and dropped from 38 to 25 in Damariscotta, essentially leaving all of Lincoln County with only 25 skilled beds. We, again, became concerned that there was no Certificate of Need process in place (thereby denying us the right to speak) so we contacted our lawyer, Julius Ciembronowicz who is with Kozak and Gayer in Augusta, and who specialize in Healthcare administrative law. His opinion was that in order for two entities to merge/reorganize and give that new entity a new name a Certificate Of Need is required. Due process would have allowed a public hearing to take place prior to obtaining a CON. The reverse happened in our situation. The hearing was held on Thursday December 19th and the way in which the community found out about the hearing was through a notice posted in the local newspaper, The Boothbay Register. The hearing was scheduled to be held in Augusta, just five days before Christmas. We had a very short time to prepare testimony. At our request, the hearing was moved to Boothbay Harbor which was a tremendous help to our elderly community as we are the oldest population in the oldest county in the State of Maine. We were stunned to find that Maine Health was applying

for a Certificate of Need—not only for the recent reorganization--but also for the merger that created Lincoln County Healthcare in 2008.

I have been entrenched in the closure of St. Andrews Hospital for well over a year now. This experience has exposed me to the workings of Government in our state. I am a taxpayer and I really want to believe that my state government works for the people. I personally, have met with you—the governor—the attorney General, Janet Mills—and I have been to Augusta twice to testify before legislative committees and now have testified before the CONU. I feel very much as if I have been let down by the system and I want desperately to believe that our government really does work for the people.

If you will please answer the following questions for me, I would like to renew my faith in the Maine State Government.

1. Why wasn't MaineHealth required to submit a CON application before they merged the two hospitals in 2008 and again, when they reorganized to form a new entity in 2013.
2. How will MaineHealth be held accountable? Is there a penalty for each of these oversights? The community anticipates that the State will apply strict conditions if a CON is granted.
3. How will the State rectify the fact that, having not acquired a CON in 2008, Maine Health deprived the citizens of the Boothbay Peninsula of needed healthcare services by closing our hospital? Putting it another way, who holds the AG and the CONU accountable for not carrying out the law in the State of Maine by not requiring MaineHealth and LCH to apply for a CON before they reorganized our hospital and moved it off of the peninsula?
4. If you were to read the CON application submitted late in November 2013 by MaineHealth, you would see that they did so under protest because, we have found out, they had also asked state officials whether a CON was necessary and were told no. Is there written confirmation that MaineHealth requested an opinion on the need for a CON?

Ideally, we would like to have MaineHealth return the St. Andrews Hospital organization to what it was prior to 2008. You should know that, on two separate occasions, 87% of the voters who came to the polls (November elections and town meetings) voted to keep our hospital open. We repeatedly spoke for these people—at legislative hearings, in the newspaper, and in letters to our representatives—and no one listened. This 87% of taxpaying community members are voters. Now is the time to get their votes by helping us keep MaineHealth honest.

By copy of this letter to the Attorney General, I would ask her these questions:

1. At our meeting early last summer, you advised us that should the property occupied by St. Andrews Hospital be sold, the proceeds should revert to the town of Boothbay Harbor. Is it still your opinion that this is the case?

2. We are aware that in March of 1999, Lincoln County Health and its subsidiaries, entered into a Master Trust Indenture making St. Andrews Hospital jointly responsible for the then-existing approximate 192 million dollars debt of MaineHealth. In the event that this facility is closed, who is responsible for the debt?

If we had not hired an attorney, this would all be over by now but we continue to have hope. In your note to me, you offered your help and now I hope you can help me to make some sense of this situation which really is embarrassing for everyone. If you, or anyone in your administration, can supply me with the answers to my questions I then can help my community members to understand what went wrong here. How could this have happened, who is accountable, will there be a penalty for MaineHealth not applying for a certificate of need, and what can we expect to get out of this?

Once again, thank you so much for your hand-written note back in August and for the time you spent with me and my colleagues—what was supposed to be a fifteen minute meeting turned into well over an hour of your valuable time. It was my pleasure to meet you. You are the first Governor with whom I have had the opportunity to discuss something so close to my heart and the hearts of the people of my community.

Sincerely,

Jane B Good, V.P. Boothbay Region Health & Wellness Foundation
Southport, Maine

CC: Janet Mills, Maine Attorney General
Mary C. Mayhew, Commissioner Health & Human Services
Larry Carbonneau, Certificate of Need Unit, Health & Human Services