

NURSING HOME CLOSURE HIGHLIGHTS CARE ISSUES

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Several families of residents who are being displaced by the closing of The Greenery nursing home in North Andover on Aug. 8 said they are having difficulties finding new homes for their relatives because of a regional shortage of specialized nursing home beds for brain-injured and other long-term-care patients under age 60.

"I can put my daughter Kelly in any old nursing home, but for her to thrive as she has at The Greenery means finding her a place that deals effectively with her condition, and they are few and far between," said Mary Jo Hayes of Andover. She said Kelly, 35, suffered an accidental gunshot injury 13 years ago.

"Not only has The Greenery been convenient, allowing us to bring her home on weekends, it has offered terrific care," said Hayes. "At any regular nursing home Kelly would be spending her days in her room watching TV."

Scott Schuster, president of Needham-based Senior Residential Care, which owns The Greenery, said his company is closing the 120-bed nursing home because he has been unable to resolve a dispute over the ownership of the facility's parking lot and outdoor recreation area.

He said of the 117 patients who are being displaced, he expects to find alternative living situations for all of the geriatric patients at facilities located within the state's guideline of 25 miles of The Greenery, also known as the North Andover Skilled Care Center.

Of the 40 patients with traumatic brain injuries, 16 have been offered new homes at other facilities in Massachusetts, leaving 24 to place, he said.

"These patients can be difficult to place because depending on their particular condition and care needs, they require specialized care not all nursing homes are in a position to provide," Schuster said. "We are working very hard to find appropriate placements within our system or at other nursing homes. So far it has been going very smoothly."

But Hayes, along with Paula King of North Andover and Diane Amoto of Methuen, who have family members at the facility, said they are angry over the abrupt notice they were given and are not convinced the level of care in a new facility will be similar.

None of the three residents had been placed in a new home as of last Wednesday, the relatives said.

"For me the issue is what 'appropriate' means because I cannot find a facility in the area that will take my sister under the same conditions which The Greenery did," Amoto said. She explained her sister, Doris DeSisto, 52, suffers from multiple sclerosis and is mobile enough to leave the facility on her own occasionally.

"Any other nursing home would require that she be confined," Amoto said.

Hayes said she is still reeling from the short notice she was given that the facility was closing.

"Six months ago they were telling us they were going to make the brain trauma program a model for the country," said Hayes. "Then we get called at 3 p.m. on June 11 to come to an emergency meeting at 6 p.m. and we learn the facility is closing. What is going on?"

The state Department of Public Health granted Senior Residential Care permission to close the facility in a June 11 letter, according to Paul Dreyer, head of the division of health care quality. Dreyer said the state has no power to prevent a facility from closing.

"Whether a facility closes is up to the owner because it is a private business," he said. "The only control the state has is over the pace and manner of the closing."

State law requires that Senior Residential Care give the residents in its care and their guardians 60 days' notice, which the company did on the same day it received permission to close.

Schuster's company purchased The Greenery from the HealthSouth Corp. of Birmingham, Ala., last August, and Schuster said he and his attorneys knew at the time there was an ownership issue with two of the three parcels.

Schuster said he gave HealthSouth a year to work out its property ownership issue with HRPT Properties Trust of Newton, which is claiming that HealthSouth never had the legal right to sell the property to Schuster's company.

"Instead of a resolution, we have been sued by HRPT and ordered to vacate the property," he said. "I will not be forced to pay twice for a property because I do not think spending money in this manner contributes to better patient care."

Schuster, who said he is aware of the anxiety his residents and their families are feeling, said his company made major capital improvements in the facility's physical plant in the past year because "we had big plans there."

"No one is sorrier about this than we are," he said. "We have no other alternative than to shut this facility down."

He added his company has no plans to sell the building or develop it for other uses.

"Any decision with regard to the closing of the nursing home facility was made solely by Senior Residential Care without consulting HealthSouth," said HealthSouth spokesman Andrew Brimmer. He said because of pending litigation he could not comment further.

Philip Y. Brown, the lawyer for HRPT, which he described as a real estate holding company, said his client has offered to sell the property to either HealthSouth or to Senior Residential Care for \$750,000. Alternatively, his client has suggested that Senior Residential Care could use the

parking lot and recreation area if it puts \$1 million in escrow pending the resolution of litigation, which is before the state's Land Court.

"We are as surprised as anyone they are using the parking lot dispute as the reason for closing this nursing home," he said, noting that the legal proceedings are in their early stages.

Dreyer at the state Department of Public Health said his office has been closely monitoring the closing and expects Schuster will be able to find "appropriate" placements for all the residents, including the 40 who are brain injured.

Schuster said his staff is committed to working out the range of challenging placement issues.

"We are proud of the level of care we provide, and we will do the right thing," he said, noting several of the patients will be placed at other nursing homes owned by Senior Residential Care, including Wingate in Andover and Wingate in Reading.

The closest Senior Residential Care facilities with a brain injury unit are in Middleborough and Worcester, he noted.

The North Andover employees are being offered job opportunities in other area facilities, he said.

In the meantime two state legislators who represent North Andover - state Representative Barbara L'Italien, an Andover Democrat, and David Torrissi, a North Andover Democrat - said they are hopeful they can find a way to keep the facility open.

"If the real reason this facility is closing is because of the low reimbursement rates MassHealth provides to nursing homes, that's something we need to take up in the Legislature," Torrissi said.

L'Italien said that she has asked to meet with state health officials and Schuster in person.

While Schuster said he would be grateful for any assistance in increasing reimbursements that facilities such as his receive from the state and federal government, he was adamant that the issue is not the reason he is shuttering The Greenery.

"Reimbursement rates that are below cost are a well-recognized problem throughout the industry, but that is not the direct cause for this closure," he said. "[The property dispute] is a serious problem that has gone on for over a year and is irreconcilable and irresolvable. It is a little too late to be talking now about a solution."

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