

# United States Senate

WASHINGTON, DC 20510

July 12, 2022

Tom Sands  
President  
Beverly Hospital  
85 Herrick Street  
Beverly, MA 01915

Dear Mr. Sands,

We write concerning Beverly Hospital's planned closure of its North Shore Birth Center in Beverly, Massachusetts and the impact this closure will have on health care workers and women in Massachusetts. Stakeholders have raised concerns that the hospital's decision to close the Birth Center is not predicated on the best interests of patients and staff, and is instead an attempt to shift patients into more lucrative hospital care, padding the hospital's profits.<sup>1</sup> We urge you to prioritize the livelihoods and expertise of your nurses and midwives, and the care and well-being of your patients, and, at minimum, to delay the closure of the Birth Center while you carefully consider other alternatives.

The North Shore Birth Center is a critical resource for women in Eastern Massachusetts, offering women a choice of affordable birthing options and reproductive care in a non-medical setting. Since it opened in 1980, the midwives at the Center have helped deliver nearly 10,000 babies; throughout the coronavirus disease 2019 (COVID-19) pandemic, the Birth Center's midwives continued to help deliver babies despite the risks to their health as frontline workers.<sup>2</sup> Facilities like the North Shore Birth Center have been particularly effective for Black and Indigenous women, who face disproportionate rates of maternal mortality and morbidity.<sup>3</sup> The U.S. has the highest rate of maternal mortality in the developed world – and approximately 60 percent of these pregnancy and birth-related maternal deaths are preventable.<sup>4</sup> This shameful maternal

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<sup>1</sup> Massachusetts Nurses Association, "Northeast Hospital Corp. Nurses (Beverly Hospital & Addison Gilbert Hospital in Gloucester) Vote to Authorize Three-Day Strike to Protest Beth-Israel Lahey Health's Failure to Provide the RN Staffing and Competitive Wages Needed to Stem the Exodus of Nurses to Ensure Safe Patient Care," press release, March 24, 2022, <https://www.massnurses.org/news-and-events/p/openItem/12386>; Massachusetts Nurses Association, "Years of Understaffing Exacerbated by Pandemic Drives 40% Loss of Nursing Staff at Northeast Hospital Corporation (Beverly Hospital & Addison Gilbert Hospital in Gloucester) in the Last Three Years," press release, February 3, 2022, <https://www.massnurses.org/news-and-events/p/openItem/12350>.

<sup>2</sup> The Salem News, "Nurses union files unfair labor charge over Birth Center closing," Paul Leighton, June 10, 2022, [https://www.salemnews.com/news/nurses-union-files-unfair-labor-charge-over-birth-center-closing/article\\_25b49318-e803-11ec-b28c-73d2c6139dd7.html](https://www.salemnews.com/news/nurses-union-files-unfair-labor-charge-over-birth-center-closing/article_25b49318-e803-11ec-b28c-73d2c6139dd7.html).

<sup>3</sup> The Washington Post, "More Black people sought births outside hospitals in 2020, report finds," Lateshia Beachum, April 28, 2022, <https://www.washingtonpost.com/nation/2022/04/28/black-people-birthing-centers-2020/>; The Salem News, "Beverly City Council backs effort to save Birth Center," Paul Leighton, June 9, 2022, [https://www.salemnews.com/news/beverly-city-council-backs-effort-to-save-birth-center/article\\_312cbea8-e72e-11ec-9c49-f3dd642ad406.html](https://www.salemnews.com/news/beverly-city-council-backs-effort-to-save-birth-center/article_312cbea8-e72e-11ec-9c49-f3dd642ad406.html).

<sup>4</sup> The Commonwealth Fund, "Maternal Mortality and Maternity Care in the United States Compared to 10 Other Developed Countries," Roosa Tikkanen, Munira Z. Gunja, Molly FitzGerald, and Laurie Zephyrin, November 18, 2020, <https://www.commonwealthfund.org/publications/issue-briefs/2020/nov/maternal-mortality-maternity-care->

mortality crisis is particularly acute for Black and Indigenous women: for Black women, the maternal mortality rate is over three times higher than it is for white women, and for Indigenous women, the maternal mortality rate is 2.3 times higher than it is for white women.<sup>5</sup> Massachusetts, though typically among the 10 healthiest states, is not immune to racial inequities in maternal mortality: the Massachusetts Department of Public Health found that Black women are almost twice as likely as white women to die during pregnancy or one year postpartum.<sup>6</sup> The Birth Center is thus an essential resource for women of color in North Shore communities like Salem and Lynn, Massachusetts who are seeking nearby midwifery care.<sup>7</sup>

In recent days, former patients, practitioners, community members, and elected officials have rallied in person and online to prevent the Birth Center's closure.<sup>8</sup> They have raised questions about the timing and rationale of Beverly Hospital's decision to close the Birth Center, as well as the lack of consideration given by the hospital to other options.

Principally, the timing of Beverly Hospital's decision raises concerns that the hospital has not negotiated with the Massachusetts Nurses Association (MNA), which represents nurses at Beverly Hospital and midwives at the North Shore Birth Center, in good faith. The MNA concluded negotiations and approved a new contract with Beverly Hospital on May 3, 2022.<sup>9</sup> The new contract awarded midwives a raise of 27 percent to improve hiring and retention at the Birth Center, which the union has alleged has been starved of resources for years.<sup>10</sup> MNA claims that the hospital assured the union "during contract negotiations [that] they were not planning to end the midwifery program in Beverly."<sup>11</sup> However, just eight days after the union approved the contract, the hospital announced it would close the Birth Center. This raises suspicions that if Beverly Hospital made this commitment during bargaining, it misled its employees and did not bargain in good faith.

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[us-compared-10-countries](#); Massachusetts Nurses Association, "Massachusetts: Maternal Services Are Central to Racial and Social Justice," March 2021, <https://www.massnurses.org/files/file/Maternal%20Services%20White%20Paper.pdf>.

<sup>5</sup> Kaiser Family Foundation, "Racial Disparities in Maternal and Infant Health: An Overview," Samantha Artiga, Olivia Pham, Kendal Orgera, and Usha Ranji, November 10, 2020, <https://www.kff.org/report-section/racial-disparities-in-maternal-and-infant-health-an-overview-issue-brief/>.

<sup>6</sup> Commonwealth of Massachusetts, Special Commission on Racial Inequities in Maternal Health, "Report," May 2022, <https://malegislature.gov/Bills/192/SD3168/Bills>.

<sup>7</sup> In discussions with our staff, Birth Center advocates noted that the only other birthing centers in Massachusetts are in Springfield, MA (a two-hour drive from the North Shore) and Cambridge, MA (not currently delivering babies).

<sup>8</sup> GBH News, "Activists rally to save the North Shore Birth Center — again," Kana Ruhalter, June 13, 2022, <https://www.wgbh.org/news/local-news/2022/06/13/activists-rally-to-save-the-north-shore-birth-center-again#:~:text=Beverly%20Hospital%20announced%20plans%20last,operation%2C%20citing%20a%20staffing%20shortage>.

<sup>9</sup> The Salem News, "Nurses union files unfair labor charge over Birth Center closing," Paul Leighton, June 10, 2022, [https://www.salemnews.com/news/nurses-union-files-unfair-labor-charge-over-birth-center-closing/article\\_25b49318-e803-11ec-b28c-73d2c6139dd7.html](https://www.salemnews.com/news/nurses-union-files-unfair-labor-charge-over-birth-center-closing/article_25b49318-e803-11ec-b28c-73d2c6139dd7.html).

<sup>10</sup> Massachusetts Nurses Association, "Northeast Hospital Corp. Nurses Ratify New Three-year Contract Ensuring Better RN Staffing, Competitive Wages and Improved Health Insurance Benefits," press release, May 10, 2022, <https://www.massnurses.org/news-and-events/p/openItem/12426>.

<sup>11</sup> The Salem News, "Nurses union files unfair labor charge over Birth Center closing," Paul Leighton, June 10, 2022, [https://www.salemnews.com/news/nurses-union-files-unfair-labor-charge-over-birth-center-closing/article\\_25b49318-e803-11ec-b28c-73d2c6139dd7.html](https://www.salemnews.com/news/nurses-union-files-unfair-labor-charge-over-birth-center-closing/article_25b49318-e803-11ec-b28c-73d2c6139dd7.html).

Furthermore, Beverly Hospital cited staff shortages at the Birth Center as the main reason for its closure, yet the contract MNA helped negotiate “[included] raises specifically designed to recruit and retain the staff needed to keep the center open” and address those shortages.<sup>12</sup> Beverly Hospital’s decision to close the Birth Center almost immediately after reaching a contractual agreement to increase wages for the nurses and midwives that work there casts doubt on whether leadership ever intended to effectuate the negotiated wage increases.

At its core, closing the North Shore Birth Center will deny women a choice in birth options and reproductive care, pushing patients away from more affordable, high-quality care into more expensive, hospital-based care. Though Beverly Hospital has promised to transfer certain services (e.g., birthing tubs) from the Birth Center, advocates maintain that the services and level of personalized care offered at the Birth Center are not replicable in a hospital setting.<sup>13</sup> This view is shared by the Massachusetts Health Policy Commission (HPC), which found in a January 2022 report that hospital-based labor and delivery services can lead to “detailed, highly medicalized surveillance of labor and can result in interventions that are unneeded, non-evidence-based, or premature.” When using this model of care, “providers’ sense of risk may predominate over the birthing person’s preferences.”<sup>14</sup> By contrast, HPC found that the use of midwifery care leads to improved patient outcomes and cost savings for patients.<sup>15</sup> These findings suggest that Beverly Hospital’s decision to close the Birth Center may more likely be driven by profit-seeking than staffing shortages.

Given the unique services offered at the Birth Center, we are concerned that Beverly Hospital does not appear to have considered viable alternatives to the closure. According to one certified labor doula, “There are different, alternative options that need to be pursued . . . The hospital didn’t engage in any of that research before they made the decision to close it.”<sup>16</sup>

The North Shore Birth Center has had a longstanding and significant positive impact on communities in Eastern Massachusetts. Given this history and the allegations that Beverly Hospital may have misled MNA during bargaining, we seek additional information about the hospital’s decision to close the Birth Center and respectfully request answers to the following questions no later than August 11, 2022:

1. When did Beverly Hospital begin internal discussions about closing the North Shore Birth Center? Please provide an exact date.
  - a. If this date is on or before May 3, 2022, why did the hospital assure MNA during contract negotiations that it would not close the Birth Center?

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Massachusetts Health Policy Commission, “Certified Nurse Midwives and Maternity Care in Massachusetts,” January 2022, p. 8, <https://www.mass.gov/doc/certified-nurse-midwives-and-maternity-care-in-massachusetts-chartpack-1/download>.


<sup>15</sup> *Id.*, p. 10.

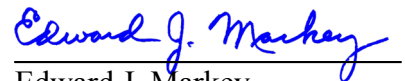
<sup>16</sup> GBH News, “Activists rally to save the North Shore Birth Center — again,” Kana Ruhalter, June 13, 2022, <https://www.wgbh.org/news/local-news/2022/06/13/activists-rally-to-save-the-north-shore-birth-center-again#:~:text=Beverly%20Hospital%20announced%20plans%20last,operation%2C%20citing%20a%20staffing%20shortage>.


- b. If this date is after May 3, 2022, why did Beverly Hospital make the decision to close the Birth Center in such a short timeframe, given that the hospital announced the closure on May 11, 2022?
  2. Other birth centers offering similar services and facing similar situations have implemented plans to address the issues instead of closing their doors to the communities that rely on their services.<sup>17</sup> Did Beverly Hospital consider alternative options to closing the Birth Center?
    - a. If so, what options did the hospital consider? Why did it choose not to pursue any of those options?
    - b. If not, why not?
    - c. What options currently exist to keep the Birth Center open?
  3. What is the average cost of labor and delivery services for one birth at the Birth Center? What is the average cost of labor and delivery services for one birth at Beverly Hospital?
  4. Please provide data, broken down demographically by race, on the number of maternal deaths and major complications per 100,000 live births that occurred at Beverly Hospital and, separately, at the North Shore Birth Center since January 1, 2009.

Thank you for your attention to this matter.

Sincerely,

  
Elizabeth Warren  
United States Senator

  
Edward J. Markey  
United States Senator

  
Seth Moulton  
Member of Congress

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<sup>17</sup> See e.g., Nonprofit Quarterly, “Rebirth of a Birth Center,” Sara Grawe and Shujia Gu, February 1, 2016, <https://nonprofitquarterly.org/rebirth-of-a-birth-center/>.