# Massachusetts State SealMassachusetts Department of Public Health Determination of Need

**Application Form**

Version: 11-8-17

Application Type: Conservation Long Term Care Project Application Date: 04/15/2022 10:21 am

Applicant Name: Next Step Healthcare LLC

Mailing Address: 400 Trade Center Suite 7950

City: Woburn State: Massachusetts Zip Code: 01801

Contact Person: Emily Kretchmer, Esq. Title: Legal Counsel

Mailing Address: 600 Atlantic Avenue

City: Boston State: Massachusetts Zip Code: 02210

Phone: 6174827211 Ext: 267 E-mail: [ekretchmer@kb-law.com](mailto:ekretchmer@kb-law.com)

**Facility Information**

List each facility and or included in Proposed Project

1. Facility Name: 8 Colonial Drive Operator, LLC d/b/a Westborough Healthcare

Facility Address: 8 Colonial Drive

City: Westborough State: Massachusetts Zip Code: 01581

Facility type: Long Term Care Facility CMS Number 22-5242

# About the Applicant

* 1. Type of organization(of the Applicant): for profit
  2. Applicant's Business Type: LLC
  3. What is the acronym used by the Applicant's Organization? NSH
  4. Is Applicant a registered provider organization as the term is used in the HPC/CHIA RPO program? No
  5. Is Applicant or any affiliated entity an HPC-certified ACO? No
  6. Is Applicant or any affiliate thereof subject to M.G.L. c. 6D, § 13 and 958 CMR 7.00 (filing of Notice of Material Change to the Health Policy Commission)? No
  7. Does the Proposed Project also require the filing of a MCN with the HPC? No

* 1. Has the Applicant or any subsidiary thereof been notified pursuant to M.G.L. c. 12C, § 16 that it is exceeding the health care cost growth benchmark established under M.G.L. c. 6D, § 9 and is thus, pursuant to M.G.L. c. 6D, §10 required to file a performance improvement plan with CHIA? No
  2. Complete the Affiliated Parties Form

# Project Description

* 1. Provide a brief description of the scope of the project.  
     See attached.

2.2 and 2.3 Complete the Change in Service Form

# 3. Delegated Review

3.1 Do you assert that this Application is eligible for Delegated Review? Yes

3.1.a If yes, under what section? Conservation Projects

# 4. Conservation Project

* 1. Are you submitting this Application as a Conservation Project? Yes
  2. Within the Proposed Project, is there any element that has the result of modernization, addition or expansion? Yes

4.2.a If yes, How?

On February 7, 2022, Lara Szent-Gyorgyi, the Director of the DoN Program, confirmed that the Proposed Project which adds additional square footage to the Facility will qualify as a conservation project pursuant to the DPH’s April 28, 2021 memorandum “Applications for Determination of Need for Long-Term Care Facilities Seeking to Comply with Updated Licensure Regulations” because the Proposed Project is planned solely to reduce the number of beds per room to come into compliance with the applicable regulatory requirements in 105 CMR 150.000.

* 1. Does the Proposed Project add or accommodate new or increased functionality beyond sustainment or restoration? No
  2. As part of the Proposed Project, is the Applicant:
     + Otherwise altering bed capacity, usage, or designation?
     + Adding additional square footage?

# 5. DoN-Required Services and DoN-Required Equipment

5.1 Is this an application filed pursuant to 105 CMR 100.725: DoN-Required Equipment and DoN-Required Service? No

# 6. Transfer of Ownership

6.1 Is this an application filed pursuant to 105 CMR 100.735? No

# 7. Ambulatory Surgery

7.1 Is this an application filed pursuant to 105 CMR 100.740(A) for Ambulatory Surgery? No

# 8. Transfer of Site

8.1 Is this an application filed pursuant to 105 CMR 100.745? No

# 9. Research Exemption

9.1 Is this an application for a Research Exemption? No

# 10. Amendment

10.1 Is this an application for a Amendment? No

# 11. Emergency Application

11.1 Is this an application filed pursuant to 105 CMR 100.740(B)? No

# 12. Total Value and Filing Fee

Enter all currency in numbers only. No dollar signs or commas. Grayed fields will auto calculate depending upon answers above.

**Your project application is for:** Conservation Long Term Care Project

12.1 Total Value of this project: $6,730,000.00

12.2 Total CHI commitment expressed in dollars: (calculated) $67,300.00

12.3 Filing Fee: (calculated) $13,460.00

12.4 Maximum Incremental Operating Expense resulting from the Proposed Project: <None Specified>

12.5 Total proposed Construction costs, specifically related to the Proposed Project, If any, which will be contracted out to local or minority, women, or veteran-owned businesses expressed in estimated total dollars. <None Specified>

# 13. Factors

Required Information and supporting documentation consistent with 105 CMR 100.210

Some Factors will not appear depending upon the type of license you are applying for.

Text fields will expand to fit your response.

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| **Factor 3: Compliance** | | | | |
| Applicant certifies, by virtue of submitting this Application that it is in compliance and good standing with federal, state, and local laws  and regulations, including, but not limited to M.G.L. c. 30, §§ 61 through 62H and the applicable regulations thereunder, and in compliance with all previously issued notices of Determination of Need and the terms and conditions attached therein. | | | | |
| F3.a Please list all previously issued Notices of Determination of Need | | | | |
| Add/Del Rows | Project Number | Date Approved | Type of Notification | Facility Name |
| + - |  |  |  |  |

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| **Factor 4: Financial Feasibility and Reasonableness of Expenditures and Costs** | | | | | | | | | | | | | |
| Applicant has provided (as an attachment) a certification, by an independent certified public accountant (CPA) as to the availability of sufficient funds for capital and ongoing operating costs necessary to support the Proposed Project  without negative impacts or consequences to the Applicant's existing Patient Panel. | | | | | | | | | | | | | |
| F4.a.i **Capital Costs Chart:**  For each Functional Area document the square footage and costs for New Construction and/or Renovations. | | | | | | | | | | | | | |
|  | | Present Square  Footage | | Square Footage Involved in Project | | | | Resulting Square  Footage | | Total Cost | | Cost/Square Footage | |
|  | | New Construction | | Renovation | |  | |  | |  | |
| Add/Del Rows | Functional Areas | Net | Gross | Net | Gross | Net | Gross | Net | Gross | New Construction | Renovation | New Construction | Renovation |
| + - | See attached |  |  |  |  |  |  |  |  |  |  |  |  |
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|  | Total: (calculated) |  |  |  |  |  |  |  |  |  |  |  |  |

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| F4.a.ii For each Category of Expenditure document New Construction and/or Renovation Costs. | | | | |
|  | Category of Expenditure | New Construction | Renovation | Total  (calculated) |
|  | **Land Costs** | | | |
| Land Acquisition Cost |  |  |  |
| Site Survey and Soil Investigation |  |  |  |
| Other Non-Depreciable Land Development |  |  |  |
|  | Total Land Costs |  |  |  |
|  | **Construction Contract (including bonding cost)** | | | |
|  | Depreciable Land Development Cost |  |  |  |
|  | Building Acquisition Cost |  |  |  |
|  | Construction Contract (including bonding cost) | $2011504. | $3746928. | $5758432. |
|  | Fixed Equipment Not in Contract |  |  |  |
|  | Architectural Cost (Including fee, Printing, supervision etc.) and Engineering Cost | $139726. | $260274. | $400000. |
|  | Pre-filing Planning and Development Costs | $16418. | $30582. | $47000. |
|  | Post-filing Planning and Development Costs |  |  |  |
| Add/Del  Rows | Other (specify) | | | |
| + - |  |  |  |  |
|  | Net Interest Expensed During Construction | $49452. | $92116. | $141568. |
|  | Major Movable Equipment |  | $200000. | $200000. |
|  | Total Construction Costs | $2217100. | $4329900. | $6547000. |
|  | **Financing Costs:** | | | |
|  | Cost of Securing Financing (legal, administrative, feasibility studies, mortgage insurance, printing, etc | $63925. | $119075. | $183000. |
|  | Bond Discount |  |  |  |
| Add/Del  Rows | Other (specify | | | |
| + - | Total Financing Costs |  |  |  |
|  | Total Financing Costs | $63925. | $119075. | $183000. |
|  | **Estimated Total Capital Expenditure** | $2281025. | $4448975. | $6730000. |

# Documentation Check List

The Check List below will assist you in keeping track of additional documentation needed for your application.

Once you have completed this Application Form the additional documents needed for your application will be on this list. E-mail the documents as an attachment to: [DPH.DON@state.ma.us](mailto:DPH.DON@state.ma.us).

* <Selected> Copy of Notice of Intent Affidavit of Truthfulness Form
* <Selected> Scanned copy of Application Fee Check Affiliated Parties Table Question 1.9
* <Selected> Change in Service Tables Questions 2.2 and 2.3
* <Selected> Certification from an independent Certified Public Accountant
* <Not Selected> Current IRS Form, 990 Schedule H CHNA/CHIP and/or Current CHNA/CHIP submitted to Massachusetts AGO's Office
* <Not Selected> Community Engagement Stakeholder Assessment form
* <Not Selected> Community Engagement-Self Assessment form

# Document Ready for Filing

When document is complete click on “document is ready to file”. This will lock in the responses and date and time stamp the form.

To make changes to the document un-check the “document is ready to file” box. Edit document then lock file and submit.

Keep a copy for your records. Click on the “Save” button at the bottom of the page.

To submit the application electronically, click on the “E-mail submission to Determination of Need” button.

This document is ready to file. <Selected> Date/time Stamp: 04/15/2022 10:21am

Application Number: NSH-22031320-CL

Use this number on all communications regarding this application.

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