

March 8, 2022

VIA EMAIL (DPH.DON@MassMail.State.MA.US)

Lara Szent-Gyorgyi, Director of the DoN Program  
Massachusetts Department of Public Health  
Determination of Need Program  
250 Washington St., 6th Floor  
Boston, MA 02108

**RE: Alliance Health, Inc. – Request for Approval of Extension to Previously Approved  
Notice of Determination of Need (“DoN”) Project No. 18102408-CL**

Dear Director Szent-Gyorgyi:

I am writing pursuant to 105 CMR 100.310(5) to request an extension to the authorization period of the previously approved Notice of DoN Project No. 18102408-CL, a copy of which is attached as Exhibit 1 (the “Project”). This request seeks to extend the authorization period of this Project for an additional three (3) years on the basis that Alliance Health, Inc. (the “Applicant”) can demonstrate, as described below, that there is “good cause” related to project implementation that it will be unable to complete the Project within the approved authorization period.

### **Background**

On March 8, 2019, the Applicant received a Notice of Determination of Need (the “Approval”) for a conservation project at Alliance Health at Braintree (“Alliance-Braintree”) that would restore and sustain aging elements of the facility to provide an improved environment for patients and more efficient facility for staff to work in. Prior to the Approval, the Applicant had already secured a HUD insured loan and its architect and submitted Phases I and II architecture plans to the Department.

Upon receipt of the Approval for the Project, the Applicant continued in earnest to work on the Project and received plan approval from the Department. However, in March 2020, the Federal and State Government issued Public Health Emergencies for the COVID-19 Pandemic with the Federal Public Health Emergency continuing today. During this time, nursing facilities have faced numerous challenges and the Applicant temporarily set aside the Project to focus its efforts on ensuring the health and well-being of its residents and staff. As you are aware, nursing homes, including the Applicant, have been subject to ever-changing federal and state guidance, and have implemented new infection control measures which include, but are not limited to, vaccine mandates, testing strategies, visitation screening, cohorting of residents, and infection control surveys among others things. In addition, nursing facilities, including the Applicant, are enduring an unprecedented workforce shortage at the same time that has added to the challenges of operating in today’s environment.

In the Spring of 2021 after the vaccine rollout and as COVID cases were declining, the Applicant was able to re-engage on the Project. It received a building permit (not including the additional parking) in June 2021. It also entered into various service agreements, including an interior design firm in May 2018 and a construction management company in April 2021. During this time, the Applicant also began working with the Braintree planning and zoning boards to discuss the expanded parking that was receiving opposition from neighbors. In May 2021, the Applicant met with Town Counselor Meredith Boericke to review the scope of the Project and the parking lot expansion plans. It then met with abutters to the Project on September 2021 in advance of a Town of Braintree planning meeting. At this meeting, Alliance-Braintree committed to looking into the feasibility of the neighbors' suggestions. Shortly thereafter, the Omicron variant emerged and the Applicant once again paused the Project to focus on the health and well-being of its residents and staff.

### **Request to Extend the Project's Authorization Period**

As detailed above, prior to the COVID-19 Pandemic the Applicant has made substantial and continuing progress toward the completion of the Project during its authorization period. The Applicant has already secured funds for the Project, has the majority of the approvals in place and had begun to work with vendors and engage the local community to address project related concerns. The Project, however, could not be completed during the authorization period as it has been delayed for "good cause" because of federal and state public health emergencies due to the COVID-19 Pandemic which is a Force Majeure event under 100.100.

The Applicant desires to complete the Project so that it can improve the quality of life for its residents at Alliance-Braintree. The Applicant will commence work on the Project as soon as practical once the public health emergency has ended and upon achieve of operational stabilization. The Applicant anticipates that the following necessary steps will take significant time and require three years to get to Project completion:

1. Re-engagement of all contracted parties including architects, contractor, sub-contractors, abutters & City Council, vendors for shipping materials;
2. Re-issuance of material options and associated costs which have become more scarce and more costly since our last review;
3. Re-application of municipal permits; and
4. Re-engagement with our Town Councilor and abutters.

The Applicant estimates the following timeline:

- Next 6-9 months, re-engage architect/contractor/abutters & City Council to work through final drawings & submission regarding parking lot.
- Next 9-18 months, reprice entire package and value engineer which portions of the project to move forward with given new pricing. Requests of abutters & city council to determine next steps on parking lot and either proceed as planned or scrap this portion of the project. Estimated costs to meet abutters request likely to exceed available funding.
- Next 18-36 months commence/complete the right sized Project.]

Therefore, the Applicant hereby respectfully requests that the Department approve its request to extend the authorization period for an additional three (3) years so that it can complete the Project.

If you have any questions, please contact me at (617) 332-3366 Ext. 303 or Frank.Grady@AllianceHHS.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Francis J. Grady". The signature is fluid and cursive, with a large initial "F" and "G".

Francis J. Grady

President & Chief Executive Officer

Cc: Emily Kretchmer, Esq.

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