



The Tennessee Open Meetings Act passed by the General Assembly in 1974 requires that meetings of state, city and county government bodies be open to the public and that any such governmental body give adequate public notice of such meeting.

**TENNESSEE DEPARTMENT OF HEALTH  
MEMORANDUM  
AMENDED**

**Date:** January 14, 2016

**To:** Woody McMillin, Director of Communication and Media Relations

**From:** Wanda E. Hines, Board Administrator

**Name of Board or Committee:** Board for Licensing Health Care Facilities Board Meeting

**(Call-in Number: 1-888-757-2790 passcode: 457462#)**

**Date & Time of Meetings:** January 14, 2016 – 9:30 a.m. C.S.T.  
January 15, 2016 – 9:00 a.m. C.S.T.

**Place:** Iris Conference Room  
665 Mainstream Drive, First Floor  
Nashville, TN 37243

**Major Item(s) on Agenda:** See Attached Agenda

**Link to Live Video Stream:**

**January 14, 2016**

<https://web.nowuseeit.tn.gov/Mediasite/Play/dba9e31245094ef4bc8e0dc0a69bc7701d>

**January 15, 2016**

<https://web.nowuseeit.tn.gov/Mediasite/Play/2c3b86afc4774fc2b5c7d1bec433e4961d>

This memo shall be forwarded from individual programs to the Public Information Office on the 15th day of the preceding month. The Public Information Office will prepare the monthly list of meetings within the Department and have ready for distribution to state media by the 28th day of the preceding month.



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**JOHN J. DREYZEHNER, MD, MPH**  
COMMISSIONER

**BILL HASLAM**  
GOVERNOR

*THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND  
IMPROVE THE HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE*

**AGENDA**

**BOARD FOR LICENSING HEALTH CARE FACILITIES**

**January 14, 2016 – 9:30 A.M.**

**January 15, 2016 – 9:00 A.M.**

**IRIS CONFERENCE ROOM, FIRST FLOOR**

**PLEASE REMEMBER TO SILENCE YOUR ELECTRONIC DEVICES WHEN  
THE BOARD IS IN SESSION**

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- 1. NOMINATION FOR NEW CHAIR PRO TEM TO REPLACE ROBERT GORDON.**
  - 2. WELCOME NEW BOARD MEMBERS:** Paul Boyd replacing Betty Hodge as the Consumer representative and Thomas Gee replacing Robert Gordon as the Hospital Administrator.
  - 3. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
  - 4. CONTESTED CASE HEARING(S).**
  - 5. RULEMAKING HEARING(S) –** Notice of Rulemaking Hearing can be viewed online at: <http://tnsos.org/rules/RulemakingHearings.php>.
    - A. 1200-08-01 Standards for Hospitals**  
1200-08-01-.06 Basic Hospital Functions
  
    - 1200-08-02 Standards for Prescribed Child Care Centers  
1200-08-02-06 Basic Services

- 1200-08-06 Standards for Nursing Homes  
1200-08-06-.06 Basic Services
- 1200-08-10 Standards for Ambulatory Surgical Treatment Centers  
1200-08-10-.06 Basic Services
- 1200-08-11 Standards for Homes for the Aged  
1200-08-11-.05 Admissions, Discharges and Transfers
- 1200-08-15 Standards for Residential Hospices  
1200-08-15-.06 Basic Hospice Functions
- 1200-08-24 Standards for Birthing Centers  
1200-08-24-.06 Basic Birthing Center Functions
- 1200-08-25 Standards for Assisted-Care Living Facilities  
1200-08-25-.06 Administration
- 1200-08-26 Standards for Home Care Organizations Providing Home Health  
Services  
1200-08-26-.06 Basic Agency Functions
- 1200-08-27 Standards for Home Care Organizations Providing Hospice  
Services  
1200-08-27-.06 Basic Agency Functions
- 1200-08-28 Standards for HIV Supportive Living Centers  
1200-08-28-.06 Basic HIV Supportive Living Facility Functions
- 1200-08-29 Standards for Home Care Organizations Providing Home Medical  
Equipment  
1200-08-29-.06 Basic Agency Functions
- 1200-08-30 Pediatric Emergency Care Facilities  
1200-08-30-.05 Basic Functions
- 1200-08-32 Standards for End Stage Renal Dialysis Clinics  
1200-8-32-.04 Basic Agency Functions
- 1200-08-34 Standards for Home Care Organizations Providing Professional  
Support Services  
1200-08-34-.06 Basic Agency Functions

1200-08-35 Standards for Outpatient Diagnostic Centers  
1200-08-35-.06 Basic Services

1200-08-36 Standards for Adult Care Homes-Level 2  
1200-08-36-.05 Administration

**6. APPROVAL OF MINUTES:**

**June 23, 2015**

- (1) Performance Improvement Issue Standing Committee Meeting
- (2) Performance Improvement Issue Standing and Facilities Construction Standing Committee Meeting
- (3) Facilities Construction Standing Committee Meeting

**September 17, 2015**

- (1) Education Standing Committee Meeting
- (2) Assisted Care Living Facility/Facilities Construction Standing Committee Meeting
- (3) Assisted Care Living Facility Standing Committee Meeting
- (4) Performance Improvement Issue Standing Committee Meeting

**7. CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND INITIALS).**

**A. CONSIDERATION.**

**(INITIALS)**

**B. RATIFICATION.**

**1. QUALIFYING APPLICATIONS**

**(INITIALS)**

Action DME, Woodbury, Home Medical Equipment Facility  
Alexander Guest House, Oak Ridge-Assisted Care Living Facility  
Animas Diabetes Care, LLC, Wayne-Home Medical Equipment Facility  
Brigadier General Wendell H. Gilbert TN State Veterans' Home,  
Clarksville-Nursing Home  
Christian Care Center of Memphis, Memphis-Nursing Home Facility  
Fresenius Medical Care Central Memphis, Memphis-End Stage Renal  
Disease Facility  
HealthSouth Rehabilitation Hospital of Franklin, Franklin-Hospital  
Facility  
Life Care Center of Blount County, Louisville-Nursing Home Facility

Medina Dialysis, Medina-End Stage Renal Disease Facility  
 NxStage Kidney Care Memphis-Germantown-End Stage Renal Disease Facility  
 Oakwood Senior Living, Knoxville-Assisted Care Living Facility  
 Optigen, Inc., Knoxville-Home Medical Equipment Facility  
 Owens and Minor Distribution, Inc., Knoxville-Home Medical Equipment Facility  
 Pentec Health, Inc., Nashville-Home Health Agency Facility  
 Pink Ribbons, LLC, Memphis-Home Medical Facility  
 Regional One Health Subacute Care, Memphis-Nursing Home Facility  
 Rose Care Home, Nashville-Home for the Aged Facility  
 Rural Health Services Durable Medical Equipment, Rogersville-Home Medical Equipment  
 Satellite Healthcare Chickasaw Gardens, Memphis-End Stage Renal Disease Facilities  
 Signature Living of Jefferson City, LLC, Jefferson City-Assisted Care Living Facility  
 Soigne Health Care Management, Inc., Cleveland-Home Medical Equipment Facility  
 T4 Medical, LLC, Goodlettsville-Home Medical Equipment Facility  
 Turner Surgery Center, LLC, Nashville-Ambulatory Surgical Treatment Center  
 Volunteer Medical Devices, PLLC, Blountville-Home Medical Equipment Facility  
 Volunteer Pharmacy, Knoxville-Home Medical Equipment Facility  
 WellPark at Shannondale, Knoxville-Nursing Home

2. **(CHOWS)**

Adoration Hospice #618, Nashville-Hospice Facility  
 Adoration Hospice #616, Nashville-Hospice Facility  
 Brookdale Newport, Newport-Assisted Care Living Facility  
 Claiborne and Hughes Health Center, Franklin-Nursing Home Facility  
 Greenfield Assisted Living of Oak Ridge, LLC, Oak Ridge-Assisted Care Living Facility  
 Hearth at Hendersonville, Hendersonville-Assisted Care Living Facility  
 Legacy Assisted Living & Memory Care at Lenox Park, Memphis-Assisted Care Living Facility  
 NFC Surgery Center, Nashville-Ambulatory Surgical Treatment Center Facility  
 Surgery Center of Clarksville, Clarksville-Ambulatory Surgical Treatment Center

**8. LICENSE STATUS UPDATES.**

**BAPTIST REHABILITATION-GERMANTOWN, GERMANTOWN**

Baptist Rehabilitation-Germantown, Germantown was placed on inactive status for one (1) year with the effective date of the inactive status coincide with the date of the movement of the MRI services from this hospital location. Baptist Rehabilitation-Germantown's hospital license for eleven (11) beds will not be placed on inactive status as approved at the September 18, 2015 Board meeting. Baptist Rehabilitation-Germantown will be surrendering their hospital licensed #105 effective December 20, 2015. Services at that location will not be hospital based. On December 20, 2015 the MRI services and the outpatient therapy services will transfer simultaneously to Baptist Memorial Hospital-Memphis.

**MCKENDREE VILLAGE, HERMITAGE**

McKendree Village is a one hundred fifty (150) bed skilled nursing and long term care facility and has been approved by the Tennessee Health Services and Development Agency for an additional 30 skilled nursing beds at McKendree Village for a total of one hundred eighty (180) beds. McKendree Village is embarking on significant construction, renovation and upgrades that will enhance the environment and quality of life for all residents. These renovations and upgrades require significant work in all resident areas including residents' rooms, hallways, and common spaces. In order to accomplish these renovations McKendree Village is proposed utilizing North 1 as temporary residence space which residents and staff will be rotated while their units are being renovated and upgraded. McKendree Village anticipates that all units will be renovated within approximately 24 months.

**9. BOARD POLICY CONSENTS.**

**A. THE FOLLOWING NURSING HOMES ARE REQUESTING A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY BOARD POLICY #32:**

Creekside Health and Rehabilitation Center, Madison  
Ivy Hall Nursing Home, Elizabethton  
Summit View of Farragut, LLC, Knoxville

**B. THE FOLLOWING FACILITIES ARE REQUESTING APPROVAL TO PERMIT AN ADMINISTRATOR TO SERVE BOTH A NURSING HOME AND ASSISTED CARE LIVING FACILITY ACCORDANCE WITH BOARD POLICY #39:**

Good Samaritan Society-Fairfield Glade, Crossville (Nursing Homes) and (Assisted Living) for Good Samaritan Society-Fairfield Glade, Crossville

John M. Reed Nursing Home, Limestone and Eldereed Haus Assisted Care Living Facility, Limestone

**C. THE FOLLOWING FACILITY IS REQUESTING APPROVAL TO PROVIDE SHARE SERVICES IN ACCORDANCE WITH BOARD POLICY #51:**

Siskin Hospital Subacute Rehabilitation Program, Chattanooga

**10. REGULATION(S).**

**A. BOARD APPROVAL FOR RULEMAKING HEARING.**

- (1) APN admit and on-call services language of hospital regulations.
- (2) Tennessee Ambulatory Surgery Center Association (TASCA) recommended rule language of ASTC 1200-08-10-.06(2)(g) regarding the treatment of malignant hyperthermia (MH).
- (3) Approval of Rule language for ACLF Rule 1200-08-25-.10(2)(i) regarding Cooking Appliances.
- (4) Office of General Counsel to provide dietitian definition rule language for Board approval.

**11. REPORTS**

- A. EMS REPORT - Robert Seesholtz
- B. OFFICE OF GENERAL COUNSEL REPORT – Kyonzte’ Hughes-Toombs

**12. DISCUSSION(S).**

- A. Tennessee Board for Licensing Health Care Facilities 2015 Performance Audit Report.
- B. **Standing Committee Summary(ies)**
  - (1) Facilities Construction/Assisted Care Living Facilities Standing Committee Meetings–November 16, 2015 and January 7, 2016.
  - (2) Performance Improvement Issue Standing Committee Meetings–December 15, 2015 and January 12, 2016.

C. Home Health Agency Rule 1200-08-26-.01(48) & 1200-08-26-.05(4)&(8) OGC to review following items for the request federal exemptions, BME & BOE requirements and all practitioners licensed in other states and practicing in Tennessee.

D. **Board Approval for the following Interpretative Guidelines**

- (1) Approval of Interpretative Guideline language for Assisted Care Living Facility Rule 1200-08-25-.10(2)(i) regarding Cooking Appliances.
- (2) Approval of Interpretative Guidelines for Nursing Homes for Vent Units.
  - (a) Nursing Home Rule 1200-08-06-.06(a)4(d) – “Readily Available”
  - (b) Nursing Home Rule 1200-08-06-.06(12)(a) – “Physically Present”
  - (c) Nursing Home Rule 1200-08-06-.06(12)(a)1 – “FDA approved”
  - (d) Nursing Home Rule 1200-08-06-.06(12)(a)4(b)–“Physician certified in Pulmonary disease or critical care medicine.”
- (3) Approval of Interpretative Guideline for TASCAs recommended rule language for ASTC Rule 1200-08-10-.06(2)(g).

13. **LICENSE STATUS REQUESTS.**

**PARAMOUNT HEALTHCARE SERVICES, INC., NASHVILLE**

This Professional Support Services facility is seeking to place their license on inactive status due to receiving a rejection letter of their Plan of Correction and currently they are not under contract. Their request is needed while Paramount Healthcare Services is attempting to obtain a Provider/Contract/Agreement with DIDD.

**Representative(s):** Emeka Nnadi, Director

**BELCOURT TERRACE NURSING HOME, NASHVILLE**

This forty-nine (49) bed nursing home facility is seeking to place their license on inactive status effective December 15, 2015 concurrent with the facility’s cessation of operations on that same date. The residents have been transferred to other appropriate facilities. This facility has undergone a change of ownership effective October 1, 2015 and has filed a CHOW application with our department.

**Representative(s):** Michaela Poizner, Attorney

**THE CENTER FOR ORAL AND FACIAL SURGERY, CHATTANOOGA**

This Ambulatory Surgical Treatment Center facility is seeking to place their license on inactive status for twelve (12) months.

**Representative(s):** Katie W. Appleberry

**BEST NURSES, INC., MEMPHIS**

The home health agency is seeking to place their license on inactive status due to this agency providing Medicare services is being review by ZPICs (contracted by CMS to inspect for fraud and abuse). Best Nurses, Inc., has been assessed a substantial extrapolated overpayments by the ZPIC's and it could take up to two (2) years in the appeal process with the ZPICs.

**Representative(s):** Regenna Williams, Administrator

**BAPTIST MEMORIAL-MEMPHIS SKILLED NURSING FACILITY, MEMPHIS**

This thirty-five (35) bed skilled nursing unit at Baptist Memorial Hospital-Memphis is requesting a third extension for their license to remain on inactive status for an additional twelve (12) months. Baptist Memorial Hospital-Memphis has not yet completed final plans for future operations of this unit. Baptist Memorial Hospital-Memphis was granted an inactive status waiver on February 7, 2013 for twelve (12) month; an extension inactive status waiver was granted on January 23, 2014 for twelve (12) months; and a second extension inactive status waiver for additional twelve (12) months was granted January 15, 2015 which will expire on February 7, 2016.

**Representative(s):** Dan Elrod, Attorney

**BAPTIST SKILLED REHABILITATION UNIT-GERMANTOWN, GERMANTOWN**

This eighteen (18) bed skilled nursing unit at Baptist Rehabilitation-Germantown is requesting an extension for their license to remain on inactive status for 12 months pending an evaluation as to the appropriate location and model for future operations. This extension will enable Baptist Memorial to reach a well-considered conclusion regarding the future for this facility.

**Representative(s):** Dan Elrod, Attorney

**QUILLEN REHABILITATION HOSPITAL, JOHNSON CITY**

This twenty-six (26) bed hospital is requesting to increase their bed count by ten (10) beds making a total of 36 beds. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. § 68-11-1607(g). The need of the proposed increase in bed capacity is due to increasing patient volume.

**Representative(s):** Byron R. Trauger, Attorney

14. **WAIVER REQUESTS.**

A. **THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(1) FOR A TENNESSEE LICENSED NURSING HOME ADMINISTRATOR UNTIL A PERMANENT REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE.**

(1) **SOUTHERN TENNESSEE REGIONAL HEALTH SYSTEM- WINCHESTER, WINCHESTER**

- Chris Puri, Attorney

(2) **DIVERSICARE OF MARTIN HEALTHCARE & REHABILITATION CENTER, MARTIN**

- Juanita Honeycutt, Regional Vice President

B. **OTHER WAIVER REQUEST(S)**

**REVISIT-GOVERNOR'S BEND ASSISTED LIVING FACILITY, ERWIN**

A one hundred twenty-four (124) bed facility is requested to waive 1200-08-25-.09(1) Building Standards regarding the HVAC issue and the Wireless Nurse Call Station. The statement references NFPA 90A, 5.3.3.1, 5.4.4 regarding HVAC and Fire Dampers. Their original architect's email reference for the exception to dampers was NFPA 32.3.3.7.10. The only reference to the Wireless Nurse Call Station System is UL 1069 edition 7 which is an AIA Guideline specifically references Hospitals and Nursing Homes. This ACLF facility would be covered under NFPA as a new residential board and care occupancy which these rooms would be considered our clients' homes.

**Representative(s):**Randy Trivette, Chief Financial Officer  
FreeWill Baptist Family Ministries

**THE COURTYARDS SENIOR LIVING-JOHNSON CITY, JOHNSON CITY #376**

This assisted care living facility is seeking to waive the following ACLF Rules 1200-08-.03(5) and Rule 1200-08-25-.03(6) in order to change the licensed number of bed capacity from 25 to 83 beds. The increase in number is adding 32 beds that are currently licensed as Continuum Courtyards, LLC, #259, a home for the aged facility and 26 beds currently licensed as Continuum Courtyards, LLC, #214, also a home for the aged facility and the two residential home for the aged (RHA) facilities licenses will be dissolve and the beds will be a part of the Courtyards Senior Living, Johnson City, an assisted care living facility. The ownership of business is Continuum Courtyard, LLC

**Representative(s):** Dava Snyder, Regional Director

**THE COURTYARDS SENIOR LIVING-KNOXVILLE 3, KNOXVILLE #377**

This assisted care living facility is seeking to waive the following ACLF Rules 1200-08-.03(5) and Rule 1200-08-25-.03(6) in order to change the licensed number of bed capacity from 25 to 57 beds. The increase in number is adding 32 beds that are currently licensed as Continuum Courtyard, LLC, #344 a home for the aged facility will increase the bed count to 57 beds currently licensed as Continuum Courtyards, LLC, #377, an assisted care living facility and will dissolve its RHA license #344. The ownership of business is Continuum Courtyard, LLC.

**Representative(s):** Dava Snyder, Regional Director

**SISKIN HOSPITAL SUBACUTE REHABILITATION PROGRAM, CHATTANOOGA AND SISKIN WEST, CHATTANOOGA f/k/a ST. BARNABAS NURSING HOME, CHATTANOOGA**

Siskin Hospital Subacute Rehabilitation Program a 23 bed facility is seeking to share the same administrator who is currently the administrator at Siskin West, Chattanooga which Siskin Hospital purchased and own both facilities and they are located in the same campus. The services provided are already consolidated or matrixed with the hospital. Siskin is seeking to waive nursing home regulation 1200-08-06-.04(1) so Ms. Cynthia Wheeler could use her 40+ hours per week across the two facilities.

**Representative(s):** Carol Sim, President and CEO