

**BALLAD HEALTH EMPLOYED PHYSICIAN WAIVER –
NEUROSURGERY AND PHYSICAL MEDICINE AND REHABILITATION**

WHEREAS, the **Tennessee Department of Health** (the “Department”), **Ballad Health**, a Tennessee nonprofit public benefit corporation (“Ballad”) and the common parent entity of Applicants for a Certificate of Public Advantage (the “COPA”) **Mountain States Health Alliance**, a Tennessee nonprofit public benefit corporation (“Mountain States”), and **Wellmont Health System**, a Tennessee nonprofit public benefit corporation (“Wellmont”) entered into that certain Terms of Certification (“TOC”) dated January 31, 2018, governing the COPA;

WHEREAS, the Department approved the application of Mountain States and Wellmont for a COPA on September 19, 2017 (the “Approval Date”);

WHEREAS, the Department issued the COPA as of January 31, 2018;

WHEREAS, Section 5.05 (e) of the TOC requires that “(n)o more than thirty-five percent (35%) of the physicians practicing in any specialty at any COPA Hospital that is not a Rural Hospital at any time may be Employed Physicians,” as that term is defined under the TOC (the “35% limitation”);

WHEREAS, said Section 5.05 (e) further states that after the issuance of the COPA Ballad may apply to the Department for a waiver of this 35% limitation for a specific specialty;

WHEREAS on February 1, 2018 Ballad sent the Department a written request for a waiver of the 35% limitation for the employment of the four neurosurgeons and two physical medicine and rehabilitation physicians practicing in the Tri-Cities area with East Tennessee Brain and Spine (“ETBS”), as Ballad’s employment of these ETBS physicians would exceed the 35% limitation on both the employment of neurosurgeons and of physical medicine and rehabilitation physicians, respectively; and

WHEREAS, on February 9, 2018 the Department sent Ballad a written request for certain additional information regarding ETBS and the circumstances of Ballad’s expressed need to employ the ETBS physicians and staff, to which Ballad responded in part to the Department on February 14 and to which Ballad responded in part to the Attorney General on February 16, 2018. Exhibit A attached hereto was compiled from such information and lists the full-time equivalent neurosurgeons and physical medicine and rehabilitation physicians and the Ballad hospitals at which they are practicing, as of February 28, 2018.

NOW, THEREFORE, after review of Ballad’s request and its supplemental information provided, pursuant to Sections 5.05(e) and 9.06 of the TOC, the Department hereby grants Ballad’s request for an exception to and waiver of the requirement that Ballad not exceed the 35% limitation on Employed Physicians for neurosurgery and for Employed Physicians for physical medicine and rehabilitation, respectively; provided, however, that this waiver applies only to this request and is expressly conditioned on the accuracy and completeness of all supporting information submitted by Ballad. The Department reserves the right to withdraw any such waiver granted if it determines that Ballad failed to provide complete and accurate information.

As part of the grant of this waiver, the Department requires Ballard to provide the Department prompt written notice of its employment of the ETBS physicians. Further, in the event the employment of any such Employed Physician in the specialty of neurosurgery and/or in the specialty of physical medicine and rehabilitation terminates, Ballard shall promptly notify the Department of the circumstances of such departure and the name(s) of the Employed Physician(s) who has(ve) departed. In the event Ballard desires to add additional Employed Physicians in the specialties of neurosurgery and/or physical medicine and rehabilitation, including the replacement of any Employed Physician in these specialties who has departed Ballard, Ballard must provide written notice to the Department of such desire in advance of entering into any letter of intent or contract of employment. Upon execution of an additional document by the Department waiving the requirement that Ballard not, as applicable, exceed or further exceed the 35% limitation, Ballard may then proceed with taking steps to employ such additional Employed Physicians.

ISSUED this 28 day of February, 2018.

By: 
JOHN J. DREYZEHNER, MD, MPH, FACOEM
Commissioner, Tennessee Department of Health

Exhibit A

Neurosurgery

Name	Specialty	Facility	Employed	FTE/Allocation
Jim Carroll Brasfield, MD	Neurosurgery	JCMC	N	0
James Travis Burt, MD	Neurosurgery	JCMC	N	0
Jody B Helms, MD	Neurosurgery	JCMC	N	0.01
Rebekah Crump Austin, MD	Neurosurgery	JCMC	Y	0.5
Gregory Corradino, MD	Neurosurgery	JCMC	Y	0
Scott Carmody Dulebohn, MD	Neurosurgery	JCMC	Y	1
Timothy M. Fullagar, MD	Neurosurgery	JCMC	Y	0.84
Selma Z Kominek, MD	Neurosurgery	JCMC	Y	0.79
David A Wiles, MD	Neurosurgery	JCMC	Y	0.87

Name	Specialty	Facility	Employed	FTE/Allocation
Jimmy C Brasfield MD	Neurological Surgery	HVMC	N	0
J. Travis Burt MD	Neurological Surgery	HVMC	N	0
Jody Benton Helms MD	Neurological Surgery	HVMC	N	0
Luc J Jasmin MD	Neurological Surgery	HVMC	N	0
Jeffery M Jones DO	Neurological Surgery	HVMC	N	0
Ken W Smith MD	Neurological Surgery	HVMC	N	1
Matthew W. Wood MD	Neurological Surgery	HVMC	N	0
Gregory Corradino MD	Neurological Surgery	HVMC	Y	0.6
Timothy M. Fullagar MD	Neurological Surgery	HVMC	Y	0.13
Selma Z Kominek MD	Neurological Surgery	HVMC	Y	0.1
David Matthew Pryputniewicz MD	Neurological Surgery	HVMC	Y	1
David A. Wiles MD	Neurological Surgery	HVMC	Y	0.12

	JCMC	HVMC
Employed	4.00	1.95
Non-Employees	.01	1.00
Total	4.01	2.95
Percentage of Employed	99.8%	66.1%

Exhibit A

Pain Management

Name	Specialty	Facility	Employed	FTE/Allocation
David E Dahl, MD	Pain Management	JCMC	N	0.9
Elaine Lee DeVos, MD	Physical Medicine and Rehabilitation	JCMC	N	0.2
Mark Thomas McQuain, MD	Physical Medicine and Rehabilitation	JCMC	N	1
Timothy S Smyth, MD	Pain Management	JCMC	N	0
Michael L Spady, MD	Physical Medicine and Rehabilitation	JCMC	N	0.2
Sameh A Ward, MD	Pain Management	JCMC	N	0.7
William Turney Williams, MD	Pain Management	JCMC	N	0.3
R. Thomas Morgan		JCMC	Y	0.7
Wayne Woodbury, MD	Pain Management	JCMC	Y	0.1

Name	Specialty	Facility	Employed	FTE/Allocation
David E Dahl, MD	Pain Management	JCMC	N	0.1
William M Platt MD	Physical Medicine and Rehabilitation	HVMC	N	0.6
Frederick Wayne Terry DO	Physical Medicine and Rehabilitation	HVMC	N	0
Mark T. McQuain MD	Physical Medicine and Rehabilitation	HVMC	N	0
Sameh A Ward, MD	Pain Management	JCMC	N	0.3
William Turney Williams, MD	Pain Management	HVMC	N	0.7
Joseph W Frye DO	Physical Medicine and Rehabilitation	HVMC	Y	0
Paul L Jett MD	Physical Medicine and Rehabilitation	HVMC	Y	1
R. Thomas Morgan		HVMC	Y	0.3
Wayne M Woodbury MD	Physical Medicine and Rehabilitation	HVMC	Y	0.9

	JCMC	HVMC
Employed	0.8	2.2
Non-Employees	3.3	1.6
Total	4.1	3.8
Percentage of Employed	19.5%	57.9%