



**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**
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BILL LEE
GOVERNOR

LISA PIERCEY, MD, MBA, FAAP
COMMISSIONER

January 24, 2022

Mr. Alan Levine
Chairman, President and Chief Executive Officer
Ballad Health
303 Med Tech Parkway, Suite 300
Johnson City, TN 37604

RE: Public Hearing timing for 2022

Dear Mr. Levine,

This letter is to notify you of the timing that the Tennessee Department of Health (“TDH”) intends for the public hearing contemplated by the Rules (“Rules”) of the Tennessee Department of Health, Division of Health Planning addressing the Hospital Cooperation Act of 1993. Although the Second Amended and Restated Terms of Certification, dated April 27, 2021 (“TOC”) does not explicitly require a public meeting or hearing, it has been the custom of TDH to adhere to the Rules by facilitating an annual public hearing to receive community input on the Certificate of Public Advantage (“COPA”) granted to Ballad Health (“Ballad”). This public hearing has occurred very early in the calendar year, with the last public hearing held remotely on January 25, 2021, in order for the public to comment on the Annual Report required by Ballad under the TOC. TDH believes the hearing is a valuable opportunity for both Ballad and TDH to receive comments directly from the community most impacted by the COPA.


This year, due to the suspension of certain provisions of the TOC as a result of the declared COVID-19 public health emergency and the impact of the recent COVID-19 pandemic surge upon Ballad and the community at large, TDH has determined that we will not conduct a public hearing early in calendar year 2022 but will delay the public hearing until later in 2022. Although there will still be no Annual Report on which the public can comment at this public hearing, TDH is hopeful that a delay in the public hearing might permit the resumption of in-person meetings, which we find especially informative.

This delay still permits TDH to fulfill its requirement under Rule 1200-38-01-.06(5) to conduct a public hearing at least once every three (3) years to afford the public the opportunity to express their views regarding the operation of the COPA.

TDH will announce the specific date, time and location of the public hearing when we are comfortable that an in-person hearing can be held safely and effectively, and TDH will include Ballad in that communication.

Thank you for your continuing efforts to serve the needs of your patients during these times. Please let my staff know if you have any additional questions or need further clarification.

Sincerely,



Lisa Piercey, MD, MBA, FAAP
Commissioner

cc:

The Honorable Colin M. Greene, MD, MPH
Acting State Health Commissioner
Virginia Department of Health

Tim Belisle, General Counsel
Ballad Health

Marvin Eichorn, EVP, Chief Administrative Officer
Ballad Health

Karen Guske, COPA Compliance Officer
Ballad Health

Erik Bodin, Office of Licensure and Certification
Virginia Department of Health

Allyson Tysinger
Virginia Senior Assistant Attorney General

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Janet M. Kleinfelter, Deputy Attorney General
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