The Tennessee Sunshine Law 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
THIRD AMENDED

Date: May 31, 2022

To: Sarah Tanksley, Director of Communications and Media Relations

From: Wanda E. Hines, Board Administrator

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

Date of Meeting: June 1-2, 2022

Time: 9:00 a.m., Central Time

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

Major Item(s) on Agenda: See attachment.

Link to Live Video Stream:
https://tdh.streamingvideo.tn.gov/Mediasite/Play/16839d16296e48aca944be5341054df31d

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.

PH-1850 (Rev. 3/79) RDA N/A
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

BOARD MEETING

JUNE 1, 2022

IRIS CONFERENCE ROOM, FIRST FLOOR
9:00 a.m.

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

I. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.

II. DISCIPLINARY HEARING(S).

III. RULEMAKING HEARING(S): Notice of Rulemaking Hearings can be viewed online at: https://publications.tnsosfiles.com/rules_filings/03-03-22.pdf

A. 1200-08-01 Standards for Hospitals
   1200-08-01-.01 Definitions
   1200-08-01-.02 Licensing Procedures
   1200-08-01-.03 Disciplinary Procedures
   1200-08-01-.04 Administration
   1200-08-01-.05 Admissions, Discharges, and Transfers
   1200-08-01-.10 Infectious and Hazardous Waste

B. 1200-08-02 Standards for Prescribed Child Care Centers
   1200-08-02-.01 Definitions
   1200-08-02-.03 Disciplinary Procedures
   1200-08-02-.09 Infectious and Hazardous Waste
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>Subsections</th>
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<tbody>
<tr>
<td>C</td>
<td>1200-08-06 Standards for Nursing Homes</td>
<td>1200-08-06-.01 Definitions, 1200-08-06-.03 Disciplinary Procedures, 1200-08-06-.09 Infectious and Hazardous Waste</td>
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<tr>
<td>D</td>
<td>1200-08-10 Standards for Ambulatory Surgical Treatment Centers</td>
<td>1200-08-10-.01 Definitions, 1200-08-10-.03 Disciplinary Procedures, 1200-08-10-.10 Infectious and Hazardous Waste</td>
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<td>E</td>
<td>1200-08-11 Standards for Homes for the Aged</td>
<td>1200-08-11-.01 Definitions, 1200-08-11-.03 Disciplinary Procedures, 1200-08-11-.09 Infectious and Hazardous Waste</td>
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<tr>
<td>F</td>
<td>1200-08-15 Standards for Residential Hospices</td>
<td>1200-08-15-.01 Definitions, 1200-08-15-.03 Disciplinary Procedures, 1200-08-15-.10 Infectious and Hazardous Waste</td>
</tr>
<tr>
<td>G</td>
<td>1200-08-24 Standards for Birthing Centers</td>
<td>1200-08-24-.01 Definitions, 1200-08-24-.03 Disciplinary Procedures, 1200-08-24-.09 Infectious and Hazardous Waste</td>
</tr>
<tr>
<td>H</td>
<td>1200-08-25 Standards for Assisted-Care Living Facilities</td>
<td>1200-08-25-.02 Definitions, 1200-08-25-.05 Regulatory Standards, 1200-08-25-.06 Administration, 1200-08-25-.08 Admissions, Discharges, and Transfer, 1200-08-25-.11 Infectious and Hazardous Waste, 1200-08-25-.16 Disaster Preparedness</td>
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<td>I</td>
<td>1200-08-26 Standards for Homecare Organizations Providing Home Health Services</td>
<td>1200-08-26-.01 Definitions, 1200-08-26-.03 Disciplinary Procedures, 1200-08-26-.10 Infectious and Hazardous Waste</td>
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<td>J</td>
<td>1200-08-27 Standards for Home Care Organizations Providing Hospice Services</td>
<td>1200-08-27-.01 Definitions, 1200-08-27-.03 Disciplinary Procedures, 1200-08-27-.10 Infectious and Hazardous Waste</td>
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<td>1200-08-28 Standards for HIV Supportive Living Centers</td>
<td>1200-08-28-.01 Definitions, 1200-08-28-.03 Disciplinary Procedures, 1200-08-28-.10 Infectious and Hazardous Waste</td>
</tr>
</tbody>
</table>
L. 1200-08-29 Standards for Home Care Organizations Providing Home Medical Equipment
   1200-08-29-.01 Definitions
   1200-08-29-.03 Disciplinary Procedures
   1200-08-29-.10 Infectious and Hazardous Waste

M. 1200-08-32 Standards for End Stage Renal Dialysis Clinics
   1200-08-32-.01 Definitions
   1200-08-32-.03 Disciplinary Procedures
   1200-08-32-.10 Infectious and Hazardous Waste

N. 1200-08-35 Standards for Outpatient Diagnostic Centers
   1200-08-35-.01 Definitions
   1200-08-35-.03 Disciplinary Procedures
   1200-08-35-.10 Infectious and Hazardous Waste

O. 1200-08-36 Standards for Adult Care Homes – Level 2
   1200-08-36-.01 Definitions
   1200-08-36-.04 Regulatory Standards
   1200-08-36-.13 Infectious and Hazardous Waste

P. 1200-08-37 Traumatic Brain Injury Residential Homes
   1200-08-37-.01 Definitions
   1200-08-37-.04 Regulatory Standards
   1200-08-37-.13 Infectious and Hazardous Waste
   1200-08-37-.17 Disaster Preparedness

IV. LICENSE STATUS REQUESTS.

A. PRIME IMAGING, LLC d/b/a DIAGNOSTIC PET/CT OF CHATTANOOGA, CHATTANOOGA (ODC #49)
Diagnostic PET/CT of Chattanooga is requesting their license to be placed on inactive status. Prime received a Certificate of Need in 2004 allowing to initiate PET/CT services and establish an ODC at the 2205 McCallie Avenue location. On or about April 9, 2019, Prime submitted a Certificate of Need Application to relocate its PET/CT machine. It explained in its application to relocate its ODC license, which was granted, and the PET/CT machine has been relocated. Prime is continuing to evaluate the market and continuing its options related to the ODC license.

REPRESENTATIVE(S): Mark Cunningham, Attorney

B. HUMBOLDT NURSING AND REHABILITATION CENTER, HUMBOLDT (NH #87)
This one hundred twenty (120) bed skilled nursing home facility is requesting an extension waiver for their license to remain on inactive status for one (1) additional year. Its license is currently scheduled to expire on June 5, 2022. The owner of HNRC is actively pursuing sale or reopening possibilities and needs additional time to complete this process. Humboldt Nursing and Rehabilitation Center, Humboldt was granted inactive status for one (1) year waiver in October 2021, with a readjusted expiration date of June 2022.

REPRESENTATIVE(S): Bill West, Attorney
C. CAMDEN DIALYSIS, CAMDEN (ESRD #14)
This ESRD facility is requesting an extension waiver for their license to remain on inactive status. Camden Dialysis will be changing their dba to Huntingdon Dialysis. This site is still under construction and Camden expect to have a Certificate of Occupancy in early June 2022. This will allow enough time for the clinic set-up and perform two (2) consecutive weeks of acceptable water cultures and electrolyte testing and coordinating onsite TDOH inspections related to life safety regulations and health facilities licensure will determine the opening date. Camden at the Huntingdon location will be the same approved number of thirteen (13) in-center hemodialysis stations and will add the services of PD home training and support. Camden Dialysis was granted an inactive status waiver on April 5, 2022, which expires in June 2022.

REPRESENTATIVE(S): Tammy Carrington, Group Facility Administrator

D. SISKIN HOSPITAL'S SUBACUTE REHABILITATION PROGRAM, CHATTANOOGA (NH #382)
This twenty-nine (29) bed nursing home facility is requesting a fifth inactive status extension waiver for their license to remain on inactive status for an additional one (1) year through June 2023. Siskin Hospital Subacute Rehabilitation Program was placed on inactive status for one (1) year on June 7, 2017 which expired June 7, 2018; an extension inactive status waiver was granted June 7, 2018 which expired June 7, 2019; a second extension inactive status for one (1) year on June 7, 2019 which expired June 7, 2020; a third extension inactive status for one (1) year was granted on June 7, 2020 which expired on June 2, 2021 and a fourth extension inactive status for one (1) year was granted on June 2, 2021 which will expire on June 2, 2022.

REPRESENTATIVE(S): Dan Elrod, Attorney

E. COOKEVILLE REGIONAL MEDICAL CENTER/UPPER CUMBERLAND PHYSICIAN'S SURGERY CENTER, COOKEVILLE (ASTC #155)
Upper Cumberland Physicians Surgery Center is requesting an extension waiver for their license to remain on inactive status for one (1) additional year. Due to the disruption and distraction resulting from the COVID pandemic, Cookeville Regional Medical Center has not had an adequate opportunity to develop plans for Upper Cumberland Physician's Surgery Center. This ambulatory surgical treatment center is operating as a joint venture between Cookeville Regional Medical Center and local physicians.

REPRESENTATIVE(S): Dan H. Elrod, Attorney

F. MEMORIAL/MISSION OUTPATIENT SURGERY CENTER, CHATTANOOGA (ASTC #147)
This ambulatory surgical treatment center is requesting a seventh extension waiver to remain on inactive status for an additional one (1) year through June 2023. Leadership at Memorial/Mission continues to actively explore options for reactivating the facility’s license, but this process has been significantly hampered by the COVID-19 pandemic. Memorial has had discussions with several physician groups regarding reopening of this facility and is hopeful that as the COVID-19 pandemic recedes, those conversations will be able to further progress. This facility's license was placed on inactive status for twelve (12) months on May 6, 2015 expired May 6, 2016; an extension inactive waiver status for additional twelve (12) months was granted on May 6, 2016 expired June 7, 2017; a second extension inactive status for additional twelve (12) months was granted on June 7, 2017 expired June 7, 2018; a third extension inactive status for additional twelve (12)
months was granted on June 6, 2018 expired June 6, 2019; a fourth extension inactive status for additional twelve (12) months was granted on June 6, 2019 expired June 3, 2020; a fifth extension inactive status was granted for June 3, 2020 for twelve (12) months expired on June 2, 2021; and a sixth extension inactive status for an additional one (1) year was granted on June 2, 2021, which will expire on June 2, 2022.

REPRESENTATIVE(S): Dan Elrod, Attorney

G. BAPTIST TRINITY HOME CARE-PRIVATE PAY DIVISION, MEMPHIS (HHA #242)
This home health agency is requesting a fourth extension waiver for their license to remain on inactive status for an additional one (1) year through June 2023. Baptist-Trinity is a home health agency authorized to provide services in Fayette, Hardeman, Haywood, Shelby, and Tipton counties. It is not Medicare or Medicaid-certified, it has historically provided private duty home health services to commercially-insured and self-pay patients. Baptist-Trinity continues to seek a partner to collaborate with on the future operations of its home care services but has not made substantial progress in those efforts over the past two years due to the COVID-19 pandemic. Inactive status for this license will provide Baptist-Trinity additional time to determine a definitive plan for the future operation of this service. This facility's license was placed on inactive status for one (1) year on June 6, 2018, expired June 6, 2019; an extension inactive waiver status for an additional twelve (12) month and was granted June 9, 2019, expired June 3, 2020; and a second extension inactive waiver status for an additional one (1) year was granted on June 3, 2020 expired on June 2021; and a third extension inactive waiver status for an additional one (1) year was granted June 2, 2021 which will expire on June 2, 2022.

REPRESENTATIVE(S): Dan Elrod, Attorney

H. JACKSON PARK CHRISTIAN HOME, NASHVILLE (NH #55)
This twenty-eight (28) bed nursing home facility is requesting its ninth extension waiver for their license to remain on inactive status for an additional twelve (12) months through June 2023. Signature Healthcare, LLC is affiliated with Signature HealthCARE which owns and operates other facilities. This facility ceases operations on February 29, 2012, because the operation of the facility was economically unfeasible. The Board has continued approval of the facility's inactive status as Signature continues to evaluate the best options for the licensed facility going forward, and Signature has updated the Board during that period. Signature continues its effort to find either a viable purchaser or a viable development opportunity for the facility's beds with another replacement facility. Jackson Park Christian Home's license was placed on inactive status for twelve (12) months on May 2, 2012; an extension waiver for inactive status was granted for an additional twelve (12) months on May 1, 2013; a second extension was granted on May 8, 2014 for an additional twelve (12) months; a third extension was granted on May 6, 2015 for an additional twelve (12) months; a fourth extension was granted on May 4, 2016 for an additional twelve (12) months; a fifth extension was granted on June 7, 2017 for an additional twelve (12) months; a sixth extension was granted on June 6, 2018 for twenty-four (24) months expired June 2020; a seventh extension was granted on June 3, 2020 expired on June 3, 2021; an eighth extension was granted on June 3, 2021 for an additional twelve (12) months which will expire on June 3, 2022.

REPRESENTATIVE(S): Chris Puri, Attorney
I. NASHVILLE METRO CARE & REHABILITATION CENTER, NASHVILLE (NH #47)
This one hundred eleven (111) bed skilled nursing home facility is requesting an additional twelve (12) months extension to remain on inactive until the next board meeting in June 2023. In September 2016, The Crestview Care and Rehabilitation Center, LLC and Nashville Realty Holdings, LLC (“Crestview”), borrowed funds from Bank of Oklahoma (BOKF) which they utilized in the acquisition. In September 2017, the Tennessee Department of Health (TDH) suspended admissions of new residents to the facility, impose large civil monetary penalties, and appointed a special monitor to oversee its operations. Shortly thereafter, the facility’s provider agreements were terminated by CMS which led to the closure of the facility. In April 2018 BOKF notifies representatives of Crestview and Skyline Health Care, LLC, of numerous defaults regarding the loan made by BOKF. May 23, 2018, attorneys with our firm (as counsel for BOKF) filed a legal action seeking Emergency Appointment of Receiver. On June 5, 2020, the Davidson County Chancery Court granted BOKF motion for the Emergency Appointment of Receiver and appointed Attorney John Cheadle, Jr. as receiver for this asset, which includes the facility’s license #47. The real property and health care license rights are the only assets of which BOKF is aware to satisfy the obligations owed to it. BOKF has actively marketed the facility assets and had reached a definite agreement with a new owner to purchase the property and redevelop a new facility. That transaction is currently in the process of moving to a closing that the parties hope will occur in the next few months.

REPRESENTATIVE(S): Chris Puri, Attorney

J. WAYNE COUNTY NURSING HOME, WAYNESBORO (NH #277)
This forty-six (46) bed nursing home is seeking a fifth extension waiver for their license to remain on inactive status for an additional twelve (12) months through June 2023. This facility is one of two facilities in Wayne County, and the facility cease operations because the operation of the beds was economically unfeasible. The Board has continued approval of the facility’s inactive status as the facility continued to evaluate the best option for the licensed facility going forward. This facility’s license was placed on inactive status on September 10, 2014, an extension waiver was granted on September 10, 2015; a second extension was granted on October 26, 2016, for two (2) years, which expired in June 2019; a third extension was granted on June 19, 2019, for an additional one (1) year; and a fourth extension was granted for June 18, 2020, for two (2) additional years which will expire June 2022.

REPRESENTATIVE(S): Chris Puri, Attorney

V. WAIVER REQUESTS.

A. TANDEM DIABETES CARE, INC., SAN DIEGO, CA (HME File #1337)
Tandem Diabetes Care, Inc., submitted their application and fee to apply for licensure as a Home Medical Equipment Provider in Tennessee. As Tandem prepares for its initial survey they request the Board a waiver of certain Rules under Chapter 1200-08-29, Standards for Home Care Organizations providing home medical equipment. Under Tennessee law, a provider of home medical equipment has its principal place of business outside of Tennessee, under Tennessee Code Section 68-11-226(e) Tandem is not subject to this requirement because Tandem manufactures and distributes its own company-branded insulin infusion pumps; maintains an employee presence in Tennessee; is accredited by a CMS-approved accrediting organization; and maintains a 24/7 service number. Tandem does not maintain a physical facility in Tennessee. Tandem request from the Board a waiver for the following rules: (1) Rule 1200-08-29-.04(7) – Post notices in the main public entrance; (2) Rule 1200-08-29-.04(8) – No smoking signs; (3) Rule 1200-08-29-.06(2)(f), (4) – Annual Influenza Vaccination Program; Rule 1200-08-29-
.06(5) - Physical location; and Rule 1200-08-29-.06(6)(c) – Staff or contract with a qualified rehabilitation professional – insulin infusion pumps not require nor does Tandem have any use for the services of a qualified rehabilitation professional. Tandem is in the process of gathering the materials necessary for the initial licensure survey which will be provided to the surveyor at the time of their initial review.

REPRESENTATIVE(S): Ms. Deborah Muns-Park., Assistant General Counsel

B. VANDERBILT UNIVERSITY MEDICAL CENTER, NASHVILLE (HOSP #27)
On behalf of Vanderbilt University Medical Center (VUMC), Nashville to request the Board for Licensing to grant the following waivers. Vanderbilt requests the extension of waivers permitting continued use of an observation unit on the first floor until construction in the area is completed in late 2022. VUMC was first granted waivers for this unit in 2014. The unit included seven observation rooms and eleven observation hold cubicles and the waiver relates to the size of the rooms and cubicles. VUMC did not expect this waiver would need to be extended. However, planned construction to bring rooms into compliance with FGI standards was delayed due to the COVID-19 pandemic.

Second, the Board has previously granted waivers to VUMC for the following:

- Temporary emergency department waiting and screening area;
- The use of 20 observation rooms on the Medical Center East, floors 6, 7, and 8 for inpatients;
- The use of 14 observation rooms on the 7th floor of the South Building for inpatients; and
- The use of semi-private occupancy in 115 rooms.

VUMC is completing the construction in phases. Phase 1 is underway currently and Phase 2 will begin late summer 2022. While it appears that the pandemic has subsided for the present, VUMC continues to need the additional capacity and flexibility created by the uses outlined. VUMC requests that the waivers for the four areas outlined above continue until the Board’s meeting in February 2023.

REPRESENTATIVE(S): Dan H. Elrod, Attorney

C. THE FARMS AT BAILEY STATION, AL & SECURED UNITS, COLLIERVILLE -(ACLF FILE #517)
The Farms at Bailey Station, Collierville is requesting a waiver of certain space requirements to allow the use of certain units as double occupancy units by two related individuals. The facility requests a waiver of ACLF Rules 1200-08-25-.09(18)(b). This regulation specifically requires the facility a minimum of eighty (80) square feet of bedroom space for each resident. A couple sharing the living unit would not be in compliant with these square footage requirements based on the configuration of certain of these units. The facility does not have multiple double occupancy units and believes it will require more double occupancy units in certain situations. This waiver will be requesting to continue permanently for the facility as it is currently constructed. The Farms at Bailey Station is also requesting the Board recognizes that its approval of the flexibility in requested waiver would also be compliant with the more general building requirements as ACLF 1200-08-25-.09(1) which requires construction of the facility in a manner that assures the safety and well-being of residents. This facility is in the process of pending initial licensure application to be approved and in process of initial inspection.

REPRESENTATIVE(S): Chris Puri, Attorney
VI. DISCUSSION(S).

A. Second Data Report from Vanderbilt University Medical Center #27 regarding services for its Hospital Care at Home Program.

B. Assisted Care Living Facility Administrators how many ACLF facilities can an administrator serve? This number is not stated by ACLF Rules and Regulations.


REPRESENTATIVE(S): Natasha Kurth, Executive Director
Children’s Emergency Care Alliance of Tennessee (CECA TN)

D. Extension of Interpretative Guidelines and Board Policy #82 - COVID-19 Crisis Waivers in Effect Until the February 2023 Board meeting regarding CMS 1135 QSO recent updates.

1. Assisted Care Living Facility rule 1200-08-25-.08(1)(c) regarding admission or retention of resident with COVID-19.

2. Home Health Agency rule 1200-08-26-.06(3)(b) regarding evidence of review of plan of care must include physician’s signature.

3. Hospice rule 1200-08-27-.05(3) & (5) regarding written plan of care being established & reviewed by a physician and care or treatment under the supervision of a physician and rule 1200-08-27-.05(9) regarding medication or treatment ordered by physician.

4. Board Policy #82 – Revised/Updates.

E. Temporary Nurse Aides – Challenge Application.

VII. BOARD POLICY CONSENTS.

A. THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(4) FOR A TENNESSEE REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE BY BOARD POLICY #81:

1. Signature Healthcare of Cleveland, Cleveland (NH #16)
   - Jaquelyn Spence, Temporary Administrator

2. Magnolia Healthcare and Rehabilitation Center (NH #182)
   - Tevis Tuggle, RN, NHN, Temporary Administrator

3. AHC Forest Cove, Jackson (NH #170)
   - Christopher Spence, Temporary Administrator

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

1. Elk River Health and Nursing Center of Ardmore, Ardmore (NH #91)
VIII. CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND (INITIALS)).

A. SPECIAL CONSIDERATION.

1. (INITIALS)
   N/A

2. (CHOWS)
   N/A

B. RATIFICATION.

1. QUALIFYING APPLICATIONS (Approval)

   (INITIALS)

   (a) Home Health Agencies
       Brightstar Care, Knoxville
       MAG Homecare, Memphis

   (b) Professional Support Services
       Milestone Home Healthcare Services

2. (CHOWS)
   N/A

IX. APPROVAL OF MINUTES.

A. April 5, 2022 Board Meeting

X. LICENSE STATUS UPDATES.

CLARKSVILLE NORTH DIALYSIS, CLARKSVILLE (ESRD #166)
Clarksville North Dialysis, Clarksville will temporarily close and change their operating days and hours due to staffing shortage effective March 31, 2022. All ICHD patients that treat on TTS, will treat at Fort Campbell Dialysis, Clarksville.

ROCKGATE ASSISTED LIVING FACILITY, COWAN (ACLF #373)
Rockgate Assisted Living is now officially shutdown for operations, having transitioned the last resident terminated the last resident on April 30, 2022. The owners of Rockgate request that the operating license #000000373, be terminated as of May 13, 2022.

*FACILITY CLOSURES
   See attachment.

XI. REPORTS.

A. EMS REPORT – N/A

B. NURSE AIDE REPORT – Ann Reed, Director of Licensing

C. OFFICE OF GENERAL COUNSEL REPORT – Ronda Webb-Stewart, OGC
XII. ORDERS.
   A. CONSENT ORDER(S)

XIII. REGULATION(S).
   A. BOARD APPROVAL FOR RULEMAKING HEARING
      N/A
   B. PROPOSED RULE LANGUAGE
      N/A