



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

AMENDED

Date: October 6, 2020
To: Shelley Walker, Director of Communications and Media Relations
From: Wanda E. Hines, Board Administrator
Name of Board or Committee: Board for Licensing Health Care Facilities
Board Meeting
Date of Meeting: October 7, 2020
Time: 9:00 a.m. Central Time
Place: **WebEx Event: Due to COVID-19 considerations, please join us in our virtual meeting which is open to the public using the instructions below.**

During the meeting, please join using the information below:

Join as an attendee:

<https://tngov.webex.com/tngov/onstage/g.php?MTID=eca04faadb2948d0f21d7c1a46fcdf3d>

Event Number: 171 533 2891

Event Password: HCF2020

Join the audio conference only

To join the meeting telephonically call the number below and enter the access code.

US TOLL +1-415-665-0003 Event number/Access code: 171 533 2891

Major Item(s) on Agenda: See Attached Agenda

Board members will be participating by WebEx Event/telephone.

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.



LISA PIERCEY, MD, MBA, FAAP
COMMISSIONER

BILL LEE
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

WEBEX BOARD MEETING

OCTOBER 7, 2020

IRIS CONFERENCE ROOM, FIRST FLOOR

9:00 a.m.

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

- I. WELCOME NEW BOARD MEMBERS:** Jennifer Tatum-Cranford, Pharm. D., Doctor of Pharmacy Representative replacing Carissa Lynch and Dr. Howard Daniel Clark, DDS, Oral Surgeon Representative replacing Dr. Jennifer Gordon-Maloney.
- II. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
- III. LICENSE STATUS REQUESTS.**

A. CHRISTIAN CARE CENTER OF BOLIVAR, BOLIVAR (NH #116)

This sixty-seven (67) bed skilled nursing home facility is seeking a second extension waiver for their license to remain on inactive status through February 2022. The owner of the nursing home holds a Certificate of Need (CON) for the construction of a replacement facility, which is necessary for its re-opening and resumption of services. The construction of the CON authorized replacement facility has been delayed due to weather and COVID-19. An extension of the CON until December 2021 will be requested from HSDA and is expected to be granted at its October 2020 meeting. Christian Care Center of Bolivar's license was placed on inactive status for one (1) year on October 18, 2017; an extension waiver for inactive status was granted on October 3, 2018 until December 1, 2020 to coincide with the current Certificate of Need expiration date.

REPRESENTATIVE(S): Jerry W. Taylor, Attorney

B. CHRISTIAN CARE CENTER OF MEDINA, MEDINA (NH #308)

This sixty-six (66) bed skilled nursing home facility is requesting a third extension waiver for their license to remain on inactive status through October 2021. The owner of the nursing home holds a Certificate of Need (CON) for the construction of a replacement facility, which is necessary for the re-opening and the resumption of services. The CON is valid until February 1, 2022, and construction of the replacement facility is expected to be completed around November of 2021 assuming no unusual delays due to weather or other factors. Christian Care Center of Medina's license was placed on inactive status for one (1) year on June 7, 2017; an extension waiver for inactive status was granted for an additional one (1) year on June 6, 2018; a second extension for inactive status was granted for an additional one (1) year on June 5, 2019 which will expire on October 7, 2020.

REPRESENTATIVE(S): Jerry W. Taylor, Attorney

C. CHRISTIAN CARE CENTER OF WASHINGTON COUNTY, f/k/a FAMILY MINISTRIES JOHN M. REED CENTER, LIMESTONE (NH #293)

This sixty-three (63) bed skilled nursing home facility is requesting a second extension waiver for their license to remain on inactive for an additional one (1) year through October 7, 2021. The owner of the nursing home was granted a Certificate of Need (CON) on August 26, 2020 for the construction of a replacement facility for its re-opening and the resumption of services. The CON will be valid until approximately November 1, 2022 (the date has not yet been definitively set). Christian Care Center of Washington County's license was placed on inactive status for one (1) year on October 4, 2018; an extension waiver for inactive status was granted for an additional twelve (12) months on October 2, 2019 which will expire on October 7, 2020.

REPRESENTATIVE: Jerry W. Taylor, Attorney

D. COPPER BASIN MEDICAL CENTER, COPPERHILL (HOSP #94)

This twenty-five (25) bed hospital facility is requesting a third extension of the inactive status extension for one (1) additional year through October 7, 2021. The county of Polk and the City of Ducktown currently hold the title to Real Property and Personal Property, since acquiring the property they have been working on finding a potential buyer. Currently, Copper Basin has leased the Medical Building to a couple of doctors and a physical therapy group which helps retain some health services for the community. They have talked with other hospitals about possible health services for their community and they are still in communication with some of these potential providers. Copper Basin Medical Center's license was placed on inactive status for one (1) year on October 4, 2017; an extension waiver for inactive status was granted on October 3, 2018 for an additional one (1) year; and a second extension waiver for inactive status for an additional one (1) year was granted on October 2, 2019 which will expire on October 7, 2020.

REPRESENTATIVE(S): Mayor Doug Collins, Administrator

- E. JAMESTOWN REGIONAL MEDICAL CENTER, JAMESTOWN (HOSP #48)**
This eighty-five (85) bed hospital facility is requesting to place their license back on inactive status for one (1) additional year. Jamestown Regional Medical Center was previously on inactive status expired on June 3, 2020. Mr. Michael Alexander was unable to attend the June 2020 meeting; he requested to be placed on the October 7-8, 2020 Board meeting agenda to request a further inactive status of the facility's license. Jamestown Regional Medical Center will not be admitting or treating patients at this location. At this time, no patients needed to be relocated to other facilities.

REPRESENTATIVE(S): Michael Alexander, CEO

- F. KINGSPORT AMBULATORY SURGERY CENTER, KINGSPORT (ASTC #113)**
This ambulatory surgical treatment center is requesting to place their license on inactive status for a period of two (2) years. COVID-19 has affected the ability for elective surgeries to be performed at Kingsport Ambulatory Surgery Center. Currently, the owner is evaluating all its options.

REPRESENTATIVE(S): Kim Harvey Looney, Attorney

- G. SAINT THOMAS OUTPATIENT NEUROSURGICAL CENTER, NASHVILLE (ASTC #126) d/b/a ASCENSION SAINT THOMAS**
This ambulatory surgical treatment center is requesting an extension waiver for their license to remain on inactive status for an additional one (1) year through October 2021 as Ascension Saint Thomas continues to perform an administrative review. Saint Thomas Outpatient Neurosurgical Center was placed on inactive status on October 2, 2019 for one (1) year which will expire on October 2020.

REPRESENTATIVE(S): Timothy Shalvey, Attorney

- H. TENNOVA HEALTHCARE HOSPICE IN-PATIENT HOSPICE HOUSE, KNOXVILLE (RHF #2)**
This eighteen (18) bed residential hospice facility is requesting a third extension waiver for their license to remain on inactive status for an additional one (1) year through October 2021. This facility is reviewing its status and hopes to be able to reopen if it can be financially feasible. Tennova Healthcare Hospice In-patient Hospice House was placed on inactive status on October 4, 2017 which expired on October 4, 2018, an extension was granted October 3, 2018 which expired October 2019.

REPRESENTATIVE(S): Kim Harvey Looney, Attorney

IV. WAIVER REQUESTS.

A. MABRY HEALTH CARE AND REHAB, GAINESBORO (NH #136)

This eighty-three (83) bed skilled nursing facility is requesting to waive Nursing Home Rule 1200-08-06-.04(1) to allow the interim nursing home administrator who is also the Director of Nursing to assume both roles until a permanent administrator can be hired. This rule states in part, “The nursing home shall have a full-time (working at least 32 hours per week) administrator licensed in Tennessee, who shall not function as the director of nursing.” Mabry Health Care and Rehab was granted a waiver for an unexpected loss of administrator according to Nursing Home Rule 1200-08-06-.04(4) at the February 5, 2020 Board meeting. The facility is in a rural area that has fewer resources to find a replacement for either of these two positions. The facility’s plan is for their current Business Administrative Assistant and Assisted Living Administrator to assume this role as a Nursing Home Administrator once she obtains her degree and NHA license. This will take approximately one (1) year.

REPRESENTATIVE(S): Heather Stafford, Interim Administrator/Director of Nursing

B. PERRY COMMUNITY HOSPITAL, LINDEN (HOSP #93)

This fifty-three (53) bed rural hospital is requesting to waive Hospital Rule 1200-08-01-.06(4)(c) which states in part, “There must be supervisory and staff personnel for each department or nursing unit to ensure, when needed, the immediate availability of a registered nurse for bedside care of any patient.” Due to the current COVID-19 Pandemic this hospital is having a difficult time in meeting the requirement for 1 RN per unit. Currently, LPNs and CNAs are assisting in provision of patient care under the supervision of the RN. This hospital is requesting this waiver requirement until at such time they can recruit and train adequate RNs to meet this requirement or the ending of this current pandemic.

REPRESENTATIVE(S): Liane Parker, Administrator

C. SISKIN HOSPITAL FOR PHYSICAL REHABILITATION, CHATTANOOGA (HOSP #67)

This eighty-eight (88) bed hospital is requesting to increase their rehab beds count for eight (8) additional beds. The total licensed acute beds complement will be ninety-six (96) beds upon approval. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g).

Siskin Hospital for Physical Rehabilitation second request is an extension of the temporary addition of twelve (12) IRF beds until August 31, 2021. Due to the COVID-19 pandemic, as allowed via CMS 412.29(c)(2) Hospital without Walls, the Governor’s Executive Orders #36 and #50, and Board Policy #82, Siskin was approved for the use of twelve (12) IRF beds in the adjacent nursing home, St. Barnabas at Siskin Hospital, effective August 17, 2020. This extension request is to carry Siskin through the completion of the build out of their 2-East Unit in which the permanent ten percent triennial increase would be put into place.

REPRESENTATIVE(S): Matthew Gibson, President and CEO and Carol Arnhart, Vice President, Finance and Chief Financial Officer

D. ST. JUDE CHILDREN’S RESEARCH HOSPITAL, MEMPHIS #113

St. Jude Children’s Research Hospital, Memphis is requesting expansion of services provided at their temporary COVID-19 locations. The federal and state COVID-19 waivers allow hospital services to expand to new temporary locations, to enforce distancing and prevent unnecessary exposure. St. Jude hopes this will allow their temporary COVID-19 and respiratory illness drive-thru sample collection sites to continue past the October 7, 2020 and to expand their scope beyond specimen collection for laboratory testing and verbal screening, to add vaccination services.

REPRESENTATIVE(S): Monica M. Hon, Vice President & Director of Client Solutions, Advis and Robert R. Clark, Chief Government Affairs Officer, St Jude

E. THE UNIVERSITY OF TENNESSEE MEDICAL CENTER, KNOXVILLE (HOSP #46)

The University of Tennessee Medical Center (UTMC), Knoxville operates a COVID-19 screening and testing facility in a temporary testing structure on its campus in accordance with Board Policy #82. Approximately 700 COVID-19 tests per week are performed in the temporary testing structure. In its absence, these tests would be performed in the UTMC Emergency Department. UTMC requests that if Board Policy #82, is not extended UTMC be granted a waiver from all Board rules and policies which would otherwise prevent the hospital from continuing to operate the temporary testing structure on its campus as needed. UTMC requests the waiver be effective until October 2021 board meeting.

REPRESENTATIVE(S): Jerry W. Taylor, Attorney

F. VANDERBILT UNIVERSITY MEDICAL CENTER, NASHVILLE (HOSP #27)

Vanderbilt University Medical Center (VUMC), Nashville is seeking to continued operation of its temporary structure known as the E-Pod Unit and E-Pod Employee Assessment Center located in the VUMC parking garage across from the VUMC adult emergency department (“ED”) according to Board Policy #82. The facility used to evaluate patients who present to the ED, and who are either identified as COVID-19 patient or who are exhibiting symptoms consistent with COVID-19. VUMC fully supports the extension of Board Policy #82, as it relates to temporary hospital structures. If Board Policy #82 is not extended VUMC respectfully requests (1) approval by the Board to continue operation of the E-Pod until the Board’s meeting in October of 2021 and (2) waiver of any facility guidelines applicable to the E-Pod except those set forth in Board Policy #82.

REPRESENTATIVE(S): Dan H. Elrod, Attorney

V. DISCUSSION(S).

A. Revisit-Approved Interpretative Guidelines regarding the COVID-19 Crisis waivers in effect until the October 7, 2020 Board meeting.

- B.** CoPEC Final Draft of Pediatric Emergency Care Facilities Rules-Chapter 1200-08-30 for Board Approval.

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

- C.** DIDD Submission of Interpretative Guideline for PSS Agency Survey.

REPRESENTATIVE(S): Karen Wills, Director, Therapeutic Services
Office of Clinical Services

- D.** Home Medical Equipment Licensure Requirement.

REPRESENTATIVE(S): David Baxter, President, Baxter Management

- E.** Request Rule Change for Ambulatory Surgery Treatment Centers according to CMS changes.

REPRESENTATIVE(S): Judy Eads, RN Consultant
Key Management Associates LLC

- F.** Propose Board Meeting Dates for Year 2021.

VI. BOARD POLICY CONSENTS.

- A. THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(1) FOR A TENNESSEE REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE BY BOARD POLICY #81:**

1. Donalson Care Center, Fayetteville (NH #159)
- Jack Grove, Temporary Administrator
2. Magnolia Healthcare and Rehabilitation Center, Columbia (NH #182)
- Jason Stewart, Temporary Administrator
3. Tennessee State Veteran's Home, Humboldt (NH #346)
- Jennifer McNabb Mullikin, Temporary Administrator
4. Diversicare of Martin, Martin (NH #281)
- Scottie Casey, Temporary Administrator

VII. 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) Assisted Care Living Facility

Harbor Chase of Germantown, Memphis
South High Senior Living, Knoxville
The Lantern at Morning Pointe Alzheimer's Center, Knoxville

(b) End Stage Renal Dialysis Clinics

Kingsport Kidney Center, Kingsport

(c) Home Medical Equipment

Neurology Clinic, PC, Cordova
Queen City Medical Supply, LLC, Clarksville

(d) Outpatient Diagnostics Centers

Lebanon PET Scan Center, LLC, Lebanon

(e) Professional Support Services

Americare Home Health Agency, LLC, Memphis
Lorie Bain, Franklin
North Delta Medical Services, Inc., Memphis
Rhonda Bolton, Johnson City

2. (CHOWS)
N/A

VIII. APPROVAL OF MINUTES.

- A. May 27, 2020 – Emergency Called Rulemaking Hearing
- B. June 3, 2020 – Board Meeting
- C. September 8, 2020 – Emergency Called WebEx Board Meeting
- D. September 15, 2020 – Performance Improvement Issue Standing Committee Meeting

IX. LICENSE STATUS UPDATES.

DEACONESS HOMECARE, MT. JULIET (HHA #282)

This home health agency had experience flooding due to broken pipes. The main provider was temporarily working from the branch office in Cookeville, TN and has forwarded their phones and faxes to that location. Deaconess HomeCare has notified the department they are no longer working with their branch office in Cookeville, TN. All issues have been resolved and their phone lines were returned to their main office.

DIALYSIS ASSOCIATES OF MURFREESBORO HOME TRAINING, MURFREESBORO (ESRD #133)

Effective June 22, 2020, Dialysis Associates of Murfreesboro Home Training, Murfreesboro clinic flooded due to a subcontractor hitting the sprinkler head and causing the fire alarm and sprinkler system to come on. The clinic is currently under repairs, but it is taking longer than previously estimated for this completion. Dialysis Associates of Murfreesboro Home Training currently has 65 patients that need their monthly visits as well as 8 additional patients that need to be admitted and trained on Home Therapy. Until August 29th we are going to utilize a previously licensed and certified Home Therapy treatment room in our FKC Franklin clinic. The FKC Franklin clinic has 1 pod available that we can use the 4 chairs to draw labs and do assessments. There are some patients that are not able to travel to the Franklin clinic, so they are using one of the exam rooms at the physician's office that is across the street from the Home clinic in Murfreesboro. Dialysis Associates of Murfreesboro Home Training is estimating the required repair work to the clinic will take until August 29th to complete. They are hoping to move their patients back to the clinic by August 31st.

UNICOI COUNTY HOSPITAL, ERWIN (HOSP #119), HAWKINS COUNTY MEMORIAL HOSPITAL, ROGERSVILLE (HOSP #60) AND HANCOCK COUNTY HOSPITAL, SNEEDVILLE (HOSP #165)

Effective July 16, 2020 Ballad Health Hospitals will temporarily suspend inpatient services at Unicoi County Hospital, Erwin; Hawkins County Memorial Hospital, Rogersville; and Hancock County Hospital, Sneedville. The emergency departments of such hospitals will remain open to assist residents with urgent medical needs-this temporary suspension only affects inpatient services. Any inpatients at the three hospitals on the effective date will continue to be treated at the facility until they are medically cleared for discharge. Ballad intends that such temporary suspension will be in effect only if the COVID-19 patient surge requires such additional staffing in the COVID-19 units. Once the COVID-19 surge subsides, Ballad will restore inpatient services at all three hospitals through a coordinated strategy and communications plan.

CST COMMUNICATION & SWALLOWING THERAPIES (PSS #295)

This PSS provider was on the June 3, 2020 Board agenda but was not present regarding an unacceptable Plan of Correction and further disciplinary action was pending. The owner of CST Communication & Swallowing Therapies, Knoxville voluntarily closed the license effective July 14, 2020.

UNITY MEDICAL CENTER, MANCHESTER (HOSP #17)

This forty-nine (49) bed hospital would like to withdraw their waiver request sent to the licensing agency on January 24, 2020 concerning the proposed 4 bed ICU. After collaboration with the State of Tennessee Plans Review Section and architectural and engineering firms, a plan was developed. This plan allowed Unity Medical Center to meet current codes for the ICU making a waiver request no longer necessary.

DIALYZE DIRECT TN, LLC, MEMPHIS (ESRD #270)

This ESRD facility was granted approval on April 1, 2020 to allow Dialyze Direct TN, LLC, Memphis an initial licensure approval. This approval was conditioned upon the submission of responses to Plan Review comments dated July 31, 2019 to the Office of Health Care Facilities, Plans Review. Plans have been submitted to the Office of Health Care Facilities, Plans Review thereby meeting the requested requirement.

***FACILITY CLOSURES**

See attachment.

X. REPORTS.

- A. **EMS REPORT** – Robert Seesholtz, Trauma System Manager, EMS
- B. **NURSE AIDE REPORT** – Wanda King, Program Manager, CNA
- C. **OFFICE OF GENERAL COUNSEL REPORT** – Caroline Tippens,
Senior Associate General Counsel
- D. **OFFICE OF HEALTH CARE FACILITIES REPORT** – Vincent Davis, Director
Health Care Facilities
- E. **PERFORMANCE IMPROVEMENT ISSUE STANDING COMMITTEE
MEETING REPORT – SEPTEMBER 15, 2020** – Ann Reed

XI. ORDERS.

- A. **CONSENT ORDER(S).**

XII. REGULATION(S).

- A. **BOARD APPROVAL FOR RULEMAKING HEARING**
N/A
- B. **PROPOSED RULE LANGUAGE**
N/A