



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: February 4, 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
(Call-in Number: 1-888-757-2790 passcode: 516730#)

Date of Meeting: February 5, 2020

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

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

Major Item(s) on Agenda: See Attached

LINK TO LIVE VIDEO STREAM:

<https://web.nowuseeit.tn.gov/Mediasite/Play/9609e5d51df0440082b73d57469bbc141d>

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

FEBRUARY 5, 2020

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

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

1. **WELCOME NEW BOARD MEMBERS:** Ms. Susan Peach, Hospital Administrator Representative replacing Mr. Thomas Gee and Mr. Louis Caputo, Hospital Administrator Representative replacing Dr. Lisa Piercey.
2. **CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
3. **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. **STANDING COMMITTEE(S) REPORT** – Ann Reed, Director of Licensing, HCF

4. BOARD APPROVAL FOR THE FOLLOWING INTERPRETATIVE GUIDELINES

- A. Assisted Care Living Facility Rule 1200-08-25-.02(37) Definition of Secured Unit
- B. Hospital 1200-08-01-.05(5)- Licensed Practitioners Medication/Treatment Orders for Inpatients

5. LICENSE STATUS REQUESTS.

BAPTIST MEMORIAL-MEMPHIS SKILLED NURSING FACILITY, MEMPHIS-(NH #352)

This thirty-five (35) bed skilled nursing unit at Baptist Memorial-Memphis Skilled Nursing Facility, Memphis is requesting a seventh extension for their license to remain on inactive status for an additional twelve (12) months thru February 5, 2021. Effective October 1, 2019, CMS altered the case-mix classification rules and payment system for short term nursing facilities to encourage a more value-based, unified post-acute care model. Baptist Memorial-Memphis had hope that this change would provide clarity as to the feasibility of reactivating the thirty-five (35) SNF beds for post-acute services. There has been insufficient experience with the new payment system to determine whether the use of the beds is a viable option. The continuing need to find cost-effective, high-quality solutions for post-acute patients Baptist Memorial-Memphis respectfully requests an additional extension. Baptist Memorial-Memphis was granted an inactive status waiver on February 7, 2013 for twelve (12) months; an extension inactive status waiver was granted on January 23, 2014 for twelve (12) months; a second extension inactive status waiver for additional twelve (12) months was granted January 15, 2015; a third extension inactive status waiver for additional twelve (12) months was granted January 14, 2016; a fourth extension for inactive status was granted February 8, 2017 for twelve (12) months; a fifth extension for inactive status was granted on February 7, 2018, and a sixth extension for inactive status was granted on February 5, 2019 which will expire on February 5, 2020.

REPRESENTATIVE(S): Dan Elrod, Attorney

BAPTIST SKILLED REHABILITATION UNIT-GERMANTOWN, GERMANTOWN (NH #391)

This eighteen (18) bed skilled nursing unit at Baptist Rehabilitation-Germantown is requesting a fifth extension for their license to remain on inactive status for an additional twelve (12) months thru February 2021. Effective October 1, 2019, CMS altered the case-mix classification rules and payment system for short term nursing facilities to encourage a more value-based, unified post-acute care model. Baptist Memorial had hope that this change would provide clarity as to the feasibility of reactivating the eighteen (18) SNF beds for post-acute services. There has been insufficient experience with the new payment system to determine whether the use of the beds is a viable option. The continuing need to find cost-effective, high-quality solutions for post-acute patients Baptist Memorial respectfully requests an additional extension. Baptist Skilled Rehabilitation Unit-Germantown was granted an inactive status waiver on January 21, 2015 for twelve (12) months; an extension inactive status waiver was granted January 14, 2016 for twelve (12) months; a second extension inactive status waiver was granted February 8, 2017 for twelve (12) months; a third

extension inactive status waiver was granted February 7, 2018 for twelve (12) months; and a fourth extension for their license was granted February 5, 2019 for twelve (12) additional months which will expire on February 5, 2020.

REPRESENTATIVE(S): Dan Elrod, Attorney

BELCOURT TERRACE NURSING HOME – (NH #43)

This forty-nine (49) bed nursing home facility is requesting a fourth extension waiver for their license to remain on inactive status for an additional one (1) year. The Purchaser has entered into a contract to purchase the real estate for the replacement facility, and has filed a CON application for the replacement facility. Their CON application was deferred until the February 26, 2020 HSDA meeting. The Purchaser has filed for a change of ownership approval with this Board.

REPRESENTATIVE(S): Bill West, Attorney

LENOIR CITY TN OPCO, LLC, LENOIR CITY – (NH #160)

This one hundred and four (104) nursing home facility is requesting to place their license on inactive status.

REPRESENTATIVE(S): Mick Vujanovic, COO

NASHVILLE SURGERY CENTER, NASHVILLE-(ASTC #12)

This ASTC facility is requesting a third extension waiver for their license to remain on inactive status for an additional sixteen (16) months through June 2021. The owner is in the process of re-syndicating ownership interests to a group of local surgeons, renovating the facility, and then re-opening the surgery center at its current location. This has taken longer than expected but the plans are moving forward. Finalization of the negotiated agreements with the physician group may take several more months and the construction is expected to take at least eight (8) months. Nashville Surgery Center was granted inactive status on September 18, 2015 for two (2) years; and an inactive status extension waiver was granted October 4, 2017 for eighteen (18) months; and a second extension waiver was granted on February 5, 2019 for one (1) additional year which expires February 5, 2020.

REPRESENTATIVE(S): Jerry W. Taylor, Attorney

SENIOR SAINTS' HOME, CHATTANOOGA-(RHA #84)

This Residential Home for the Aged (RHA) facility is requesting a third extension waiver for their license to remain on inactive status for an additional twelve (12) months. The delay in completing the required remodeling has been due to financial constraints, with minimal progress made in the past year. Senior Saints' Home is optimistic that the project should be completed in the course of the next twelve (12) months. Senior Saints' Home was granted inactive status on September 7, 2016 for one (1) year; and an inactive status extension waiver was granted on February 7, 2018 for one (1) year; and February 7, 2019 for one (1) year which expires on February 2020.

REPRESENTATIVE(S): Kennedy N. Omanwa, Administrator

SIGNATURE HEALTHCARE AT METHODIST, MEMPHIS (NH #247)

This forty-four (44) bed nursing home is requesting a second extension waiver for their license to remain on inactive status for an additional one (1) year. Signature HealthCare continues to search for viable options to reactivate the licensed facility and beds. No such option has presented itself at this point in time, and additional time in inactive status is needed to identify options for the future use of the facility, either through reopening, sale or relocation. Signature Healthcare at Methodist was granted an inactive status waiver on February 7, 2018 for one (1) year; an extension inactive status was granted on February 5, 2019 for an additional one (1) year which will expire on February 5, 2020.

REPRESENTATIVE(S): Christopher C. Puri, Attorney

SIGNATURE HEALTHCARE AT SAINT FRANCIS, MEMPHIS (NH #254)

This one hundred ninety-seven (197) bed nursing home is requesting a second extension waiver for their license to remain on inactive status for an additional one (1) year. Signature HealthCare continues to search for viable options to reactivate the licensed facility and beds. No such option has presented itself at this point in time, and additional time on inactive status is needed to find the best option for the continued use of this facility. Signature Healthcare at Saint Francis was granted an inactive status waiver on February 7, 2018 for one (1) year; an extension inactive status was granted on February 5, 2019 for an additional one (1) year which will expire on February 5, 2020.

REPRESENTATIVE(S): Christopher C. Puri, Attorney

TENNOVA LAKEWAY REGIONAL HOSPITAL, MORRISTOWN (HOSP. #72)

This one hundred thirty-five bed hospital is requesting an inactive status extension waiver for 27 inpatient rehabilitation beds to remain on inactive status through October 31, 2021. In June 2019, the Tennessee Health Services and Development Agency (HSDA) approved a new freestanding 57 bed rehabilitation hospital to serve East Tennessee. This new hospital is a joint venture between Tennova Healthcare, University of Tennessee Medical Center and Kindred Healthcare. One component of this project is the commitment of Tennova to contribute the 27 Lakeway rehabilitation beds upon the opening of the new hospital to delicense those beds. The new hospital is schedule to currently schedule to open July 2021. Tennova will retain the 27 rehabilitation beds in inactive status through October 31, 2021 and will immediately surrender the remaining 108 beds under the Lakeway's license.

REPRESENTATIVE(S): Warren Gooch, Attorney

WILLOWBROOK VISITING NURSES ASSOCIATION, MEMPHIS (HHA #244)

This home health agency is requesting to place their license on inactive status effective January 31, 2020 for one (1) year. Willowbrook Visiting Nurses Association has temporarily suspending their operations and have ceased taking admissions and will have all of their patients discharged or transferred to other agencies. The plan is for the agency to be sold and purchase by Tennessee Quality Home Care, Inc. and reopened within approximately six (6) months.

REPRESENTATIVE(S): Chris Puri, Attorney

6. WAIVER REQUESTS.

BAPTIST MEMORIAL REHABILITATION HOSPITAL, GERMANTOWN-(HOSP #187)

This forty-nine (49) hospital bed facility is requesting to increase their rehabilitation beds count by four (4) licensed beds. The total licensed rehabilitation beds complement will be fifty-three (53) beds upon approval. The proposed addition of four (4) beds will require construction and construction plans will be submitted to the Department of Health for renew and approval. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g).

REPRESENTATIVE(S): Dan Elrod, Attorney

UNITY MEDICAL CENTER, MANCHESTER (HOSP #17)

This forty-nine (49) hospital bed facility is seeking to reopen an existing 4 bed ICU. This original unit was opened in 1999 but was eventually converted to a sleep lab. In reviewing current ICU requirements in the FGI Guidelines for Design and Construction of Health Care Facilities Unity were alerted to the need for a waiver on the following: (1) Request waiver for minimum square footage of critical care room - A2.2-2.6.2.2. *In renovation rooms must have a minimum clear floor area of 150 square feet; (2) Request waiver for minimum clearances. A2.2-2.6.2.2 *Clearances-all adult critical care patient rooms shall have the following minimum clearances: 1 foot from head or bed to wall, 5 feet from the foot of bed to the wall, 5 feet on the transfer side, and 4 feet on the non-transfer side; (3) Request waiver for janitorial/EVS room-A2.2-2.6.8.14. *An environmental services room shall be provided that meets the requirements in section 2.1-2.8.14; (4) Request waiver for clean supply area-A2.2-2.6.8.11. *A clean supply room shall be provided in each critical care unit; (5) Request waiver for minimum 13 foot headwall width - A2.2-2.6.2.2. *Each critical care patient room shall have a minimum headwall width of 13 feet; (6) Request waiver for dedicated staff lounge on ICU-A2.2-2.6.9.1 *Staff lounge facilities shall be provided in or adjacent to the critical care area.

REPRESENTATIVE(S): Bappa Mukherji, Chairman of the Board and Chief Manager

7. DISCUSSION(S).

A. Proposed Rules 1200-07-02-.05(5)(b) regarding Failure to Report regarding hospitals, facility, or health care practitioners pursuant to T.C.A. § 4-5-226 of the Joint Government Operations Committee.

REPRESENTATIVE(S): Gabriel Galletti, Assistant General Counsel

B. Vanderbilt University Medical Center, Nashville #27 (Hospital) – Received Report on Accepted Plan of Correction (POC).

REPRESENTATIVE(S): Dan Elrod, Attorney

- C. Expectations from the Board for Licensing Healthcare Facilities for COPEC.

REPRESENTATIVE(S): Ann Reed, Director of Licensure, BLHCF

- D. Brookdale Germantown, Germantown #73-Request for Formal Determination Regarding Assisted Care Living Rules 1200-08-25-.07(2) relating to the reconciliation of medications in a licensed assisted care living facility.

REPRESENTATIVE(S): Chris Puri, Attorney

- E. Riverdale Assisted Living Facility, Memphis #370 – Unacceptable Plan of Correction #3 was submitted on January 17, 2020 for deficiencies cited during the compliant investigation completed on November 21, 2019. A plan of correction (POC) #4 is required and must be submitted to the Board for review according to State of Tennessee T.C.A. §68-11-213(k)(1) & (2) and a representative must appear before the Board for Board approval.

REPRESENTATIVE(S): Tommy Baker, Administrator and Rhonda Westbrooks, Owner

- F. The Terrace at Mountain Creek, Chattanooga- ACLF #257 – Progress Report.

REPRESENTATIVE(S): Steve Vogel, Administrator

8. APPROVAL OF MINUTES.

- A. October 2, 2019 – Board Meeting
- B. October 7, 2019 – Special Called Teleconference Meeting
- C. December 19, 2019 – Assisted Care Living Facility Standing Committee Meeting

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

A. SPECIAL CONSIDERATION

- 1. (INITIALS)
N/A

- 2. (CHOWS)

(a) Assisted Care Living Facility

Franklin Manor, an Inspirit Senior Living Community, Winchester
Lincoln Manor, an Inspirit Senior Living Community, Fayetteville
Wilson Manor, an Inspirit Senior Living Community, Lebanon

B. RATIFICATION.

1. QUALIFYING APPLICATIONS (Approval)

(INITIALS)

(a) Ambulatory Surgical Treatment Centers

Bone and Joint Institute of Tennessee Surgery Center, LLC, Franklin
Eye Surgery Center of Lenoir City, LLC, Lenoir City

(b) Assisted Care Living Facility

Tree of Life Residential Care, LLC, Tracy City
Springhouse Village of Collierville Assisted Living and Memory Care,
Collierville

(c) End Stage Renal Dialysis Clinics

Dialysis Clinic, Inc (Hermitage), Hermitage
Fresenius Kidney Care Community Dialysis, Memphis
Riverdale Home Training, Memphis

(d) Home Medical Equipment

Innovative Supply Group, LLC, Chattanooga
Respironics Colorado, Inc., Nashville
Total Wound Care Solutions, Memphis
United Medical Providers, Inc., Madison

(e) Outpatient Diagnostic Centers

Premier Radiology-Antioch, Antioch

2. (CHOWS)

(a) Assisted Care Living Facility

Bristol Terrace Assisted Living, Nashville
Morningside of Franklin, Franklin
Morningside of Belmont, Nashville
Morningside of Cleveland, Cleveland
Morningside of Cookeville, Cookeville
Morningside of Gallatin, Gallatin
Morningside of Jackson, Jackson
Morningside of Paris, Paris
The Waterford in Hermitage, Hermitage
Walking Horse Meadows, Clarksville
Williamsburg Villas, Knoxville

(b) Home for the Aged

Elite Elderly Care, LLC, Hendersonville
Park Terrace Assisted Living, South Fulton

(c) **Hospice Services**

Comfort Care Hospice of Middle Tennessee, LLC, Springfield

(d) **Nursing Home Facility**

AHC of Nashville, Nashville fka Belcourt Terrace, Nashville
Boulevard Terrace Health and Rehabilitation, Murfreesboro
Glen Oaks Health and Rehabilitation, Shelbyville

10. LICENSE STATUS UPDATES.

MORRISTOWN DIALYSIS, MORRISTOWN #66

This ESRD facility was temporarily closed due to drain blockage and flooding that took place on December 9, 2019. Morristown Dialysis re-open date was Monday, December 16, 2019. All patients were being treated at nearby facilities.

PRESTIGE ASSISTED LIVING OF LOUDON, LOUDON-(ACLF #53)

This assisted care living facility owner has surrendered the license for Prestige Assisted Living of Loudon, Loudon and has closed the facility effective January 30, 2020. The wall license has been returned to the department.

***FACILITY CLOSURES**

See attachment.

11. BOARD POLICY CONSENTS.

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 BY BOARD POLICY #81:

- (1) Mabry Health Care & Rehab, Gainesboro #136
- Heather Stafford, Temporary Administrator
- (2) Pigeon Forge Care and Rehabilitation Center, Pigeon Forge #228
- Derek Holbrook, Temporary Administrator

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

- (1) StoneRidge Health Care Center, Goodlettsville #215
- (2) AHC Meadowbrook, Pulaski #92
- (3) Woodland Terrace Care and Rehab, Chattanooga #114

12. ORDERS.

A. Consent Orders.

13. REGULATION(S).

A. BOARD APPROVAL FOR RULEMAKING HEARING

B. PROPOSED RULE LANGUAGE