



The Tennessee Open Meetings Act 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
AMENDED MEMORANDUM**

Date: February 6, 2018
To: Shelley Walker, Director of Communication 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: 152602#)

Date of Meeting: February 7, 2018
Time: 9:00 a.m.
Place: Iris Conference Room
665 Mainstream Drive, First Floor
Nashville, TN 37243
Major Item(s) on Agenda: See attachment.

LINK TO LIVE VIDEO STREAM:

February 7, 2018

<https://web.nowuseeit.tn.gov/Mediasite/Play/c27e3052ac6b4e8086b275f9767938031d>

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.

JOHN J. DREYZEHNER, MD, MPH
COMMISSIONER

BILL HASLAM
GOVERNOR

*THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND
IMPROVE THE HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE*

BOARD FOR LICENSING HEALTH CARE FACILITIES

FEBRUARY 7, 2018

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

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

- 1. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
- 2. REPORTS.**
 - A. EMS REPORT - Robert Seesholtz**
 - B. OFFICE OF GENERAL COUNSEL REPORT – Caroline Tippens**
- 3. BOARD APPROVAL FOR THE FOLLOWING INTERPRETATIVE GUIDELINES**
 - A. Ambulatory Surgical Treatment Center (ASTC) Definition**
- 4. LICENSE STATUS REQUESTS.**

SENIOR SAINTS' HOME, CHATTANOOGA

This Residential Home for the Aged (RHA) facility is requesting an extension waiver for their license to remain on inactive status for an additional twelve (12) months. Senior Saints' Home is working to finalize their plans review process with the department. This facility was initially granted inactive status on September 7, 2016 which expired in October 2017.

REPRESENTATIVE(S): Kennedy N. Omanwa, Administrator

BELCOURT TERRACE NURSING HOME, NASHVILLE

This forty-nine (49) bed nursing home facility is requesting a second extension waiver for their license to remain on inactive status for an additional one (1) year through February 2019. Belcourt Terrace Nursing Home ceased operation on December 15, 2015 and has a prospective purchaser who is working diligently to identify a location for a replacement facility which will allow the sale of the license to take place and pending receipt of a Certificate of Need. Belcourt Terrace Nursing Home's license was placed on inactive status in January 2016 for one (1) year and an extension waiver was granted on February 8, 2017 which expires in February 2018.

REPRESENTATIVE(S): Michaela Poizner, Attorney

BAPTIST MEMORIAL-MEMPHIS SKILLED NURSING FACILITY, MEMPHIS

This thirty-five (35) bed skilled nursing unit at Baptist Memorial Hospital-Memphis is requesting a fifth extension for their license to remain on inactive status for an additional twelve (12) months. Continued inactive status for this facility will enable Baptist Memorial to reach a definitive plan for the future operation of this facility. Baptist Memorial Hospital-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; and a second extension inactive status waiver for additional twelve (12) months was granted January 15, 2015; and a third extension inactive status waiver for additional twelve (12) months was granted January 14, 2016; and the fourth extension for inactive status was granted February 8, 2017 for an additional twelve (12) months which will expire February 7, 2018.

REPRESENTATIVE(S): Travis Swearingen, Attorney

BAPTIST SKILLED REHABILITATION UNIT-GERMANTOWN, GERMANTOWN

This eighteen (18) bed skilled nursing unit at Baptist Rehabilitation-Germantown is requesting a third extension for their license to remain on inactive status for an additional twelve (12) months. Continued inactive status for this facility will enable Baptist Memorial to reach a definitive plan for the future operation of this facility. 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 additional twelve (12) months which will expire on February 7, 2018.

REPRESENTATIVE(S): Travis Swearingen, Attorney

UPPER CUMBERLAND HOSPICE AND PALLIATIVE CARE, LLC, COOKEVILLE #9

Upper Cumberland Hospital and Palliative Care, LLC, Cookeville, a ten (10) bed residential hospice facility is requesting an extension waiver for their license to remain on inactive status for an additional one (1) year. The current lease has expired and operations are inactive at this time. Upper Cumberland Hospice and Palliative Care, LLC, Cookeville was granted an inactive status waiver on February 8, 2017 for one (1) year which expires February 2018.

REPRESENTATIVE(S): Bryon R. Trauger, Attorney

UPPER CUMBERLAND HOSPICE OF CHATTANOOGA, COOKEVILLE #622

Upper Cumberland Hospice of Chattanooga, Cookeville, a hospice provider is requesting an extension waiver for their license to remain on inactive status for an additional one (1) year. The current lease has expired and operations are inactive at this time. Upper Cumberland Hospice of Chattanooga, Cookeville was granted an inactive status waiver on February 8, 2017 for one (1) year which expires February 2018.

REPRESENTATIVE(S): Byron R. Trauger, Attorney

HOSPICE OF CHATTANOOGA WALKER ROAD, CHATTANOOGA #8

Hospice of Chattanooga Walker Road, Chattanooga, a residential hospice facility is seeking to place their license on inactive status for three (3) years. Hospice of Chattanooga subleases the unit space from Standifer Place Properties, LLC, an NHC affiliate. This facility provides residential hospice service at The Health Center at Standifer Place (HCSP). Unfortunately, the residential hospice unit's location was difficult for many families and caregivers to reach so on November 30, 2017 the unit closed. Hospice of Chattanooga has entered into a three-year lease with Siskin Hospital. Hospice of Chattanooga will offer only GIP and respite care at Siskin Hospital. It is the hope and expectation of Hospice of Chattanooga will relocate and reinstitute residential hospice services after three years at Siskins.

REPRESENTATIVE(S): Byron R. Trauger, Attorney

SIGNATURE HEALTHCARE AT METHODIST, MEMPHIS

This forty-four (44) bed nursing home is requesting to place its license on inactive status for one (1) year. It is necessary for the facility to seek inactive status because the continued operation of the facility is no longer economically feasible. The facility discharged its last patient as of January 19, 2018. Signature HealthCare wishes to maintain their license while it determines the best and most effective means to provide post-acute and long term care services to patients, and how it can utilize the licensed nursing home.

REPRESENTATIVE(S): Christopher C. Puri, Attorney

SIGNATURE HEALTHCARE AT SAINT FRANCIS, MEMPHIS

This one hundred ninety-seven (197) bed nursing home is requesting to place its license on inactive status for one (1) year. It is necessary for the facility to seek inactive status because the continued operation of the facility is no longer economically feasible. This facility was decertified from Medicare and Medicaid participation in 2017, but continued to operate while an appeal of that decertification was pending. The facility decided to voluntarily suspend operations. The facility discharged its last patient on January 12, 2018 and the facility is closed. Signature HealthCare at Saint Francis wishes to maintain their license while it determines the best and most effective means to provide post-acute and long term care services to patients, and how it can utilize the licensed nursing home.

REPRESENTATIVE(S): Christopher C. Puri, Attorney

CUMBERLAND RIVER HOME HEALTH, COOKEVILLE

This home health facility is seeking to place their license on inactive status for one (1) year. Cumberland River Homecare is part of the Cookeville Regional Medical Center Health System which includes Highland Rim Home Health. Highland Rim Home Health is authorized to serve all of the counties in which Cumberland River is authorized to provide service. In light of overlapping service area of the two agencies it has been determined that efficiencies can be achieved by combining the day-to-day operations of the two agencies. Cumberland River Homecare will continue to serve patients until the transition is complete, which will likely be in mid-February 2018. The inactive status effective date is requested to be the date on which the last patient is discharged.

REPRESENTATIVE(S): Travis Swearingen, Attorney

5. WAIVER REQUESTS.

- 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.**

Claiborne Health and Rehabilitation Center, Tazewell – Seeking Extension
-Patti Ketterman, Administrator/President/Chief Administrative Officer

B. OTHER WAIVER REQUEST(S)

VANDERBILT-INGRAM CANCER CENTER AT MAURY REGIONAL SPRING HILL; GATEWAY-VANDERBILT CANCER TREATMENT CENTER; AND VANDERBILT-INGRAM CANCER CENTER, FRANKLIN

Vanderbilt-Ingram Cancer Center at Maury Regional Spring Hill; Gateway-Vanderbilt Cancer Treatment Center; and Vanderbilt-Ingram Cancer Center, Franklin are three (3) ambulatory surgical treatment centers which is wholly-owned by Vanderbilt University Medical Center and Gateway. The only service provided at these facilities is radiation therapy by means of a linear accelerator. No surgeries or other invasive procedures are performed in these facilities. Vanderbilt University Medical Center and Gateway is seeking to waive the following ASTC rules along with the marginal notes explaining the bases for the requests: 1200-08-10-.04(20)(b)(3) relative to the provision of a bed and other furnishings; 1200-08-10-.04(20)(b)(5) relative to the provision of bath basin, emesis basin, bedpan and urinal; 1200-08-10-.04(20)(c)(3) relative to required processes for insertion of venous catheter; 1200-08-10-.04(20)(c)(4) relative to food handling, sources of air pollution and culturing of autoclaves and sterilizers; 1200-08-10-.04(21)(a) relative to the applicability of performance improvement to post-operative surveillance; and 1200-08-10-.04(21)(f) relative to the applicability of performance improvement to central venous catheter insertion.

REPRESENTATIVE(S): C. Wright Pinson, Deputy Chief Executive Officer, Vanderbilt University Medical Center and Travis Swearingen, Attorney

VANDERBILT UNIVERSITY MEDICAL CENTER (VUMC), NICU-MOTHER CARE UNIT

This facility is seeking to waive for variances outlined to utilize three (3) existing double-occupancy licensed rooms within the MCJCHV neonatal intensive care unit. VUMC is proposing the conversion of (3) double occupancy NICU rooms to (3) NICU-mother care units. The NICU-mother care units include (1) NICU patient (existing to remain) and (1) postpartum patient. VUMC is seeking to waive certain sections of the 2010 FGI guidelines as follows:

- Code compliance analysis is based on conformance to FGI 2010 section 2.2-2.11.2.2 with reference to section 2.2-2.2.2.1;
 - For compliance with section 2.2-2.2.2.1(1) see functional program;
 - All rooms are in compliance with area requirements of section 2.2-2.2.2.2(b) – 100 sf per bed minimum;
 - Rooms 4301 and 4313 are in compliance with clearance requirements in section 2.2-2.2.2.2(2);
 - Room 4312 is in compliance with clearance requirements of 2.2-2.2.2.2(a), but is 12 ½” short of compliance with 2.2-2.2.2.2(b) which requires 4’-0” clear at the foot of the bed. A variance is requested for this section of the code.

In summary, the request for the waiver includes:

- Request Variance for section 2.2-2.2.2.2(2)(b) in Patient Room 4312, as existing condition only allows 2'-11 ½" clearance between foot of bed and existing nurse station sidewall;
- Request Variance for section 2.2-2.10.2.2(3) in Patient Rooms 4312, 4313 & 4301 as existing condition does not allow 8'-0" clearance between multiple beds. Actual dimension between bassinet and bed is 5'-5 ½".

REPRESENTATIVE(S): C. Wright Pinson, Deputy Chief Executive Officer, Vanderbilt University Medical Center and Travis Swearingen, Attorney

6. DISCUSSION(S).

- A. **Board Policy #81** – Unexpected Loss of Nursing Home Administrator
- B. Tennessee End of Life Partnership (TELP) is requesting Board's approval for minor changes to the Provide Identification of a Surrogate Form; also requesting assistance with a mail out concerning Alert for Rule Clarification for the POST/Advance Directive.

REPRESENTATIVE(S): Judy Eads, President

- C. **LINCOLN AND DONALSON CARE CENTERS, FAYETTEVILLE**
Lincoln Care Center and Donalson Care Centers, Fayetteville are both under the same license number #159, as a consolidated/satellite licensure. Lincoln & Donalson Care Centers was granted the consolidated license by the Board for Licensing Health Care Facilities in 1990 contingent on each building having a licensed nursing home administrator. Lincoln and Donalson Care Centers due to declining census are seeking to have one administrator for both facilities thus requesting the Board to revisit the 1990 decision.

REPRESENTATIVE(S): Vicky Groce, Chief Nursing Officer

7. APPROVAL OF MINUTES.

- A. December 5, 2017 – Performance Improvement Issue Standing Committee Meeting

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

A. SPECIAL CONSIDERATION

(CHOWS)

- (1) MidSouth Health and Rehab, Memphis #248

B. RATIFICATION.

1. QUALIFYING APPLICATIONS (Approval)

(INITIALS)

(a) Assisted Care Living Facility

Bristol Terrace Assisted Living, Nashville
Morning Pointe of Spring Hill, Spring Hill
Traditions of Spring Hill, Spring Hill

(b) End Stage Renal Disease Facility

Briley Parkway Dialysis, Madison
Woodbine Dialysis, Nashville

(c) Home Medical Equipment Facility

National Biological Corporation, Nolensville
Southern Patient Care, Inc., Columbia
Star Medical, Inc., Nashville
The Richmond Light Co., Nolensville

(CHOWS)

(a) Assisted Care Living Facility

Charter Senior Living at Hermitage, Hermitage

(b) Home Medical Equipment Facility

Titan Healthcare, Mt. Juliet

(c) Nursing Homes

Christian Care Center of Milan, Milan
Concordia Nursing and Rehabilitation-Fairpark, Maryville
Concordia Nursing and Rehabilitation-Loudon, Loudon
Concordia Nursing and Rehabilitation-Maryville, Maryville
Concordia Nursing and Rehabilitation-Northaven, Knoxville
Concordia Nursing and Rehabilitation-Smith County, Carthage
Graceland Rehabilitation and Nursing Center, Memphis

(d) Professional Support Services

Omni Support Services, Jackson
Omni Support Services, Greeneville
Omni Support Services, Nashville

2. NON-QUALIFYING APPLICATIONS (DENIAL)

- (1) Ashton Place Health & Rehab, Memphis #252
- (2) The Highlands of Memphis Health & Rehab, Memphis #257

9. LICENSE STATUS UPDATES.

RIDGEMONT MANOR #1, MEMPHIS

Ridgemont Manor #1, Memphis placed its license back to active status effective November 1, 2017. This ACLF had placed their license on inactive at the February 8, 2017 Board meeting in order to pursue a different program licensure type.

BEST NURSES, INC., MEMPHIS

This home health agency placed its license back on active status effective January 18, 2017. Best Nurses, Inc., had been assessed substantial extrapolated overpayments by the ZPIC's and was in a two (2) year appeal process with ZPIC prompting this agency to request an inactive status which was granted January 14, 2016.

**MIDDLE TENNESSEE CENTER FOR AMBULATORY SURGERY
TREATMENT CENTER, SHELBYVILLE F/K/A CENTER FOR SURGICAL
SPECIALTIES, SHELBYVILLE #128**

This ambulatory surgical and treatment center license was placed on inactive status on February 8, 2017 which will expire on February 2018. Ms. Toni Canonico, RN, Administrator and owner has requested to close the facility license.

SURGICAL SERVICES, P.C., SWEETWATER

This ambulatory surgical treatment center (ASTC) was placed on inactive status June 7, 2017 which would expire June 2018. Dr. Ray Villanueva, President and Owner decided to close the facility effective November 23, 2017.

MORGAN CARES SENIOR CARE FACILITY, LLC, MEMPHIS

This eleven (11) bed Residential Home for the Aged (RHA) facility was placed on inactive status on February 8, 2017 which will expire on February 2018. Ms. Michelle Fifer, Executive Director/Administrator, has requested to close the facility license.

***FACILITY CLOSURES**

See attachment.

10. BOARD POLICY CONSENTS.

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

Wharton Nursing Home, Pleasant Hill
The Waters of Johnson City, Johnson City

- B. THE FOLLOWING FACILITIES ARE REQUESTING APPROVAL TO PERMIT A NURSING HOME ADMINISTRATOR TO SERVE AS ADMINISTRATORS BOTH A NURSING HOME AND RESIDENTIAL HOMES FOR AGED AND/OR ASSISTED CARE LIVING FACILITY ACCORDANCE WITH BOARD POLICY #39:**

The Pavilion, Lebanon (Nursing Home) and The Pavilion Assisted Living, Lebanon (ACLF)

The Reserve at Spring Hill, Spring Hill (Nursing Home) and The Reserve at Spring Hill, Spring Hill (ACLF) – Application in Process

11. REGULATION(S).

- A. EMERGENCY PROPOSED RULE LANGUAGE FOR BOARD APPROVAL FOR RULEMAKING HEARING.**

(1) Nursing Home Rules 1200-08-06-.06 – NF Drug Disposal Language

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

(1) Ambulatory Surgical Treatment Center (ASTC) Rules 1200-08-10-.01(7)(b) – ASTC Definition Language.

(2) Nursing Home Rules 1200-08-06-.06 NF Drug Disposal Rules for SB 1320-PC 355 – Language change.

(3) Emergency Called Rulemaking Hearing for March 15, 2018 in the Poplar Conference Room, 9:00 a.m. – 12:30 p.m. for Fee Increases

12. ORDERS.

- A. Consent Orders.**

13. OTHER BUSINESS.

- A. OHCF P& P 240 – Facility Plans of Correction (POC)**