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TENNESSEE DEPARTMENT OF HEALTH

MEMORANDUM

AMENDED

Date: October 4, 2021

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 Board Meeting
(Call-in Number: 1-888-757-2790 passcode: 534967#)

Date of Meeting: October 5-6, 2021

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 Attached Agenda

LINK TO LIVE VIDEO STREAM:

October 5, 2021

<https://tdh.streamingvideo.tn.gov/Mediasite/Play/94bf1fbcd627440abd283aa206566f8a1d>

October 6, 2021

<https://tdh.streamingvideo.tn.gov/Mediasite/Play/c55736bdea98464f86d491e264f1ac641d>

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

BOARD MEETING

OCTOBER 5-6, 2021

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:** Dr. Monica Warhaftig, D.O., Doctor of Osteopathic Physician Representative replacing Dr. Evelyn Brock; Mr. Bobby Meadows, Nursing Home Industry Representative replacing Mr. Robert Breeden; and the Reappointment of Mr. Joshua Crisp, Home for the Aged/Assisted Care Living Facility Representative.
- II. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
- III. NOMINATION FOR NEW CHAIR PRO TEM TO REPLACE JIM SHULMAN.**
- IV. CONTESTED CASE HEARING(S).**
- V. RULEMAKING HEARING(S)**

VI. LICENSE STATUS REQUESTS.

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

This twenty-five (25) bed hospital facility is seeking a fourth inactive status extension for one (1) additional year through October 7, 2022. The county of Polk and the City of Ducktown currently hold the title to Real Property and Personal Property, and since acquiring the property they have been working on finding a potential buyer. They have leased the Medical Buildings to a couple of doctors and a Physical Therapist Group and renting the Building C to the Ambulance Services to help retain some Health Services to the community. 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 year; a second extension waiver granted on October 2, 2019 for an additional year; and a third extension waiver for inactive status was granted on October 7, 2020 for an additional year which will expire on October 7, 2021.

REPRESENTATIVE(S): Mayor Doug Collins, Interim Administrator

B. HANCOCK COUNTY HOME HEALTH AND HOSPICE AGENCY, SNEEDVILLE (HOSPICE #610)

This hospice facility is seeking an inactive status extension for an additional three (3) years. Hancock County Home Health and Hospice Agency's license was placed on inactive status for three (3) years on October 3, 2018 which will expire on October 3, 2021.

REPRESENTATIVE(S): Mayor Thomas Harrison, CEO

C. HUMBOLDT NURSING AND REHABILITATION CENTER (HNRC), HUMBOLDT – NH #87

This one hundred twenty (120) bed skilled nursing home facility is requesting to place their license on inactive status for twelve (12) months. This nursing home has no patients and is currently empty. HNRC has cease being a Medicare provider on June 11, 2021 and was granted by CMS on July 22, 2021, with an effective termination date of June 5, 2021. Due to severe reductions in staff and patients, HNRC needed to suspend official operations temporarily, as it follows up on identifying viable options to reactivate the license, facility, and beds at this facility. HNRC intends to seek abeyance of nursing home annual assessment fees under T.C.A. § 71-5-1006(f) while its license is inactive.

REPRESENTATIVE(S): William West, Attorney

D. JAMESTOWN REGIONAL MEDICAL CENTER, JAMESTOWN (HOSP #48)

This eighty-five (85) hospital bed facility is requesting a second extension waiver for their license to remain on inactive status for an additional one (1) year through October 2022. Jamestown Regional Medical Center is currently re-grouping their organization to be able to provide financing that would enable to re-open the facility as an acute care hospital.

REPRESENTATIVE(S): Michael Alexander, CEO

E. MIGHTY HEARTS HOME CARE, INC, PORTLAND (RHA #465)

This twelve (12) bed home for the aged facility is requesting due to the pandemic situation to place their license on inactive status effective date September 17, 2021.

REPRESENTATIVE(S): Claire Emesibe, Director

F. SAINT THOMAS OUTPATIENT NEUROSURGICAL CENTER, NASHVILLE d/b/a ASCENSION SAINT THOMAS, NASHVILLE (ASTC #126)

This ambulatory surgical treatment center is requesting a second extension waiver for their license to remain on inactive status for an additional one (1) year through October 2022 as Ascension Saint Thomas continues to perform an administrative review. Saint Thomas Outpatient Neurosurgical Center was placed on inactive status for one (1) year on October 2, 2019 which expire October 2020; and an extension inactive status was granted for one (1) additional year on October 7, 2020 which will expire in October 2021.

REPRESENTATIVE(S): Brian Woodward, Attorney

G. SAPLING GROVE ASC, BRISTOL (ASTC #116)

This ambulatory surgical treatment center is requesting a second extension waiver for their license to remain on inactive status for an additional one (1) year through June 2022. The process for determining the potential reopening of Sapling Grove ASC has been significantly affected by the COVID-19 pandemic. In light of these developments, the request for inactive status for one (1) additional year will give Ballad Health additional time to determine future uses of the facility. Sapling Grove ASC was placed on inactive status for one (1) year on June 5, 2019 which expired June 3, 2020 and an extension inactive status was granted for one (1) year on June 3, 2020 which will expire on June 2, 2021. Due to not meeting a quorum at the June 2, 2021 board meeting; this request was forwarded to the October board meeting.

REPRESENTATIVE(S): Dan Elrod, Attorney

VII. WAIVER REQUESTS.

A. LAURELBROOK NURSING HOME, DAYTON – NH #208

This fifty (50) bed nursing home is requesting to waive Nursing Home Rule 1200-08-06-.06(4)(b) to allow an LPN who is currently serving as the Assistant DON to become the Director of Nursing for up to one year. (The LPN has completed her RN training but has not completed the state boards.) The former DON has moved into semiretirement but still doing shifts as a charge nurse at the facility and has consented to be available by phone and respond immediately to calls from the facility. Also, the Medical Director is on call 24/7 to answer calls from the facility.

REPRESENTATIVE(S): Brian E. Traxler, Administrator

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

St. Jude Children’s Research Hospital, Memphis was granted a waiver for expansion of services at their temporary COVID-19 locations through December 31, 2021. St. Jude Children’s Research Hospital would like to request the use of the temporary COVID-19 site, the garden lot, as a collection station only effective January 1, 2022 through June 30, 2022. The collection station would include the collection for testing involving the flu, RSV, and similar things that might have overlapping symptoms with COVID.

REPRESENTATIVE(S): Monica M. Hon, Vice President & Director of Client Solutions, Advis

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

The University of Tennessee Medical Center (UTMC), Knoxville is seeking a second extension waiver to operate a COVID-19 screening and testing facility in a temporary testing structure on its campus in accordance with Board Policy #82 through October 2022. The temporary COVID testing structure is highly utilized; approximately 1100-1200 COVID tests are administered there weekly. The University of Tennessee Medical Center (UTMC) was granted an extension waiver at the October 2020 board meeting that will expire October 2021.

REPRESENTATIVE(S): Jerry W. Taylor, Attorney

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

Vanderbilt University Medical Center (VUMC), Nashville request relative to the continued use of various areas in the facility that have been operated as part of VUMC’s responses to the COVID-19 pandemic. Waivers for four of the areas in question have not been previously been required because of Board Policy #82. Waivers for the operation of the E-Pod unit were approved by the Board in October 2020 until the October 2021 meeting. The areas covered by that request are (1) the temporary emergency department waiting and screening areas; (2) the temporary use of 20 observation beds for inpatients on the 6th, 7th, and 8th floor of the Medical Center East building; (3) use of 16 observation rooms for inpatient occupancy on the 7th floor of the South building; (4) semi-private occupancy in 15 rooms to address extraordinarily high occupancy during the pandemic to implement semi-private occupancy in 15 rooms. After further analysis, VUMC has determined the contingent need for additional waivers related to the temporary semi-private occupancy of certain rooms. VUMC request waiver of FGI requirements to accommodate temporary semi-private occupancy of the rooms listed on their letter. VUMC is requesting that the waivers described in the original letter and this supplement letter be granted until the Board meeting in June of 2022.

Vanderbilt University Medical Center (VUMC), Nashville understands that the Board may consider continuing with Board Policy #82 until February of 2022. However, even if Board Policy #82 is continued until February 2022, VUMC is requesting the waivers be granted through June 2022 for the areas outlined.

REPRESENTATIVE(S): Dan H. Elrod, Attorney

VIII. DISCUSSION(S).

- A. Propose Board Meeting Dates for Year 2022.
- B. Extension of Interpretative Guidelines and Board Policy #82 regarding COVID-19 Crisis Waivers in Effect Until the June 2, 2021 Board meeting.
 - 1. Assisted Care Living Facility Rule 1200-08-25-.08(1)(c) regarding admission or retention of resident with COVID-19.
 - 2. Nursing Home Rule 1200-08-06-.15(3) regarding length of time a nurse aide may work in facility until name included on Nurse Aide Registry.
 - 3. Board Policy #82-Interpretation and Temporary Waiver of Rules Related to Treatment and Containment of COVID-19.

C. **FRIENDSHIP HAVEN, INC., CHATTANOOGA (RHA #603)**

This RHA facility's license is currently on probation regarding cited deficiencies on December 17, 2020. This facility is required to give a report at the October 2021 Board meeting to provide an update of the deficiencies they have corrected for July 28, 2020 and August 13, 2020.

REPRESENTATIVE(S): David Machoka, Administrator

- D. Jubilee House at Warfield, Clarksville (ACLF #512) – This facility's health complaint survey was conducted on July 1, 2021 resulting in the submission on three (3) unacceptable Plan of Correction (POC) to the West Tennessee Regional Office (WTRO). Unacceptable Plan of Correction #3 was submitted on September 3, 2021. 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): Tammy Rumfelt, Administrator

- E. Update the Interpretative Guideline regarding the CMS Acute Hospital Care At Home program to align with Executive Order 83.

REPRESENTATIVE(S): Kyonzte Hughes-Toombs, Deputy General Counsel,
OGC

- F. Application Revisions.

REPRESENTATIVE(S): Ann R. Reed, Director, Board for Licensing HCF

IX. 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. Nashville Center for Rehabilitation & Healing, Nashville - NH #394
- Roger Peden, Temporary Administrator
2. Norris Health and Rehabilitation Center, Andersonville – NH #5
- Sherry Gillihan, Temporary Administrator
3. The Waters of Cheatham, Ashland City – NH #42
- Benjamin Anderson, Temporary Administrator

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

1. Jefferson Park at White Pine, White Pine – File #421

X. 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 Facilities
Sycamore Place Alzheimer’s Special Care Center, Memphis

B. RATIFICATION.

1. **QUALIFYING APPLICATIONS (Approval)**
 - (INITIALS)
 - (a) Assisted Care Living Facilities
Avail at Cleveland, Cleveland
Harborage of Cordova, Cordova
Symphony Assisted Living and Memory Support, Franklin
 - (b) End Stage Renal Dialysis Clinics
Sanderling Dialysis of Germantown, Germantown

- (c) **Home for the Aged**
New Hope Senior Living, LLC, Hendersonville
The Lodge at Shannondale, Knoxville
- (d) **Home Medical Equipment**
National Seating & Mobility, Inc., Hohenwald
Strategic Medical Supply, LLC, Franklin
- (e) **Hospitals**
Knoxville Rehabilitation Hospital, Knoxville
- (f) **Outpatient Diagnostic Centers**
Outpatient Diagnostic Center at Johnson City, Johnson City
- (g) **Professional Support Services**
Community Options, Inc., Nashville
Educating the Community Healing Outreach, LaVergne
My Holistic Life, LLC, Collierville
Speech Pathology Specialists, LLC, Brentwood

2. **(CHOWS)**

- (a) **Assisted Care Living Facilities**
Christian Assisted Living of Johnson City, Johnson City
Laurel Glen at Memphis Assisted Living and Memory Care, Memphis
Oak Pointe Assisted Living Facility, Adams
- (b) **Hospitals**
NorthCrest Medical Center, Springfield
- (c) **Nursing Homes**
Church Hill Post-Acute and Rehabilitation Center, Church Hill
Waters of McKenzie, A Rehabilitation & Nursing Center, LLC,
McKenzie
Waters of Memphis, A Rehabilitation & Nursing Center, LLC, Memphis

XI. APPROVAL OF MINUTES.

- A. June 2, 2021 Board Meeting
- B. August 3, 2021 Performance Improvement Issue Standing Committee Meeting

XII. LICENSE STATUS UPDATES.

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

Christian Care Center of Bolivar has requested to place their license back on active status as of September 20, 2021. This is a replacement facility, and all requirements and surveys were done for final approval. Christian Care Center of Bolivar was placed on inactive status on October 4, 2017 for one year; an extension was granted on October 3, 2018 through December 1, 2020 to coincide with CON expiration date; and October 7, 2020 for one additional year through October 2021.

DECATUR COUNTY GENERAL HOSPITAL, PARSONS (HOSP #28)

Decatur County General Hospital had ceased operations on April 15, 2020. Their license was placed on inactive status on June 3, 2020 and was granted an inactive status extension at the June 2, 2021 board meeting for an additional one (1) year. The Decatur County Board of Commissioners met on September 2, 2021 and voted to immediately surrender/close the hospital's license. The effective date of the surrender/closure of the license will be September 24, 2021.

DIALYSIS CLINIC, INC, WAVERLY (ESRD #220)

This dialysis clinic had suffered a catastrophic flash flood that had a major impact on the residents of that city. The dialysis clinic took only minor water damages. In order to assess the damage and ensure the safety of our patients and staff, they have suspended in-center dialysis at this facility from August 23, 2021 to September 3, 2021. This clinic had quickly scheduled upcoming treatments at their surrounding dialysis clinics and put into the regular rotation in the interim. No patients had to miss their treatments. As of September 1, 2021, all damaged or contaminated materials have been removed from the site by ServPro disaster response crew. Major repairs will be completed after hours over the next few weeks. Plans to resume in-center dialysis treatments at this facility effective September 6, 2021.

TENNOVA LAKEWAY REGIONAL HOSPITAL, MORRISTOWN (HOSP #72)

Tennova Lakeway Regional Hospital began suspending hospital operations on December 28, 2018 and the hospital's 135 licensed beds were placed on inactive status by the Board on February 5, 2019; an inactive status extension was granted on February 5, 2020 to retain 27 rehabilitation beds in inactive status through October 31, 2021 and surrender the remaining 108 beds under the Lakeway's license. Tennova Lakeway Regional Hospital has requested closure of the facility effective immediately and will surrender their license.

UNION CITY SURGERY CENTER, UNION CITY (ASTC #123)

Union City Surgery Center, Union City, an ambulatory surgical treatment facility had requested their license to be placed on inactive status effective immediately due to damage to the facility as a result of a car crash. All steps have been completed to repair this facility. The facility withdrew their inactive status request.

VANDERBILT UNIVERSITY MEDICAL CENTER AT HOME PROGRAM, NASHVILLE (HOSP #27)

The Vanderbilt Hospital at Home Program was schedule to give their quarterly 1 data report at the October Board meeting has been delayed. The Vanderbilt Hospital at Home Program will not begin until mid-October and they need 30 days from the last day of the quarter plus prep to prepare the report. The first quarterly report will be presented at the February 2022 Board meeting.

***FACILITY CLOSURES**

See attachment.

XIII. REPORTS.

A. EMS REPORT – Robert Seesholtz, Trauma System Manager, EMS

B. NURSE AIDE REPORT – Keonia Moore, Program Manager, CNA

C. **OFFICE OF GENERAL COUNSEL REPORT** – Kyonzte’ Hughes-Toombs,
Deputy General Counsel, OGC

XIV. ORDERS.

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

XV. REGULATION(S).

A. **BOARD APPROVAL FOR RULEMAKING HEARING**
N/A

B. **PROPOSED RULE LANGUAGE**
N/A