



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:** February 3, 2021

**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:** February 3, 2021

**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=e5073603cc1c1f7a92878217a17c5baf1>

**Event Number:** 178 425 6645

**Event Password:** HCF2021

**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: 178 425 6645**

**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.



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**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**

**FEBRUARY 3, 2021**

**IRIS CONFERENCE ROOM, FIRST FLOOR**

**9:00 a.m.**

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

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**I. WELCOME NEW HEALTH RELATED BOARD DIRECTOR: MR. GEORGE H. DARDEN, NEW GENERAL COUNSEL, FOR THE OFFICE OF GENERAL COUNSEL: MR. GRANT MULLINS AND NEW ASSISTANT DIRECTOR FOR HEALTH CARE FACILITIES: MRS. RONDA WEBB-STEWART.**

**II. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**

**III. LICENSE STATUS REQUESTS.**

**A. LENOIR CITY TN OPCO, LLC, LENOIR CITY (NH #160)**

This one hundred and four (104) nursing home facility is requesting an extension waiver for their license to remain on inactive status for an additional twelve (12) months. Lenoir City TN OPCO, LLC, was granted inactive status for twelve (12) months on February 5, 2020 which will expire February 2021.

**REPRESENTATIVE(S):** Simcha Hyman, Manager

**B. 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 an eighth extension for their license to remain on inactive status for an additional twelve (12) months thru February 2022. Baptist Memorial is actively pursuing plans for future use of the skilled nursing beds. Discussions have occurred with experience providers of long-term care about combining the 35-bed unit with the 18 skilled nursing beds licensed as Baptist Skilled Rehabilitation Unit-Germantown #391, and relocating the combined units to a new site. However, this has been significantly impaired by the public health crisis related to COVID-19 pandemic. 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 on January 15, 2015 for additional twelve (12) months; a third extension inactive status waiver was granted on January 14, 2016 for additional twelve (12) months; a fourth extension for inactive status wavier was granted on February 8, 2017 was granted for twelve (12) months; a fifth extension for inactive status was granted on February 7, 2018 for additional twelve (12) months; a sixth extension for inactive status was granted on February 5, 2019 for additional twelve (12) months; and a seventh extension waiver for inactive status waiver on February 5, 2020 for additional twelve (12) months which will expire on February 5, 2021.

**REPRESENTATIVE(S):** Dan H. Elrod, Attorney

**C. BAPTIST SKILLED REHABILITATION UNIT-GERMANTOWN SKILLED NURSING FACILITY, GERMANTOWN (NH #391)**

This eighteen (18) bed skilled nursing unit at Baptist Skilled Rehabilitation Unit-Germantown, is requesting a sixth extension for their license to remain on inactive status for an additional twelve (12) months thru February 2022. Discussions have occurred with experience providers of long-term care about combining the 18-bed unit with the 35 skilled nursing beds licensed as Baptist Memorial Hospital-Memphis #352, and relocating the combined units to a new site. However, this has been significantly impaired by the public health crisis related to COVID-19 pandemic. 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; a fifth extension for their license to remain on inactive was granted on February 5, 2020 which will expire on February 5, 2021.

**REPRESENTATIVE(S):** Dan H. Elrod, Attorney

**D. SIGNATURE HEALTHCARE AT METHODIST, MEMPHIS (NH #247)**

This forty-four (44) bed nursing home is requesting a third extension waiver for their license to remain on inactive status for an additional one (1) year. Signature HealthCare. Signature HealthCARE continues to search for viable options to reactivate the licensed facility and beds. No such option has presented itself to this point in time, and additional time of 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; an second extension inactive status was granted on February 5, 2020 which will expire on February 5, 2021.

**REPRESENTATIVE(S):** Chris C. Puri, Attorney

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

This one hundred ninety-seven (197) bed nursing home is requesting a third 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 to this point in time, and additional time of inactive status is needed to find the best option for the continued use of the 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; a second extension inactive status was granted on February 5, 2020 which will expire on February 5, 2021.

**REPRESENTATIVE(S):** Chris C. Puri, Attorney

**F. HOSPICE OF CHATTANOOGA WALKER ROAD, CHATTANOOGA (RESIDENTIAL HOSPICE #8)**

Hospice of Chattanooga Walker Road, Chattanooga, a residential hospice facility is requesting an extension waiver for inactive status for an additional one (1) year. Hospice of Chattanooga was in the process of planning a new residential hospice facility, either on the current site or on another site in Chattanooga. The circumstances created by the pandemic created an extremely difficult situation and one in which undertaking such a major project became problematic. This facility once the pandemic crisis subsides intends to renew its active planning process.

**REPRESENTATIVE(S):** Byron Trauger, Attorney

**G. LVC OUTPATIENT SURGERY CENTER, GOODLETTSVILLE (ASTC #149)**

LVC Outpatient Surgery Center, Goodlettsville is requesting to place their license on inactive status pending completion of the sale. Nashville TN Ophthalmology ASC, LLC, the owner, and primary operator of LVC Outpatient Surgery Center who has 51% of the ownership is in negotiations to sell the 51% interest. This sale is expected to occur prior to March 31, 2021. Given the structure of the transaction, the transfer will be upstream of the Center Entity, and the tax identification number and identity

of the license holder will not change. This facility will be able to resume normal operations within 2 to 4 weeks from the completion of the sale and firewall improvements which was asked in the last survey.

**REPRESENTATIVE(S):** W. Brantley Phillips, Jr., Attorney

**H. SENIOR SAINTS' HOME, CHATTANOOGA (RHA #84)**

This Residential Home for the Aged (RHA) facility is requesting a fourth 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 COVID-19 and financial constraints, with minimal progress made in the past year. Senior Saints' Home is optimistic that the project should be completed during the next twelve (12) months. Senior Saints' Home was granted inactive status on September 7, 2016 for one (1) year; at the October 4, 2017 board meeting an representative for the facility was not present so the Board forwarded the inactive status extension request to the February 7, 2018 Board meeting where an inactive status extension waiver was granted for an additional one (1) year; a second inactive status extension was granted on February 7, 2019 for an additional one (1) year; a third inactive status extension was granted on February 5, 2020 for an additional one (1) year which will expire on February 5, 2021.

**REPRESENTATIVE(S):** Josephine K. Nyasimi, Manager/Owner

**IV. WAIVER REQUESTS.**

**A. ST. JUDE CHILDREN'S RESEARCH HOSPITAL, MEMPHIS (HOSP #113)**

St. Jude Children's Research Hospital, Memphis is requesting an extension waiver of their expansion of services provided at their temporary COVID-19 locations through December 31, 2021. As the pandemic continues to affect our communities this extension will also cover the next flu season as well. St Jude Children's Research Hospital was granted this waiver on February 5, 2020 which will expire February 2021.

**REPRESENTATIVE(S):** Monica Hon, JD, Vice President, Advis and  
Robert R. Clark, Chief Government Affairs Officer, St Jude

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

Vanderbilt University Medical Center (VUMC), Nashville is requesting that the Board for Licensing Health Care Facilities to waive certain of its rules pursuant to T.C.A. §68-11-209(b), and otherwise interpret its rules, so VUMC may implement its federally approved hospital at home program. At its meeting on December 17, 2020, the Board adopted an interpretation of Executive Order #68 as suspending any hospital licensing rules that prohibit or impede a hospital from implementing an Acute Hospital Care at Home (HHC) program approved by the Centers of Medicare & Medicare Services (CMS) under its waiver process. This suspension of hospital licensing rules will expire when Executive Order #68 expires.

VUMC has applied for and believes it will receive approval from CMS to implement the HHC program. VUMC needs the Board waivers even if the CMS HHC program ends at the end of the public health emergency. The waivers would enable VUMC to continue its acute hospital at home care to non-Medicare patients after the public health emergency ends. Such waivers would avoid disruption in patient care in the event the federally-declared public health emergency extends beyond the time that Tennessee Executive Order #68 is in effect.

**REPRESENTATIVE(S):** Dan H. Elrod, Attorney

**C. REGIONAL ONE HEALTH, MEMPHIS (HOSP #110)**

The Elvis Presley Trauma Center (EPTC) at Regional One Health is requesting a waiver of the state trauma center rule requiring cardiopulmonary bypass for Level I centers according to Trauma Rules 1200-08-12-.04(2)(c-1). While bypass was required to treat many injuries in the past (aortic transection), new modern methods including endovascular repair with stent grafting have now replaced open repair and bypass is no longer required. Patients with cardiac injuries that survive to hospital evaluation are repaired without bypass.

The current edition of the American College of Surgeons Committee of Trauma (ACSCOT) Resources for the Optimal Care of the Injured Patient has recognized that in Level I and Level II trauma centers, if cardiopulmonary bypass equipment is not immediately available, a contingency plan including immediate transfer to an appropriate center and 100 percent performance improvement review of all patients transferred, must be in place (CD 11-22).

Regional One Health maintains a transfer agreement with Methodist University Hospital, Memphis and is actively advocating through the Trauma Care Advisory Council that the Tennessee rules mirror ACS requirements. Regional One passed the designation visit for our Level 1 Trauma Center status with no deficiencies. Requiring cardiac bypass would put an unnecessary burden on the institution without benefit of improved care.

**REPRESENTATIVE(S):** Dr. Martin A. Croce, MD, FACS, Vice President and Chief Medical Officer and Dr. Andy Kerwin, Chief of Trauma

**V. DISCUSSION(S).**

**A.** Update on the COVID-19 Vaccine and Distribution Plan.

**REPRESENTATIVE(S):** Dr. Mary-Margaret Fill, Deputy State Epidemiologist, Department of Health-Division of Communicable and Environmental Diseases and Emergency Preparedness

**B.** Temporary Nurse Aide Bridge Program.

**REPRESENTATIVE(S):** Chris C. Puri, Attorney

**C.** Approval for Additional Board Meeting Date of April 7, 2021.

- D.** Extension of Interpretative Guidelines and Board Policy #82 regarding COVID-19 Crisis Waivers in Effect Until the February 3, 2021 Board meeting.
1. Assisted Care Living Facility rule 1200-08-25-.10(3)(a & b) and Homes for the Aged rule 1200-08-11-.08(2) regarding conducting of fire drills.
  2. Assisted Care Living Facility Rule 1200-08-25-.08(1)(c) regarding admission or retention of resident with COVID-19.
  3. Home Health Agency rule 1200-08-26-.05(2) & (4) regarding written plan of care being established & reviewed by a physician and care under the supervision of a physician and rule 1200-08-26-.05(8) regarding medication or treatment ordered by physician.
  4. Home Health Agency rule 1200-08-26-.06(3)(b) regarding evidence of review of plan of care must include physician's signature.
  5. Home Health Agency rule 1200-08-26-.06(7)(c) regarding supervisory visit by registered nurse to patient's place of residence at least monthly.
  6. 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.
  7. Hospice rule 1200-08-27-.06(11)(b) regarding supervisory visit by registered nurse to patient's place of residence at least monthly.
  8. Hospital Rule 1200-08-01-.01(19) regarding definition of Critical Access Hospital.
  9. Hospital Rule 1200-08-01-.05(23) et al regarding exceeding of licensed bed capacity during an emergency.
  10. Nursing Home Rule 1200-08-06-.05(7) regarding admission in excess of licensed bed capacity.
  11. 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.
  12. Board Policy #82-Interpretation and Temporary Waiver of Rules Related to Treatment and Containment of COVID-19.



**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. Diversicare of Dover, Dover (NH #306)  
- Jeff Watson, Temporary Administrator

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

1. The Farms at Bailey Station Skilled Nursing Facility, Collierville (FILE #414)

**C. THE FOLLOWING HOSPITAL(S) ARE REQUESTING A WAIVER TO INCREASE ITS LICENSED BED CAPACITY BY 10% PURSUANT TO T.C.A. §68-11-1607(g)(1)(A) BY BOARD POLICY #84:**

1. Cookeville Regional Medical Center, Cookeville (HOSP #95)  
- Increase Acute Beds by 22 beds for Bed Complement to become 269 licensed beds.

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

**A. SPECIAL CONSIDERATION.**

1. (INITIALS)  
N/A
2. (CHOWS)  
Vanderbilt Tullahoma-Harton Hospital, Tullahoma  
Vanderbilt Bedford Hospital, Shelbyville

**B. RATIFICATION.**

1. **QUALIFYING APPLICATIONS (Approval)**

**(INITIALS)**

**(a) Birth Center**

Memphis Center for Reproductive Health d/b/a Choices, Memphis

**(b) Home Medical Equipment**

Carefluent Connect, LLC, Nashville

- (c) **Outpatient Diagnostic Centers**  
SoFHA Outpatient Imaging Services, Johnson City

2. **(CHOWS)**

- (a) **Assisted Care Living Facilities**  
Traditions of Smyrna, Smyrna

**VIII. APPROVAL OF MINUTES.**

- A. October 7, 2020–Board Meeting
- B. December 17, 2020–Emergency Called Board Meeting

**IX. LICENSE STATUS UPDATES.**

A. **GOVERNORS BEND RETIREMENT AND ASSISTED LIVING, LLC., ERWIN (ACLF #341)**

This one hundred twenty-four (124) bed facility was granted a waiver on January 14, 2016 to allow the waiver of UL1069 7<sup>th</sup> Edition ruling for five (5) years until this facility can switch to the 2560 compliant system. Governors Bend Retirement and Assisted Living, LLC., submitted their referenced project for review and approval. This facility received approval of installation of the new Tek-Care 500 UL2560 Emergency call system with Stipulation by Plan Review on November 19, 2020.

B. **BAPTIST MEMORIAL HOSPITAL, MEMPHIS (HOSP #104)**

Baptist Memorial Hospital, Memphis has received CMS waiver approval to participate in the Acute Hospital Care at Home Program during the COVID Pandemic Declaration. Baptist Memorial Hospital intends to implement the program in accordance with the Board for Licensing Health Care Facilities guidelines for the Interpretation of Hospital Rule related to the CMS Acute Hospital Care at Home Waiver and Executive Order #6 dated December 17, 2020 and in compliance with state laws regulating the provision of inpatient care in the home.

C. **\*FACILITY CLOSURES**

See attachment.

**X. REPORTS.**

- A. **EMS REPORT** – Robert Seesholtz, Trauma System Manager, EMS
- B. **NURSE AIDE REPORT** – Ronda Webb Stewart, Assistant Director, HCF
- 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

**XI. ORDERS.**

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

**XII. REGULATION(S).**

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

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