



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

SECOND AMENDED

Date: April 4, 2022

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 Meeting

Date of Meeting: April 5, 2022

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 attachment.

Link to Live Video Stream:

<https://tdh.streamingvideo.tn.gov/Mediasite/Play/816ac67f08754840b7c4e464c68f38eb1d>

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

APRIL 5, 2022

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 BOARD MEMBERS:** Mr. Tom Marshall, replacing Mr. Chuck Griffin, Architect Representative, and the Reappointments of Ms. Gina Throneberry, Ambulatory Surgical Treatment Center Representative and Mr. Paul Boyd, Consumer Representative.

WELCOME NEW HEALTH CARE FACILITIES ASSISTANT DEPUTY DIRECTOR:
Ms. Krista Krueger.

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

- III. LICENSE STATUS REQUESTS.**

A. CAMDEN DIALYSIS, CAMDEN (ESRD #14)

This ESRD facility is seeking to temporary place their license on inactive status pending the resolution of staffing issues faced by this and other area facilities. A list detailing where patients will receive their treatments during the temporary closure has been identified. Camden Dialysis intend to reduce staffing pressure at several area clinics via consolidation of qualified personnel into fewer locations. A recent COVID surge necessitated this plan, as the surge has abruptly interrupted our staffing availability due to personal illness and increased demand for patient cohorting. Camden Dialysis anticipate the facility will resume services on or about April 30, 2022, but that date could be subject to change, either moving forward or backward, due to circumstances currently outside of our control.

REPRESENTATIVE(S): Tammy Carrington, Group Facility Administrator

B. SOUTHERN CARE, INC, FRANKLIN (ACLF #7)

This sixty (60) bed assisted care living facility is requesting to place their license on inactive status. Southern Care has moved all patients out of this facility and placed at Symphony Care. The owners S & E Partners are in process of selling the facility and is hopeful they will not need the inactive status more than one (1) year.

REPRESENTATIVE(S): Darcy Eatherly, S & E Partners

C. JELICO MEDICAL CENTER, INC, JELICO (HOSP #7)

This fifty-four (54) hospital bed facility is requesting an inactive status extension for three-months for their license to remain on inactive status. A major component in addressing the infrastructure deficiencies of the facility related to the delivery and installation of boiler equipment for providing heat and hot water. This boiler equipment is expected to be delivered and installed in April. Jellico Medical Center, Inc., anticipate having the deficiencies resolved to be ready for inspection to activate the license.

REPRESENTATIVE(S): Kelly Christie, Chief Executive Officer

IV. WAIVER REQUESTS.

N/A

V. DISCUSSION(S).

A. Extension of Interpretative Guideline.

1. Hospital Rule 1200-08-01-.05(23) Emergency Admit.

B. Data Report from Ascension Saint Thomas Rutherford Hospital #100; Ascension Saint Thomas West Hospital and Ascension Saint Thomas Midtown Hospital #24 regarding services for its Acute Hospital Care at Home Program for 2021.

REPRESENTATIVE(S): Bryce Fitzgerald, Attorney

C. Data Report from Vanderbilt University Medical Center #27 regarding services for its Hospital Care at Home Program.

REPRESENTATIVE(S): Dan Elrod, Attorney and Ginna Felts

D. Board of Examiners for Nursing Home Administrator Rules effective March 15, 2022, regarding Temporary Licenses affect on Board Policy #81.

E. TENNESSEE HEALTH CARE ASSOCIATION (THCA) PETITION FOR RULEMAKING HEARING REGARDING TEMPORARY NURSE AIDES/CHALLENGE PATH FOR TNAs.

REPRESENTATIVE(S): Chris Puri, Attorney

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. Creekside Center for Rehabilitation & Healing, LLC, Nashville (NH #53)
-Gregory Ward, Temporary Administrator
2. Tennova Newport Convalescent Center, Newport (NH #35)
-Deanna Hill, Temporary Administrator (DON)
3. Nashville Center for Rehabilitation and Healing, LLC, Nashville (NH #394)
-Roger Peden, Temporary Administrator -Waiver expires-April 2022
4. Four Oaks Healthcare Center, Jonesborough (NH #292)
-Veronica Wagner, Temporary Administrator
5. Diversicare of Oak Ridge, Oak Ridge (NH #2)
- Beverly Gallagher, Temporary Administrator

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

1. Christian Care Center of Bolivar, Bolivar (NH #116)

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) Ambulatory Surgical Treatment Centers
Premier Covenant ASTC, PLLC, Knoxville

(b) Assisted Care Living Facilities
Cloverland Park Senior Living, Brentwood
Morning Pointe of Hardin Valley, Ooltewah
Remember Me Senior Care at Wind Creek, Cleveland

- (c) Home Medical Equipment
Twenty Second Company, Inc., Mount Juliet
Wound Care Concepts, LLC, Nashville

2. (CHOWS)

- (a) Home Health Agencies
Cumberland River Homecare, Celina

VIII. APPROVAL OF MINUTES.

- A. February 2, 2022, Board Meeting

IX. LICENSE STATUS UPDATES.

- A. INTREPID USA HEATHCARE SERVICES, NASHVILLE (HHA #34)
Intrepid USA plans to admit and provide services for one (1) patient to maintain its certification for an undetermined time. When admissions resume fully, Intrepid USA will notify the Tennessee Department of Health.
- B. *FACILITY CLOSURES
See attachment.

X. REPORTS.

- A. EMS REPORT – Robert Seesholtz, Trauma System Manager, EMS
- B. NURSE AIDE REPORT – Ann Reed, Director of Licensing
- C. OFFICE OF GENERAL COUNSEL REPORT – Ronda Webb-Stewart, OGC

XI. ORDERS.

- A. CONSENT ORDER(S).
N/A

XII. REGULATION(S).

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

XIII. HEALTH SERVICES AND DEVELOPMENT AGENCY (HSDA) PRESENTATION.

REPRESENTATIVE(S): Logan Grant, Executive Director

Board for Licensing Health Care Facilities
Board Meeting
April 5, 2022

The Board for Licensing Health Care Facilities meeting began on April 5, 2022. Dr. Saunders, chair. Called the meeting to order.

Dr. Saunders, chair, welcomed new Board members; Mr. Tom Marshall, replacing Mr. Chuck Griffin, Architect Representative, and the reappointments of Ms. Gina Throneberry, Ambulatory Surgical Treatment Center Representative and Mr. Paul Boyd, Consumer Representative.

A quorum roll call vote was taken:

Mr. Paul Boyd – not here
Mr. Louis Caputo – here
Dr. Howard Clark – not here
Dr. Patsy Carihfield – not here
Mr. Joshua Crisp – here
Mr. James Dunn – not here
Mr. Tom Marshall – here
Dr. Julie Jeter – here
Ms. Patricia Ketterman – here
Mr. Bobby Meadows – not here
Mr. Roger Mynatt – not here
Dr. Sherry Robbins – not here
Ms. Susan Peach – here
Dr. René Saunders – here
Dr. Jennifer Tatum-Cranford – not here
Ms. Gina Throneberry – here
Ms. Janet Williford – here
Dr. Monica Warhaftig – here

A quorum was established.

License Status Requests:

Camden Dialysis, Camden (ESRD #14)

This ESRD facility is seeking to temporary place their license on inactive status pending the resolution of staffing issues faced by this and other area facilities. The facility anticipates the facility will resume services on or about April 30, 2022. The representative for this facility was Ms. Carrington. **Mrs. Warhaftig made a motion to grant inactive status until June Board meeting; Ms. Peach seconded. The motion was approved.**

Southern Care, Inc, Franklin (ACLF #7)

This sixty (60) bed assisted care living facility is requesting an inactive status extension for three (3) months for their license to remain on inactive status. Southern Care has moved all patient out of this facility and place at Symphony Care. The owners S & E Partners are in process of selling the facility and hopefully they will not need the inactive status more than one year. Ms. Eatherly was the

representative for the facility. **Ms. Peach made a motion to grant inactive status until April 2023 Board Meeting; Mr. Caputo Seconded. The motion was approved.**

Jellico Medical Center, Inc, Jellico (Hosp #7)

This fifty-four (54) hospital bed facility is requesting an inactive status extension for three (3) months for their license to remain on inactive status. A major component in addressing the infrastructure deficiencies of the facility related to the delivery and installation of the boiler equipment for providing heat and hot water. The boiler equipment is expected to be delivered and install in April. Mr. Christie was the representative for the facility. **Mr. Caputo made a motion to grant inactive status until the October Board meeting; Ms. Warhaftig seconded. The motion was approved.**

Waiver Requests:

N/A

Discussion(s):

Extension of Interpretative Guideline

1. Hospital Rule 1200-08-01-.05(23) Emergency Admit. **Ms. Peach made a motion to approve the extension of this guideline until the February 2023 Board Meeting or until CMS 1135 waiver is discontinued; Ms. Ketterman seconded. The motion was approved.**

Data Report from Ascension Saint Thomas Rutherford Hospital #100; Ascension Saint Thomas West Hospital and Ascension Saint Thomas Midtown Hospital #24 regarding services for its Acute Hospital Care at Home Program 2021. Mr. Fitzgerald was the representative for this facility.

Data Report from Vanderbilt University Medical Center #27 regarding services for its Hospital Care at Home Program. Mr. Elrod and Ms. Felts were the representative for the facility. **Ms. Peach made a motion to add pressure injuries, patient age and county to these metrics in reporting; Mr. Dunn seconded. The motion was approved.**

Mr. Elrod asked the Board what was their expectation when Vanderbilt University Medical Center will actually do presentations? Each board meeting or just submit these reports and then just be available for questions. Ms. Peach felt the first presentation should be in-person to be helpful for questions. She felt the second and ongoing reports unless there is a glaring red item submitting the report would be sufficient but that was her personal opinion. Mr. Dunn felt if there was a need to pull additional subject matter experts it would be easy to be able to do so and he agreed to Ms. Peach's point. Dr. Warhaftig expressed it would help Vanderbilt to maybe do this once every six (6) months and not every meeting. Ms. Felts explained the way Vanderbilt does reporting the in-person presentation would take place at the April and October Board meetings. **Mr. Dunn made a motion to accept that the reporting will be presented every six (6) months; Ms. Warhaftig seconded. Ms. Reed expressed every six (6) months would coincide appropriately. Mr. Dunn amended his motion to approve the reporting be done in the months of April and October. Ms. Peach seconded. This amendment to the motion was approved.**

Board for Examiners for Nursing Home Administrators Rules effective March 15, 2022, regarding Temporary Licenses affect on Board Policy #81. Ms. Webb-Stewart presented this proposed language to the Board. **Ms. Peach made a motion to accept the proposed language for the Board Policy #81; Ms. Ketterman seconded. The motion was approved.**

THCA petition for rulemaking hearing regarding temporary nurse aides/challenge path for TNA's. Mr. Puri was the representative for this facility. Mr. Puri presented a PowerPoint NAT Challenge Proposal. **Ms. Ketterman made a motion to expand the candidate sections to include TNA's as qualified to challenge test consistent with the language that was in attachment exhibit A; Ms. Williford seconded.** Mr. Caputo asked if a timeline is needed during the gap with the Emergency Order potentially ending. Ms. Webb-Stewart suggested the language to be provided to a sub-committee and then presented back to the full Board. **Mr. Marshall made a motion to table the discussion of the option 1 language to the end of agenda; Ms. Ketterman withdrew her motion; Mr. Dunn seconded. The motion was approved.**

BOARD POLICY CONSENTS:

Board Policy #81

Creekside Center for Rehabilitation and Healing, LLC, Nashville (NH #53)
Tennova Newport Convalescent Center, Newport (NH #35)
Nashville Center for Rehabilitation and Healing, LLC, Nashville (NH #394)
Four Oaks Healthcare Center, Jonesborough (NH #292)
Diversicare of Oak Ridge, Oak Ridge (NH #2)

Mr. Caputo made a motion to approve the facilities by Board Policy #81; Mr. Dunn seconded. The motion was approved.

Board Policy #82

Christian Care Center of Bolivar, Bolivar (NH #116)

Ms. Ketterman made a motion to approve Christian Care Center of Bolivar by Board Policy #82; Ms. Williford seconded. The motion was approved.

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

The following qualifying applications were presented to the Board for approval without staff concern-

(Initials)

Ambulatory Surgical Treatment Centers
Premier Covenant ASTC, PLLC, Knoxville

Assisted Care Living Facilities

Cloverland Park Senior Living, Brentwood
Morning Pointe of Hardin Valley, Ooltewah
Remember Me Senior Care at Wind Creek, Cleveland

Home Medical Equipment

Twenty Second Company, Inc., Mount Juliet
Wound Care Concepts, LLC, Nashville

Mr. Crisp requested to recuse himself during the approval of Remember Me Senior Care at Wind Creek, Cleveland. Ms. Peach made a motion to approve Remember Me Senior Care at Wind Creek, Cleveland; Ms. Ketterman seconded. The motion was approved.

Ms. Ketterman made a motion to approve the remaining facilities; Ms. Williford seconded. The motion was approved.

(CHOWS)

Home Health Agencies

Cumberland River Homecare, Celina

Ms. Williford made a motion to approve Cumberland River Homecare, Celina; Mr. Caputo seconded. The motion was approved.

APPROVAL OF MINUTES:

Mrs. Reed presented the following minutes to the full Board for approval –

February 2, 2022, Board Meeting

Mr. Dunn made a motion to approve the minutes as written; Ms. Williford seconded. The motion was approved.

LICENSE STATUS UPDATES:

Intrepid USA Healthcare Services, Nashville (HHA #34)

Intrepid USA plans to admit and provide services for one patient to maintain its certification for an undetermined time. When admissions resume fully, Intrepid USA will notify the Tennessee Department of Health.

FACILITY CLOSURES

Mrs. Reed presented this report to the Board.

REPORTS:

EMS Report – Mr. Seesholtz, Trauma System Manager presented this report. Mr. Seesholtz presented the TCAC minutes and a provisional visit that was conducted at Nashville General Hospital and was granted a Level III trauma center.

Nurse Aide Report – Mrs. Reed, Director of Licensing presented this report.

Office of General Counsel Report – Ms. Webb-Stewart presented the report.

ORDERS:

There were no orders to present at this meeting.

REGULATIONS: N/A

The revisit of THCA petition for rulemaking hearing regarding temporary nurse aides/challenge path for TNA's was brought back by Mr. Puri with language provided. Ms. Kruger stated that any TNA may not work in a facility after the date set by CMS to end the 1135 waiver flexibility for TNAs.

Mr. Caputo made a motion to expand the definition of qualified candidates to challenge the exam if the qualifications are met; Mr. Dunn seconded. The motion was approved.

HEALTH SERVICES AND DEVELOPMENT AGENCY (HSDA) PRESENTATION

The representative for this item was Mr. Grant, Executive Director for HSDA. Mr. Grant briefly described the transition plan for the merger.

Mr. Dunn made a motion to adjourn the meeting.