

Holland & Knight

Nashville City Center | 511 Union Street, Suite 2700 | Nashville, Tennessee 37219 | T +1.615.244.6380 | F +1.615.244.6804
Holland & Knight LLP | www.hklaw.com

Wells Trompeter
+1 615-850-8759
well.trompeter@hklaw.com

June 9, 2026

Logan Grant
Executive Director
Tennessee Health Facilities Commission
Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243
logan.grant@tn.gov

Re: **Opposition to Certificate of Need Application CN2604-011 — AHC Home Health & Hospice of Nashville, LLC**

Dear Mr. Grant:

On behalf of AccentCare Home Health of Nashville (“AccentCare”), we write pursuant to T.C.A. § 68-11-1607(b)(1) to oppose the Certificate of Need (“CON”) application of AHC Home Health & Hospice of Nashville, LLC (“AHC” or “Applicant”), CN2604-011, which seeks to remove the SNF-only condition on existing home health license #667 and obtain an unrestricted seven-county license. AccentCare is a licensed home health agency actively providing comprehensive home health services in Cheatham, Davidson, Robertson, Rutherford, Sumner, Williamson, and Wilson Counties, serving 1,776 patients across this area in 2025. AccentCare respectfully requests that the Commission deny this application because it fails to satisfy the statutory criteria for approval, and the Commission should deny it accordingly.

1. The Application Fails to Demonstrate Need

AHC’s own 1.5% need table demonstrates a substantial surplus in the service area: total projected capacity of 37,538 patients versus projected need of only 29,856, a surplus of 7,682 patients. While AHC employs alternate use-rate calculations to argue otherwise, the State Health Plan benchmark shows a lack of need.

AHC's historical utilization is heavily concentrated in Davidson County, with 156 of 182 patients (85.71%) in 2025 in Davidson and only minimal utilization in the other six counties. Despite already holding a seven-county license, AHC has demonstrated little demand or capacity outside Davidson County. Its aggressive growth projections (from 182 patients to 420 in Year 1 and 660 in Year 2) are unsupported by actual utilization history in a documented surplus market.

AHC's support letters do not constitute documentation of county-level unmet need. The letters are formulaic and consist of 12 patient letters with essentially identical content, form letters from physicians, and letters from wound care and business development contacts. This is not documentation of failed referrals. The service area already has 38 to 42 agencies licensed in each county.

2. The Application Fails to Demonstrate That Quality Standards Will Be Met

AHC's quality claims rely on internal and predictive data rather than final, publicly verified CMS metrics. AHC projects a 4-star CMS rating as of May 2026, but this is projected, not actual verified data. Similarly, its cited 30-day readmission rate of 4.3% is internal data not publicly confirmed through CMS reporting. The Commission should rely more heavily on verified public quality data rather than internal projections.

AHC states it does not anticipate hiring additional personnel if the restriction is removed, yet projects patient volume more than tripling from 182 to 660 patients. It is unclear how current staffing will support this expansion while maintaining quality standards.

3. The Application Fails to Demonstrate Consumer Advantage

Removing the SNF-only restriction primarily benefits AHC and affiliated referral sources, not consumers in a documented surplus market with 38 to 42 agencies already licensed in each county. AHC's projected payor mix is 98% Medicare/Medicare Managed Care and 2% Commercial, with \$0 TennCare/Medicaid, \$0 self-pay, and \$0 charity care. This significantly limits any broad access argument.

AHC's growth projections (182 to 660 patients) without additional staffing could harm existing providers and draw from an already limited healthcare workforce. Duplicative competition in a surplus market does not produce the positive consumer effect the statute requires.

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4. Conclusion

For the foregoing reasons, AccentCare respectfully requests that the Commission deny Application CN2604-011. The Applicant has failed to demonstrate need, quality, or consumer advantage as required by T.C.A. § 68-11-1609(b). Representatives of AccentCare will be present at the Commission meeting to further present opposition.

Sincerely yours,

HOLLAND & KNIGHT LLP



Wells Trompeter

WT

cc: Christopher Puri, Counsel for Applicant (via email: cpuri@bradley.com)
Jim Christoffersen (via email: jim.christoffersen@tn.gov)
Health Facilities Commission Staff (via email: hsda.staff@tn.gov)