



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. Open meeting notices can also be accessed at <https://www.tn.gov/hsda/health-care-facilities/hcf-board/hcf-board/meeting-schedule.html>

**HEALTH FACILITIES COMMISSION
MEMORANDUM**

Date: November 21, 2022

From: Wanda E. Hines, Board Administrator

Name of Board or Committee: Board for Licensing Health Care Facilities Board Meeting

Date of Meeting: November 22, 2022

Time: 9:00 a.m., Central Standard Time

Place: Iris Conference Room
665 Mainstream Drive, 1st Floor
Nashville, TN 37243

Major Item(s) on Agenda: See attachment.

Link to Live Video Stream:

<https://tdh.streamingvideo.tn.gov/Mediasite/Play/e0b3533ba8de4f94b21f55a6eb2055341d>

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.

PH-1850 (Rev. 3/79)

RDA N/A



LOGAN GRANT
EXECUTIVE DIRECTOR

CAROLINE TIPPENS
DIRECTOR, LICENSURE & REGULATION

***THE MISSION OF THE HEALTH FACILITIES COMMISSION IS TO
PROMOTE ACCESS TO QUALITY, COST-EFFECTIVE HEALTHCARE IN TENNESSEE***

AGENDA

BOARD FOR LICENSING HEALTH CARE FACILITIES

BOARD MEETING

NOVEMBER 22, 2022

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

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

- I. WELCOME EXECUTIVE DIRECTOR: Mr. Logan Grant
WELCOME GENERAL COUNSEL: Mr. Jim Christoffersen
WELCOME NEW HEALTH FACILITIES COMMISSION DIRECTOR: Ms. Caroline Tippens
WELCOME NEW HEALTH FACILITIES COMMISSION DEPUTY DIRECTOR: Mrs. Ann R. Reed
WELCOME NEW DEPUTY GENERAL COUNSEL: Mr. Nathaniel Flinchbaugh
WELCOME NEW SENIOR ASSOCIATE COUNSEL: Mr. Jeremy Gourley
WELCOME NEW ASSOCIATE COUNSEL: Mr. Vishan Ramcharam
- NEW HEALTH DESIGNEE AND CHAIR: Dr. Christopher D. Wilson
- II. **CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
- III. **HEALTH FACILITIES COMMISSION** - Logan Grant, Executive Director
- A. **LEGISLATIVE UPDATE**
- B. **BOARD FOR LICENSING HEALTH CARE FACILITIES -BOARD REFORM**
- IV. **LICENSE STATUS REQUESTS.**
- A. **KINGSPORT AMBULATORY SURGERY CENTER, KINGSPORT (ASTC #113)**
This ambulatory surgical treatment center is requesting is requesting an inactive status extension for their license to remain on inactive status for an additional two (2) years through October 2024. COVID-19 has continued to affect the number of

elective surgeries that are performed. Kingsport Ambulatory Surgery Center is not ready to reopen the surgery center and will continue to evaluate its options.

REPRESENTATIVE(S): Kim Harvey Looney, Attorney

B. THE WATERS OF ROBERTSON, SPRINGFIELD – NH #216

This one hundred twenty (120) bed skilled nursing home facility is requesting to place their license on inactive status until further notice.

REPRESENTATIVE(S): Michael Hatmaker, Attorney

C. SOUTHERLAND PLACE, BRENTWOOD – ACLF #300

This forty-four (44) bed assisted care living facility will cease operations and request to place their license on inactive status effective September 1, 2022, for remodeling.

REPRESENTATIVE(S): Gary Keckler, Owner

D. METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY NASHVILLE COMMUNITY CARE AND REHABILITATION CENTER AT BORDEAUX, NASHVILLE – NH #63

This four hundred nineteen (419) bed skilled nursing home facility is requesting an inactive status extension for two (2) additional years.

REPRESENTATIVE(S): Thomas G. Cross, Deputy Director, Dept. of Law

E. JELICO MEDICAL CENTER, INC., JELICO – HOSPITAL #7

This fifty-four (54) hospital bed facility is requesting a second inactive status extension for three-months to allow their license to remain on inactive status. A major component in addressing the infrastructure deficiencies of the facility is related to the delivery and installation of boiler equipment for providing heat and hot water. There is a minor mechanical part that was recently deemed as needed which will be delivered next week. Jellico is anticipating the boiler solution to be fully installed/implemented by the end of the month, and anticipate inspection for licensure activation in early October from the East TN Regional Office

REPRESENTATIVE(S): Kelly Christie, Administrator

F. SIGNATURE HEALTHCARE OF MADISON, MADISON – NH #54

This one hundred two bed skilled nursing home is requesting to place their license on inactive status. Signature HealthCare is in the process of voluntarily closing the facility. This facility has been discharging residents since its decision to temporarily close and is not accepting any new residents. The facility has plans to discharge the final residents by September 30, 2022; however, that timing may slip based on the arrangements needed for those final resident placements. The facility will continue to provide updates on the census in the facility and will notify the Health Commission Facility staff upon the last resident being discharged so to provide a date certain for the inactive status to commence.

REPRESENTATIVE(S): Christopher Puri, Attorney

G. SAPLING GROVE ASC, BRISTOL-ASTC #116

This ambulatory surgical treatment center is requesting a third extension waiver for their license to remain on inactive status for an additional one (1) year through October 2023. 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 expired on June 2, 2021. Due to not meeting a quorum at the June 2, 2021, board meeting; this request was forwarded to the October 2021 board meeting and was granted a second inactive status extension which will expire on October 5, 2022.

REPRESENTATIVE(S): Dan Elrod, Attorney

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

This twenty-five (25) bed hospital facility is seeking a fifth inactive status extension for one (1) additional year through October 5, 2023. 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. We are also in communication with a group that possibly wanting to do a Veterans Health Care Facility. Copper Basin Medical Center's license was placed on inactive status for one (1) year on October 4, 2017; an extension waiver for was granted on October 3, 2018, for an additional year; a second extension waiver granted on October 2, 2019, for an additional year; a third extension waiver was granted on October 7, 2020, for an additional year; and a fourth extension waiver for an additional year on October 7, 2021, which will expire on October 5, 2022.

REPRESENTATIVE(S): Mayor Doug Collins, Interim Administrator

I. **SAINT THOMAS OUTPATIENT NEUROSURGICAL CENTER, NASHVILLE – ASTC #126**

This ambulatory surgical treatment center is requesting a third extension waiver for their license to remain on inactive status for an additional one (1) year through October 2023 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; an extension was granted for one (1) additional year on October 7, 2020, which expire on October 5, 2021, and a second extension waiver for an additional year on October 5, 2021, which will expire on October 5, 2022.

REPRESENTATIVE(S): Brian Woodward, Attorney

J. **JAMESTOWN MEDICAL CENTER, INC., JAMESTOWN – HOSP #48**

This eighty-five (85) hospital bed facility is requesting a third extension waiver for their license to remain on inactive status for an additional one (1) year through October 2023. As the COVID-19 pandemic restrictions and changes in the healthcare field move from emergent to more predictable operational factors, we are again revitalizing our efforts to create a meaningful use for the medical facility to meet the needs present in the community. Jamestown Medica Center is looking forward to being an active facility in the area.

REPRESENTATIVE(S): Hal W. Leftwich, DBA, FACHE

- K. CHRISTIAN CARE CENTER OF WASHINGTON COUNTY, f/k/a FAMILY MINISTRIES JOHN M. REED CENTER, LIMESTONE (NH #293)**
 This sixty-three (63) bed skilled nursing home facility is requesting a third extension waiver for their license to remain on inactive for an additional two (2) years through October 5, 2024. The owner of the nursing home was granted a Certificate of Need (CON) on August 26, 2020, for the construction of a replacement facility for its re-opening and the resumption of services. The owner was recently granted and extension of the CON expiration date from October 1, 2022, to October 1, 2024. The CON extension was necessitated primarily by delays resulting from the COVID pandemic. The extension of the inactive status for two years would allow the license status to run concurrently with the CON expiration date. Christian Care Center of Washington County's license was placed on inactive status for one (1) year on October 4, 2018; an extension waiver for inactive status was granted for an additional twelve (12) months on October 2, 2019; a two (2) year extension waiver was granted on October 7, 2020, which will expire on October 7, 2022.
- REPRESENTATIVE:** Jerry W. Taylor, Attorney
- L. SUMMIT VIEW OF FARRAGUT, KNOXVILLE – (NH #142)**
 This one hundred thirteen (113) nursing home facility is requesting to place their license on inactive status for twelve (12) months. Commissioner of the Tennessee Department of Health imposed a ban on admission on the facility effective on August 19, 2022, and CMS Medicare provider agreement was involuntarily terminated effective August 30, 2022. All residents of the facility have been relocated to other facilities on September 30, 2022. Placing their license on inactive status will allow the facility to identify options for the future use of the facility through reopening, sale, or relocation.
- REPRESENTATIVE(S):** Bill West, Attorney
- M. 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
Provider did not provide follow-up information/request
- N. PERRY COMMUNITY HOSPITAL, LINDEN – HOSP #93**
 This fifty (50) bed hospital facility is requesting an inactive status extension for their license to remain on inactive status. They are working on establishing financing and hope to reopen the hospital soon. This facility transferred all inpatients and closed all services on November 27, 2020. Perry Community Hospital, Linden was placed on inactive status for two (2) years on October 7, 2020 which will expire October 7, 2022.
- REPRESENTATIVE(S):** Jason Weil, Owner
- O. WHITEHAVEN COMMUNITY LIVING CENTER, MEMPHIS – NH #258**
 This nursing home facility is requesting to place their license on inactive status for six (6) months, effective July 16, 2022. This nursing home is currently empty, with no patients; last patient was discharged on July 15, 2022. It intends to file its request with the Center of Medicare and Medicaid Services to place its Medicare providership on an inactive status for six (6) months. Inactivation of its license for six (6) months is needed to identify options for the future use of the facility through renovation and

reopening 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): Bill West, Attorney

P. LECONTE HEALTH AND REHABILITATION CENTER, SEVIERVILLE – NH #226

This fifty-four (54) bed nursing home LeConte Health and Rehabilitation Center, Sevierville is requesting to place their license on inactive status. The closing of the facility was necessitated by a low resident census and the decision to transfer the rights associated with LeConte Health to Ocoee Sevierville Health and Rehabilitation Center. The Buyer currently operates a 98-bed nursing home facility in Sevierville. Health and Rehabilitation Center is joining in the request of to place their bets on inactive status. The LeConte facility has worked through much of the closure plan filed. There are no residents remaining in the building.

REPRESENTATIVE(S): Dan Elrod, Attorney and Michael D. Brent, Attorney

V. MEDICALLY HOME-BUSINESS MODEL PRESENTATION (HOSPITAL AT HOME) – Lisa Tripp, Vice President of Government Affairs and Jeremy Combs, Senior Director, MIH/CP

VI. WAIVER REQUESTS.

A. MORNING POINTE OF COLLEGEDALE AT GREENBRIAR COVE, OOLTEWAH- ACLF #273

This sixty-five (65) bed assisted care living facility is requesting to increase their bed count from 65 to 68 beds. This request is for rooms 300, 301, and 313 to become double occupancy rooms for married couples. The Fire and Building Inspector conducted an on-site inspection. The bedrooms are out of compliance due to the 80 square feet per person rule in the bedroom area. The rooms are 140 square feet in the bedroom area. Morning Pointe of Collegedale at Greenbriar Cove is requesting to waive the 80 square feet per person rule to allow a married couple to occupy the bedroom space in these three rooms.

REPRESENTATIVE(S): Toni Venable, Regional VP of Operations

B. FORT SANDERS REGIONAL MEDICAL CENTER, KNOXVILLE – HOSPITAL #43

Fort Sanders Regional Medical Center, Knoxville requested that the Board for Licensing Health Care Facilities waive certain of its rules pursuant to T.C.A. §68-11-209(b), and otherwise interpret its rules, so Fort Sanders may implement its federally approved hospital at home program. Fort Sanders Regional Medical request to CMS for approval for a hospital at home program was granted on June 27, 2022. Fort Sanders intends to implement its hospital at home program in the first quarter of 2023. Covenant Health has plans to expand its home at home program to other hospitals in their system likely in late 2023 and early 2024 and subsequent waiver requests will be submitted to address additional hospitals.

The following summary of (1) the Board interpretations for which we seek confirmation and (2) the waivers requested:

- Request the following interpretations applicable to other hospital at home programs also apply to Fort Sanders Regional Medical Center.

- Fort Sanders is authorized under its hospital license to provide hospital care to patients in their homes, provided such care complies with the terms and conditions of waivers approved by the Board.
- When a patient receives care at home pursuant its hospital at home program, the patient's home will not be considered a hospital bed, a hospital facility, or a hospital premises under T.C.A. 1200-08-01 et. seq.

Fort Sanders Regional Medical Center is committed to provide reports on quality metrics as previously adopted by the Board. The approval of this waiver request will allow Fort Sanders Regional Medical Center to serve appropriate patients in the comfort of their homes.

REPRESENTATIVE(S): Dan Elrod, Attorney

C. **TRISTAR ASHLAND CITY MEDICAL CENTER – HOSPITAL #13 TO BECOME A SATELLITE HOSPITAL OF TRISTAR CENTENNIAL MEDICAL CENTER – HOSPITAL #136**

HCA Health Services of Tennessee, Inc., owns and operates both TriStar Ashland City Medical Center (ACMC), a critical access hospital located at 313 N. Main Street, Ashland City – Hospital #13 and TriStar Centennial Medical Center, a general acute care hospital located at 2300 Patterson Street, Nashville-Hospital #136. Effective December 1, 2022, HCA Health Services intends to convert ACMC into a satellite hospital of Centennial. After the conversion, emergency department and outpatient imaging, laboratory and rehabilitation services will still be provided at the ACMC location. Centennial would like to retain the licensed hospital beds at the TriStar Ashland City Medical Center location in case it become feasible to re-open those beds after the conversion. The conversion of the ACMC location will become TriStar Ashland City Medical Center, a campus of TriStar Centennial Medical Center. The decision to convert ACMC into a Satellite Hospital of Centennial was made after extensive deliberation and is the best way to keep high-quality, hospital-based services available in the Ashland City community.

It is our understanding that on the effective date, the Medicare provider agreement currently held by ACMC will be retired by CMS, and the services provided at the ACMC location will be covered under Centennial's Medicare provider agreement.

REPRESENTATIVE(S): M. Clark Spoden, Attorney and Mr. Scott Cihak, CEO, TriStar Centennial Medical Center

D. **THE UNIVERSITY OF TENNESSEE MEDICAL CENTER, KNOXVILLE – HOSP #46**

The University of Tennessee Medical Center (UTMC), Knoxville is seeking a second extension of the waiver authorizing its use of certain temporary structures on its campus, which were established to help in UTMC's response to the COVID pandemic. The University of Tennessee Medical Center (UTMC) requests that the extension be for one (1) year to October 5, 2023. The University of Tennessee Medical Center (UTMC) was granted a waiver in October 2020; an extension waiver granted for one (1) year in October 2021 which will expire October 2022.

REPRESENTATIVE(S): Jerry W. Taylor, Attorney

E. **EAST TENNESSEE CHILDREN'S HOSPITAL, KNOXVILLE – HOSP #41**

The East Tennessee Children's Hospital is seeking for a possibility of a waiver of the certification requirements for a surgical techs from California can qualified for certification in Tennessee. The current availability of trained Surgical Techs is currently very limited. Often East Tennessee Children's Hospital best course of action is to hire right out of school but even those numbers have been declining making this situation even more difficult. A surgical tech who attended a non-accredited program while in California that has been working as a Surgical Tech for eleven (11) years applied to the hospital. East Tennessee Children's Hospital inquired with the NBSTSA, but they did not grant the surgical tech from California and opportunity to test for certification due to not recognizing any experience outside of military experience in lieu of schooling. East Tennessee Children's Hospital is seeking either a permanent or one-time, one-person waiver to the waiver to the certification requirement for this candidate.

REPRESENTATIVE(S): Rob Bauer, VP Human Resources

F. **CHI NATIONAL HOME CARE d/b/a CHI MEMORIAL HEALTH AT HOME, CHATTANOOGA-HHA #103**

This Home Health Agency is requesting extension to allow occupational therapy team to open cases for their branch. We have a strong occupational therapy team that is trained in Oasis. Occupational Therapist have extension training and certifications that make them strong evaluators. Using the occupational therapists allows us to get our nursing team out timelier on other cases. CHI Memorial Health at Home is seeking to extend their waiver to allow therapists and clinicians to open a case even if nursing is ordered. CMS continues to waive the requirements in 42 CFR § 484.55(a)(2) and §484.55(b)(3) that rehabilitation skilled professional may only perform the initial and comprehensive assessment when only therapy services are ordered.

REPRESENTATIVE(S): David Dunston, M.S.P.T

VII. **DISCUSSION(S).**

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

B. Report from Ascension Saint Thomas Rutherford, West, and Midtown Hospitals regarding services for its Hospital Care at Home Program.

REPRESENTATIVE(S): Bryce Fitzgerald, Attorney

C. Dis-Continuation of Board Policy #82/Discussion Replacement Board Policy #85.

D. Approval of Board Policy language regarding how many ACLF facilities can an Assisted Care Living administrator can serve as administrator-Board Policy #86.

E. Nominate and vote on a Board representative replacing Dr. Rene' Saunders to serve on the COPEC and Trauma Care Advisory Council Committees.

F. Board Meeting Dates for Year 2023.

G. Language Addition to Initial Application Instruction Sheet.

- H. Health Facilities Commission Board Policy – State Agency Authority to Waive Nurse Aide Home Training and Competency Evaluation Program (NATCEP/CEP) Loss
- I. Submission of CMS Waiver Relative to the Nurse Aide Training and Competency Evaluation Program (NATCEP).
- J. Inactive License Extension by Administration-Board Policy #87.

VIII. 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. Trevecca Center for Rehabilitation and Healing, LLC, Nashville (NH #66)
- Kyle Hatfield, LNHA, Temporary Administrator
- 2. Signature Healthcare of Cleveland, Cleveland (NH #16)
- Brooke Biggerstaff, Temporary Administrator

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

A. SPECIAL CONSIDERATION.

- 1. **(INITIALS)**
 - (a) **Home for the Aged**
Great Southern Senior Living, LLC, Cordova

- 2. **(CHOWS)**
N/A

B. RATIFICATION.

- 1. QUALIFYING APPLICATIONS (Approval)

(INITIALS)

- (a) **Ambulatory Surgical Treatment Center**
Cherokee Farm Orthopedic Surgery Center, LLC d/b/a University Orthopedic Surgery Center, Knoxville
Eye Surgery Center of Morristown, LLC, Morristown
Medical Parkway Surgery Center, LLC, Murfreesboro
Middlebrook Surgery Center, Knoxville
Music City Surgery Center, LLC, Goodlettsville
- (b) **Assisted Care Living Facilities**
BeeHive Home of Collierville, Collierville
Shepherd’s Path Assisted Living Residence, Collierville

- (c) **End Stage Renal Dialysis**
FKC Crossville Home Therapies, Crossville
Fresenius Kidney Care Wolf River, Memphis
Fresenius Medical Care Dyersburg, LLC, Dyersburg
Renpro Tennessee, LLC, Memphis
- (d) **Home Health Agencies**
Residential Solutions, LLC, Memphis
The Homecare Company of Tennessee, LLC., Oak Ridge
- (e) **Home Medical Equipment**
Medical Hotspots, Inc., d/b/a Bailey's Medical Equipment and Supplies,
Memphis
Mountain Medical Supply, LLC., Clinton
Pediatric Products, LLC, Nashville
Tandem Diabetes, Care, Inc., San Diego
- (f) **Hospice**
Shalom Hospice
- (g) **Hospitals**
Ascension Saint Thomas Rehabilitation Hospital, Nashville
Haywood County Community Hospital, Brownsville
- (h) **Nursing Homes**
AHC of Nashville, Nashville
The Suites at Jordan River, Collierville

2. **(CHOWS)**

- (a) **Assisted Care Living Facilities**
Maple Cottage Assisted Living Transitions
Royal Retreat, Memphis
- (b) **End Stage Renal Dialysis Clinics**
Fresenius Kidney Care Knight Arnold Road Dialysis, Memphis
- (c) **Home for the Aged**
Patriot Hills Assisted Living, Oak Ridge
The Waterford in Sango, Clarksville
- (d) **Home Medical Equipment**
Health and Homecare of Erwin, Inc., Erwin
- (e) **Nursing Homes**
Andersonville TN Opco, LLC, Andersonville
Newport TN Opco, LLC, Newport
The Bay at Highlands of Memphis Health and Rehabilitation, LLC, Memphis

X. APPROVAL OF MINUTES.

- A. June 1, 2022 Board Meeting
- B. August 31, 2022 Assisted Care Living Facility Standing Committee Meeting
- C. September 20, 2022 Assisted Care Living Facility Standing Committee Meeting

XI. LICENSE STATUS UPDATES.

- A. BALLAD HEALTH (Hospitals) – BRISTOL REGIONAL MEDICAL CENTER, BRISTOL #131; HOLSTON VALLEY MEDICAL CENTER, KINGSPORT #133; INDIAN PATH COMMUNITY HOSPITAL, KINGSPORT #134; AND JOHNSON CITY MEDICAL CENTER, JOHNSON CITY #121 – HOSPITAL AT HOME PROGRAM

The implementation of the Hospital at Home Program for Ballad Health hospitals has been delayed. As a result, a report on metrics regarding the operation of the program will be implemented in March of 2023, and it will submit quarterly reports thereafter as required by the Board.

- B. HUNTINGTON DIALYSIS, HUNTINGDON f/k/a CAMDEN DIALYSIS, CAMDEN-ESRD #14

This ESRD facility was granted for relocation of a new dialysis clinic located at 50 Taylor Avenue, Huntingdon. Approval consists of 13 new dialysis chairs (12 plus 1 isolation), 2 PD rooms, and new PD services. This facility replaces the Camden Dialysis which is closed but the license number remain the same effective date September 2, 2022. The licensure status has been changes from inactive to active. This occupancy approval does not affect the licensed bed complement of this facility.

- C. KIRBY PINES MANOR, MEMPHIS (NH #243

The Architect of Record for the Demolition and New Construction for Kirby Pines Nursing Facility gave notice regarding planned changes to the Kirby Pines Life Care Community and more specifically the nursing home located on the campus of Kirby Pines Manor. As part of these modification/renovations, they are requesting approval to demolish and renovations of certain portion of the nursing home on the Community's campus and the plan for relocation of affected residents is being provided. The facility would like to begin notification and resident relocations/movements on November 1, 2022, and the facility expects the transition period for residents in affected portions of the facility to be completed by December 30, 2022.

- D. *FACILITY CLOSURES

See attachment.

XII. REPORTS.

- A. TRAUMA SYSTEM REPORT – Robert Seesholtz, Trauma System Manager
- B. NURSE AIDE REPORT – Ann Reed, Deputy Director of Licensure and Regulation
- C. OFFICE OF LEGAL SERVICES REPORT – Nathaniel Flinchbaugh, Deputy General Counsel

XIII. ORDERS.

- A. CONSENT ORDER(S)

XIV. REGULATION(S).

A. BOARD APPROVAL FOR RULEMAKING HEARING

B. PROPOSED RULE LANGUAGE

**BOARD FOR LICENSING HEALTH CARE FACILITIES
BOARD MEETING
NOVEMBER 22, 2022**

The Board for Licensing Health Care Facilities meeting began on November 22, 2022. Dr. Christopher D. Wilson, chair, called the meeting to order.

A quorum roll call vote was taken:

Mr. Christopher D. Wilson, Chair—here
Mr. Paul Boyd—here (arrived at 9:23 am)
Mr. Louis Caputo—here
Dr. Howard Clark- not here
Dr. Patsy Carihfield—here
Mr. Joshua Crisp—here
Mr. James Dunn – here
Dr. Julie Jeter—not here
Ms. Patricia Ketterman—here
Mr. Bobby Meadows—here
Mr. Roger Mynatt—here
Dr. Sherry Robbins—here
Ms. Jennifer Tatum-Cranford-here
Ms. Gina Throneberry—here
Dr. Monica Warhaftig-here

A quorum was established.

LEGISLATIVE UPDATE 2022:

Mr. Logan Grant, Executive Director of Health Facilities Commission presented the legislative update and Board Reform to the Board.

RULEMAKING HEARING:

A rule making hearing wasn't held during this meeting.

LICENSE STATUS REQUEST(S):

Caroline Tippens presented the following sixteen (16) license status requests.

Kingsport Ambulatory Surgery Center, Kingsport (ASTC #113)

This ambulatory surgical treatment center requested an inactive status extension for their license to remain on inactive status for an additional two (2) years through October 2024. Ms. Kim Harvey Looney, attorney was the representative for this facility. **Dr. Robbins recused herself. Ms. Ketterman made a motion to grant inactive status for two years; Mr. Dunn seconded. The motion was approved.**

The Waters of Robertson, Springfield (NH #216)

This one hundred twenty (120) bed nursing home facility requested to place their license on inactive status until further notice. Mr. Michael Hatmaker, attorney was the representative for this facility. **Mr. Dunn made a motion to grant inactive status for six (6) months from meeting; Ms. Ketterman seconded. The motion was approved.**

Southerland Place, Brentwood (ACLF #300)

This forty-four (44) bed assisted care living facility will cease operations and requested to place their license on inactive status for two (2) years effective September 1, 2022, for remodeling. Mr. Gary Keckley was the representative for this facility. **Mr. Meadows made a motion to grant inactive status for two years; Dr. Robbins seconded. The motion was approved.**

Metropolitan Government of Nashville and Davidson County Nashville Community Care and Rehabilitation Center at Bordeaux, Nashville (NH #63)

This four hundred nineteen (419) bed skilled nursing home facility requested an inactive status extension for two (2) additional years. Mr. Thomas Cross was the representative for this facility. **Mr. Mynatt made a motion to grant inactive status for two years; Mr. Dunn seconded. The motion was approved.**

Jellico Medical Center, INC., Jellico (Hospital #7)

This fifty-four (54) hospital bed facility requested a second inactive status extension for three months to allow their license to remain on inactive status. A major component in addressing the infrastructure deficiencies of the facility is related to the delivery and installation of boiler equipment for providing heat and hot water. Jellico is anticipating the boiler solution to be fully installed/implemented by the end of the month and anticipate inspection for licensure activation in early October from the East TN Regional Office. Mr. Kelly Christie was the representative for this facility. **Mr. Meadows made a motion to grant inactive status for three (3) months until February 2023; Mr. Dunn seconded. The motion was approved.**

Signature HealthCare of Madison, Madison (NA #54)

This one hundred two (102) bed skilled nursing home requested to place their license on inactive status. Signature HealthCare is in the process of voluntarily closing the facility. This facility has been discharging residents since its decision to temporarily close and is not accepting any new residents. Mr. Christopher Puri was the representative for this facility. **Mr. Meadows made a motion to grant closure/inactive status until December 2024; Mr. Dunn seconded. The motion was approved.**

Sapling Grove ASC, Bristol (ASTC #116)

This ambulatory surgical treatment center requested a third extension waiver for their license to remain on inactive status for an additional one (1) year through October 2023. Due to not meeting a quorum at the June 2, 2021, board meeting this request was forwarded to the October 2021 board meeting and was granted a second inactive status extension which expired October 5, 2022. Mr. Elrod was the representative for this facility. **Dr. Robbins recused herself. Dr. Warhaftig made a motion to grant inactive status for one year until October 4, 2023; Mr. Dunn seconded. The motion was approved.**

Copper Basin Medical Center, Copperhill (HOSP #94)

This twenty-five (25) hospital bed facility requested a fifth inactive status extension for one (1) additional year through October 5, 2023. Mayor Collins was the representative for this facility. **Mr. Caputo suggested extending the waiver for two (2) years. Mr. Boyd made a motion to grant inactive status for two (2) years; Mr. Dunn seconded. The motion was approved.**

Saint Thomas Outpatient Neurosurgical Center, Nashville (ASTC #126)

This facility request was removed from the agenda.

Jamestown Medical Center, INC., Jamestown (HOSP #48)

This eighty-five (85) hospital bed facility requested a third extension waiver for their license to remain on inactive status for an additional one (1) year through October 2023. Mr. Leftwich was the representative for this facility. **Mr. Mynatt made a motion to grant inactive status for two (2) years until October 4, 2024; Mr. Boyd seconded. The motion was approved.**

Christian Care Center of Washington County, f/k/a Family Ministries John M. Reed Center, Limestone (NH #293)

This sixty-three (63) bed skilled nursing home facility requested a third extension waiver for their license to remain on inactive status for an additional two (2) years through October 5, 2024. A two (2) year extension waiver was granted on October 7, 2020, which expired on October 7, 2022. Mr. Jerry Taylor was the representative for this facility. **Mr. Dunn made a motion to grant inactive status for two years until October 2024; Mr. Caputo seconded. The motion was approved.**

Summit View of Farragut, Knoxville (NH #142)

This one hundred thirteen (113) bed nursing home facility requested to place their license on inactive status for twelve (12) months to allow the facility to identify options for the future used of the facility through reopening, sale, or relocation. Mr. Bill West was the representative for this facility. **Dr. Warhaftig made a motion to grant inactive status for one year until October 2023; Mr. Boyd seconded. The motion was approved.**

Mighty Hearts Home Care, Inc., Portland (RHA #465)

This twelve (12) bed home for the aged facility requested to place their license on inactive status effective September 17, 2021. Provider did not provide a follow-up information/request. There was no representative for this facility. **Health Facilities Commission to provide update complaint to be opened. Dr. Warhaftig made a motion to table this request until February 1, 2023; Mr. Dunn seconded. The motion was approved.**

Perry Community Hospital, Linden (HOSP #93)

This fifty (50) hospital bed facility requested an inactive status extension for their license to remain on inactive status. Perry Community Hospital, Linden was placed on inactive status for two (2) years on October 7, 2020, which expired October 7, 2022. Mr. Jason Weil was the representative for this facility. **Mr. Mynatt made a motion to grant inactive status for one year until October 4, 2023; Mr. Boyd seconded. The motion was approved.**

Whitehaven Community Living Center, Memphis (NH #258)

This nursing home facility requested to place their license on inactive status for six (6) months, effective July 16, 2022. Mr. Bill West was the representative for this facility. **Mr. Dunn made a motion to grant inactive status for one year until October 4, 2023; Mr. Meadows seconded. The motion was approved.**

LeConte Health and Rehabilitation Center, Sevierville (NH #226)

This fifty-four (54) bed nursing home requested to place their license on inactive status. There are no residents in the building. Facility was closed voluntarily. Mr. Elrod was the representative for this facility. **Ms. Ketterman recused herself. Mr. Dunn made a motion to grant inactive status for two (2) years until October 2024; Mr. Meadows seconded. The motion was approved.**

WAIVER REQUEST(S):

Ms. Tippens presented the following four (4) waiver requests.

Morning Pointe of Collegedale at Greenbriar Cove, Ooltewah (ACLF #273)

This sixty-five (65) bed assisted care living facility requested to increase their bed count from 65 to 68 beds. This request is for rooms 300, 301, and 313 to become double occupancy rooms for married couples and requested to waive the 80 square feet per person rule to allow a married couple to occupy the bedroom space in these three rooms. Ms. Toni Venable was the representative for this facility. There was discussion on precedent for current residents about change to census. **Dr. Robbins made a motion to grant their request; Mr. Dunn seconded. The motion was approved.**

Fort Sanders Regional Medical Center, Knoxville (HOSP #43)

Fort Sanders Regional Medical Center, Knoxville requested that the Board for Licensing Health Care Facilities waive certain of its rules pursuant to T.C.A. 68-11-209(b), and otherwise interpret its rules, so Fort Sanders may implement its federally approved hospital at home program. Discussion of Meals, Doctor therapy, nursing care, home visits, central lines and/or catheter use; waiver needed for housekeeping and dietary requirements. Mr. Elrod was the facility representative. **This item was later visited. Ms. Ketterman recused herself. Mr. Dunn made a motion to approve their request; Mr. Caputo seconded. The motion was approved.**

Tristar Ashland City Medical Center - (Hosp #13) – To become a satellite hospital of Tristar Centennial Medical Center – Hospital (#136)

HCA Health Services of Tennessee, Inc., owns and operates both Tristar Ashland City Medical Center (ACMC), a critical access hospital located at 313 N. Main Street, Ashland City-Hospital #13 and Tristar Centennial Medical Center, a general acute care hospital located at 2300 Patterson Street, Nashville-Hospital #136. Mr. Clark Spoden and Mr. Scott Cihak were the representatives for this facility. **Mr. Caputo recused himself. Mr. Mynatt made a motion to approve; Dr. Warhaftig seconded. The motion was approved.**

The University of Tennessee Medical Center, Knoxville (HOSP #46)

The University of Tennessee Medical Center (UTMC), Knoxville requested a second extension of the waiver authorizing its use of certain temporary structures on its campus, which were established to help in UTMC's response to the COVID-19 pandemic. Discussion of temporary tents in parking garage used for testing. UTMC Level 1 TC is very busy, testing cases go to tent. Mr. Jerry Taylor was the

representative for this facility. **Mr. Mynatt made a motion to approve. Mr. Dunn seconded. The motion was approved.**

East Tennessee Children's Hospital, Knoxville – (HOSP #41)

This request was forwarded to the next board meeting no representative was present.

Chi National Home Care d/b/a Chi Memorial Health at Home, Chattanooga – (HHA #103)

This request was forwarded to the next board meeting no representative was present.

Medically Home-Business Model presentation (Hospital at Home) – Presented by Lisa Tripp and Dr. Lucille Woodard. Ms. Tripp gave the history of the Hospital at Home program and the CMS waiver and the Public Emergency waiver regarding hospital at home program. Dr. Woodard spoke regarding the quality of care with the medical home model and the technology that works with the patient at home and regarding the medically visitation for the patient. The topic on dialysis was mentioned and Dr. Woodard stated that right now they are not including this at this time but are looking into this procedure at home to be included hopefully soon.

DISCUSSION(S):

Vanderbilt University Medical Center #27 gave their third quarter metrics report update regarding services for its Hospital Care at Home Program. Mr. Dan Elrod and Mr. Russ Ledford presented their

Report from Ascension Saint Thomas Rutherford, West and Midtown Hospitals regarding services for its Hospital Care at Home Program. Mr. Bryce Fitzgerald was the representative for this facility. Mr. Fitzgerald stated Ascension Saint Thomas Rutherford, West and Midtown Hospitals is removing this hospital at home program request at this time due to not having enough staff to implement this program. Effective September 1, 2022, Ascension Saint Thomas Rutherford, West and Midtown Hospitals will discontinue the program. **Mr. Mynatt made a motion to rescind waiver. Dr. Robbins seconded. The motion was approved.**

Mr. Flinchbaugh, Deputy General Counsel presentation of the discontinuation of Board Policy #82/ Replacement of Board Policy #82. Discussed possible revisions/updates to language. **Mr. Dunn made a motion to accept modification of revisions. Mr. Mynatt seconded. The motion was approved.**

Approval of Board Policy language regarding how many ACLF facilities can an Assisted Care Living administrator can serve as administrator for Board policy #86. Notifications will be sent through email. **Suggested to wait until February 2023 to give plenty of time to warn of changes. Mr. Meadows made a motion to accept. Mr. Boyd seconded. The motion was approved.**

Nominations and voting on a Board representative to replace Dr. Saunders to serve on the COPEC and Trauma Care Advisory Council Committees. Mr. Seesholtz presented details of the position. Mr. Caputo volunteered for COPEC team. **Mr. Mynatt made a motion to accept. Mr. Crisp seconded. The motion was approved.** Ms. Warhaftig volunteered for the Trauma Care Advisory Council. **Mr. Meadows made a motion to accept. Dr. Robbins seconded. The motion was approved.**

Board meeting dates for the 2023 Year. Discussion of changing the meeting time from four times per year to six times per year. Discussion of moving the potential 2023 December date to November if there is a board room available. **Dr. Robbins made a motion to accept the first five of the six potential dates. Mr. Crisp seconded. The motion was approved.**

Language addition to Initial Application instruction sheet. Discussion over whether residents cannot be admitted until initial approval letter line address to paragraph four. **Mr. Mynatt made a motion to accept the new language. Mr. Boyd seconded. The motion was approved.**

Health Facilities Commission Board Policy – State Agency Authority to waive Nurse Aide Home Training and Competency Evaluation Program (NATCEP/CEP) Loss. Discussion over Certified Nurse Aide statutory requirements and/or policy. The issue is an evaluation of prior calculation of passage rate. THCA states this needs to be a static number or a period of time. Striking the appropriate balance asserting classes are small. THCA asked about a national passage rate.

The submission of CMS Waiver Relative to the Nurse Aide Training and Competency Evaluation Program (NATCEP). This agenda item was not discussed and moved to the April 5, 2023, board meeting.

Inactive License Extension by Administration – Board Policy #87. Discussion regarding allowing the executive director of Health Facilities Commission to make the decision to grant inactive license extension. Discussion of temporary for 6 months or until next Board meeting or publicly noticed meeting, whichever comes first. In case of delay of meeting similar to HSDA policy/language. Discussion of creating a roster of all inactive licenses that routinely submit requests every two (2) years, will be submitted in February. Amended language to be added to Statute. **Mr. Boyd made a motion to allow amended language. Mr. Mynatt seconded. The motion was approved.**

Board Policy Consents:

Trevecca Center for Rehabilitation and Healing, LLC, Nashville (NH #66) – This nursing home was requesting to waive nursing home regulations 1200-08-06.04(1) for a Tennessee replacement is hired or receives their license in Tennessee by Board policy #81. Mr. Hatfield was the representative for this facility. **Mr. Mynatt made a motion to approve. Mr. Meadows seconded. The motion was approved.**

Signature Healthcare of Cleveland, Cleveland (NH #16) - This nursing home was requesting to waive nursing home regulations 1200-08-06.04(1) for a Tennessee replacement is hired or receives their license in Tennessee by Board policy #81. Ms. Biggerstaff was the representative for this facility. **Mr. Mynatt made a motion to approve. Mr. Meadows seconded. The motion was approved.**

Consideration and Ratification of Licensure Applications -Change of Ownerships (CHOWS) and (Initials):

The following CHOW applications was presented to the Board for approval for special consideration-

Home for the Aged

Great Southern Senior Living, LLC. Cordova.

Consent Order was presented regarding granting a conditional license/discipline. **Mr. Boyd made a motion to approve. Mr. Mynatt seconded. The motion was approved.**

Ratifications:

The following qualifying applications were presented to the Board for approval-

Ambulatory Surgical Treatment Centers:

Cherokee Farm Orthopedic Surgery Center, LLC d/b/a/ University Orthopedic Surgery Center
Eye Surgery Center, Knoxville
Medical Parkway Surgery Center, LLC Murfreesboro
Middlebrook Surgery Center, Knoxville
Music City Surgery Center, LLC, Goodlettsville

Assisted Care Living Facilities:

BeeHive Home of Collierville, Collierville
Shepard's Path Assisted Living Residence, Collierville

End Stage Renal Dialysis:

FKC Crossville Home Therapies, Crossville
Fresenius Kidney Care Wolf River, Memphis
Fresenius Medical Care Dyersburg, LLC, Dyersburg
Renpro Tennessee, LLC, Memphis

Home Health Agencies:

Residential Solutions, LLC, Memphis
The Homecare Company of Tennessee, LLC., Oak Ridge

Home Medical Equipment:

Medical Hotspots, Inc. d/b/a Bailey's Medical Equipment and Supplies, Memphis
Mountain Medical Supply, LLC., Clinton
Pediatric Products, LLC., Nashville
Tandem Diabetes Care, Inc., San Diego

Hospice:

Ascension Saint Thomas Rehabilitation Hospital, Nashville
Haywood County Community Hospital, Brownsville

Mr. Crisp made a motion to approve the qualifying applications. Dr. Robbins seconded. The motion was approved.

The following CHOWS applications were approved by the board

Assisted Care Living Facilities:

Maple Cottage Assisted Living Transitions
Royal Retreat, Memphis

End Stage Renal Dialysis Clinics:

Fresenius Kidney Care Knight Arnold Road Dialysis, Memphis

Home for the Aged:

Patriot Hills Assisted Living, Oak Ridge
The Waterford in Sango, Clarksville

Home Medical Equipment:

Health and Homecare of Erwin, Inc., Erwin

Nursing Homes:

Andersonville TN Opco, LLC, Andersonville
Newport TN Opco, LLC, Newport
The Bay at Highlands of Memphis Health and Rehabilitation, LLC, Memphis

Mr. Boyd made a motion to accept the CHOW changes. Mr. Crisp seconded. The motion was approved.

APPROVAL OF MINUTES:

Ms. Tippens presented the following minutes to the full Board for approval –

June 1, 2022 – This was not completed

August 31, 2022 – Assisted Care Living Facility Standing Committee meeting

September 20, 2022 – Assisted Care Living Facility Standing Committee meeting

Dr. Robbins made a motion to approve the minutes as written; Mr. Mynatt seconded. The motion was approved.

LICENSE STATUS UPDATES:

Ballard Health (Hospitals) – Bristol Regional Medical Center, Bristol #131; Holston Valley Medical Center, Kingsport #133; Indian Path Community Hospital, Kingsport #134; and Johnson City Medical Center, Johnson City #121 – Hospital at Home Program – The implementation of the Hospital at Home Program for Ballard Health hospitals has been delayed. Reporting on metrics regarding the operation of the program that will implemented in March of 2023 and the submission of quarterly reports thereafter was discussed. **Dr. Robbins recused herself. Architect made a motion to approve; Mr. Caputo seconded. The motion was approved.**

Huntington Dialysis, Huntingdon f/k/a Camden Dialysis, Camden-ESRD #14 – This ESRD facility requested to place their license on active status. This facility was granted for relocation of a new dialysis clinic located at 50 Taylor Avenue, Huntingdon. Approval consisted of 13 new dialysis chairs (12 plus 1 isolation), 2 PD rooms, and new PD services. This facility replaced the Camden Dialysis location which is closed but retained the same license number. **Mr. Crisp made a motion to approve the licensure status change; Dr. Robbins seconded. The motion was approved.**

Kirby Pines Manor, Memphis (NH #243) – This Nursing Home requested approval for demolition and new construction for the Kirby Pines Nursing Facility and gave notice regarding planned changes to the Kirby Pines Life Care Community and more specifically the nursing home located on the campus of Kirby Pines Manor. They requested approval to demolish and renovations of a certain portion of the nursing home with a plan for relocation of affected residents is being provided. **Mr. Mynatt made a motion to approve the request for demolition and renovations; Mr. Boyd seconded. The motion was approved.**

FACILITY CLOSURES

Ms. Tippens presented this report to the Board. **Mr. Mynatt made a motion to approve these closures; Mr. Boyd seconded. The motion was approved.**

REPORTS:

Trauma System Report –

Robert Seesholtz, Trauma System Manager presented the Trauma System Report.

Bristol Regional Medical Center, Bristol – (Hospital #131)

Bristol Regional Medical Center, Bristol – allow full designation as a Level III Trauma Center for a two (2) year period.

Holston Valley Medical Center, Kingsport – (Hospital #133)

Holston Valley Medical Center, Kingsport – allow full designation as a Level III Trauma Center for a two (2) year period.

Tennova Healthcare -Turkey Creek Medical Center, Knoxville – (Hospital #45)

Tennova Healthcare-Turkey Creek Medical Center, Knoxville – allow full designation as a Level III Trauma center with the requirement that no gaps in orthopedic surgery coverage occur over the next twelve (12) months.

TriStar Summit Medical Center, Hermitage – (Hospital #33)

Tristar Summit Medical Center, Hermitage – allow full designation as a Level III Trauma Center for a two (2) year period.

Dr. Robbins recused herself. Mr. Mynatt made a motion to approve this report; Mr. Boyd seconded. This motion was approved.

Nurse Aide Report – Ms. Tippens, Director of Health Facilities Commission presented this report. **Mr. Caputo made a motion to approve this report; Dr. Robbins seconded. The motion was approved.**

Office of Legal Services Report – Mr. Flinchbaugh, Deputy General Counsel gave his report to the Board. **Mr. Caputo made a motion to approve this report; Mr. Mynatt seconded. The motion was approved.**

CONSENT ORDERS:

Morning Pointe, ALCF #304 – Twelve (12) month probation. Assessed CMP of \$5,000, **Mr. Mynatt made a motion to approve this order; Mr. Dunn seconded. The motion was approved.**

Riverdale ALCF #370 - Inactive status. Assessed CMP of \$16,000. **Mr. Meadows made a motion to approve this order; Mr. Dunn seconded. The motion was approved.**

Brookdale Dogwood Creek #352 - Assessed CMP of \$1,500. **Mr. Mynatt made a motion to approve this order; Ms. Warhaftig seconded. The motion was approved.**

Terrace at Mountain Creek #257- Assessed CMP of \$1,000 **Mr. Mynatt made a motion to approve this order; Dr. Robbins seconded. The motion was approved.**

Village of Murfreesboro #498 - Assessed CMP of \$4,000. **Mr. Mynatt made a motion to approve this order; Ms. Ketterman seconded. The motion was approved.**

Tree of Life Residential Center, Tracy City #522- Assessed CMP of \$3,000. **Mr. Mynatt made a motion to approve this order; Mr. Caputo seconded. The motion was approved.**

REGULATIONS:

Board Approval for rulemaking Hearing – N/A

Proposed Rule Change – Chapter 0720-31 – Standards for Pediatric emergency Care Facilities – Mr. Flinchbaugh these are the recommended changes with the CoPEC rules, and the rules were not presented for rulemaking just approval to go to rulemaking. Ms. Latasha Kurth, CoPEC stated the biggest change is adding a fifth level with General w/PICU and some other word changes such as changing hospital to facility census on all items. Ms. Kurth will get with Dr. Kevin Brinkman who actually worked on the CoPEC rules and will bring him at the next meeting. **Mr. Marshall made a motion to approve these changes and send to rulemaking Mr. Boyd seconded. The motion was approved.**

The meeting was adjourned.