

HEALTH FACILITIES COMMISSION

MEETING MINUTES

April 26, 2023

COMMISSION MEMBERS PRESENT

Rick Chinn, Chairman
Vince Pinkney, Vice-Chairman and Designee for TennCare
Laura Beth Brown
Douglas Scarboro
Greg Duckett
Joe Grandy
Charley Jerman
Mark Wainner
Lisa Jordan, Designee for Department of Commerce, and Insurance

COMMISSION MEMBERS ABSENT

Nicole Shaffer, Designee for Comptroller
Dr. Kenneth Patric

COMMISSION STAFF PRESENT

Logan Grant, Executive Director
Phillip Earhart, Deputy Director
Jim Christoffersen, General Counsel
Alecia Craighead, Data and Analysis Administrator
Joel Clinton, Statistical Research Analyst
Thomas Pitt, HSD Examiner
Consuelo Baker, Executive Administrative Assistant and HR Liaison
Grace Langeland, Audit Director

COURT REPORTER

April Daniel

GUESTS PRESENT

Warren Gooch
Dr. Jeff Brown
Anton Dias Perera, MD
Chris Stewart
Prateek Gupta
Daniel Altermen
Bryce Fitzgerald
Byron Trauger
Sharon Lucus
Charlotte Burns
Dave Cooley
Amanda Karistai
Philip Blair
Kim Looney
Cathy Dorvil

Diamond Stewart
Peter Stewart
Colin Green
Clark Spoden
Catherine Harvey
David Whetan
Arthur Maples
Gina Felts
Hunter Earnest
Mike Brent
Tanner Walker
Reshanna Cheeran
McKayle Bradford
John Wesley Williamson
Darrell Downs
Vincent Dixie
Nick Howald
Travis Swearingen
Kelsey Goodman
Lisa Gardi
Katie Dietench
Anna Lee Cochrrill
Hope Dipnma
Kris Raice
Stephen Beardan
Fred Smith
Meagan Martin
Rod Boehm
Nevals Scott Davis
Denise Downs
Marsha Edwards
Dr. Darrell Hunt
Rozmond Lewis
Mark Miller
Dr. Carmen Wolfe

CALL TO ORDER:

The meeting was called to order at 9:00 a.m. by Mr. Chinn with the following members present: Jordan, Jerman, Brown, Scarboro, Wainner, Duckett, Grandy, Pinkney, and Chinn. A quorum was established with nine members being present.

DIRECTOR'S ANNOUNCEMENTS

The May 24, 2023 meeting will be held at the Cordell Hull State Legislative Office Building, Nashville, TN

APPROVAL OF MINUTES

Mr. Chinn presented the February 22, 2023 minutes for approval.

Ms. Jordan moved for approval with Ms. Brown providing the second.

The motion CARRIED [9-0-0] unanimously by voice vote. **APPROVED.**

CERTIFICATE OF NEED APPLICATIONS

PC 557 eliminated TCA § 68-11-1616, which had provided that “each decision rendered by the Health Facilities Commission shall include written documentation and explanation of the factual and legal basis upon which the commission grants or denies the Certificate of Need.” PC 557 only requires this for applications that are denied.

Therefore, for applications filed on or after the effective date of the relevant portions of PC 557 (10/1/2021), a simple motion to approve an application will suffice, and a motion to deny must include an explanation of the factual and legal basis as to why one or more of the criteria have not been met.

Three Certificate of Need applications was considered under the regular CON agenda.

Phillip Earhart introduced the following applications (3) under consideration and with all three (3) being approved.

1. Diagnostic Radiology Consultants, P.A, Hixson (Hamilton County), TN – CN2301-002

Request: The establishment of an Outpatient Diagnostic Center located at 5441 Highway 153, Hixson (Hamilton County), TN 37343. Imaging services to be provided include MRI (adults only), CT, X-ray, Mammography and Ultrasound. The proposed space and medical equipment will be leased from the existing physician owned imaging practice, Diagnostic Radiology Consultants, P.A. The service area includes Bledsoe, Bradley, Hamilton, Marion, Rhea, and Sequatchie Counties in Tennessee, and Catoosa and Walker Counties in Georgia. The applicant is owned by Diagnostic Radiology Consultants, P.A. Estimated project cost: \$4,905,500.

CONDITION: Within two (2) years of approval, the applicant must become accredited by the American College of Radiology.

The Applicant’s affiliate, Prime Imaging, LLC (“Prime”), will relinquish an inactive ODC license held at 2205 McCallie Avenue, Chattanooga, TN 37404.

Ms. Jordan moved for approval with Mr. Pinkney providing the second.

Nine members voted to approve the application— Jordan, Scarboro, Brown, Duckett, Wainner, Jerman, Grandy, Pinkney and Chinn. The motion CARRIED [9-0-0].

2. Apollo Surgery Center, Memphis (Shelby County), TN – CN2302-004

Request: The establishment of a single-specialty ambulatory surgical treatment center (ASTC) located at 6409 North Quail Hollow Road, Memphis (Shelby County), TN 38120. The proposed ASTC will have four (4) procedures rooms and will be limited to vascular surgery for peripheral procedures and dialysis shunt maintenance performed by vascular surgeons who are members of Vascular and Vein Institute of the South, PLLC. The service area consists of Shelby County, Tennessee, DeSoto and Panola Counties in Mississippi, and Crittenden County in Arkansas. The applicant is owned by Prateek K. Gupta, MD and Anton Dias Perera, MD. Estimated project cost: \$5,533,621

OPPOSITION: Baptist Memorial Health Care, Methodist Healthcare-Methodist Hospitals and Mark White, State Rep, 83rd Legislative District.

RECUSED: Duckett and Scarboro

CONDITION: Limited to three procedure rooms and no operating rooms in which only the following peripheral vascular procedures may be performed by physicians who are members or full-time employees of Vascular and Vein Institute of the South:

- (a) angioplasty, stents, and atherectomies in the upper and lower extremities (legs, ankles, feet);
- (b) miscellaneous diagnostic peripheral arteriograms of those extremities, and (c) rapid turnaround dialysis access maintenance procedures (percutaneous balloon angioplasty, stents, diagnostic fistulograms, and percutaneous shunt thrombectomy).

Mr. Pinkney moved for approval with Ms. Brown providing the second.

Seven members voted to approve the application— Jordan, Brown, Grandy, Jerman, Wainner, Pinkney and Chinn. The motion CARRIED [7-0-0].

3. TriStar Skyline Medical Center – East Nashville Freestanding Emergency Department, Nashville (Davidson County), TN – CN2302-006

Request: The establishment of a freestanding emergency department (FSED) located at 1000 Dickerson Pike and adjacent parcels 1012 - 1018 Dickerson Pike and 1005 – 1007 Whites Creek Pike, Nashville (Davidson County), TN 37207. The service area includes ZIP Codes 37206, 37207, 37213, and 37216, which is the part of Nashville known as East Nashville. The applicant is owned by HTI Memorial Hospital Corporation. Estimated project cost: \$20,876,000.

RECUSED: Brown

Mr. Scarboro moved for approval with Mr. Duckett providing the second.

Eight members voted to approve the application— Jordan, Scarboro, Duckett, Grandy, Jerman, Wainner, Pinkney and Chinn. The motion CARRIED [8-0-0].

The following two applications were deferred to the May 24, 2023 Commission meeting:

1. AHC Home Health and Hospice of Nashville, LLC, Nashville (Davidson County), TN – CN2302-003

Request: The establishment of a home care organization to initiate and provide home health services limited to patients who have received services at an existing nursing home facility, AHC Nashville, LLC, d/b/a Advanced Health Care of Nashville, located at 627 19th Avenue North, Nashville (Davidson County), TN 37203. The home office for the home health agency will be located at the same address. The 7-county service area includes Cheatham, Davidson, Robertson, Rutherford, Sumner, Williamson, and Wilson Counties. The applicant is owned by New AHC Holdings, LLC. Estimated project cost: \$178,100.

OPPOSITION: Guardian Home Care of Nashville, LLC, and NHC HomeCare.

DEFERRED TO MAY 24, 2023

2. AHC Home Health and Hospice of Nashville, LLC, Nashville (Davidson County), TN - CN2302-005

Request: The establishment of a home care organization to initiate in-home hospice services to be officed at an existing nursing home facility, AHC Nashville, LLC, d/b/a Advanced Health Care of Nashville, located at 627 19th Avenue North, Nashville (Davidson County), TN 37203. The 7-county service area includes Cheatham, Davidson, Robertson, Rutherford, Sumner, Williamson, and Wilson Counties. The applicant is owned by New AHC Holdings, LLC. Estimated project cost: \$155,859.

OPPOSITION: Alive Hospice, Guardian Hospice of Nashville, LLC, and Caris Healthcare.

DEFERRED TO MAY 24, 2023

GENERAL COUNSEL'S REPORT

RULEMAKING: Postponed.

OTHER BUSINESS

ADJOURNMENT

There being no further business, the meeting adjourned.



Logan Grant, Executive Director

HFC Minutes provide a brief summary of commission actions. A detailed record of each meeting (recording and transcript) is available upon request by contacting the HFC office.

