



HEALTH FACILITIES COMMISSION
MEETING MINUTES
August 28, 2024

LOCATION: Iris Hearing Room, 1st Floor, 665 Mainstream Drive, Nashville, TN 37228

COMMISSION MEMBERS PRESENT

Rick Chinn, Chairman
Melanie Keller, Vice-Chairman
Tim Evans
James Wright
Barbara Brennan
Lauren Legate
Jeremy Biggs
Johnny Lai, Designee for TennCare
Nicole Sweitzer, Designee for Comptroller

COMMISSION MEMBERS ABSENT

COMMISSION STAFF PRESENT

Logan Grant, Executive Director
Phillip Earhart, Deputy Director
Jim Christoffersen, General Counsel
Alecia Craighead, Data and Analysis Administrator
Lowavia Eden-Hoback, Office and Resource Manager
Thomas Pitt, HFC Examiner
Ann R. Reed, Deputy Director of Licensure & Regulation
Joel Clinton, Statistical Research Specialist

COURT REPORTER

April Daniel

GUESTS PRESENT

Jerry Taylor
Mike Brent
Paul Trivette
Stephen Loyd
Travis Swearingen
Randy Poter
Bryant Dunaway
Eddie Farris
Paige Smith

CALL TO ORDER:

The meeting was called to order at 9:00 a.m. by Mr. Logan Grant with the following members present: Sweitzer, Keller, Evans, Wright, Brennan, Legate, Biggs, Lai, and Chinn. A quorum was established with Nine members present.

DIRECTOR'S ANNOUNCEMENTS

The September 25, 2024, meeting will be held at the William Snodgrass Tennessee Tower, The Nashville Hearing Room 3rd Floor, Nashville TN.

APPROVAL OF MINUTES

Mr. Chinn presented the June 24, 2024, minutes for approval.

Ms. Sweitzer moved for approval with Mr. Biggs providing the second.

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

CONSENT CALENDAR

1. Holston Medical Group at Meadowview Lane, Kingsport (Sullivan County), TN – CN2405-011

Request: For the addition of a 3.0 Tesla magnet strength MRI to its existing MRI service located at 2033 Meadowview Lane, Kingsport (Sullivan County), Tennessee 37660. The applicant is owned by Holston Medical Group, P.C. The proposed service area consists of Sullivan and Hawkins Counties. Estimated project cost: \$5,461,502.

Speaking on behalf of the applicant was Jerry Taylor.

Ms. Sweitzer moved for approval with Ms. Brennan providing the second.

Eight members voted to approve the application— Sweitzer, Lai, Evans, Keller, Wright, Brennan, Legate, and Biggs. The motion CARRIED [8-0-0].

2. Mountain People's Health Council, Oneida (Scott County), TN – CN2406-015

Request: For the initiation of Magnetic Resonance Imaging (MRI) services located at 462 Industrial Lane, Oneida (Scott County), Tennessee 37841. The proposed service area consists of Scott County. The applicant is owned by Mountain People's Health Councils, Inc. Estimated project cost: \$3,599,415.

Speaking on behalf of the applicant was Travis Swearingen.

Ms. Keller moved for approval with Ms. Sweitzer providing the second.

Eight members voted to approve the application— Sweitzer, Lai, Evans, Keller, Wright, Brennan, Legate, and Biggs. The motion CARRIED [8-0-0].

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.

Four Certificate of Need applications were considered under the regular CON agenda.

Phillip Earhart introduced the following four applications that were under consideration and with four (4) being approved.

1. The Plastic Surgery Center Brentwood, Brentwood (Davidson County), TN - CN2405-013

Request: For the addition of specialties to an Ambulatory Surgical Treatment Center (ASTC) located at 620 Church Street East, Brentwood (Davidson County), Tennessee 37027 transitioning from a single specialty (plastic surgery only) to multi-specialty, with no change in the number of operating rooms or procedure rooms. The proposed service area consists of Davidson and Williamson Counties. The applicant is owned by The Plastic Surgery Center Brentwood, LLC. Estimated project cost: \$53,000.

RECUSED: Evans

Speaking on behalf of the applicant was Mike Brent.

Ms. Keller moved for approval with Ms. Brennan providing the second.

Seven members voted to approve the application— Sweitzer, Lai, Keller, Wright, Brennan, Legate, and Biggs. The motion CARRIED [7-0-0].

2. KabaFusion TN, LLC, Nashville (Davidson County), TN - CN2405-012

Request: For the establishment of a home care organization and the initiation of home health services with a parent office located at 2970 Sidco Drive, Nashville (Davidson County), Tennessee 37204. The proposed project will be limited to providing and administering home infusion and injection products to pharmacy patients of pharmacies which are subsidiaries of KabaFusion Holdings LLC. The project’s proposed service area will consist of 67 Tennessee counties. Lake and Perry Counties are both CON exempt under the economically distressed designation. The applicant is owned by KabaFusion Holdings, LLC. Estimated project cost: \$116,393.

CN2405-012 has been deferred to October 23, 2024 meeting.

3. McKendree Post Acute and Rehabilitation, Hermitage (Davidson County), TN – CN2406-017

Request For the addition of thirty (30) Medicare and TennCare dually certified beds to The McKendree Post Acute and Rehabilitation’s existing 180-bed licensed nursing home facility located at 4347 Lebanon Pike, Hermitage (Davidson County), Tennessee 37076. The additional 30 beds are subject to the 125 Nursing Home Bed Pool for 2023-2024. The service area for the project is Davidson County. The applicant is owned by McKendree SNF Operations, LLC. Estimated project cost: \$2,994,723.

Speaking on behalf of the applicant was Wells Trompeter.

Ms. Keller moved for approval with Mr. Wright providing the second.

Eight members voted to approve the application— Sweitzer, Lai, Evans, Keller, Wright, Brennan, Legate, and Biggs. The motion CARRIED [8-0-0].

4. Cedar Recovery, Cookeville (Putnam County), TN – CN2405-014

Request For the establishment of a Nonresidential Substitution-Based Treatment Center for Opiate Addiction and the initiation of opiate addiction treatment located at 1805 Burgess Falls Road, Cookeville (Putnam County), Tennessee 38506. The proposed primary service area (PSA) consists of the following 12 counties in the Upper Cumberland Region: Putnam (clinic site), Clay, Cumberland, DeKalb, Fentress, Jackson, Macon, Overton, Pickett, Smith, Van Buren, and White Counties. The applicant is owned by Cedar Recovery of Middle Tennessee, LLC. Estimated project cost: \$2,505,702.

Speaking on behalf of the applicant was Jerry Taylor, Paul Trivette, and Stephen Loyd.

OPPOSITION: Senator Paul Bailey, Putnam County Mayor Randy Porter, District Attorney General Bryant Dunaway, Putnam County Commissioner Ken Hall, Sheriff Eddie Farris, Putnam County Clerk Wayne Nabors, and several Local Residents.

Speaking on behalf of the opposition was Randy Porter, Bryant Dunaway, and Eddie Ferris.

Ms. Keller moved for approval with Mr. Lai providing the second.

Six members voted to approve the application— Lai, Evans, Keller, Brennan, Legate, and Biggs. Two members voted to deny the application -- Sweitzer and Wright. The motion CARRIED [6-2-0].

5. Shalom Hospice of Southeast Tennessee, LLC, Chattanooga (Hamilton County), TN – CN2406-016

Request For the establishment of a new home care organization and the initiation of in-home hospice services with a parent office located at 1200 Premier Drive, Suite 210, Chattanooga (Hamilton County), Tennessee 37421. The proposed service area will consist of Hamilton,

Marion, Sequatchie, Bradley, and Polk Counties. The applicant is owned by Sam Stern and SYGS 2023 Trust. Estimated project cost: \$500,000.

RECUSED: Wright

LEFT EARLY: Lai and Legate

Speaking on behalf of the applicant was Mike Brent.

OPPOSITION: Caris Healthcare, Hospice of Chattanooga Holdings, LLC, Hearth Hospice, Gentiva, Signature Healthcare of South Pittsburg, Dr. Johnny Carter, and Dr. Bruce Pendley

Speaking on behalf of the opposition was Page Smith and Travis Swearingen.

Ms. Brennan moved for approval with Ms. Sweitzer providing the second.

Two members voted to approve the application— Sweitzer and Brennan. Three members voted to deny the application -- Evans, Keller, and Biggs. The motion was REJECTED [2-3-0]. Application was denied.

GENERAL COUNSEL REPORT

OTHER BUSINESS – Not Applicable

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.

