



HEALTH FACILITIES COMMISSION
MEETING MINUTES
December 13, 2023

LOCATION: Cordell Hull State Legislative Office Bldg., Senate Hearing Room I, 425 Rep. John Lewis Way North, Nashville, TN 37243

COMMISSION MEMBERS PRESENT

Rick Chinn, Chairman
Vince Pinkney, Vice-Chairman and Designee for TennCare
Joe Grandy
Laura Beth Brown
Charley Jerman
Mark Wainner
Nicole Sweitzer, Designee for Comptroller

COMMISSION MEMBERS ABSENT

Lisa Jordan, Designee for Department of Commerce, and Insurance
Greg Duckett
Dr. Scott Fowler

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
Lowavia Eden-Hoback, Office and Resource Manager
Thomas Pitt, HFC Examiner
Ann Reed, Deputy Director of Licensure and Regulation

COURT REPORTER

April Daniel

GUESTS PRESENT

Warren Gooch
Bryce Fitzgerald
Graham Baker
Kelsey DeFreece
Hilary Denner
Robert Suggs
Dere Brown

Lindsay Ray
Travis Swearingen
Kim Looney
Valerie Kelley
Byron Trauger
Mike Brown
Brooke Cornett
Michelle Stutz
Darrah Whittaker
Gabe Starace, MD
Jim Drumwright
Beau Cassidy, FMP
Joshua Goats
Jonathan Jacobs
John Wellborn

CALL TO ORDER:

The meeting was called to order at 9:00 a.m. by Mr. Chinn with the following members present: Sweitzer, Pinkney, Wannier, Brown, Grandy, Jerman and Chinn. A quorum was established with seven members present.

DIRECTOR'S ANNOUNCEMENTS

The January 24, 2024, meeting will be held at the Davy Crockett Tower, Hearing Rm. 1A, Nashville, TN.

APPROVAL OF MINUTES

Mr. Chinn presented the October 25, 2023, minutes for approval.

Mr. Pinkney moved for approval with Mr. Jerman providing the second.

The motion CARRIED [7-0-0] 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, three (3) applications under consideration and with three (3) being approved.

1. 901 Home Health Care, L.L.C., Germantown (Shelby County), TN - CN2309-023

Request: For the establishment of a home health care organization and the initiation of home health services to be officed at 9842 Garden Place, Germantown (Shelby County), TN 38139. The service area will consist of Shelby, Fayette and Tipton Counties. The applicant is owned by 901 Home Health Care LLC. Estimated project cost: \$40,932.

Speaking on behalf of the applicant was Graham Baker.

OPPOSITION: Baptist Trinity Home Care & Hospice.

Speaking on behalf of the opposition was Kim Looney, Val Kelley, and Travis Swearingen.

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

Four members voted to approve the application— Sweitzer, Grandy, Jerman, and Wainner. Three members voted to deny the application -Brown, Pinkney, and Chinn. The motion CARRIED [4-3-0].

2. Premier Radiology - Lebanon, Lebanon (Wilson County), TN - CN2309-021

Request: For the establishment of an Outpatient Diagnostic Center (ODC) and the initiation of Magnetic Resonance Imaging services ("MRI") at 101 Physicians Way, Suite 111, Lebanon (Wilson County), TN 37090. The service area will consist of DeKalb, Macon, Putnam, Smith, Trousdale, and Wilson Counties. The applicant is owned by Middle Tennessee Imaging, LLC, dba Premier Radiology, LLC, and will be managed by PhyData, LLC. Estimated project cost: \$1,529,500.

RECUSED: Brown

Speaking on behalf of the applicant was Warren Gooch.

Mr. Pinkney moved for approval with Mr. Wainner providing the second.

Six members voted to approve the application— Sweitzer, Grandy, Jerman, and Wainner. Pinkney, and Chinn. The motion CARRIED [6-0-0].

LIMITATION: Limited to Magnetic Resonance Imaging (MRI) Services

3. Caris Healthcare, L.P., Knoxville (Knox County), TN - CN2310-025

Request: For the expansion and initiation of hospice services in Hancock County. Caris Healthcare's existing hospice license #611 includes the counties of Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, McMinn, Monroe, Roane, Sevier, and Union. The parent office is located at 10651 Coward Mill Road, Suite B, Knoxville (Knox County) TN, 37931. The service area will consist of Hancock County. The applicant is owned by Caris Healthcare L.P. Estimated project cost: \$8,000.

RECUSED: Wainner

Speaking on behalf of the applicant was Travis Swearingen.

Mr. Pinkney moved for approval with Mr. Grandy providing the second.

Six members voted to approve the application— Sweitzer, Grandy, Jerman, Brown, Pinkney, and Chinn. The motion CARRIED [6-0-0].

CONDITION: The applicant must provide documentation that it is fully accredited by a third-party accrediting organization for hospice services, within 2 years of implementation of the CON.

The following application was deferred to January 2024

1. Premier Radiology - Mt. Juliet, Mt. Juliet (Wilson County), TN - CN2310-024

Request: For the addition of a second MRI unit to its existing outpatient diagnostic center located at 5002 Crossings Boulevard, Suite 140, Mount Juliet, (Wilson County) TN, 37122. The service area will consist of Davidson and Wilson Counties. The applicant is owned by Middle Tennessee Imaging, LLC, dba Premier Radiology and will be managed by Phydata, LLC. Estimated project cost: \$1,364,437.

DEFERRED TO January 24, 2024

GENERAL COUNSEL'S REPORT- Not Applicable

RULEMAKING - Not Applicable

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.