



HEALTH FACILITIES COMMISSION

Certificate of Need MEETING MINUTES

December 11, 2024

LOCATION: Cordell Hull Senate Hearing Room 1, 425 Rep. John Lewis Way N., Nashville, TN
37243

COMMISSION MEMBERS PRESENT

Melanie Keller, Vice-Chairman
Tim Evans
James Wright
Barbara Brennan
Michael Denney
Jeremy Biggs
Johnny Lai, Designee for TennCare
Nicole Sweitzer, Designee for Comptroller

COMMISSION MEMBERS ABSENT

Lauren Legate
Rick Chinn, Chairman
Mike Ussery

COMMISSION STAFF PRESENT

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
Caroline Tippens, Director of Licensure & Regulation

COURT REPORTER

April Daniel

CALL TO ORDER:

The meeting was called to order at 9:00 a.m. by Ms. Melanie Keller with the following members present: Sweitzer, Keller, Evans, Wright, Brennan, Denney, Biggs, and Lai. A quorum was established with Eight members present.

DIRECTOR'S ANNOUNCEMENTS

The January 22, 2025, meeting will be held at the TN Tower, Nashville Hearing Room, 3rd Floor, Nashville TN.

APPROVAL OF MINUTES

Ms. Keller presented the October 23, 2024, minutes for approval.

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

The motion CARRIED [8-0-0] 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.

Five 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. **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.

RECUSED: Wright, Keller

Limitation: Limited to providing and administering home infusion and injection products to pharmacy patients of pharmacies which are subsidiaries of KabaFusion Holdings, LLC.

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

Five members voted to approve the application—Lai, Brennan, Denney, Evans, and Biggs. The motion CARRIED [5-0-0].

2. KabaFusion TN, LLC, Nashville (Davidson County), TN - CN2408-021

Request For the establishment of a home care organization and the initiation of home health services with a home office located at 2970 Sidco Drive, Nashville (Davidson County), TN 37204. The application is limited to providing and administering home infusion and injection products to patients of pharmacies which are subsidiaries of KabaFusion Holdings, LLC. The proposed 28-county service area will consist of Anderson, Blount, Campbell, Cheatham, Claiborne, Cocke, Cumberland, Davidson, Dickson, Fayette, Grainger, Hamblen, Jefferson, Knox, Loudon, Madison, Monroe, Montgomery, Morgan, Roane, Robertson, Rutherford, Scott, Sevier, Sumner, Tipton, Williamson, and Wilson Counties. This application, together with CN2405-012 for 65 counties in Tennessee, which was deemed complete in July 2024, will serve 93 counties of Tennessee. Lake and Perry Counties are currently exempt from the CON process. The applicant is owned by KabaFusion Holdings, LLC. Estimated project cost: \$116,393.

RECUSED: Wright, Keller

Limitation: Limited to providing and administering home infusion and injection products to pharmacy patients of pharmacies which are subsidiaries of KabaFusion Holdings, LLC.

Mr. Lai moved for approval with Mr. Evans providing the second.

Five members voted to approve the application—Lai, Denney, Evans, Brennan, and Biggs. The motion CARRIED [5-0-0].

3. TriState Infusion, LLC, Memphis (Shelby County), TN - CN2409-024

Request For the addition of 37 counties that include Bedford, Bledsoe, Bradley, Cannon, Cheatham, Clay, Coffee, Cumberland, Davidson, DeKalb, Franklin, Giles, Grundy, Hamilton, Jackson, Lincoln, Macon, Marion, Marshall, Maury, Meigs, Moore, Overton, Pickett, Putnam, Rhea, Robertson, Rutherford, Sequatchie, Smith, Sumner, Trousdale, Van Buren, Warren, White, Williamson, and Wilson to an existing licensed service area that includes 28 counties in Middle and West Tennessee (license #675). Home health services will be limited to infusion therapy nursing. The address of the project will be 1680 Century Center Parkway, Suite 10, Memphis, Shelby County, Tennessee, 38134. Tristate Infusion is owned by PRMc Holdings (90%) and LWS Holdings, LLC (10%), which are each 100% owned by Dr. Ryan McFerrin and Dr. Leah Simmons, respectively. Estimated project cost: \$52,200.

LIMITATION: Limited to infusion therapy nursing.

RECUSED: Keller

Ms. Brennan moved for approval with Mr. Evans providing the second.

Six members voted to approve the application— Evans, Denney, Wright, Brennan, Lai, and Biggs. The motion CARRIED [6-o-o].

4. CSH/LO Behavioral Health and Rehabilitation Tennessee, LLC, Ooltewah (Hamilton County), TN – CN2409-027

Request For the establishment of a 40-bed rehabilitation facility located at an unaddressed site on Mountain View Road, Ooltewah (Hamilton County), Tennessee 37363. The service area for the project consists of seven counties from the State of Tennessee: Bradley, Hamilton, McMinn, Meigs, Monroe, Polk and Rhea as well as four additional Georgia counties: Catoosa, Murray, Walker and Whitfield. The applicant is owned by owned by CSH/LP Rehabilitation Holdings, LLC and LPNT IRF Development 76, LLC with an ownership type of Joint Venture and to be managed by CHC Management Services, LLC. Estimated project cost: \$79,986,079.

RECUSED: Evans

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

Six members voted to approve the application— Sweitzer, Denney, Wright, Brennan, Lai, and Biggs. The motion CARRIED [6-o-o].

The following three applications were deferred to the January 22, 2025, Commission meeting:

1. Quality Hospice, Jamestown (Fentress County), TN – CN2408-022

Request: For the addition of Anderson, Campbell, Cumberland, Putnam, and Roane Counties to its service area (License #621). The address of the project will be 341 West Central Avenue, Suite B, Jamestown (Fentress County), Tennessee 38556. The applicant is owned by All Care Plus, Inc. Estimated project cost: \$46,000.

(DEFERRED TO JANUARY 2025 DUE TO QUORUM REQUIREMENTS)

2. MGA Home Healthcare Tennessee, LLC, Memphis (Shelby County), TN – CN2409-025

Request: To remove the age limitation (currently limited to pediatric patients under Certificate of Need exemption pursuant to TCA 68-11-1607 (s) (1)) from its current Home Health Agency license (#0000000640), so that the agency can initiate full-service home health services in Bedford, Cheatham, Davidson, Dickson, Fayette, Rutherford, Shelby, Sumner, Tipton and Williamson Counties. The parent office is currently located at 1669 Kirby Parkway, Suite 100, Memphis (Shelby County), TN 38120 and its branch office is located at 3310 West End Avenue, Suite 500,

Nashville (Davidson County), TN 37203. The applicant is owned by MGA Home Healthcare Tennessee Holdings, LLC. Estimated project cost: \$1,402,000.

(DEFERRED TO JANUARY 2025 DUE TO QUORUM REQUIREMENTS)

3. Pruitthealth - Nashville, LLC, Nashville (Davidson County), TN - CN2409-026

Request: For the relocation and replacement of a 111-bed nursing facility formerly known as Crestview Care and Rehabilitation Center located at 2030 25th Avenue North, Nashville (Davidson County), TN 37208 to 1511 Bell Road, Nashville (Davidson County), Tennessee 37211. The service area for the project is Davidson County. The applicant is ultimately owned by United Health Services, Inc. Estimated project cost: \$36,276,888.

(DEFERRED TO FEBRUARY 28, 2025 (As of 12/6/2024))

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.

