

HEALTH FACILITIES COMMISSION

MEETING MINUTES

October 26, 2022

COMMISSION MEMBERS PRESENT

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

COMMISSION STAFF PRESENT

Logan Grant, Executive Director
Phillip Earhart, Deputy Director
Jim Christoffersen, General Counsel
Lowavia Eden-Hoback, Office and Resource Manager
Alecia Craighead, Data and Analysis Administrator
Joel Clinton, Statistical Research Analyst
Katie Thomas, Interdepartmental Liaison and Communications Officer
Thomas Pitt, HSD Examiner

COURT REPORTER

April Daniel

GUESTS PRESENT

Byron Trauger
Dan Elrod
Jerry Taylor
Travis Swearingen
Jonathan Hayes
Tim Lawson
Patrick Birmingham
Dr. Dwight Dishmon
Joan Evans
Ocpivia Stafford
Dr. Michael McDonald
Adam Hopper
Carol Weidenhoffer
Monica Wharton
Clark Spoden
Thomas Ozburn
Ann R. Reed
Dr. Ben Cottrell
Jim Coppinger

Gene Shipley
Rick Nunley
Paul Apyan
Paul Dodd
Susan Crowell
Scott McDearman
Dr. DeAnn Champion
Horace Whitt
Harv Sanders
Arthur Maples
Kyle Miller
Trent Sansing
Blake Livingstone
Colin Green
Mike Brent
Michelle Hern
Shirley May
Liane S Holt
Becky Carroll
Jamie Lawson
Rita Shipley
Catherine Nunley
Pete Burnette
Stanley Nitroski
Diamond Stewart
Katelyn Pramberger
Sureh Patel
Chris Divelbiss
Steven Everett
Jim Coleman
Bret Johnson
Trey Bryant
David Whelan
Bill Jolley
Anna-Lee Cockrill
Mitch Edgeworth
Lisa Garrzi
Kate Dieterich
Dewight Dishmon
Sheree Peppiner
John Bradford
Kyle Millter
Jon Graysner
Dave Cooley
Kyle Miller
Dave Bixles
Emiley Paynter
Janice Dyer
Garry Mac
Giana Felts
John Williamson

CALL TO ORDER:

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

DIRECTOR'S ANNOUNCEMENTS

- The next meeting will be November 16, 2022, and will be held in Cordell Hull, Senate Hearing Room I.
- Mr. Grandy and Mr. Wainner were welcomed to the board.

APPROVAL OF MINUTES

Mr. Chinn presented the September 28, 2022 minutes for approval.

Dr. Patric moved for approval with Ms. Brown providing the second.

The motion CARRIED [11-0-0] 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 agency 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 were considered under the regular CON agenda.

Phillip Earhart introduced each of the three applications under consideration with two being approved and one denied.

Boulevard ENT Surgery Center, LLC, Knoxville (Knox County), TN – CN2208-035

Request: The establishment of a single-specialty ambulatory surgical treatment center (ASTC) limited to the specialty of otolaryngology. The ASTC will be located at 9300 Park West Blvd., Knoxville (Knox County), TN 37923. The proposed service area includes Anderson, Blount, Knox, Loudon, and Sevier Counties in Tennessee. The applicant is owned by Boulevard ENT Surgeon Group (49.9%), and Fortress Corporation, a subsidiary of Covenant Health (50.1%). The estimated project cost is \$4,908,480.

RECUSED: Wainner

Dr. Patric moved for approval with Mr. Pinkney providing the second with the following condition.

CONDITION: Limited to the specialty of Otolaryngology.

Ten members voted to approve the application— Shaffer, Jordan, Pinkney, Patric, Scarboro, Jerman, Brown, Duckett, Grandy and Chinn. The motion CARRIED [10-0-0].

Metropolitan Ambulatory Surgery Center, Memphis (Shelby County), TN – CN2207-034

Request: The establishment of a single-specialty ambulatory surgical treatment center ("ASTC"), and the initiation of diagnostic cardiac catheterization services located at 1975 Nonconnah Blvd., Memphis (Shelby County), Tennessee 38132. The ASTC will have one (1) operating room. Services to be provided are diagnostic cardiac catheterization procedures and cardiac rhythm management procedures including pacemaker and defibrillator implants. The proposed service area includes Shelby County. The applicant is owned by Metropolitan Ambulatory Surgery Center, LLC. The estimated project cost is \$3,017,465.

RECUSED: Scarboro and Duckett

Dr. Patric moved for denial with Ms. Jordan providing the second.

OPPOSITION: Methodist Healthcare-Methodist Hospital, Baptist Memorial Hospital-Memphis, and Baptist Memorial Hospital-DeDoto.

Seven members voted to deny the application— Jordan, Patric, Brown, Wainner, Grandy, Jerman, and Chinn. Two members voted to approve the application—Shaffer and Pinkney. The motion CARRIED [7-2-0].

Parkridge Medical Center-Soddy Daisy, Soddy Daisy (Hamilton County), TN – CN2208-036

Request: The establishment of a Freestanding Emergency Department (FSED). The FSED will be a satellite of Parkridge Medical Center and will be located at 9402 Reco Drive, Soddy Daisy (Hamilton County), TN 37379. The proposed service area includes the following eight ZIP Codes which are located in northern Hamilton County, as well as portions of Bledsoe, Rhea and Sequatchie Counties: 37379 – Soddy Daisy; 37373 – Sale Creek; 37343 – Hixson; 37321 – Dayton; 37327 – Dunlap; 37338 – Graysville; 37377 – Signal Mountain; and 37415 – Red Bank. The applicant is owned by Parkridge Medical Center, Inc. whose parent company is HCA Healthcare Inc. The estimated project cost is \$15,493,783.

RECUSED: Patric and he also left before this project was heard.

OPPOSITION: Memorial Health Care System's Memorial Hospital - Chattanooga and Memorial Hospital -Hixson and Rhea County Medical Center.

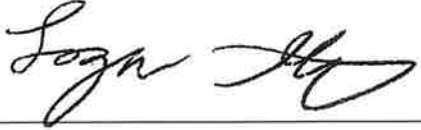
Nine members voted to approve the application—Shaffer, Jordan, Scarboro, Brown, Duckett, Jerman, Wainner, Grandy, and Pinkney. Chinn voted nay. The motion CARRIED [9-1-0].

GENERAL COUNSEL'S REPORT

OTHER BUSINESS

ADJOURNMENT

There being no further business, the meeting adjourned.

A handwritten signature in black ink, appearing to read "Logan Grant", written over a horizontal line.

Logan Grant, Executive Director

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

