



The Tennessee Open Meetings Act passed by the General Assembly in 1974 requires that meetings of state, city and county government bodies be open to the public and that any such governmental body give adequate public notice of such meeting.

**TENNESSEE DEPARTMENT OF HEALTH
MEMORANDUM
THIRD AMENDED**

Date: August 14, 2019

To: Shelley Walker, Director of Communication and Media Relations

From: Wanda E. Hines, Board Administrator

Name of Board or Committee: HCF/Assisted Care Living Facility Standing Committee Meeting
(Call-in Number: 1-888-757-2790 passcode: 516730)

Date of Meeting: August 26, 2019

Time: 9:00 a.m., CDT

Place: Poplar Conference Room
665 Mainstream Drive, First Floor
Nashville, TN 37243

Major Item(s) on Agenda: See attachment.

This memo shall be forwarded from individual programs to the Public Information Office on the 15th day of the preceding month. The Public Information Office will prepare the monthly list of meetings within the Department and have ready for distribution to state media by the 28th day of the preceding month.



LISA PIERCEY, MD, MBA, FAAP
COMMISSIONER

BILL LEE
GOVERNOR

*THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND IMPROVE THE
HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE*

AGENDA

**BOARD FOR LICENSING HEALTH CARE FACILITIES
ASSISTED CARE LIVING FACILITIES STANDING COMMITTEE MEETING**

AUGUST 26, 2019

**POPLAR CONFERENCE ROOM, FIRST FLOOR
9:00 a.m.**

**PLEASE REMEMBER TO SILENCE YOUR ELECTRONIC DEVICES WHEN
THE BOARD IS IN SESSION**

-
1. Call the Meeting to Order and Establish a Quorum.
 2. Propose revision to Nursing Home Rules 1200-08-06-.06(h) and Assisted Care Living Rules 1200-08-25-.08(i) that governs influenza and pneumococcal disease to include proposed shingles rule language.
REPRESENTATIVE(S): Chris Bryce, Director, State Government Affairs, Southeast
 3. Assisted Care Living Facility (ACLF) CMP Grid and introduction of \$3,000 ACLF CMP tags rising to actual harm of ACLF resident.
REPRESENTATIVE(S): Ann Reed, Director of Licensing, BLHCF and
Caroline Tippens, Attorney, Office of General Counsel
 4. Define 'Sleeping hours' in ACLFs and RHAs.
REPRESENTATIVE(S): Craig Parish, Facilities Construction Director
 5. Video Camera Usage in Residents' Room.
REPRESENTATIVE(S): Ann Reed, Director of Licensing, BLHCF
 6. Other Discussion(s).
 7. Public Comments.
 8. Adjourn.

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
ASSISTED CARE LIVING FACILITY (ACLF)
STANDING COMMITTEE MEETING

AUGUST 26, 2019

The Board for Licensing Health Facilities' Assisted Care Living Facility (ACLF) Standing Committee meeting began on August 26, 2019. Joshua Crisp, Chairman, called the meeting to order.

A quorum roll call vote was taken:

Dr. Patsy Crihfield – here
Mr. Joshua Crisp – here
Ms. Carissa Lynch – here (arrived at 9:15am)
Mr. Roger Mynatt – here
Dr. Sherry Robbins – here
Dr. René Saunders – here

A quorum was established.

The first item for discussion was a propped revision to Nursing Homes Rules 1200-08-06-.06(h) and Assisted Care Living Rules 1200-08-25-.08(i) that governs influenza and pneumococcal disease to include proposed shingles rule language. Ms. Ann Reed, Director of the Board for Licensing Health Care Facilities, provided background of item previously presented at the June 2019 Board meeting. Mr. Chris Bryce, Director, State Government Affairs, Southeast, spoke to the committee on development of simple language that had been worked out with THCA and others including NHC. The shingles language information would be provided to residents upon admission to nursing homes and assisted care living facilities. Mr. Bryce presented to the committee a vaccine information sheet which could be provided to residents. Mr. Mynatt asked if there was a movement across the nation for this. Mr. Bryce stated he had not heard evidence to support. Mr. Crisp felt that the information was an educational item since the vaccine wasn't a requirement in the rules. He asked if the vaccine information sheet could be done as 'best practices' as seen in other states. It could be included as a sample for facilities and placed on the Board's website, but not part of the rule. Dr. Robbins stated a standardized information sheet should be provided. Mr. Chris Puri stated rule language is needed and is supportive to make information available to licensed providers. Ms. Caroline Tippens stated if the rule was cited it would be a low level deficiency. She further stated it could entertain change in 'shall' verbage in the presented rule. **Dr. Robbins made a motion to approve rule language presented including any standard form; seconded by Dr. Crihfield. A roll call vote was taken with a tie vote and one (1) abstention (Mr. Crisp); motion died.** Mr. Crisp asked to have item presented at the full Board in October.

The second item for discussion was the Assisted Care Living Facility (ACLF) CMP Grid and introduction of \$3,000 CMP for tags rising to actual harm of an ACLF resident. Ms. Tippens presented this item. Ms. Reed requested the committee to consider total revision of the CMP grid. Mr. Puri representing TNCAL was okay with suggested amount increase, but to define 'harm' in rule there would be an issue. Mr. Crisp requested IG language be developed during this meeting. Ms. Tippens provided options A & B for the written interpretative guideline and rule language to be presented to the full Board in October as a

redline. TNCAL preferred option A. **Mr. Mynatt made a motion to adopt option A as an interpretative guideline (IG) and rule language; seconded by Dr. Robbins. Motion was approved.**

The third item for discussion was to define 'sleeping hours' in Assisted Care Living Facilities (ACLF) and Residential Homes for the Aged (RHA) regulations. Mr. Craig Parisher, Director for Facilities Construction, asked for guidance in defining sleeping hours in order for the surveyors to conduct fire drills. He stated attempts to address have been made during provider training. Mr. Parisher stated the code directs to Webster's definition which is dusk to dawn. This can change during the year. He requested an IG for 8:00pm - 6:00am to be defined as sleeping hours. Mr. Crisp suggested best practices to be implemented to go beyond the minimum standards. He further stated use of CMP money to fund education for these facilities. Mr. Crisp wants efforts of the Board and Department to be from a reward aspect vs punitive aspect. He asked how to get ACLF CMP monies to this goal. It was indicated it would require legislation and if attempted this session would have to be via the associations. **Mr. Mynatt made a motion to draft an interpretative guideline (IG) to define sleeping hours as 8:00pm - 6:00am; seconded by Ms. Lynch. Motion was approved.**

The fourth item for discussion was video camera usage in residents' rooms. Ms. Reed gave background to this agenda item stating a newly licensed ACLF was found upon initial survey to have video cameras in use. This facility addressed the use of video cameras via a policy and procedure and through admission agreements. Mr. Parisher asked for guidance if this practice is okay since the rules don't address the use of video cameras. The committee felt that an agreement of camera usage in the residents' rooms should be dealt with between the resident and the facility including the facility continuing to meet other requirements of the rules. The administrator from The Village at Germantown addressed the committee regarding this agenda item. He stated this is something being faced currently at his facility. This discussion has provided guidance for The Village at Germantown to include development of policies and agreements to use with families and residents.

Following the regular meeting items, Mr. Crisp talked about implementation of a 'best practices'. He feels the bar should be set high for facilities to achieve. He feels if the expectations are kept at a minimum then facilities will operate as such. Ms. Reed stated this concept could be presented to the full Board for consideration. The committee agreed with this action.

Meeting was adjourned.