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**TENNESSEE DEPARTMENT OF HEALTH
MEMORANDUM
AMENDED**

Date: April 4, 2018

To: Shelley Walker, Director of Communication and Media Relations

From: Wanda E. Hines, Board Administrator

Name of Board or Committee: Board for Licensing Health Care Facilities- Assisted Care Living Facility Standing Committee Meeting
(Call-in Number: 1-888-757-2790 passcode: 152602#)

Date of Meeting: April 18, 2018

Time: 9:00 a.m.

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.

PH-1850 (Rev. 3/79)

RDA N/A



JOHN J. DREYZEHNER, MD, MPH
COMMISSIONER

BILL HASLAM
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 STANDING COMMITTEE MEETING**

**APRIL 18, 2018
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. Review of the use of the term “physician” in the ACLF regulations specifically rules 1200-08-25-.08(5)(a) & (b) and 1200-08-25-.08(9)(a).
3. Discussion of sitters employed by resident of an ACLF administering medications to that resident.
4. Revisit ACLF administrator training and testing requirements.
5. Request to change ACLF/RHA administrator certification renewal dates from June 30 to anniversary date of certification.
6. Legacy Assisted Living and Memory Care, Memphis Progress Report.
7. Other Discussion(s).
8. Public Comments.
9. Adjourn.

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
ASSISTED CARE LIVING FACILITY STANDING COMMITTEE MEETING
April 18, 2018

The Assisted Care Living Facility Standing Committee meeting of the Board for Licensing Health Care Facilities began April 18, 2018.

Mr. Joshua Crisp was present and served as chairman of this meeting. He called the meeting to order and requested roll call of attendance done by Ms. Ann Rutherford Reed.

Mr. Joshua Crisp - here
Ms. Carissa Lynch - here
Dr. Sherry Robbins – arrived at 9:30
Ms. Annette Marlar-not here
Mr. Roger Mynatt- here
Dr. Rene Saunders-not here

A quorum was established.

Ann Reed gave background to the first item on the agenda being the review of the use of term “physician” in the ACLF regulations specifically rules 1200-08-25-.08(5)(a)(b) and 1200-08-25-.08(9)(a). Caroline Tippens read different aspects of the rules related to physician and treating physician. Ann Reed asked Angie Farley of TNCAL to speak further to the issue regarding NP’s and PA’s, being used in secure units. Chris Puri suggested language for rulemaking and Ms. Tippens stated an interpretative guideline (IG) to the two presented rules and term physician be created using Mr. Puri’s suggested language of ‘define physician as an advance practice nurse (APN) or physician assistant (PA) who is acting as the agent of the treating physician or under their supervision or delegation’. **Roger Mynatt made a motion to develop an IG to define physician as an APN or PA who is acting as the agent of the treating physician or under their supervision or delegation as presented by Ms. Tippens; Carissa Lynch seconded. Motion was approved.**

Ms. Reed gave background to the conversation with Ms. Farley with TNCAL regarding the issue of sitters employed by resident of an ACLF then administering medications to that resident. Ms. Farley spoke more to the issue. She mentioned that this particular item will continue as a topic. Joshua Crisp stated he could see both sides of the topic because the ACLF is the resident’s home, but is also a licensed facility. Mr. Mynatt raised the question if surveyors are finding medication administration by unlicensed staff often. Ms. Reed stated there have been issues in the past with sitters performing other care needs when and being cited by surveyors. When surveyors cite for unlicensed professionals administering medications they may not be aware these individuals are sitters. Mr. Puri stated this action is occurring in a licensed facility where licensed services are provided by licensed staff. He further stated the same should apply as with a nursing home; sitters do not administer medications. Dr. Sherry Robbins stated families are trained as well as others to administer medications and an ACLF does not have to provide medication administration services. Mr. Crisp asked if an IG should be developed. Ms. Tippens felt this would be too difficult. Mr. Crisp stated it would be at the discretion of the surveyors and the providers in the application of the rule and if a facility is cited a deficiency it can appeal to the Board. Mr. Puri

offered that TNCAL can develop a position statement on the issue for the Board, but it may not address all aspects. This was recognized to be a good opportunity for associations to train their members since the associations usually have higher standards. Mr. Crisp stated it must be remembered these are minimum standards. Dr. Robbins stated requirements must keep in line with resident and patient Bill of Rights. Mr. Crisp stated to keep item on agenda for follow-up with feedback from TNCAL.

The next agenda item was to revisit the ACLF administrator training and testing requirements. Ms. Reed stated this agenda item was previous work of the ACLF Standing Committee. She wanted to update the group on the current status of this work item. Ms. Reed stated the rules are currently in OGC for review and then will be before the Board for a rulemaking hearing this year. Ms. Tippens recapped the rules relative to the administrator testing and stated the Board would still need to determine if testing would be open book as other Board's allow or the testing be done in some other fashion.

Ms. Reed stated agenda item is a request to change ACLF/RHA administrator certification renewal dates from June 30 to birth date of applicant. **Mr. Mynatt made a motion to change the renewal date from June 30 to birth date bi-annually; Dr. Robbins seconded. Motion was approved.**

Ms. Reed stated the last agenda item is regarding Legacy Assisted Living and Memory Care's, progress report to the ACLF Standing Committee. Kate Hunter, legal counsel, introduced Pearl Woodruff as the administrator who gave the report. Ms. Woodruff stated a lot has been implemented at the facility including staff use of progress boards to track issues, developing P&P's, and assessing for fall risks by utilizing third party physical therapy and more one on one care. The facility has hired a consultant that is working directly with administrator 2-3 days a week. An assistant administrator has been hired to help Ms. Woodruff maintain paperwork and to have a second set of eyes in the facility. Mr. Crisp asked how long she had been with the community. Ms. Woodruff replied she was the Assistant Director of Operations since August of 2017 then became administrator in the last month. She also stated the DON started in January of 2018. Ms. Woodruff stated all Plan of Care for residents have been updated and completed and in the process of discussing with their families. Mr. Crisp asked who the administrator reports to. Ms. Woodruff stated the consultant and ownership. She further stated there is a 100% improvement and family complaints are down. Mr. Crisp asked what the priority items of the facility are. Ms. Woodruff stated update of polices. She stated this is a continual process and that the facility is not where it wants to be on this item. Mr. Crisp asked about the survey/consultant report. Ms. Reed stated a revisit has not occurred yet nor has a report been generated by the consultant. Dr. Robbins asked about the pendants that did not have batteries. Ms. Woodruff stated this has been addressed and that plans for a nurse call system has been submitted to Plans Review. Ms. Tippens asked administrator about resident falls. Ms. Woodruff stated there have been a few, but measures have been put in place to address some high fall risk residents. She also stated that aides are doing hourly checks on residents. Ms. Tippens asked questions about hydration. Ms. Woodruff stated hydration stations have been implemented in each hall of the facility as well as a new dietary system. Ms. Tippens then asked if residents have been moved to a higher level of care. Ms. Woodruff stated she is not aware of such occurring, but that a nurse is now assessing potential residents prior to admission with subsequent denials for admission. Dr. Robbins asked about the status of fire drills in the facility. Ms. Woodruff stated all is up to date.

Mr. Crisp officially called the meeting adjourned..