



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
AMENDED**

Date: June 12, 2015
To: Woody McMillin, Director of Communication and Media Relations
From: Wanda E. Hines, Board Administrator

Name of Board or Committee: Board for Licensing Health Care Facilities-
Performance Improvement Issue Standing Committee
and the Facilities Construction Standing Committee
(Call-in Number: 1-888-757-2790 passcode: 457462#)

Date of Meeting: June 23, 2015
Time: 9:00 a.m. – 4:00 p.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.



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
PERFORMANCE IMPROVEMENT ISSUE STANDING COMMITTEE
AND THE
FACILITIES CONSTRUCTION STANDING COMMITTEE MEETING**

**JUNE 23, 2015
POPLAR CONFERENCE ROOM, FIRST FLOOR
9:00 a.m. – 4:00 p.m.**

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

Performance Improvement Issue Standing Committee 9:00 a.m. to 11:00 a.m.

1. Call the Meeting to Order and Establish a Quorum.
2. Hospital rule 1200-08-1-.07(4)(a)(b) – Outpatient Services & Dialysis.
3. APN On-Call & Admission Orders Rule Language (follow CMS guidance)
4. Other Discussion(s).
5. Public Comments.
6. Adjourn.

Performance Issue Standing Committee/Facilities Construction Standing Committee 11:00 a.m. to 2:00 p.m.

1. Call the Meeting to Order and Establish a Quorum.
2. Independent Home Dialysis, LLC, Memphis, Licensure Determination Request, End Stage Dialysis Clinic vs. Home Health Agency.

3. Other Discussion(s).
4. Public Comments.
5. Adjourn.

Facilities Construction Standing Committee 2:00 p.m. to 4:00 p.m.

1. Call the Meeting to Order and Establish a Quorum.
2. Approval of Minutes – May 5, 2015 – Facilities Construction Standing Committee Meeting
3. Language Approval for Interpretative Guideline – Assisted Care Living Facility (ACLF) and Home for the Aged (RHA) Disaster Plan, HVAC, and Emergency Generator Regulations 1200-08-25-.16(4) and 1200-08-11-.13(3).
4. ACLF rules 1200-08-25-10(2)(i) – What is considered “cooking appliances”?
5. Other Discussion(s).
6. Public Comments.
7. Adjourn.

**MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
FACILITIES CONSTRUCTION STANDING COMMITTEE MEETING
JUNE 23, 2015**

A meeting of the Board for Licensing Health Care Facilities' Facilities Construction Standing Committee began on June 23, 2015.

A quorum roll call vote was taken:

Mr. David Rhodes – here
Dr. Kenneth Robertson – here
Ms. Diana Miller – here
Dr. René Saunders – here

A quorum was established.

David Rhodes, Chairman, stated there were three items of business to address. The first being approval of the May 5, 2015 standing committee meeting minutes. **Diana Miller made a motion to approve; seconded by Dr. Robertson. The motion was approved.**

The next item of business was review and approval of the interpretative guideline for assisted care living facility (ACLF) and home for the aged facility (RHA) regulations regarding disaster plans, HVAC, and emergency generator. The interpretative guideline aligns the ACLF and RHA regulatory language with the nursing home (NH) regulations regarding disaster plans, HVAC, and emergency generator use. **Dr. Robertson made a motion to approve; seconded by Ms. Miller. The motion was approved.**

The final item of business was consideration of the ACLF regulation 1200-08-25-.10(2)(i) and the term 'cooking appliance'. Ann Reed gave background to this item stating a licensed ACLF had a family member to request the use of a sandwich maker in a resident's room. The facility requested support on their decision to not allow the use of such based upon the regulation allowing microwave ovens, but prohibiting cooking appliances. Ms. Miller found two issues, fire hazard and burn risk, which must be considered when looking at the term 'cooking appliances' and what is allowable. David Rhodes asked if this was to be considered in the context of a sleeping unit or the entire nursing unit. It could be in either setting. **Dr. Saunders made a motion to leave language as it; seconded by Dr. Robertson.** Discussion ensued after the motion. The standing committee was refocused to the original request which was further guidance on what 'cooking appliance' would include. Bill Harmon, Director of Facilities Construction, asked specifically about coffee makers and 'cooking appliance'. Dr. Robertson in light of the coffee pot question focused the discussion on the two issues of consideration, risk of fire and personal injury from the use of a 'cooking appliance'. Mr. Rhodes indicates a preference to allow the provider and surveyors if faced with an issue to make a determination on whether the 'cooking appliance' is a hazard to the residents. Dr. Saunders stated given the current regulatory language coffee pots would not be allowed. Dr. Robertson continued pursuit of the Department's stance on coffee pots in ACLFs. Mr. Harmon stated his mother is in an ACLF and she has a coffee pot in her room. Mr. Rhodes again supported the collaboration between the facility staff and the surveyors to determine if an item is a hazard. Dr. Saunders continued to question the implication of 'cooking appliance' as it relates to a coffee pot. Mr. Rhodes doesn't feel it is the Board's responsibility to determine whether an inclusive list

of appliances is or is not 'cooking appliances'. He stated this is a function of the facility staff and surveyor relationship to make this determination. Dr. Saunders stated the reason for the rule is so uniformity can exist when surveying and by allowing the individual surveyor and facility staff to determine what a cooking appliance is for each particular facility then uniformity is lost. Ms. Miller began questioning the intent of the regulation. Ms. Miller requested research of other states and what they allow. Stacia Vetter, NHC representative, agreed with Mr. Rhodes assessment that the facility staff and surveyor are closer to the situation and can make judgement calls based upon each situation. Dr. Saunders feels the current rule states what it required. She suggested a policy statement to be created exempting certain items from a 'cooking appliance'. Ms. Vetter further stated the focus of the state over the last ten (10) years in ACLF is choice and independence of residents to as much extent as possible. Ms. Reed acknowledged the validity of Ms. Vetter's synopsis of the intent and current state of the ACLF regulations. Dr. Robertson brought focus to the purpose statement of the ACLF regulations and disharmony between the rule on 'cooking appliance' and the preamble to the ACLF regulations. Dr. Saunders identified two issues to address – how to advise the provider and is rule language or policy development the direction to move in. Kyonzté Hughes-Toombs from the Office of General Counsel advised the standing committee members to focus only on sandwich makers at this time as this was the item brought forth by the facility for consideration by the Board. **The motion failed.** Ms. Miller again stated the desire for further review of other state requirements in light of the intent of the current ACLF rule language. Dr. Robertson indicated the feeling the current rule language is more restrictive than originally intended and the rule language should align with the current practices of the surveyors and facilities. **Dr. Robertson made a motion to investigate alternative rule language to match the intent of the ACLF regulations; seconded by Ms. Miller. The motion was approved.**

Mr. Rhodes adjourned the standing committee meeting.