



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: September 2, 2016
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 Board Meeting
(Call-in Number: 1-888-757-2790 passcode: 457462#)
Date of Meeting: September 7-8, 2016
Time: 9:00 a.m. CDT
Place: Iris Conference Room
665 Mainstream Drive, First Floor
Nashville, TN 37243
Major Item(s) on Agenda: See Attached Agenda

LINK TO LIVE VIDEO STREAM:

September 7, 2016

<https://web.nowuseeit.tn.gov/Mediasite/Play/f0ce460a1ac14777a2616972c7eb86371d>

September 8, 2016

<https://web.nowuseeit.tn.gov/Mediasite/Play/9effccfd95740338a94bb2116b5d7f21d>

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

SEPTEMBER 7-8, 2016

IRIS CONFERENCE ROOM, FIRST FLOOR

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

1. **WELCOME NEW BOARD MEMBERS:** Reappointments of Ms. Carissa Lynch, Doctor of Pharmacy Representative; Mr. Bobby Wood and Mr. Paul Boyd, Consumer Representatives.
2. **CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
3. **CONTESTED CASE HEARING(S).**
4. **RULEMAKING HEARINGS-**Notice of Rulemaking Hearings can be viewed online at http://share.tn.gov/sos/rules_filings/05-02-16.pdf.
 - A. 1200-08-01 Standards for Hospitals
1200-08-01-.15 Appendix I
 - 1200-08-02 Standards for Prescribed Child Care Centers
1200-08-02-.14 Appendix I
 - 1200-08-06 Standards for Nursing Homes
1200-08-06-.16 Appendix I
 - 1200-08-10 Standards for Ambulatory Surgical Treatment Centers
1200-08-10-.15 Appendix I

- 1200-08-11 Standards for Homes for the Aged
1200-08-11-.14 Appendix I
- 1200-08-15 Standards for Residential Hospices
1200-08-15-.15 Appendix I
- 1200-08-24 Standards for Birthing Centers
1200-08-24-.14 Appendix I
- 1200-08-25 Standards for Assisted-Care Living Facilities
1200-08-25-.17 Appendix I
- 1200-08-26 Standards for Home Care Organizations Providing Home Health
Services
1200-08-26-.15 Appendix I
- 1200-08-27 Standards for Home Care Organizations Providing Hospice
Services
1200-08-27-.15 Appendix I
- 1200-08-28 Standards for HIV Supportive Living Centers
1200-08-28-.15 Appendix I
- 1200-08-32 Standards for End Stage Renal Dialysis Clinics
1200-8-32-.15 Appendix I
- 1200-08-34 Standards for Home Care Organizations Providing Professional
Support Services
1200-08-34-.15 Appendix I
- 1200-08-35 Standards for Outpatient Diagnostic Centers
1200-08-35-.15 Appendix I
- 1200-08-36 Standards for Adult Care Homes-Level 2
1200-08-36-.18 Appendix

5. LICENSE STATUS REQUESTS.

GOLDEN YEARS, CORDOVA

This Residential Home for the Aged facility is seeking to place their license on inactive status. As a result of a Board order effective January 16, 2016 this facility's license is on probation for 2 years. The administrator is healing from eye surgery and will be seeking to re-staff and acquire new residents to reopen Golden Years RHA.

Representative(s): Brenda Tucker

PIONEER COMMUNITY HOSPITAL OF SCOTT COUNTY, ONEIDA

This one hundred and one (101) bed facility is seeking to place their license on inactive status. Pioneer Community Hospital of Scott County can no longer financially sustain operations and was unable to successfully negotiate a sale of the facility prior to this Board meeting.

Representative(s): Scott K. Phillips, Chief Restructuring Officer, Healthcare Management Partners, LLC and Tony Taylor, Administrator

SENIOR SAINTS HOME, CHATTANOOGA

This Residential Home for the Aged facility is seeking to place their license on inactive status. On May 12, 2016, this RHA caught on fire due to lightening during a severe storm. All eight (8) residents managed to evacuate the burning building safely. It will take Senior Saints Home approximately eight (8) or so months to rebuild or remodel this fire impacted structure.

Representative(s): Kennedy N. Omanwa, Administrator

WAYNE CARE NURSING HOME, WAYNESBORO

This forty-six (46) bed nursing home is requesting an extension waiver for their license to remain on inactive status pending completion of the CON project. This facility transferred their residents to Waynesboro Health & Rehabilitation Center, Waynesboro, a one hundred nine (109) bed facility, which is 1.6 miles away. The CON project is moving forward and their anticipated date of project completion is March 2017. This facility's license was placed on inactive status on September 10, 2014 which expired on May 10, 2015. Upon receiving an approved CON, the facility chose to maintain the license.

Representative(s): Chris Puri, Attorney

PARAMOUNT HEALTHCARE SERVICES, INC., NASHVILLE

This Professional Support Services facility is requesting an extension waiver for their license to remain on inactive status for one (1) year. Currently, their contract with DIDD is terminated. This request is needed in order for Paramount Healthcare Services to attempt to obtain another current Provider/Contract/Agreement with DIDD.

Representative(s): Emeka Nnadi, Director

LEBONHEUR CHILDREN'S HOSPITAL, MEMPHIS

This two hundred fifty-five (255) bed hospital is requesting to increase their bed count by twenty-six (26) beds making a total of 281 beds. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. § 68-11-1607(g). The need of the proposed increase in bed capacity is due to increasing patient volume.

Representative(s): Byron Trauger, Attorney

METHODIST LE BONHEUR GERMANTOWN HOSPITAL, GERMANTOWN

This three hundred nine (309) bed hospital is requesting to increase their bed count by thirty-one (31) beds making a total of 340 beds. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. § 68-11-1607(g). The need of the proposed increase in bed capacity is due to increasing patient volume.

Representative(s): Byron Trauger, Attorney

HEALTHSOUTH REHABILITATION HOSPITAL-NORTH, MEMPHIS

This fifty (50) bed hospital is requesting to increase their bed count by ten (10) beds making a total of 60 beds. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. § 68-11-1607(g). The need of the proposed increase in bed capacity is due to increasing patient volume.

Representative(s): Walter C. Smith, Director

TENNOVA HEALTHCARE-PHYSICIANS REGIONAL MEDICAL CENTER, KNOXVILLE

This twenty-five (25) bed nursing home is requesting to place their license on inactive status pursuant to T.C.A. §68-11-206(b)(1) for a period of one (1) year. This facility is making arrangements to discontinue all services effective October 23, 2016 and they wish to maintain their license in inactive status while determining the best and most effective means to provide post-acute and long term care services to patients and how it can best utilize the licensed nursing home.

Representative(s): Chris Puri, Attorney

6. WAIVER REQUESTS.

A. THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(1) FOR A TENNESSEE LICENSED NURSING HOME ADMINISTRATOR UNTIL A PERMANENT REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE.

- (1) Pigeon Forge Care and Rehabilitation Center, Pigeon Forge
- Scott Goins, Regional VP, Signature HealthCare, LLC
- (2) Signature Healthcare at Saint Francis, Memphis
- Jill Bosa, Chief Operations Officer, Post Acute
- (3) Diversicare of Martin Healthcare & Rehabilitation Center, Martin –
Seeking extension waiver.
- Robin Chappell, Interim Administrator

B. OTHER WAIVER REQUEST(S)

(1) **RIVER OAKS PLACE-LOUDON, LOUDON**

This forty-nine (49) bed ACLF is requesting a waiver of the regulation to the extent necessary for the Board to determine if the facility is in compliance with the regulations. River Oaks Place-Loudon was originally cited during a June 17, 2015 annual survey for not meeting the following regulations: ACLF Rule 1200-08-25-.09(5) Building Standards and ACLF Rule 1200-08-25-.10(8)(a) Life Safety. The facility believes the systems that are currently installed within the facility create compliance with ACLF regulations.

Representative(s): Christopher C. Puri, Attorney

(2) **COVENANT HEALTH FACILITIES**

Representatives for all Covenant Health:

- Dr. Mary E. Dillion, Medical Director, Patricia Neal Rehab. Ctr.
- Leslie Irwin, PT, MBA, CRA, CASC, FACHE, VP Covenant Health, Administrator Patricia Neal Rehab. Ctr.
- Lucy Gregory, PT, MHA, Director Outpatient Services, Covenant Health

CLAIBORNE MEDICAL CENTER, TAZEVELL

This eighty-five (85) bed hospital is seeking to waive Hospital Regulations 1200-08-01-.05(1) & (5) hospital admission and treatment shall be under supervision of a physician and concerning treatment shall be given or administered to a patient of a hospital except on order of a physician. Claiborne Medical Center provides therapy services at Claiborne Rehabilitation Center located at Medical Office Building 100, 1850 Old Knoxville Road, Tazewell. The location is separately located from the hospital.

CUMBERLAND MEDICAL CENTER, CROSSVILLE

This one hundred eighty-nine (189) bed hospital is seeking to waive Hospital Regulation 1200-08-01-.05(1) & (5) hospital admission and treatment shall be under supervision of a physician and concerning treatment shall be given or administered to a patient of a hospital except on order of a physician. Cumberland Medical Center provides therapy services at 130 Stonehenge Drive, Crossville, TN 38555. The location is separately located from the hospital.

FORT LOUDOUN MEDICAL CENTER, LENOIR CITY

This fifty (50) bed hospital is requesting to waive Hospital regulations 1200-08-01-.05(1) & (5) hospital admission and treatment shall be under supervision of a physician and concerning treatment shall be given or administered to a patient of a hospital except on order of a physician. Fort Loudoun Medical Center provides therapy services at 1127 Grove Street, Loudon, TN 37774. The location is separately located from the hospital.

FORT SANDERS MEDICAL CENTER, KNOXVILLE

This forty-three (43) bed hospital is seeking to waive Hospital Regulations 1200-08-01-.05(1) & (5) hospital admission and treatment shall be under supervision of a physician and concerning treatment shall be given or administered to a patient of a hospital except on order of a physician. Fort Sanders Medical Center provides therapy services at Fort Sanders Therapy Center at 1901 Clinch Avenue and 2001 Laurel Avenue. The location is separately located from the hospital.

LECONTE MEDICAL CENTER, SEVIERVILLE

This seventy-nine (79) bed hospital is seeking to waive Hospital Regulations 1200-08-01-.05(1) & (5) hospital admission and treatment shall be under supervision of a physician and concerning treatment shall be given or administered to a patient of a hospital except on order of a physician. LeConte Medical Center provides therapy services at 740 Middle Creek Road, Sevierville. The location is separately located from the hospital.

PARKWEST MEDICAL CENTER, KNOXVILLE

This four hundred sixty-two (462) bed hospital is seeking to waive Hospital Regulations 1200-08-01-.05(1) & (5) hospital admission and treatment shall be under supervision of a physician and concerning treatment shall be given or administered to a patient of a hospital except on order of a physician. Parkwest Medical Center provides therapy services at Fort Sanders West Campus Building 1, Suite 201, Fort Sanders West Boulevard, Knoxville. The location is separately located from the hospital.

ROANE MEDICAL CENTER, HARRIMAN

This fifty-four (54) bed hospital is seeking to waive Hospital Regulations 1200-08-01-.05(1) & (5) hospital admission and treatment shall be under supervision of a physician and concerning treatment shall be given or administered to a patient of a hospital except on order of a physician. Roane Medical Center provides therapy services at the Patricia Neal Outpatient Center at 8045 Roane Medical Center Drive. The location is separately located from the hospital.

7. **DISCUSSION(S).**

- A. Tennessee Board for Licensing Health Care Facilities 2015 Performance Audit Report Updates on progress to address identified items. – Vincent Davis, Director
- B. Approval of the Joint Annual Report on the Status of Emergency Medical Services for Children 2016.
– Rhonda Phillippi, Executive Director, TN EMS for Children
- C. Propose Meeting Dates for Year 2017.
- D. Assisted Care Living Facilities Standing Committee Meeting-July 12, 2016 (Refer to the ACLF Committee Meeting -July 12, 2016 minutes-page 1) - Administrators Testing and Process.
- E. **BOARD APPROVAL FOR THE FOLLOWING INTEPRETATIVE GUIDELINES**
 - (1) Approval of Revised Interpretative Guideline regarding Cooking Appliances – ACLF rule 1200-08-25-10(2)(i) (Refer to July 12, 2016 ACLF/Facilities Construction Standing Committee Meeting minutes-page 2).
 - (2) Approval of Interpretative Guideline regarding General Hospital deficiency and surgical services-Hospital Rule 1200-08-01-.07(1). (Refer to Performance Improvement Issue Standing Committee Meeting-August 19, 2016-page 2)
 - (3) Approval of Revised Interpretative Guideline regarding Nursing Home Ventilator Services-Nursing Home Rules 1200-08-06-.06(12)(a)1 and 1200-08-06-.06(12)(d). (Refer to Performance Improvement Issue Standing Committee Meeting-August 19, 2016-page 3)
- F. Public Chapter 1043-Development of Quality Measures and Standards-Changes to Certificate of Need. – Melanie M. Hill, Executive Director
- G. Assisted Care Living Facilities (ACLF), Residential Home for the Aged (RHA) and Traumatic Brain Injury (TBI) Residential Home – Emergency Call System.
– Bill Harmon, Facilities Construction Director, Plans Review
- H. Board Policy #57 – General Hospital Discontinuation of OB Services. (Refer to Performance Improvement Issue Standing Committee Meeting-August 19, 2016-page 2-3)

8. APPROVAL OF MINUTES.

- A. January 21, 2015 – Board Meeting
- B. September 17, 2015 – Education Standing Committee Meeting
- C. April 29, 2016 – Assisted Care Living Facilities/Facilities Construction Standing Committee Meeting
- D. April 29, 2016 – Facilities Construction Standing Committee Meeting
- E. May 4-5, 2016 – Board Meeting
- F. July 12, 2016 – Assisted Care Living Facilities Standing Committee Meeting
- G. July 12, 2016 – Assisted Care Living Facilities/Facilities Construction Standing Committee Meeting
- H. July 12, 2016 – Facilities Construction Standing Committee Meeting
- I. May 6-7, 2015 – Board Meeting
- J. August 19, 2016 – Performance Improvement Issue Standing Committee Meeting

9. CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND INITIALS).

A. CONSIDERATION.

(INITIALS)

- 1. **Assisted Care Living Facilities**
Creekside Villas 400, Murfreesboro
Creekside Villas 500, Murfreesboro
Creekside Villas 600, Murfreesboro

B. RATIFICATION.

1. QUALIFYING APPLICATIONS

(INITIALS)

- (a) **Nursing Homes Facility**
NHC Place at The Trace, Nashville

- (b) **Assisted Care Living Facility**

Culpepper Place of Bartlett, Bartlett
Dominion Senior Living of Crossville, Crossville
Hickory Hills Alzheimer's Special Care Center, Hendersonville
NHC Place at The Trace, Nashville

- (c) **End Stage Renal Disease Facility**
Fresenius Medical Care-South Airways, Memphis
- (d) **Home Health Agency**
Implanted Pump Management, LLC, Knoxville
- (e) **Home Medical Equipment Facility**
Atlantic Medical, Memphis
Barker Sleep Institute, Knoxville
HCMC In Home Equipment & Supplies, Paris
Joerns, LLC, Chattanooga
Kimberly Ruth Medical Supplies & Equip, LLC, Harriman
Kinex Medical Company, LLC, Knoxville
MediTech Solutions, LLC, Nashville
T & T Technology, Inc., Laurel Bloomery
- (f) **Professional Support Services**
Skills Training and Rehabilitation Services (S.T.A.R.S.)

2. **(CHOWS)**

- (a) **Nursing Homes Facility**
The Cambridge House, Bristol
- (b) **Assisted Care Living Facility**
Deane Hill Place, Knoxville
Dewitt Place, Morristown
Wellington Manor, Newport
- (c) **Ambulatory Surgical Treatment Center**
Center for Surgical Specialties, LLC, Shelbyville
Southern Endoscopy Center, Nashville
- (d) **Home Medical Equipment Facility**
Music City Medical Supply, Murfreesboro

10. **LICENSE STATUS UPDATES.**

SOUTHERN HILLS SURGERY CENTER, NASHVILLE

This ASTC facility's license is currently on their eighth extension inactive status based on the Certificate of Need (CON) that was granted to Southern Hills Surgery Center on May 27, 2015 for relocation/replacement of facility. The Certificate of Need has an expiration date of July 1, 2017. Southern Hills Surgery Center has filed an appeal with HSDA and will be heard by this agency at the October 26, 2016 meeting.

MCMINN MEMORIAL NURSING HOME, ETOWAH AND STARR REGIONAL MEDICAL CENTER, ATHENS

McMinn Memorial Nursing Home, Etowah was granted an approval waiver to temporarily move patients and beds to a temporary location within the Starr Regional Medical Center-Etowah Campus while McMinn undergoes renovation and construction. McMinn Memorial Nursing Home construction/renovations plans are complete and all nursing home patients have been returned to the renovated nursing home building, and nursing home residents are no longer being cared for at the Starr Regional Medical Center-Etowah campus on the medical/surgical wing.

FACILITIES CLOSURES

See attached.

11. BOARD POLICY CONSENTS.

A. THE FOLLOWING NURSING HOMES ARE REQUESTING A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY BOARD POLICY #32:

NHC Place at The Trace, Nashville
Jefferson County Nursing Home, Dandridge
Horizon Health and Rehabilitation, Manchester

B. THE FOLLOWING FACILITIES ARE REQUESTING APPROVAL TO PERMIT A NURSING HOME ADMINISTRATOR TO SERVE AS ADMINISTRATORS BOTH A NURSING HOME AND RESIDENTIAL HOMES FOR AGED AND/OR ASSISTED CARE LIVING FACILITY ACCORDANCE WITH BOARD POLICY #39:

Lakeshore Heartland – Nursing Home #56 & RHA #396

12. REGULATION(S).

A. BOARD APPROVAL FOR RULEMAKING HEARING.

- (1) Approval for Rule language for ACLF Rule 1200-08-25-.08(8) and RHA Rule 1200-08-11-.05(8) regarding the thirteen (13) minutes evacuate to be consistent for both regulations.
- (2) Approval for Rule language changes for Trauma Center Rule 1200-08-12-.03 Definitions and Rule 1200-08-12-.04 Requirements.

B. PROPOSED RULE LANGUAGE

- (1) AARP Tennessee with collaboration with the Tennessee Hospital Association (THA) has proposed Hospital rule language that outlines the legal role of a designated caregiver of a patient during and immediately following a hospital stay.

– Chris Clarke, Sr, VP of Clinical Services, THA

13. REPORTS

- A. EMS REPORT - Robert Seesholtz
- B. NURSE AIDE REPORT – Wanda King
- C. OFFICE OF GENERAL COUNSEL REPORT – Kyonzte’ Hughes-Toombs

14. ORDERS.

- A. Consent Orders.
- B. Orders.

ATTACHMENT: 10-License Status Updates

FACILITY CLOSURE REPORT

May 2016 Facilities Closed

ACLF – Lic #31 - Baptist Assisted Living Center (Voluntarily)
700 WILLIAMS FERRY ROAD, LENOIR CITY, TN

HHA – Lic #77 - Tennova Home Health – Dyersburg (Voluntarily)
1937 COOK STREET, DYERSBURG, TN
Lic #139 - Tennova Home Health – Lexington (Voluntarily)
185 BOSWELL STREET, LEXINGTON, TN

HME- Lic #693 - Respiratory Plus (Voluntarily)
617 SOUTH JAMES CAMPBELL BLVD, COLUMBIA, TN
Lic #816 - B & B Medical Services, Inc. (Voluntarily)
1835 NONCONNAH BLVD., MEMPHIS, TN
Lic #854 - Plateau Medical Equipment (Voluntarily)
50 STANLEY STREET, CROSSVILLE, TN
Lic #1185 - Pinnacle HME (Failed to Renew)
2341 W. BEAVER CREEK DRIVE, POWELL, TN
Lic #773 – Infusion Partners, LLC (Voluntarily)
1410 DONELSON PIKE, NASHVILLE, TN

June 2016 Facilities Closed

Hospital - Lic #146 - Methodist Extended Care Hospital (Voluntarily)
225 SOUTH CLAYBROOK STREET, MEMPHIS, TN

HME - Lic #1059 - B & B Pharmacy (Voluntarily)
5407 MAIN STREET, SPRING HILL, TN
Lic #1210 - Barnes Healthcare Services (Voluntarily)
6700 BAUM DRIVE, KNOXVILLE, TN
Lic #787 - EMPI, Inc. (Voluntarily)
5201 OOLTEWAH RINGGOLD ROAD, OOLTEWAH, TN

PSS - Lic #115 - Stellar/Home Care Solutions (Voluntarily)
1451 ELM HILL PIKE, NASHVILLE, TN

Nursing Home - Lic #184 - Rosewood Manor (Voluntarily)
1400 ROSEWOOD DRIVE, COLUMBIA, TN

July 2016 Facilities Closed

ASTC - Lic #191 - Crown Surgery Center (Failed to Renew)
1956 NORTH JACKSON STREET, TULLAHOMA, TN

HME - Lic #765 - Medi Home Care (Voluntarily)

120 HOLIDAY COURT, FRANKLIN, TN

Lic #806 - MediStat, Inc. (Voluntarily)

935 OLD HUMBOLDT ROAD, JACKSON, TN

Lic #1041 - McKesson Med Surg Medimart (Voluntarily)

381 RIVERSIDE DRIVE, FRANKLIN, TN

Lic #791 - Physician's Service Group, Inc. (Failed to Renew)

9736 DAYTON PIKE, SODDY DAISY, TN

Lic #1161 - Enteral Products, LLC (Failed to Renew)

1760 MORIAH WOODS BLVD., MEMPHIS, TN

Lic #1186 - Medi Home Care (Voluntarily)

10932 MURDOCK DRIVE, KNOXVILLE, TN

Lic #853 - Oxycare of TN (Voluntarily)

241 WEST DUNBAR CAVE ROAD, CLARKSVILLE, TN

Lic #1149 - Medquarters (Voluntarily)

5209 LINBAR DRIVE, NASHVILLE, TN

ODC - Lic #34 - Fentress Health System (Voluntarily)

208 W CENTRAL AVE, JAMESTOWN, TN

PSS - Lic #360 - Primary Therapy Services (Failed to Renew)

601 WOODHAVEN DRIVE, SMYRNA, TN

August 2016 Facilities Closed

HME - Lic #1143 - Advanced Respiratory Solutions, Inc. (Failed to Renew)

102 MAIN STREET, CLIFTON, TN

Lic #1088 - Med-Care Diabetic & Medical Supplies (Voluntarily)

1472 SILVER CREEK ROAD, LEWISBURG, TN

Lic #1077 - Medial Solutions of Arkansas, LLC (Voluntarily)

3675 NEW GETWELL, MEMPHIS, TN

PSS - Lic #344 - Benchmark Human Services (Failed to Renew)

301 SOUTH PERIMETER PARK DRIVE, NASHVILLE, TN

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
SEPTEMBER 7, 2016

The Board for Licensing Health Care Facilities Board meeting began September 7, 2016.

Dr. René Saunders, chairman, called the meeting to order. Dr. Saunders recognized reappointments to the Board for Carissa Lynch, Doctor of Pharmacy Representative, and Bobby Wood and Paul Boyd, Consumer Representatives. A roll call of attendance was requested.

Dr. René Saunders, Chairman –here
Mr. Robert Breeden – here
Dr. Jennifer Gordon-Maloney – here
Mr. Joshua Crisp – here
Ms. Carissa Lynch – here
Ms. Annette Marlar – here
Mr. John Marshall – here
Mr. David Rhodes - here
Mr. Jim Shulman, Chairman Pro Tem – here
Mr. Bobby Wood – here
Mr. Roger Mynatt – not here
Dr. Sherry Robbins – here
Dr. Kenneth Robertson – here
Ms. Janet Williford – here
Mr. Thomas Gee – here
Mr. Paul Boyd - here

A quorum was established.

Rulemaking Hearing:

Ms. Hughes-Toombs presented the following rules for consideration during the rulemaking hearing – amendment of the Advance Director for Health Care Form as an appendix to all healthcare facility type rules. The Board members introduced themselves as follows –

Dr. René Saunders
Annette Marlar
Dr. Kenneth Robertson
David Rhodes
Tom Gee
Paul Boyd
Bobby Wood
Dr. Jennifer Gordon-Maloney
Carissa Lynch
Janet Williford
Robert Breeden
Jim Shulman

Dr. Sherry Robbins
Joshua Crisp
John Marshall

Ms. Hughes-Toombs read into the record the date and location of the rulemaking hearing. She also indicated the purpose of the rulemaking hearing to solicit comments on the proposed rules by the Board to amend rules 1200-08-01-.15, 1200-08-02-.14, 1200-08-06-.16, 1200-08-10-.15, 1200-08-11-.14, 1200-08-15-.15, 1200-08-24-.14, 1200-08-25-.17, 1200-08-26-.15, 1200-08-27-.15, 1200-08-28-.15, 1200-08-32-.15, 1200-08-34-.15, 1200-08-35-.15, and 1200-08-36-.18. The language presented is to add the amended Advance Directive for Health Care Form. Ms. Hughes-Toombs asked Ms. Reed what additional notice was given to the affected individuals or groups. Ms. Reed stated electronic notification of the rulemaking hearing was provided. Ms. Hughes-Toombs read into the record the language of the proposed rule for all identified rule sets. **Jim Shulman made a motion to approve the presented amended language for the above listed facility types' set of regulations; seconded by Joshua Crisp. The motion was approved by a unanimous roll call vote.**

Contested Case Hearing(s):

At this time, Ms. Kyonzté Hughes-Toombs presented an agreed order with Nookie's Loving Care Home. **David Rhodes made a motion to accept the agreed order which stated Nookie's Loving Care Home was to voluntarily surrender their license, the volunteer surrender has the same legal effect as a revocation, the facility shall cease operations as a home for the aged, and the voluntary surrender (revocation) constitutes disciplinary action, and upon ratification by the Board, this disciplinary action will be reported on the Disciplinary Action Report; seconded by Mr. Shulman. The motion was approved.**

DISCUSSION(S):

Tennessee Board for Licensing Health Care Facilities 2015 Performance Audit Report Update on Progress –

Ms. Reed presented an update on this topic for Vincent Davis, Director of Healthcare Facilities. The update consisted of the following –

Follow-up item 1 from the 2015 audit: as of July 30, 2015 the timeliness of nursing home surveys has been resolved meeting the required fifteen (15) month window for inspection. Nursing home facility surveys continuing to meet the required timeframes, complaints completed exceed complaint intakes, current vacancy rate of less than 8%, contract assistance with surveys continuing through end of FFY2016, and ASPEN Survey Tracking Module (AST) implementation on track for November 2016.

Follow-up item 2 from the 2015 audit: the Office of Health Care Facilities (OHCF) does not have the statutory authority to impose civil penalties on a facility for not following the Board's waiver policy. OHCF has worked with TDH Office of General Counsel to make appropriate revisions to the current Board policy #77.

Follow-up item from the 2015 audit: Abuse Registry. A highlight of the number of referrals to the abuse registry since July 2016 was given. Ms. Reed also reported that during the timeframe of January 2016 – July 2016 82 placements were made to the Abuse Registry with 17 being from OHCF. The Abuse Registry rules are going through the rulemaking process currently and are pending Attorney General

approval. Caroline Tippens, Office of General Counsel, gave an update on the abuse registry rules and effective dates.

Follow-up item from the 2015 audit: Medication Administration in ACLF rules. This was addressed by the ACLF Standing Committee and rule language was developed and presented to the full Board at the May 2016 Board meeting. The Board approved the language for a rulemaking hearing.

Follow-up item from the 2015 audit: Backlog of documents to be scanned into LARS is being met by having ongoing scanning of material to the licensure files. OHCF has scanned 192,500 pages of documents into LARS and expects to have all scanning current by October 1, 2016.

Mr. Shulman asked about the 'wind down' of the Board for Licensing Health Care Facility. Ms. Hughes-Toombs indicated an informal meeting occurred with the Government Operations Committee. The intent is to not stop the operation of the Board. There are questions about the Performance Audit which need to be addressed. Mr. Shulman further stated the Board would end by June 2017 and there would not be an extension of one year for the Board for Licensing Healthcare Facilities. It was indicated the importance of Board members to attend Government Operations Committee meetings and other meetings relative to the Board's survival and activities.

Approval of the Joint Annual Report on the Status of Emergency Medical Services for Children 2016 – Rhonda Phillippi, Executive Director TN EMS for Children, presented this report to the Board. There were no questions or comments by the Board. **Mr. Rhodes made a motion to accept the report; seconded by Mr. Shulman. The motion was approved.**

Proposed Meeting Dates for Year 2017 –

Ms. Reed presented to the Board members the dates proposed for 2017 which included February 8 & 9, 2017; June 7 & 8, 2017; and October 4 & 5, 2017. **Mr. Rhodes made a motion to approve these dates; seconded by Mr. Marshall. The motion was approved.**

Assisted Care Living Facilities Standing Committee Meeting – July 12, 2016; Administrators Testing and Process –

Ms. Reed gave background to this item. Ms. Hughes-Toombs presented rule language for the testing of ACLF Administrators prior to receiving certification for the Board's approval. She indicated this would follow the Nursing Home Administrator Board's testing language. Ms. Hughes-Toombs also stated the Board would not develop the test. This would be done by administrative staff. There were three items to address administrative staff to develop test, adopt national test, and develop/approve recommended rules presented by OGC. **Mr. Crisp made a motion to accept the presented rules for movement to a rulemaking hearing; seconded by Mr. Rhodes. The motion was approved.**

Board Approval of Interpretative Guidelines –

Ms. Reed presented the following interpretative guidelines for approval by the Board –

Cooking Appliance – ACLF rule 1200-08-25-.10(2)(i) revision. Mr. Rhodes made a motion to approve; seconded by Mr. Marshall. The motion was approved.

General Hospital definition and surgical services – Hospital rule 1200-08-01-.07(1). Mr. Shulman made a motion to approve; seconded by Mr. Marshall. The motion was approved.

Nursing home ventilator services – Nursing Home rule 1200-08-06-.06(12)(a)1 and 1200-08-.06(12)(d) revision. Mr. Shulman made a motion to approve; seconded by Mr. Marshall. The motion was approved.

Public Chapter 1043 – Development of Quality Measures and Standards, Changes to Certificate of Need (CON) –

Melanie Hill, Executive Director Health Services and Development Agency (HSDA), presented this item. She discussed PC 1043 and the requirement of HSDA to develop quality measures in conjunction with the Board for Licensing Healthcare Facilities and other Departments within state government. Ms. Hill also highlighted changes in the CON requirements which included birthing centers no longer requiring a CON to be established. Mr. Gee questioned why two Boards/agencies were given quality indicator determination authority. Ms. Hill did not have an answer for this, but concurred with his questioning of this.

Assisted Care Living Facilities (ACLF), Residential Home for the Aged (RHA), and Traumatic Brain Injury (TBI) Residential Home – Emergency Call System –

Bill Harmon, Facilities Construction Director, informed the Board there have been changes in the codes and requirements for emergency call systems for large residential facilities which is defined as 16 or more beds. The last legal opinion received from OGC on this matter was July 24, 2015. Mr. Harmon requested the Board to issue an interpretative guideline which mandates a facility with 16 or more residents/licensed beds must have a UL approved system per the 2010 FGI codes. **Mr. Rhodes made a motion to approve this request for an interpretative guideline (IG); seconded by Mr. Shulman.** Dr. Robbins asked if the IG should reference less than 16 beds and the use of a call system. Mr. Harmon did not feel this was necessary. **The motion was approved.**

Board Policy #57 – General Hospital Discontinuation of OB Services –

Ms. Reed presented background information on this item stating the recent statutory changes to the portion of the statute that governs Health Services and Development Agency (HSDA) no longer requires a hospital to obtain a certificate of need to discontinue OB services. Ms. Reed also indicated this item was brought before the Performance Improvement Standing Committee who discussed expressing concern the determination of need for the services was being placed back on the Board for Licensing Health Care Facilities to determine. The PI Standing Committee indicated the need to have presented to the full Board for further discussion. She requested direction from the Board on how to proceed with the current Board policy, make it obsolete or amend. Ms. Hill clarified the removal of the OB discontinuation was a HSDA requirement. The PI Standing Committee expressed to the full Board the feeling that the need determination was being placed on the HCF Board. Mr. Gee stated this issue seems to be the same as the previous issue with surgical services and the development of that IG. Annette Marlar wanted further information on why the legislative change occurred. Mr. Shulman voiced concern the legislature didn't cover all agencies involved in this process. Ms. Marlar wanted OGC to get clarification. Ms. Hughes-Toombs indicated she reached out to the Department of Health's legislative representation for clarity. Mr. Shulman was concerned an action by the Board may be outside the scope of what the legislature intended. He stated the Board needed a determination from the legislature. Dr. Saunders stated the legislative determination should be brought back to the PI Standing Committee. Ms. Hill recommended reaching out to Maternal Child Health within the Department of Health for input. Mr. Shulman was in agreement with this. He stated the legislative tapes, sponsors, etc need to be listened to. No action was taken at the PI Standing Committee level. This item will remain on the PI Standing Committee agenda for discussion of the overall intent.

APPROVAL OF MINUTE(S):

Ms. Reed presented the following minutes for approval by the full Board –

January 21, 2015 – Board meeting

September 17, 2015 – Education Standing Committee meeting

April 29, 2016 – Assisted Care Living Facility/Facility Construction Standing Committee meeting

April 29, 2016 – Facility Construction Standing Committee meeting

May 4-5, 2016 – Board meeting

July 12, 2016 – Assisted Care Living Facility Standing Committee meeting

July 12, 2016 – Assisted Care Living Facility/Facility Construction Standing Committee meeting

July 12, 2016 – Facility Construction Standing Committee meeting

May 6-7, 2015 – Board meeting

August 19, 2016 – Performance Improvement Issue Standing Committee meeting

Dr. Robertson made a motion to accept all of the above standing committee meeting minutes; seconded by Mr. Rhodes. The motion was approved.

Mr. Shulman asked about the backlog of minutes. Ms. Reed stated there are still some minutes awaiting completion.

LICENSE STATUS REQUEST(S):

Ms. Reed presented the nine (9) licensure status requests.

Golden Years –

This residential home for the aged facility sought to place its license on inactive status. As a result of a Board order effective January 16, 2016 this facility's license was placed on probation for two (2) years. The administrator is healing from eye surgery and will be working to re-staff and acquire new residents in order to reopen the facility. Brenda Tucker was available by phone as the representative of the facility. Ms. Hughes-Toombs made the Board aware the current order would still apply and is not considered obsolete upon approval of this inactive status request. Ms. Tucker indicated work has been completed on the facility and she is waiting for inspection to clear her facility. Ms. Hughes-Toombs further stated the facility must notify the Office of Health Care Facilities (OHCF)/Board when the work is completed in the facility for a survey to be conducted prior to the admission of residents. **Mr. Marshall made a motion to approve the inactive status request with the probation period of two (2) years to continue after successful inspection of facility prior to admission of residents; seconded by Dr. Kenneth Robertson. Mr. Rhodes suggested an amendment to include a timeframe until the February 2017 Board meeting. The amendment was accepted. The motion was approved.**

Pioneer Community Hospital of Scott County –

This 25 bed hospital facility sought to place its license on inactive status. Pioneer Community Hospital of Scott County no longer has the financial resources to sustain operations. The facility was unable to successfully negotiate a sale of the facility prior to this Board meeting. Representative for the facility is Tony Taylor, Administrator. Mr. Taylor indicated as of this date there is another purchase agreement in hand. The timeframe requested for the inactive status is until the February Board meeting. **Mr. Rhodes made a motion to approve the inactive status request until the next Board meeting; seconded by Mr. Shulman. The motion was approved.**

Senior Saints Home –

This residential home for the aged (RHA) facility sought to place its license on inactive status. On May 12, 2016, this licensed RHA caught fire due to lightening in a severe storm. All eight (8) residents evacuated the building safely. It will take approximately eight (8) months to rebuild or remodel the facility. Mr. Kennedy N. Omanwa, administrator, represented the facility and was available by phone. Mr. Marshall questioned if a life safety survey would occur. Ms. Reed indicated it would if plans submitted and approved or a 'we concur' letter granted. **Dr. Robertson made a motion to approve the inactive status request until the October 2017 Board meeting; seconded by Mr. Rhodes. The motion was approved.**

Wayne Care Nursing Home –

This 46 bed nursing home requested an extension of its inactive status pending completion of the certificate of need (CON) project. This facility transferred their residents to Waynesboro Health & Rehabilitation Center, Waynesboro, a 109 bed nursing home 1.6 miles away. The CON project is moving forward and their anticipated date of project completion is March 2017. This facility's license was placed on inactive on September 10, 2014 with an expiration of May 10, 2015. The facility upon receipt of the approval CON decided to retain the license for Wayne Care. Representative for the facility was Chris Puri. He reported to the Board the facilities involved intend to extend the CON timeframe and request a 1 year approval timeframe. **Mr. Rhodes made a motion to approved the inactive status request for 1 year until the October 2017 Board meeting; seconded by Mr. Breeden. The motion was approved.**

Paramount Healthcare Services, Inc. –

This professional support services agency requested an extension of their inactive status for one additional year. The facility's current contract with the Department of Intellectual and Developmental Disabilities (DIDD) has been terminated and the inactive status approval will allow Paramount to work on securing another contract. Representative for the facility was Emeka Nnadi, Director, via telephone. As discussion ensued, Ms. Hughes-Toombs suggested rule language to tighten surrounding the maintaining of a license when no contract with DIDD. The Board was made aware of the expiration date of the facility's license, October 31, 2016. **Mr. Marshall made a motion to deny the request based upon the discussion of the Board; seconded by Mr. Rhodes and Bobby Wood. The motion was approved.**

LeBonheur Children's Hospital –

This 255 bed hospital requested to increase their bed count by 26 beds making the licensed bed capacity of the facility 281 beds. The request was made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g). The need for the proposed increase in bed capacity is due to an increasing patient volume. Representative for the facility was Byron Trauger, attorney. **Mr. Shulman made a motion to approve the request; seconded by Thomas Gee. The motion was approved.**

Methodist LeBonheur Germantown Hospital –

This 309 bed hospital requested to increase their bed count by 31 beds making the licensed bed capacity of the facility 340 beds. The request was made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g). The need for the proposed increase in bed capacity is due to increasing patient volume. Representative for the facility was Byron Trauger, attorney. Mr. Trauger informed the Board the facility would like to decrease the number of requested beds to 23

making the licensed bed capacity of the facility 332 beds. **Mr. Shulman made a motion to approve the request; seconded by Dr. Robbins. The motion was approved.**

Healthsouth Rehabilitation Hospital – North –

This 50 bed hospital requested to increase their bed count by 10 beds making the licensed bed capacity of the facility 60 beds. The request was made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g). The need for the proposed increase in bed capacity is due to increasing patient volume. Representative for the facility was Byron Trauger, attorney. **Mr. Shulman made a motion to approve the request; seconded by Paul Boyd. The motion was approved.**

Tennova Healthcare – Physicians Regional Medical Center –

This 25 bed nursing home sought to place its license on inactive status for a period of one year. The facility is making arrangements to discontinue all services effective October 23, 2016. The facility wishes to maintain its license in an inactive status while determining the best and most effective means to provide post-acute and long-term care services to patients. The operator also wants to determine the best utilization of the licensed nursing home. Representative for the facility was Chris Puri, attorney. Mr. Puri informed the Board the plan of the facility is to have all patients discharged per their individual plans of care before October 23, 2016. Dr. Saunders questioned if there was an impact to losing these beds in this area. Mr. Puri stated he did not know the need formula, but that there was nursing home bed availability in the area. **Mr. Shulman made a motion to approve the inactive status request until the October 2017 Board meeting; seconded by Mr. Boyd. The motion was approved.**

WAIVER REQUEST(S):

Ms. Reed presented the following waiver requests for consideration by the Board.

Pigeon Forge Care and Rehabilitation Center, Pigeon Forge -

This licensed nursing home is seeking to waive nursing home regulation 1200-08-06-.04(1) for a Tennessee licensed nursing home administrator until a permanent replacement can be hired or receives his/her license in Tennessee. **Mr. Rhodes made a motion to grant the waiver request until the February 2017 Board meeting; second by Mr. Shulman. The motion was approved.**

Signature Healthcare at Saint Francis, Memphis –

This licensed nursing home is seeking to waive nursing home regulation 1200-08-06-.04(1) for a Tennessee licensed nursing home administrator until a permanent replacement can be hired or receives his/her license in Tennessee. **Mr. Rhodes made a motion to grant the waiver request until the February 2017 Board meeting; second by Mr. Marshall. The motion was approved.**

Diversicare of Martin Healthcare & Rehabilitation Center, Martin –

This licensed nursing home is seeking to waive nursing home regulation 1200-08-06-.04(1) for a Tennessee licensed nursing home administrator until a permanent replacement can be hired or receives his/her license in Tennessee. **Mr. Rhodes made a motion to grant the waiver request until the February 2017 Board meeting; second by Mr. Marshall and Mr. Gee. The motion was approved.**

River Oaks Place – Loudon, Loudon -

This 49 bed assisted care living facility (ACLF) submitted a request for a waiver of regulations to the extent necessary for the Board to determine the facility was in compliance with the regulations. River

Oaks Place – Loudon was originally cited during a June 17, 2015 annual survey for not meeting the following regulations, 1200-08-25-.09(5), Building Standards, and 1200-08-25-.10(8)(a), Life Safety. The facility believes systems currently installed are in compliance with the ACLF regulations. The facility made a request to defer this item to the February 2017 Board meeting. Representative for the facility was Chris Puri. Mr. Puri stated to the Board the desire of the provider to defer this request to the February 2017 Board meeting. **Mr. Shulman made a motion to defer this item to the February 2017 Board meeting; seconded by Mr. Rhodes.** Mr. Marshall requested input from the life safety surveyors. Stuart Hurwitz, Life Safety Supervisor ETRO, informed the Board the facility has had four revisit surveys and that no plans of correction have been submitted for the last cited deficiencies so another revisit has not occurred. He further informed the Board the facility has not addressed the fire alarm or door hardware changes. Dr. Saunders asked his recommendation. Mr. Hurwitz stated have the facility correct the deficiencies within 30 days and then a revisit by life safety surveyors. Mr. Rhodes stated this item should have first been vetted by the Facilities Construction Standing Committee before coming to the full Board. Annette Marlar stated this is a good idea. She also stated it is being seen that facilities after 20 years in operation are being cited for deficiencies that have always been present in the facility. **Mr. Shulman withdrew his previous motion. Mr. Rhodes made a motion to approve withdrawal of the request and to move this item to the Facilities Construction Standing Committee; seconded by Mr. Crisp. The motion was approved.**

At this time, Ms. Hughes-Toombs introduced Caroline Tippens from the Office of General Counsel (OGC) as the new Board for Licensing Health Care Facilities attorney. She indicated she has received a promotion to a supervisory level and will still be presiding in this capacity over the Board.

Covenant Health Facilities –

The following seven hospitals sought to waive hospital regulations 1200-08-01-.05(1) & (5) hospital admission and treatment shall be under the supervision of a physician and concerning treatment shall be given or administered to a patient of a hospital except on the order of a physician. Representative for Covenant was Dr. Mary E. Dillion, Medical Director, Patricia Neal Rehab Center.

- Claiborne Medical Center, Tazewell – off campus location at Claiborne Rehabilitation Center at Medical Office Building 100, 1850 Old Knoxville Road, Tazewell.
- Cumberland Medical Center, Crossville – off campus location at 130 Stonehenge Drive, Crossville.
- Fort Loudon Medical Center, Lenoir City – off campus location at 1127 Grove Street, Loudon.
- Leconte Medical Center, Sevierville – off campus location at 740 Middle Creek Road, Sevierville.
- Roane Medical Center, Harriman – off campus location at Patricia Neal Outpatient Center at 8045 Roane Medical Center Drive.
- Fort Sanders Medical Center, Knoxville – off campus location at Fort Sanders Therapy Center at 1901 Clinch Avenue and 2001 Laurel Avenue; extension of current waiver.
- Parkwest Medical Center, Knoxville – off campus location at Fort Sanders West Campus Building 1, Suite 201, Fort Sanders West Boulevard, Knoxville; extension of current waiver.

Ms. Hughes-Toombs reported that this waiver request has resulted in rule language development that has been approved by this Board for a rulemaking hearing which is currently set for the February 2017 Board meeting. **Robert Breeden made a motion to approve the waiver request for a period of two years; seconded by Mr. Marshall. The motion was approved.**

CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND INITIALS):

Ms. Reed presented the CHOW and initial licensure applications received by the Office of Health Care Facilities.

The following initial applications were processed by the Board's administrative staff with concern – Creekside Villas 400, Murfreesboro – Assisted Care Living Facility; Creekside Villas 500, Murfreesboro – Assisted Care Living Facility; Creekside Villas 600, Murfreesboro – Assisted Care Living Facility. **Mr. Rhodes made a motion to approve; seconded by Mr. Marshall. The motion was approved with one denial by Dr. Robbins.**

The following initial applications were processed by the Board's administrative staff without concern – NHC Place at The Trace, Nashville – Nursing Home and NHC Place at The Trace, Nashville – Assisted Care Living Facility (Ms. Lynch recused). **Mr. Shulman made a motion to approve; seconded by Mr. Marshall. The motion was approved. Ms. Lynch returned to the meeting.**

Dominion Senior Living of Crossville, Crossville – Assisted Care Living Facility (Mr. Crisp recused). **Mr. Shulman made a motion to approve; seconded by Mr. Boyd. The motion was approved. Mr. Crisp returned to the meeting.**

HCMC In Home Equipment & Supplies, Paris – Home Medical Equipment (Mr. Gee recused). **Mr. Shulman made a motion to approve; seconded by Mr. Boyd. The motion was approved. Mr. Gee returned to the meeting.**

Culpepper Place of Bartlett, Bartlett – Assisted Care Living Facility; Hickory Hills Alzheimer's Special Care Center, Hendersonville – Assisted Care Living Facility; Fresenius Medical Care – South Airways, Memphis – End Stage Renal Dialysis Clinic; Implanted Pump Management, LLC; Knoxville – Home Health Agency; Atlantic Medical, Memphis – Home Medical Equipment; Barker Sleep Institute, Knoxville – Home Medical Equipment; Joerns, LLC; Chattanooga – Home Medical Equipment; Kimberly Ruth Medical Supplies & Equip, LLC; Harriman – Home Medical Equipment; Kinex Medical Company, LLC; Knoxville – Home Medical Equipment; MediTech Solutions, LLC; Nashville – Home Medical Equipment; T&T Technology, Inc.; Laurel Bloomery – Home Medical Equipment; Skills Training and Rehabilitation Services (S.T.A.R.S) – Professional Support Services Agency. **Mr. Shulman made a motion to approve; seconded by Breeden and Marshall. The motion was approved.**

The following CHOW applications were presented to the Board for approval without staff concern – The Cambridge House, Bristol – Nursing Home; Deane Hill Place, Knoxville – Assisted Care Living Facility; Dewitt Place, Morristown – Assisted Care Living Facility; Wellington Manor, Newport – Assisted Care Living Facility; Center for Surgical Specialties, LLC; Shelbyville – Ambulatory Surgical Treatment Center; Southern Endoscopy Center, Nashville – Ambulatory Surgical Treatment Center; Music City Medical Supply, Murfreesboro – Home Medical Equipment. **Mr. Shulman made a motion to approve; seconded by Mr. Boyd. The motion was approved.**

LICENSURE STATUS UPDATE(S):

Ms. Reed presented licensure status updates on the following two (2) facilities – Southern Hills Surgery Center, Nashville and McMinn Memorial Nursing Home, Etowah and Starr Regional Medical Center,

Athens. Southern Hills Surgery Center's ambulatory surgical treatment center (ASTC) license is presently in its eighth inactive status based upon the certification of need (CON) granted to the facility on May 27, 2015 for relocation/replacement of the facility. The CON has an expiration date of July 1, 2017. An appeal was filed by Southern Hills Surgery Center with the Health Services and Development Agency (HSDA) which issues CONs. The appeal will be heard at HSDA's October 26, 2016 meeting. McMinn Memorial Nursing Home was granted an approval waiver to temporarily move patients and beds to a temporary location within Starr Regional Medical Center's campus while McMinn underwent renovation and construction. McMinn's construction and renovations are complete and all nursing home patients have been returned to the renovated nursing home. No nursing home residents remain in Starr Regional Medical Center's campus.

FACILITY CLOSURES:

A listing of all facility closures during the months since the May 4 & 5, 2016 Board meeting was provided to the Board. No discussion was held.

BOARD POLICY CONSENTS:

Ms. Reed presented the Board Policy Consent requests. The requests were for Board Policy #32, Nursing Homes and Residential Homes for the Aged to provide outpatient therapy services, and Board Policy #39, permit a Nursing Home administrator to serve as administrator for both a Nursing Home and Residential Home for the Aged (RHA) and/or Assisted Care Living Facility (ACLF).

Board Policy #32 requests –
NHC Place at The Trace, Nashville
Jefferson County Nursing Home, Dandridge
Horizon Health and Rehabilitation, Manchester

Ms. Lynch recused from the vote on NHC Place at The Trace. **Mr. Shulman made a motion to approve the request for Board Policy #32 waiver to be issued to NHC Place at The Trace, Nashville; seconded by Mr. Marshall. The motion was approved.** Ms. Lynch returned to the meeting. **Mr. Shulman made a motion to approve the requests for Board Policy #32 waivers to be issued to Jefferson County Nursing Home, Dandridge and Horizon Health and Rehabilitation, Manchester; seconded by Mr. Marshall. The motion was approved.**

Board Policy #39 request –
Lakeshore Heartland, Nashville – Nursing Home #56 and RHA #396

Mr. Shulman made a motion to approve the request for Board Policy #39 waiver to be issued to Lakeshore Heartland – Nursing Home #56 and RHA #396, Nashville; seconded by Mr. Marshall. The motion was approved.

REGULATION(S):

Board Approval for Rulemaking Hearing –

Ms. Reed presented to the Board newly drafted rule language for assisted care living facility rule 1200-08-25-.08(8) and home for the aged rule 1200-08-11-.05(8) regarding the thirteen (13) minutes evacuation requirements. The presented language is to align and create consistency between the two

facility types regulations on evacuation. **Mr. Rhodes made a motion to move the presented language to rulemaking hearing; seconded by Dr. Robertson. The motion was approved.** The second drafted rule language presented to the Board was the full set of the Trauma Center regulations 1200-08-12. **Mr. Rhodes made a motion to move the presented language to rulemaking hearing; seconded by Mr. Marshall. The motion was approved.**

Proposed Rule Language –

AARP Tennessee in collaboration with the Tennessee Hospital Association (THA) presented to the Board proposed hospital rule language that outlines the legal role of a designated caregiver of a patient during and immediately following a hospital stay. Rebecca Kelly of AARP and Chris Clarke of THA presented the proposed rule language. Mr. Breeden voiced concerns with the definition of caregiver task and caregiver. He felt it was not broad enough. Mr. Breeden also asked if this proposed language would be an issue with the nurse practice acts and paid caregivers. He then made a motion to move to the Performance Improvement Issues (PI) Standing Committee or Education Standing Committee for further discussion and review. There was no second so the motion failed. Dr. Robbins voiced concern with the term 'shall' in the recommended rule. She wanted to ensure autonomy and privacy are maintained, these individuals are not needing assistance with medications, etc. Ms. Marlar stated the same concerns as Dr. Robbins. She stated some aspect of this is a part of resident rights. Ms. Marlar also stated there could be HIPAA concerns. She also wanted to know if this would mesh with the long-term care and independent living environments. Mr. Boyd wanted to know how a caregiver would be determined, verbally or through the use of a form. Ms. Clarke stated the determination must be documented in the patient record and may be done verbally. Mr. Boyd expressed concern of the legalities of this method. He wanted to know how it would be captured via a legal document. He wasn't sure the Board was the proper forum for this and should be legislatively accomplished. Mr. Marshall stated this can't override legal documents such as a Power of Attorney (POA). He stated this role seems to only provide help with tasks such as picking up meds, etc. Mr. Shulman revisited the motion to send to the PI Standing Committee due to the number of questions on the recommended language. **Mr. Breeden made a motion to move this issue to the PI Standing Committee for further discussion with recommendation(s) back to the full Board; seconded by Mr. Shulman. The motion was approved.**

REPORTS:

EMS -

Robert Seesholtz, EMS Trauma System Manager, presented the EMS report. He informed the Board that on April 10 & 11, 2016 three Level III site visits were made with the reports being made to the Board at the February 2017 meeting. Mr. Seesholtz also stated he had several Level III applications on his desk. He indicated the Trauma Care Advisory Council (TCAC) minutes are available from the last meeting of that group.

Nurse Aide –

Wanda King, Nurse Aide Program Manager, presented to the Board the Nurse Aide Report. She stated there are 45,000 active nurse aides in the state of Tennessee. Ms. King informed the Board that the guidelines nurse aides operate under were developed in the late 1980's and early 1990's. Nurse aides operate under federal guidelines for nursing homes. There are a few regulations regarding nurse aides in the state licensure rules. It is now being found that hospitals are requiring technicians to be trained as certified nurse aides (CNA). Ms. King further stated insurance companies as well as other entities are now looking at this too. Those CNAs working in an environment other than a nursing home cannot use

those environments to renew their certification. Ms. King stated the CNA rules need to be expanded with emphasis on the certification as such and not a licensed nurse aide. By way of policy, Ms. King stated a CNA can use a time worked in other licensed healthcare facilities as proof to renew a certification. Ms. King stated there is no requirement to do a background check when becoming a CNA. There is also not leverage to revoke a certification unless the individual is placed on the abuse registry. A certification may be suspended for failure to pay child support and student loans which is based in Tennessee law found in the Departments' statutes. Ms. King provided an example of what might occur with CNAs relative to background checks. An individual steals the identity of a CNA by finding the individual's certification number. She also stated there are no renewal requirements and these need to be developed. Continuing education requirements in the nursing home licensure regulations need to be updated to meet the federal requirements. Dr. Saunders clarified that Ms. King is requesting rules to be developed which would govern aspects of the CNA program. Ms. Marlar indicated facilities should have policies in place which would address some of these concerns especially background checks. **Mr. Shulman made a motion to move the topic to the PI/Education Standing Committees for review including development of possible rule language and bring recommendation(s) back to the full Board; seconded by Mr. Rhodes. The motion was approved.**

OGC -

Ms. Kyonzté Hughes-Toombs, General Counsel, presented the Office of General Counsel's (OGC) report. She stated this report contains rule changes. Ms. Hughes-Toombs informed the Board there are nine (9) open cases in OGC and four (4) consent orders to be presented at this meeting. She addressed the upcoming rule language to become effective and upcoming rulemaking hearings. Ms. Hughes-Toombs also requested the Board to approve her and Ms. Tippens attendance at the Directors' Meeting held by the CMS. **Mr. Shulman made a motion to approve OGC's attendance at the Directors' Meeting; seconded by Dr. Jennifer Gordon-Maloney. The motion was approved.** At this time, Ms. Hughes-Toombs presented additional rule language for approval by the Board for movement to a rulemaking hearing. She presented for the ASTC and hospital rules the inclusion of central services department and central service technician language to be consistent with PC 1004. **Mr. Shulman made a motion to move the central services department and central service technician language to a rulemaking hearing; seconded by Mr. Rhodes. The motion was approved.** Ms. Hughes-Toombs also presented for ASTC and hospital rules the requirements set forth at Section 6(b)(1)(A), (B), (C), and (D) of PC 1003. She then requested the movement of this to the PI Standing Committee for development of Quality Measures and Sentinel Event including the development of an interpretative guideline. **Mr. Shulman made a motion to move the cited rule language to a rulemaking hearing and the development of quality measures and sentinel event to the PI Standing Committee; seconded by Mr. Rhodes. The motion was approved.**

ORDER(S):

Consent Orders -

The following consent orders were presented by Ms. Hughes-Toombs.

Autumn Hills – Assisted Care Living Facility (ACLF) – Complaint survey conducted resulting in a \$500 Civil Monetary Penalty (CMP). **Mr. Rhodes made a motion to approve; seconded by Mr. Marshall. The motion was approved.**

Elmcroft of Shallowford – ACLF – Annual and complaint survey conducted resulting in a \$1000 CMP. Board members questioned if the practitioner involved in the cited deficiencies was referred to the

Board of Nursing. Also, asked if discipline of the license would occur due to the potential of harm to the resident identified in the deficiencies. **Mr. Rhodes made a motion to approve; seconded by Mr. Shulman. The motion was approved.**

Waterford at Sango – Home for the Aged (RHA) – Complaint survey resulting in probation for six (6) months. The facility must submit an acceptable plan of correction (POC). Failure to submit an acceptable POC would be a violation of the order and may subject the facility to further disciplinary action. **Mr. Rhodes made a motion to approve; seconded by Mr. Marshall. The motion was approved.** Ms. Marlar stated the RHA rules should be reviewed as more of the cases presented to the Board involve activities occurring in licensed RHAs. It was further stated this topic needs to be reviewed by one of the standing committees in 2017. Other Board members voiced agreement. Dr. Robbins requested data to be brought to the full Board on RHA performance.

Maple Ridge Manor – ACLF – Annual survey resulting in \$1500 CMP. **Mr. Rhodes made a motion to approve; seconded by Mr. Shulman. The motion was approved.**

The last item brought before the Board was the use of the phone conference for Board appearance. The Board members indicated by voice vote that the use of the conference line was not acceptable to make a request/discuss an issue before the Board.

Mr. Marshall made a motion to adjourn; seconded by Mr. Shulman. The Board meeting was adjourned.