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**TENNESSEE DEPARTMENT OF HEALTH
MEMORANDUM
SECOND AMENDED**

Date: September 14, 2020

To: Shelley Walker, Director of Communications 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 Meeting

Date of Meeting: September 15, 2020

Time: 10:00 a.m., Central Time

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

WebEx Event: Due to COVID-19 considerations, please join us in our virtual meeting which is open to the public using the instructions below.

During the meeting, please join using the information below:

Join online as an attendee:
Meeting Link:
<https://tngov.webex.com/tngov/onstage/g.php?MTID=e7e8174fb4a0c8744f7a04950dc089d50>

Event Number: 171 486 4414
Event Password: HCF2020

Join the meeting audio conference only

To join the meeting telephonically call the number below and enter the access code.

US TOLL +1-415-655-0003

Event number/Access code: 171 486 4414

Major Item(s) on Agenda: See Attached Agenda

Board members will be participating by WebEx Event.

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



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
PERFORMANCE IMPROVEMENT ISSUE STANDING COMMITTEE MEETING**

SEPTEMBER 15, 2020

**POPLAR CONFERENCE ROOM, FIRST FLOOR
10:00 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. **DELTA SPECIALTY HOSPITAL, MEMPHIS (HOSP #106)**
This two hundred twenty-three (223) bed facility is requesting an interpretation regarding the general hospital designation found in the Tennessee Hospital Rules 1200-08-01-.01(37)(a) and 1200-08-01-.06(7)(a) regarding radiological services. This facility came before the Board at its June 3, 2020 Board meeting and discuss the waiver request, but the clarification of the rules was not addressed.

REPRESENTATIVE(S): W. Brantley Phillips, Jr., Attorney and Lauren Gaffney

3. Tennessee Community Organizations (TNCO) a provider organization which includes providers licensed as Professional Support Services (PSS) Agencies has concerns regarding having a nurse delegated for tasks but is not PSS license will it be required to have such a license. TennCare DIDD/Choices views delegated tasks as nursing services are required to have a PSS license and/or Home Health Agency license.

REPRESENTATIVE(S): Melanie A. Keller, President/CEO

4. Public Comments.
5. Adjournment of Meeting.

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
PERFORMANCE IMPROVEMENT STANDING COMMITTEE MEETING
SEPTEMBER 15, 2020

The Board for Licensing Health Care Facilities Performance Improvement Standing Committee Meeting began on September 15, 2020. Mr. Jim Shulman, chair, called the meeting to order.

A quorum roll call vote was taken:

Mr. Louis Caputo- here
Dr. Patricia Ketterman- here
Dr. Renè Saunders- here
Mr. Jim Shulman- here
Ms. Gina Throneberry- here
Ms. Janet Williford- joined at 10:15 am

A quorum was established.

A roll call vote was taken for the ability to hear each participant on the phone:

Mr. Louis Caputo- yes
Dr. Patricia Ketterman- yes
Dr. Renè Saunders- yes
Mr. Jim Shulman- yes
Ms. Gina Throneberry- yes
Ms. Janet Williford- not on the call at this time

The first item for discussion was Delta Specialty Hospital of Memphis requesting an interpretation regarding the general hospital designation found in the Tennessee hospital rules 1200-08-01-.01(37)(a) and 1200-08-01-.06(7)(a) regarding radiological services. The facility came before the Board in June and discussed the waiver request, but the clarification of the rules was not addressed. Mr. Brant Phillips and Ms. Lauren Gaffney were the representatives for the facility. There were multiple physicians available for comment on behalf of Delta Medical Center. Mr. Phillips informed the Board that maintaining radiological services in house was expensive and resulted in lost revenue. He further stated this was not sustainable. Mr. Phillips asked the committee to confirm that Delta Specialty Hospital is in compliance with the rules by having mobile radiological services. He stated the mobile provider results in providing a better scan, is most cost effective than the hospital providing in house and is appropriate to the needs of the patient population. There was much discussion by and between the committee members and representatives of the facility regarding level of care provided at Delta and hospitals in the same system with the same service line. Discussion ensued around a sister hospital having mobile radiological services in place, whether a waiver was granted for this, and how many hospitals are operating with mobile radiological services. Mr. Phillips asked for the ratification of the submitted interpretation by the standing committee and for this to be specific to Delta. Dr. Saunders voiced discomfort with giving this interpretation for one facility. Mr. Phillips stated the request could be removed if determined the facility meets survey requirements and accreditation. Mr. Shulman stated since item was heard at the June Board meeting with a denied request being the result, he feels action is required today. He also asked how this would

affect other hospitals. Ms. Caroline Tippens stated an interpretative guidance could be developed for the record. Ms. Ann Reed stated the development of such would be helpful for future situations. Mr. Shulman stated a motion could be made to have the IG developed and brought to the full Board in October. Mr. Caputo has issue with the allowance of mobile radiology, he feels the Board needs to know more and if the services are comprehensive enough. Dr. Saunders concurred with this. Mr. Phillips stated the minutes will memorialize the service model provided and is felt sufficient for the Board and meets the regulations. Mr. Caputo and Ms. Tippens indicated that all future alternative means of providing radiological services must be taken on a case by case basis by the Board. **Mr. Shulman made a motion that the Delta Specialty Hospital is in compliance with the rules given and information provided; Mr. Caputo seconded.**

A roll call vote was taken:

Mr. Louis Caputo- yes
Dr. Patricia Ketterman- yes
Dr. Renè Saunders- no
Mr. Jim Shulman- yes
Ms. Gina Throneberry- yes
Ms. Janet Williford- yes

The motion was approved.

The second item for discussion was Tennessee Community Organizations (TNCO) concern regarding the provision of a nurse delegated task by an agency not licensed as a PSS. TNCO asserts TennCare DIDD/Choices views delegated tasks as nursing services requiring a PSS license and/or Home Health Agency license. Melanie Keller was the representative for this item. Ms. Reed provided background to this item. It first appeared before the full Board in June 2020. The Board directed that the Board of Nursing (BON) would need to determine if certain tasks were nurse delegated tasks. Ms. Tippens recanted the BON meeting for the standing committee. The BON did not issue a policy statement, but did state blood glucose checks are a nursing task and can be delegated to unlicensed personnel; only a nurse may administer insulin. Ms. Tippens informed the standing committee that Health Care Facility staff met with DIDD representatives and they are available for participation in the discussion. David Taylor, Director of Nursing for DIDD, addressed the standing committee stating DIDD view is a nurse delegated task is a nursing task. He further stated there may be exceptions to this for providers located in a rural area. Daven Harrel, Director of Licensure for DIDD, agrees with the Department of Health's determination. Mr. Shulman understood the concern for rural areas and healthcare services so asked of the Department of Health whether a PSS license would still be necessary. Ms. Tippens stated a provider would address any waiver needs with DIDD first then come to the Department of Health especially if the provider is in a rural area. Ms. Tippens stated that no formal action is necessary and can report the item to the full Board in October. Ms. Keller clarified she was happy with the determination by the Committee and DIDD. **Mr. Shulman made a motion to report this item to the full Board; Dr. Saunders seconded.**

A roll call vote was taken:

Mr. Louis Caputo- yes
Dr. Patricia Ketterman- yes
Dr. Renè Saunders- yes
Mr. Jim Shulman- yes
Ms. Gina Throneberry- yes

Ms. Janet Williford- yes

The motion was approved.

The meeting was adjourned.