



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 9, 2014

To: Woody McMillian, Director of Communications and Media Relations

From: Wanda E. Hines, Board Administrator

Name of Board or Committee: Board for Licensing Health Care Facilities

Date of Meeting: September 10-11, 2014

Time: 9:00 a.m., Central Daylight Time

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

Major Item(s) on Agenda: See Attached Agenda

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 10-11, 2014
IRIS CONFERENCE ROOM, FIRST FLOOR
9:00 a.m.

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

1. **WELCOME NEW BOARD MEMBER:** Sherry L. Robbins, M.D. replacing Jeff Lawrence, M.D. as the Physician of Medicine representative and the reappointments of David Rhodes, Architect representative and Annette Marlar, Registered Nurse representative.
2. **CALL THE MEETING TO ORDER.**
3. **ESTABLISH A QUORUM.**
4. **APPROVAL OF MINUTES** –May 8, 2014 Board meeting and June 2, 2014 Special Called Board meeting.
5. **REPORTS**
 - A. **EMS REPORT** - Robert Seesholtz
 - B. **NURSE AIDE REPORT** – Wanda King
 - C. **OFFICE OF GENERAL COUNSEL REPORT** - Kyonzte' Hughes-Toombs
6. **CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND INITIALS).**
 - A. **CONSIDERATION.**

B. RATIFICATION.

1. QUALIFYING APPLICATIONS

(INITIALS)

American Medical Co-op, LLC, Franklin-Home Medical Equipment Facility

Angels Care, Inc., Nashville-Professional Support Services

Breathe Easy Respiratory Solutions, Inc, Nashville-Home Medical Equipment Facility

Cades Center of Humboldt, Humboldt, Assisted Care Living Facility

Dialysis Clinic, Inc. Waverly, Waverly-End Stage Renal Disease Facility

DIDD East TN Assistive Technology Clinic, Greeneville-Professional Support Services

DIDD Middle TN Assistive Technology Clinic, Nashville-Professional Support Services

DIDD West TN Resource Center, Arlington-Professional Support Services

Fresenius Medical Care East Knoxville, Knoxville-End Stage Renal Disease Facility

Fresenius Medical Care Summer, Memphis-End Stage Renal Disease Facility

Full Range Rehab, LLC, Johnson City-Home Medical Equipment Facility

Home Therapy Inc., Adamsville-Home Medical Equipment Facility

Indian Lake Surgery Center, Hendersonville-Ambulatory Surgical, LLC, Hendersonville

Life House Hospice, Inc., Cookeville-Hospice Facility

Memory Lane at Forest Plaza, Hixson-Home for the Aged Facility

New Visions Healthcare Services, LLC, Nashville-Professional Support Services

Primary Therapy Services, Smyrna-Professional Support Services

Smyrna Pharmacy & Wellness, Smyrna-Home Medical Equipment Facility

The Bridge at Ooltewah, Ooltewah-Assisted Care Living Facility

(CHOWS)

Agape Nursing and Rehabilitation Center, LLC, Johnson City

Autumn Hills Assisted Living, Nashville-Assisted Care Living Facility

Campbell Clinic Surgery Center-Midtown-Ambulatory Surgical Treatment Center

Holston Valley Imaging Center, Kingsport-Outpatient Diagnostic Center

Life House Hospice, Inc., Cookeville-Residential Hospice Facility

7. **RULEMAKING HEARINGS**-Notice of Rulemaking Hearings can be viewed online at: <http://tnsos.org/rules/RulemakingHearings.php>.

- A. 1200-08-01 Standards for Hospitals
 - 1200-08-01-.01 Definitions
 - 1200-08-01-.07 Optional Hospital Services
 - 1200-08-01-.13 Policies and Procedures for Health Care Decision-Making

- 1200-08-02 Standards for Prescribed Child Care Centers
 - 1200-08-02-.01 Definitions
 - 1200-08-02-.12 Policies and Procedures for Health Care Decision-Making
 - 1200-08-02-.14 Appendix I

- 1200-08-06 Standards for Nursing Homes
 - 1200-08-06-.01 Definitions
 - 1200-08-06-.13 Policies and Procedures for Health Care Decision-Making
 - 1200-08-06-.15 Nurse Aid Training and Competency Evaluation
 - 1200-08-06-.16 Appendix I

- 1200-08-10 Standards for Ambulatory Surgical Treatment Centers
 - 1200-08-10-.01 Definitions
 - 1200-08-10-.06 Basic Services
 - 1200-08-10-.13 Policies and Procedures for Health Care Decision-Making
 - 1200-08-10-.15 Appendix I

- 1200-08-11 Standards for Home for the Aged
 - 1200-08-11-.01 Definitions
 - 1200-08-11-.12 Policies and Procedures for Health Care Decision-Making
 - 1200-08-11-.14 Appendix I

- 1200-08-15 Standards for Residential Hospices
 - 1200-08-15-.01 Definitions
 - 1200-08-15-.06 Plan of Care
 - 1200-08-15-.13 Policies and Procedures for Health Care Decision-Making
 - 1200-08-15-.15 Appendix I

- 1200-08-24 Standards for Birthing Centers
 - 1200-08-24-.01 Definitions
 - 1200-08-24-.12 Policies and Procedures for Health Care Decision-Making
 - 1200-08-24-.14 Appendix I

- 1200-08-25 Standards for Assisted-Care Living Facilities
 - 1200-08-25-.02 Definitions
 - 1200-08-25-.06 Administration
 - 1200-08-25-.07 Services Provided
 - 1200-08-25-.08 Admissions, Discharges, and Transfers
 - 1200-08-25-.15 Policies and Procedures for Health Care Decision-Making
 - 1200-08-25-.17 Appendix I

- 1200-08-26 Standards for Home Care Organizations Providing Home Health Services
 - 1200-08-26-.01 Definitions
 - 1200-08-26-.04 Administration
 - 1200-08-26-.13 Policies and Procedures for Health Care Decision-Making
 - 1200-08-26-.15 Appendix I

- 1200-08-27 Standards for Home Care Organizations Providing Hospice Services
 - 1200-08-27-.01 Definitions
 - 1200-08-27-.06 Basic Agency Functions
 - 1200-08-27-.13 Policies and Procedures for Health Care Decision-Making

- 1200-08-28 Standards for HIV Supportive Living Centers
 - 1200-08-28-.01 Definitions
 - 1200-08-28-.13 Policies and Procedures for Health Care Decision-Making
 - 1200-08-28-.15 Appendix I

- 1200-08-29 Standards for Home Care Organizations Providing Home Medical Equipment
 - 1200-08-29-.01 Definitions
 - 1200-08-29-.04 Administration
 - 1200-08-29-.15 Policies and Procedures for Health Care Decision-Making
 - 1200-08-29-.16 Appendix I

- 1200-08-30 Pediatric Emergency Care Facilities
 - 1200-08-30-.01 Definitions
 - 1200-08-30- Table
 - 1200-08-30-.06 Policies and Procedures for Health Care Decision-Making
 - 1200-08-30-.07 Appendix I

- 1200-08-32 Standards for End Stage Renal Dialysis Clinics
 - 1200-08-32-.01 Definitions
 - 1200-08-32-.13 Policies and Procedures for Health Care Decision-Making

1200-08-32-.15 Appendix I

1200-08-34 Standards for Home Care Organizations Providing Professional Support Services

1200-08-34-.01 Definitions

1200-08-34-.04 Administration

1200-08-34-.13 Policies and Procedures for Health Care Decision-Making

1200-08-34-.15 Appendix I

1200-08-35 Standards for Outpatient Diagnostic Centers

1200-08-35-.01 Definitions

1200-08-35-.13 Policies and Procedures for Health Care Decision-Making

1200-08-35-.15 Appendix I

1200-08-36 Standards for Adult Care Homes-Level 2

1200-08-36-.01 Definitions

1200-08-36-.06 Services Provided

1200-08-36-.07 Admissions, Discharges, and Transfers

1200-08-36-.16 Policies and Procedures for Health Care Decision-Making

1200-08-36-.18 Appendix I

8. DISCUSSION(S).

- A.** Guidance for Board Members on the Use of Social Media.
– Kyonzte’ Hughes-Toombs
- B.** East TN Dialysis Center, Maryville – Plan of Correction for Board review and approval from Consent Order-June 17, 2013.
- C.** Health Care Facilities addition to the DAR Report - Kyonzte’ Hughes-Toombs
- D.** Updates and Changes to the 2014 State Health Plan and Other Projects.
– Jeff Ockerman, Director, Office of Health Planning
- E.** Board Approval of License Verification Form. – Ann Rutherford Reed
- F.** Propose Meeting Dates for Year 2015.
- G.** Board Approval for Replacement of the Appointment of Surrogate Form.
– Charles M. Key, Wyatt, Tarrant & Combs, LLP/TELP
- H.** Tennessee Physical Therapy Association is seeking to amend the Hospital Regulation 1200-08-01-.05 relating to the requirement of physician referrals for physical therapy services.
– Timothy Scott Newton, President, Tennessee Physical Therapy Association

- I. Tennessee Ambulatory Surgery Center Association is requesting consideration of proposed changes to the Ambulatory Surgical Treatment Center (ASTC) Regulations 1200-08-10. The proposed changes are intended to update requirements so they meet current national industry standards to be more appropriate for the ASTC setting and align with current CMS requirements for an ASTC's radiology program.
– Mike Bivens, Government Affairs Director and Susan Gant, Member
- J. Top 10 Pediatric Emergency Care Facilities Deficiencies. – Ann Rutherford Reed.
- K. Summary of the Assisted Care Living Facility Subcommittee meeting that was held on July 9, 2014. – Ann Rutherford Reed
- L. Summary of the Home Medical Equipment Subcommittee meeting that was held on August 18, 2014. – Ann Rutherford Reed
- M. Continuation of feedback and suggestions of the Board Q & A: standing committees proposition and other items.
– Ann Rutherford Reed and Kyonzte' Hughes-Toombs
- N. Approval of the Joint Annual Report on the Status of Emergency Medical Services for Children 2014.
– Rhonda Phillippi, Executive Director, TN EMS for Children
- O. The University of Tennessee Medical Center, Knoxville is seeking clarification of the Hospital Regulation 1200-08-01-.06(7)(E) relating to radiologic services and hospital participation in health fairs and health screenings. The facility requests guidance as to whether an interpretative guideline or rule language change is needed to clarify.
– John J. Sheridan, Vice President, Community & Government Relation
- P. Board Approval for Interpretative Guideline for NFPA 99 17.3.5 Pertaining to Hard Piped Gas and Suction Systems & Ventilator Service(s)/Unit(s).
- Q. Health Care Facility Flu Vaccination Policy. – Rosalind Kurita, Health Policy Advisor

9. LICENSE STATUS UPDATES.

HOSPICE ADVANTAGE OF MEMPHIS, MEMPHIS

This facility's office flooded in July resulting in black mold that would require removal. Due to a hazardous work environment, the physical office is temporarily closed and staff is operating from the Holiday Inn/Germantown location effective July 18, 2014. Hospice Advantage of Memphis will be operating under this arrangement no more than 30 to 60 days.

STARR REGIONAL MEDICAL CENTER, ATHENS

This hospital has temporarily discontinued acute care services for inpatient beds at its satellite location, Starr Regional Medical Center, Etowah effective the end of May 2014. Starr Regional Medical Center requests these beds to be included in their license for a period of two (2) years so they can evaluate long-term plans and options for services provided at this facility.

BLUFF SPRINGS MANOR, MCMINNVILLE

Bluff Spring Manor, McMinnville a nine (9) bed ACLF placed their license on inactive status for one (1) year which expired on May 30, 2014. Bluff Spring Manor did not renew their license so the facility was closed due to non-renewal of their license on September 1, 2014.

10. LICENSE STATUS REQUESTS.

WAYNE CARE NURSING HOME, WAYNESBORO

This forty-six (46) bed nursing home is requesting to place their license on inactive status pending future development. This facility will be transferring their residents to Wayne County Nursing Home, a one hundred nine (109) bed facility, which is 1.6 miles away.

Representative(s): Thomas Johnson, Chief Manager, Waynesboro Healthcare, LLC

FRANKLIN TRANSITIONAL CARE UNIT, JOHNSON CITY

This 13 bed skilled nursing facility is requesting a second extension waiver for their license to remain on inactive status for one (1) additional year. Mountain State Health Alliance (MSHA) and Signature HealthCARE are developing a partnership to create an assisted care living community and a skilled nursing facility. This will be an 18-month process once the transaction is closed therefore; a request for inactive status of Franklin Transitional Care's license is requested through June 2016. Franklin Transitional Care's license was placed on inactive status for twelve (12) months on September 12, 2013 and an extension waiver for inactive status was granted for an additional twelve (12) months which will expire on September 12, 2014.

Representative(s): Dan Elrod, Attorney

11. WAIVER REQUESTS.

THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(4) FOR A TENNESSEE LICENSED NURSING HOME ADMINISTRATOR UNTIL A PERMANENT REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE.

ASHTON PLACE HEALTH & REHAB CENTER, MEMPHIS

Mr. Chris Puri-representative for the facility presenting for Mr. Perry Tidwell, Interim Administrator – Mr. Tidwell will be seeking licensure in Tennessee

GOLDEN LIVINGCENTER-SPRINGFIELD, SPRINGFIELD

Mr. Chris Puri-representative for the facility presenting for Ms. Amanda Baller, Interim Administrator – Ms. Baller will be seeking licensure in Tennessee.

LINCOLN & DONALSON CARE CENTER, FAYETTEVILLE

Ms. Amy Stubblefield, Business Office Manager–Seeking to hire Nursing Home Administrator.

GREEN HILLS HEALTH & REHABILITATION CENTER, NASHVILLE

Mr. Chris Green, Interim Administrator – Seeking licensure in Tennessee.

UNICOI COUNTY NURSING HOME, ERWIN

Mr. Tracy Byers, Interim Administrator – Seeking licensure in Tennessee.

GOLDEN LIVINGCENTER-UNION CITY, UNION CITY

Mr. Chris Puri-representative for the facility presenting for Ms. Janet Aitken, Interim Administrator–Ms. Aitken will be seeking licensure in Tennessee.

GALLAWAY HEALTH AND REHAB, GALLAWAY

Ms. Linda Byrd, Interim Administrator–Seeking extension to waive the requirement for a Tennessee licensed nursing home administrator until she receives her Tennessee Nursing Home Administrator’s license. Waiver expires September 30, 2014.

ALEXIAN VILLAGE HEALTH AND REHABILITATION CENTER, SIGNAL MOUNTAIN

Mr. G. Scott Norton, Interim Administrator–Seeking second extension to waive the requirement for a Tennessee licensed nursing home administrator until he receives his Tennessee Nursing Home Administrator’s license. Waiver expires September 30, 2014.

THE VILLAGE AT GERMANTOWN-NURSING HOME AND ASSISTED CARE LIVING FACILITY, GERMANTOWN

The Village at Germantown, Germantown, is seeking to waive Nursing Home Regulation 1200-08-06-.04(1) for the 32 hours full-time administrator requirement. The Village at Germantown is seeking to waive this requirement in order for the administrator to serve both the licensed nursing home and assisted care living facility. Ms. Repking would like consideration based on Board Policy #39 to determine if applicable to her current situation.

Representative(s): Julie E. Repking, Administrator

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 Covenant Therapy Center which is an off campus hospital department separately located from the hospital’s main facility.

Representative(s): Dr. Mary Dillon, Medical Director

FORT SANDERS REGIONAL MEDICAL CENTER, KNOXVILLE

This five hundred seventeen (517) 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 and. Fort Sanders Regional Medical Center therapy services are delivered in four (4) Fort Sanders Therapy Centers, hospital departments all located separately from the hospital's main facility.

Representative(s): Dr. Mary Dillon, Medical Director

SYCAMORE SPRINGS SENIOR LIVING COMMUNITY, ELIZABETHTON

This proposed forty-six (46) bed ACLF facility is seeking to waive Assisted Care Living Regulation 1200-08-25-16(4) which indicates a facility if having a generator must have one that can meet the HVAC and essential needs of the facility. Additionally, the facility requests:

- Should our waiver be granted, we request formal approval to install the generator, as drawn on our State approved construction documents. As designed and configured, the generator will power other "essential" elements in the building besides just Life Safety, but not HVAC equipment.
- Should our waiver not be granted, we request approval to redesign, in coordination with the State Inspector, our Life Safety System so that it can be operated, per code, by battery backups and correct and submit our drawings through the revisions process at the end of the project, prior to Final Inspection.
- Should our waiver not be granted, that all current facilities, opened under these regulations, with Emergency Generators that do not power HVAC Equipment, be re-inspected and required to comply with these requirements if they currently do not.
- Finally, whether our waiver is or is not granted, we request that the Board revisit the "HVAC and essential needs" requirement by either eliminating it or providing better definition as to the intent.

Representative(s): Mr. John Sheehan, Jr., President, Wes Jones, Gentech Construction and Bo Russ, Architectural Concepts

WINDSOR GARDENS ASSISTED LIVING CENTER, KNOXVILLE

This seventy (70) bed assisted care living facility is seeking to waive regulation 1200-08-25-.16(4) which indicates a facility if having a generator must have one that can meet the HVAC and essential needs of the facility and allowing the current generator to remain in use. An approval for an 11KW, 3 phase Honda powered, natural gas generator was approved by the department on March 14, 2014. On April 23, 2014 during a state survey, the size of the generator did not meet the "ACLF HVAC and essential needs" as stated in regulation 1200-08-25-.16(4).

Representative(s): Brian Bartley, Chief Manager/Administrator

WHITEHAVEN COMMUNITY LIVING CENTER, MEMPHIS

This ninety-two (92) bed nursing home is seeking to waive the guideline of (NFPA 99 17.5) as it pertains to hard piped gas and suction systems in order to meet the needs of the patients in the respiratory unit. Whitehaven will have a forty-one (41) bed ventilator unit a consisting of 21 rooms to be used for ventilated and non-ventilated tracheostomy patients for weaning from the ventilator and possible decannulation of the trach post hospital and LTACH stays. If patients are unable to wean, the families/CGs will be trained to care for the resident's home. The facility will be equipped to provide long-term care of these patients if discharge is not possible. Oxygen will be provided by individual concentrator units and suction will be provided by a portable suction machine that has a backup battery. The mechanical ventilators that will be used are portable and do not require piped in oxygen to operate. Oxygen will be provided by a bedside oxygen concentrator and portable E cylinders.

Representative(s): Rhonda Nettles, Physical Therapist, Whitehaven

STONES RIVER HOSPITAL, WOODBURY AND DEKALB COMMUNITY HOSPITAL, SMITHVILLE

Stones River Hospital, Woodbury, and DeKalb Community Hospital, Smithville currently operate under a single hospital license. DeKalb Community Hospital is the "parent" and Stones River Hospital is the "satellite". Board approval is requested for the facilities to separate and be freestanding separately licensed facilities.

Representative(s): Kim Harvey Looney, Attorney

WELLMONT-HOLSTON VALLEY MEDICAL CENTER, KINGSPORT AND WELLMONT-BRISTOL REGIONAL MEDICAL CENTER, BRISTOL

Wellmont-Holston Valley Medical Center, Kingsport, a five hundred five (505) bed Level 1 trauma hospital, and Wellmont-Bristol Regional Medical Center, Bristol, a three hundred twelve (312) bed Level 2 trauma hospital desire to establish a "shared call" arrangement for neurosurgery trauma call. Both facilities are requesting a variance from the trauma call requirements, Trauma Centers Regulation 1200-08-12-.04(2)(a)4 concerning neurological surgery and to be allowed to operate a "shared call" arrangement for neurosurgical trauma coverage.

Representative(s): Byron R. Trauger, Attorney

UNITED REGIONAL MEDICAL CENTER, MANCHESTER AND MEDICAL CENTER OF MANCHESTER, MANCHESTER

United Regional Medical Center (URMC), Manchester, a fifty-four (54) bed acute care hospital is requesting for Medical Center of Manchester (MCM), Manchester, a twenty-five (25) bed Critical Access hospital to become a satellite hospital of United Regional Medical Center, Manchester. Under the proposed consolidation the facilities would operate under the existing URMC license with the bulk of the hospital services including the emergency room operated at MCM the requested satellite hospital and limited imagine and administration services at URMC the parent hospital. The facility will seek a Certificate of Need (CON) from Health Services Development Agency (HSDA) to relocate URMC to the MCM campus/location.

Representative(s): Alix Coulter Cross. Attorney

12. **BOARD POLICY CONSENTS.**

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

Maplewood Health Care Center, Jackson
Ripley Healthcare and Rehabilitation Center, Ripley
Signature HealthCARE of Clarksville, Clarksville

SIGNATURE HEALTHCARE OF NASHVILLE, NASHVILLE

Signature HealthCARE of Nashville, Nashville, received an outpatient therapy approval via the Consent Calendar at the January 23, 2014 Board meeting. Signature HealthCARE is now seeking to update their outpatient therapy services to include aquatic therapy.

THE FOLLOWING FACILITIES ARE REQUESTING APPROVAL TO PERMIT AN ADMINISTRATOR TO SERVE BOTH A NURSING HOME AND ASSISTED CARE LIVING FACILITY ACCORDANCE WITH BOARD POLICY #39:

The Village at Germantown, Germantown

THE FOLLOWING FACILITY IS REQUESTING APPROVAL TO PROVIDE SHARE SERVICES ACCORDANCE WITH BOARD POLICY #51:

Regional One Health, Memphis

THE FOLLOWING HOSPITAL TO DISCONTINUE OBSTETRICAL SERVICES ACCORDING TO BOARD POLICY #57:

Lakeway Regional Hospital, Morristown

13. **LEGISLATIVE UPDATES** – Jeremy Davis, Health Legislation Liaison

14. **CONTESTED CASE HEARING(S).**

15. **ORDERS.**

A. **Consent Orders**

B. **Orders.**

16. **REGULATION(S).**

A. **BOARD APPROVAL FOR RULEMAKING HEARING.**
Advance Directive Form