



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
SECOND AMENDED**

Date: May 3, 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: May 4-5, 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:

May 4, 2016

<https://web.nowuseeit.tn.gov/Mediasite/Play/275a00bcdb824a679dee51044ea4498d1d>

May 5, 2016

<https://web.nowuseeit.tn.gov/Mediasite/Play/74ef73e9997a4373abc840f52847d3011d>

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

MAY 4-5, 2016

IRIS CONFERENCE ROOM, FIRST FLOOR

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

1. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.

**2. RESPIRATORY TECHNOLOGIES, INC., MINNEAPOLIS-ST. PAUL,
MINNEAPOLIS D/B/A RESPIRTECH**

This home medical equipment facility is requesting for an Interpretation of Standards for Home Care Organizations Providing Home Medical Equipment Regulations at Tennessee Comp. R. & Regs. §1200-08-29-.06(5) regarding the physical location requirement through the location and use of individual equipment trainers in Tennessee who provide end-consumer training and assistance on its respiratory therapy products.

Representative(s): Chris Puri, Attorney and Bob Buehler, Chief Commercial Officer

3. CONTESTED CASE HEARING(S).

4. LICENSE STATUS REQUESTS.

**CLEVELAND HOME CARE SERVICES, CLEVELAND D/B/A TENNOVA
HOSPICE - CLEVELAND**

This hospice facility is seeking to place their license on inactive status. Tennova Hospice-Cleveland is withdrawing its Medicare/Medicaid certification due to the closure of the agency. The records and assets will be maintained in the licensed home health agency and the maintenance of medical records.

Representative(s): Chris Puri, Attorney

FRANKLIN TRANSITIONAL CARE UNIT, JOHNSON CITY

This 13 bed skilled nursing facility is requesting for a third extension waiver for their license to remain on inactive status for an additional twelve (12) months. Mountain State Health Alliance (MSHA) and Signature HealthCare are developing a partnership to create an assisted care living community and a skilled nursing facility. Negotiations have taken much longer than expected but the project is still moving forward so this is the reason for the extension request. Franklin Transitional Care's license was placed on inactive status for twelve (12) months on September 12, 2012 and an extension waiver for inactive status was granted for an additional one (1) year on September 12, 2013 and a second extension was granted on September 2014 for an additional one (1) year which will expire in June 2016.

Representative(s): Dan Elrod, Attorney

ASSOCIATES OF MEMORIAL/MISSION OUTPATIENT SURGERY CENTER, LLC, CHATTANOOGA

This Ambulatory Surgical Center is requesting an extension waiver for their license to remain on inactive status for an additional twelve (12) months as Memorial Hospital continues to actively evaluate options for reopening the facility as an ASTC. Associates of Memorial/Mission Outpatient Surgery Center, LLC, Chattanooga license was placed on inactive status for twelve (12) months on May 6, 2016.

Representative(s): Dan Elrod, Attorney

ELDEREED HEALTH AND REHAB, LIMESTONE AND JOHN M. REED ELDEREED HAUS ASSISTED LIVING CENTER, LIMESTONE

EldeReed Health and Rehab, Limestone, a sixty-three (63) bed nursing home facility and John M. Reed EldeReed Haus Assisted Care Living Facility, Limestone, a twenty (20) bed ACLF facility both facilities are seeking to place their licenses on inactive status. Both facilities have submitted a plan for a 30-day notice of discharge to their current residents.

Representative(s): Michael Denney, Administrator

JACKSON PARK CHRISTIAN HOME, INC., NASHVILLE

This twenty-eight (28) bed nursing home facility is seeking its fifth extension of their license to remain on inactive status for an additional twelve (12) months. Signature Healthcare continued to evaluate the best options for the licensed facility and had interest from at least two (2) purchasers during this past year but unfortunately both deals failed to be completed. Jackson Park Christian Home's license was placed on inactive status for twelve (12) months on May 2, 2012 and an extension waiver for inactive status was granted for an additional twelve (12) months on May 1, 2013 and a third extension was granted on May 8, 2014 for an additional twelve (12) months and the fourth extension was granted on May 6, 2015 for an additional twelve (12) months which will expire on May 6, 2016.

Representative(s): Chris Puri, Attorney

TENNOVA HEALTHCARE-MCNAIRY REGIONAL HOSPITAL, SELMER

This forty-five (45) bed hospital is seeking to place their license on inactive status as Tennova Healthcare-McNairy Regional Hospital has anticipated the closure of the hospital. Due to the deterioration and significant repairs required to the building and after extensive evaluation of the current situation the owner has decided to permanently close the hospital. The hospital is making arrangements to end all services at the hospitals and clinics on May 18, 2016 by 11:59 p.m. subject to all notice and regulatory requirements. The hospital has notified CMS of its cessation of services; the hospital anticipates that Medicare certification will be terminated after closure.

Representative(s): Chris Puri, Attorney

5. 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) **DIVERSICARE OF MARTIN HEALTHCARE & REHABILITATION CENTER, MARTIN**
- Juanita Honeycutt, Regional Vice President
- (2) **REGIONAL ONE HEALTH SUBACUTE CARE, MEMPHIS**
- Cherilyn Murer, President/CEO Murer Consultants, Inc.

B. OTHER WAIVER REQUEST(S)

- BARTON HOUSE, NASHVILLE (ACLF) #175**
- CARRICK GLEN SENIOR LIVING, MT. JULIET (ACLF) #347**
- FOUNTAINS OF FRANKLIN, FRANKLIN (ACLF) #395**
- NORTHPARK VILLAGE SENIOR LIVING, MADISON (RHA) #31**
- POPLAR ESTATE SENIOR LIVING, COLUMBIA #77**
- THE GARDENS AT PROVIDENCE PLACE, MT. JULIET #285**
- VILLAGES OF MURFREESBORO, MURFREESBORO (ACLF)**

The following seven (7) facilities are seeking to waive the variance of Section 1008.1.9.6 Special locking arrangements be applicable to I-1 occupancies for the referenced project. Their justification are that the 2015 International Building Code (IBC) or later will be intentionally adopted by the State within 2 years and by adoption will incorporate the inclusion of section 1010.1.9.6 Controlled Egress doors in Groups I-1 and I-2. 2012 International Building Code (IBC) 1008.1.9.6 Special locking arrangements in Group I-2 and 2015 1010.1.9.6 Controlled egress doors in Groups I-1 and I-2 are essentially the same. In lieu of the adoption the updated 2015 edition while the balance of the project remains under 2012 IBC, it has been the policy and practice of the department to avoid the adoption of

multiple editions of a code; therefore the adoption of a waiver within the existing adopted 2012 IBC is preferred.

Representative(s): Gary Keckley, Architect, CEO, GoodWorks Unlimited, LLC

****Denied by the Assisted Care Living Facility/Facilities Construction Standing Committee on April 29, 2016 Meeting – Plans Review to Develop Updated Interpretative Guideline for Secured Unit which will address the waiver request. This will be presented under Discussion Interpretative Guidelines Approval.**

UNICOI COUNTY MEMORIAL HOSPITAL, ERWIN

This forty-eight (48) bed general hospital is seeking to discontinue providing general surgery services under hospital rule 1200-08-01-.07(1) regarding surgery services. Unicoi County Memorial Hospital had a significant decline in surgery volumes and this has led to concerns in the ability of maintaining surgical staff and maintaining necessary competencies to ensure quality care. Unicoi County Memorial Hospital is seeking to (1) a determination by the Board that surgery services are optional and a waiver is not required; or (2) if a waiver is required Unicoi County wish to waive that requirement to provide surgical services.

Representative(s): Dan Elrod, Attorney and Eric L. Carroll, Administrator/AVP

MAYBELLE CARTER SENIOR ADULT HOME, NASHVILLE

This seventy-four (74) ACLF facility is seeking to waive ACLF Regulation 1200-08-25-.09(16)(b) regarding the number of beds in each bedroom. Maybelle Carter is seeking to renovate the facility and is considering modification that would provide up to three (3) residents sharing certain common space within a shared space configuration of a half wall providing privacy in the sleeping area only.

Representative(s): Chris Puri, Attorney

****Denied by Assisted Care Living Facility/Facilities Construction Standing Committee on April 29, 2016 Meeting for the Waiver Request; Proposal Did Not Meet the Intent of the Rule. Maybelle Carter Senior Adult Home would request that the BLHCF consideration of its request, and the recommendation from the ACLF subcommittee, be tabled and/or deferred until such time as the facility can have further discussions with TDH Plans Review staff.**

MAURY REGIONAL MEDICAL CENTER, COLUMBIA

This two hundred fifty-five (255) 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. Maury Regional Medical Center, Columbia therapy services are delivered in three (3) hospital facilities, Marshall Medical Center, Lewisburg, twenty-five (25) critical access hospital, Wayne Medical Center, Waynesboro, eighty (80) acute care

hospital with 15 beds allocated for swing beds patients, and one (1) is located at the hospital location.

Representative(s): Paul Betz, Senior Vice-President/Chief Operating Officer and Cindy Kington, Director, Rehab Services

**VANDERBILT UNIVERSITY MEDICAL CENTER (VUMC),
NASHVILLE**

Vanderbilt University Hospital, Nashville, is requesting to waive certain section of the 2010 Facility Guidelines Institute (FGI) guidelines regarding several rooms variance from the component project of 17-bed observation unit in the 7 South building. Fourteen (14) of the seventeen (17) rooms will be used for inpatients on a temporary basis. VUMC is requesting that the guidelines be waived for two (2) years.

Representative(s): Dan Elrod, Attorney, Mitch Edgeworth, CEO, Vanderbilt Hospital and Clinics, Ginna Felts, Vice President, Business Development and Luke Gregory, CEO, Monroe Carell, Jr, Children's Hospital at Vanderbilt

****Approved by the Facilities Construction Standing Committee on April 29, 2016 Meeting.**

AVALON HOSPICE, NASHVILLE

Avalon Hospice Agency is seeking a waiver to open three (3) new branch offices located in the Crossville (approximately 106 miles from the Nashville parent office), Bristol (approximately 284 miles from the Nashville parent office), and Sevier County areas (approximately 205 miles from the Nashville parent office). The Sevier County branch office will be in Pigeon Forge, Sevierville or Gatlinburg (all proposed locations are within 14 mile distance of one another). Avalon has a geographic service area of all 95 counties in Tennessee. Avalon Hospice has requested and received similar waivers from the Board in 2015, 2014 and in May 2009.

Representative(s): Gusti McGee, Director of Regulatory Services, Janet Sheeks, Area Vice President of Operations and James Cocke, Vice President of Operations

6. 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. UNICOI COUNTY MEMORIAL HOSPITAL, ERWIN

This forty-eight (48) bed general hospital is seeking to discontinue providing general surgery services under hospital rule 1200-08-01-.07(1) regarding surgery services. Unicoi County Memorial Hospital had a significant decline in surgery volumes and this has led to concerns in the ability of maintaining surgical staff and maintaining necessary competencies to ensure quality care. Unicoi County Memorial Hospital is seeking to (1) a determination by the Board that surgery

services are optional and a waiver is not required; or (2) if a waiver is required Unicoi County wish to waive that requirement to provide surgical services.

Representative(s): Dan Elrod, Attorney and Eric L. Carroll, Administrator/AVP

C. Board approval of current editions of building codes to be utilized by Plans Review. – Bill Harmon, Facilities Construction Director

D. BOARD APPROVAL FOR THE FOLLOWING INTEPRETATIVE GUIDELINES

(1) Approval of Interpretative Guideline language for Assisted Care Living Facility Rule 1200-08-25-.06(2)(4) regarding Sign Postings and the usage of electronic posting.

(2) Approval of Interpretative Guideline language for Tennessee Ambulatory Surgery Center Association (TASCA) 1200-08-10-.06(2)(g) regarding the treatment of malignant hyperthermia (MH) with Rynadex.

(3) Approval of Interpretative Guideline language revision for Assisted Care Living Facility Rule 1200-08-25-.02(36) Definition of a Secured Unit.

(4) Approval of Interpretative Guideline language for Home Health Agency (HHA) VA Physician Exemption 1200-08-26-.01(48) and 1200-08-26-.05(4)&(8).

E. Assisted Care Living Facilities (ACLF) Administrators Testing Documents.
– Ann Rutherford Reed

7. APPROVAL OF MINUTES.

(1) Assisted Care Living Facility Standing Committee Meeting –August 18, 2015
(2) Assisted Care Living Facility Standing Committee Meeting –November 16, 2015
(3) Assisted Care Living Facility Standing Committee Meeting –January 7, 2016
(4) Assisted Care Living Facility and Facility Construction Standing Committee Meeting –January 7, 2016

(5) Assisted Care Living Facility Standing Committee Meeting –April 29, 2016
(6) Performance Improvement Issue Standing Committee Meeting –December 15, 2015
(7) Performance Improvement Issue Standing Committee Meeting –January 12, 2016
(8) Performance Improvement Issue Standing Committee Meeting – March 29, 2016

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

A. CONSIDERATION.

(INITIALS)

B. RATIFICATION.

1. QUALIFYING APPLICATIONS

(INITIALS)

AKM of Tennessee, Inc., Greeneville-Professional Support Services
Clover Hill Senior Living, Maryville-Assisted Care Living Facility
DJO, LLC, Nashville-Home Medical Equipment Facility
Fresenius Medical Care Bristol Home Therapies, Bristol-End Stage
Disease Facility
Grace Place, Hendersonville-Home for the Aged Facility
Help At Home, Inc., Greeneville-Professional Support Services
Jones Therapy Services, Franklin-Professional Support Services
Just Breathe Oxygen & Medical Equipment, Cookeville-Home Medical
Equipment Facility
Long Hollow Terrace Annex, Hendersonville-Home for the Aged
Morning Pointe of Franklin, Franklin-Assisted Care Living Facility
Providential Therapy Solutions, Huntsville-Professional Support Services
Rural Physician Partners, DME, Franklin-Home Medical Equipment
Facility
Satellite WellBound of Memphis, Memphis-End Stage Renal Disease
Facility
Signature Living of Rogersville, LLC, Rogersville-Assisted Care Living
Facility
Southeast Medical, Inc., South Pittsburg-Home Medical Equipment
Facility
The Courtyards Senior Living-Knoxville-Assisted Care Living Facility

2. (CHOWS)

Adoration Home Health, LLC, Nashville-Home Health Agency
Belcourt Terrace, Nashville-Nursing Home
EldeReed Haus Assisted Living Facility, Limestone-Assisted Care Living
Facility
EldeReed Health and Rehab, Limestone-Nursing Home
Hearthside Senior Living at Collierville, Collierville-Assisted Care Living
Facility
Madisonville Health and Rehab Center, Madisonville-Nursing Home
Facility
Memphis Surgery Center, Memphis-Ambulatory Surgical Treatment
Center
River Terrace Health and Rehab Center, Covington-Nursing Home
Facility
Still Waters Home Health Agency, Cordova – Home Health Agency

9. LICENSE STATUS UPDATES.

VANDERBILT UNIVERSITY MEDICAL CENTER, NASHVILLE

A waiver was granted on January 23, 2014 to allow Vanderbilt University Medical Center, Nashville to use an area of the first floor temporarily as an observation unit and to waive the space requirements of the rooms and cubicles located in the observation unit; and must submit a report in two (2) years to update on the continued temporary usage of this area. Vanderbilt University Medical Center continues to use a portion of the first floor temporarily as an observation unit in accordance to the granted waiver and intends to continue such use for approximately two (2) more years.

ROSEWOOD MANOR, INC., COLUMBIA

A waiver was granted on January 20, 2010 to place their license on inactive status for 24 months. An extension waiver was granted on September 14, 2011 for additional 12 months and a second extension waiver was granted on September 11, 2013 for additional 36 months. Currently, Tennessee Health Management, Inc. has notified our office on March 7, 2016 that they have chosen to close Rosewood Manor's license upon expiration date effective June 29, 2016.

STARR REGIONAL MEDICAL CENTER, ATHENS

In May 2014 this hospital had temporarily discontinued acute care services for inpatient beds at its satellite location, Starr Regional Medical Center, Etowah. At the September 2014 Board meeting Starr Regional Medical Center was approved to allow 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. Starr Regional Medical Center is requesting that these beds continue to be included in their license for an additional period of two (2) years as they continue to evaluate the long-term plans and the options for services provided at this facility.

10. BOARD POLICY CONSENTS.

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

Alexian Village Health and Rehabilitation Center, Signal Mountain
Life Care Center of Blount County, Louisville
Signature HealthCare of Rogersville, Rogersville
Trenton Health and Rehabilitation, Trenton
WellPark at Shannondale, Knoxville
West Tennessee Transitional Care, Jackson

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:

NHC Place at The Trace (Nursing Home) and NHC Place at The Trace (ACLF)
The Meadows, Nashville (Nursing Home) and The Meadows, Nashville (RHA)

11. REGULATION(S).

A. BOARD APPROVAL FOR RULEMAKING HEARING.

- (1) Approval of Rule language for ASTC Rule 1200-08-10-.06(2)(g) regarding the treatment of malignant hyperthermia (MH) with Rynadex usage.
- (2) 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.
- (3) Approval for Rule language for ACLF Rules 1200-08-25 regarding "Medication Administration".

12. REPORTS

- A. **EMS REPORT** - Robert Seesholtz
- B. **OFFICE OF GENERAL COUNSEL REPORT** – Kyonzte' Hughes-Toombs

13. ORDERS.

- A. **Consent Orders.**
- B. **Orders.**