



The Tennessee Sunshine Law 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: May 25, 2021

To: Sara Tanksley, Director of Communications 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: 534967)

Date of Meeting: June 2, 2021

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

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

Major Item(s) on Agenda: See attachment.

LINK TO LIVE VIDEO STREAM:

June 2, 2021

<https://tdh.streamingvideo.tn.gov/Mediasite/Play/446d9d7ec22e494fba686e06a56b42d61d>

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.

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

BOARD MEETING

JUNE 2, 2021

**IRIS CONFERENCE ROOM, FIRST FLOOR
9:00 a.m.**

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

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- I. WELCOME NEW INTERIM DIRECTOR FOR HEALTH CARE FACILITIES:
MRS. SALLY PITT.**
 - II. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
 - III. LEGISLATIVE UPDATE 2021 – Patrick Powell, Office of Legislative Affairs**
 - IV. RULEMAKING HEARING(S)**
 - V. DISCUSSION OF THE REVISION OF BOARD POLICY #82.**

REPRESENTATIVE(S): Kyonzte Hughes-Toombs, Deputy General Counsel, OGC

VI. LICENSE STATUS REQUESTS.

A. NASHVILLE SURGERY CENTER, NASHVILLE (ASTC #12)

This ASTC facility is requesting a fourth extension waiver for their license to remain on inactive status for an additional twelve (12) months through June 2022. The owner has completed syndication of ownership interests to area surgeons, and the necessary renovations of the facility are underway. The estimated time for completion is approximately six (6) months. It is anticipated the license will be reactivated before

the June 2022 meeting. Extension of the inactive status is requested in case of any unexpected delays in reopening this facility. Nashville Surgery Center was granted inactive status on September 18, 2015 for two (2) years; an inactive status extension waiver was granted October 4, 2017 for eighteen (18) months; a second extension waiver was granted on February 5, 2019 for one (1) additional year; a third extension waiver was granted on February 5, 2020 for an additional 16 months which will expire June 2, 2021.

REPRESENTATIVE(S): Jerry W. Taylor, Attorney

B. SISKIN HOSPITAL'S SUBACUTE REHABILITATION PROGRAM, CHATTANOOGA (NH #382)

This twenty-nine (29) bed nursing home facility is requesting a fourth extension waiver for their license to remain on inactive status for an additional one (1) year through June 2022. Siskin continues to explore options for these beds, but the ability to develop definitive plans for the beds has been significantly affected by the COVID-19 pandemic. Siskin Subacute was placed on inactive status for one (1) year on June 7, 2017 which expired June 7, 2018; an extension inactive status waiver was granted June 7, 2018 which expired June 7, 2019; a second extension inactive status for one (1) year on June 7, 2019 which expired June 7, 2020 and a third extension inactive status for one (1) year and will expire on June 7, 2021.

REPRESENTATIVE(S): Dan Elrod, Attorney

C. SAPLING GROVE ASC, BRISTOL (ASTC #116)

This ambulatory surgical treatment center is requesting a second extension waiver for their license to remain on inactive status for an additional one (1) year through June 2022. The process for determining the potential reopening of Sapling Grove ASC has been significantly affected by the COVID-19 pandemic. In light of these developments, the request for inactive status for one (1) additional year will give Ballad Health additional time to determine future uses of the facility. Sapling Grove ASC was placed on inactive status for one (1) year on June 5, 2019 which expired June 3, 202 and an extension inactive status was granted for one (1) year on June 3, 2020 was granted which will expire on June 2, 2021.

REPRESENTATIVE(S): Dan Elrod, Attorney

D. DECATUR COUNTY GENERAL HOSPITAL, PARSONS (HOSP #28)

This forty (40) bed hospital facility is requesting an extension waiver for their license to remain on inactive status for an additional one (1) year through June 2022. Decatur County General Hospital is in negotiations with a healthcare group looking to acquire the hospital for the purposes of providing healthcare in Decatur County. Decatur County General Hospital was placed on inactive status for one (1) year on June 3, 2020 which will expire June 2, 2021.

REPRESENTATIVE(S): Geoffrey Lindley, Attorney

E. MEMORIAL/MISSION OUTPATIENT SURGERY CENTER, CHATTANOOGA (ASTC #147)

This ambulatory surgical treatment center is requesting a sixth extension waiver to remain on inactive status for an additional one (1) year through June 2022. Leadership at Memorial/Mission continues to actively explore options for reactivating the facility's license, but this process has been significantly hampered by the COVID-19 pandemic. Continuation of inactive status will allow opportunity to fully evaluate proposals for reopening the facility. This facility's license was placed on inactive status for twelve (12) months on May 6, 2015 and expired May 6, 2016; an extension inactive waiver status for an additional twelve (12) months was granted on May 6, 2016 and expired June 7, 2017; a second extension inactive status for additional twelve (12) months was granted on June 7, 2017 and expired June 7, 2018; a third extension inactive status for additional twelve (12) months was granted on June 6, 2018 and expired June 6, 2019; a fourth extension inactive status for additional twelve (12) months was granted on June 6, 2019 and expired June 3, 2020; a fifth extension inactive status was granted for June 3, 2020 for twelve (12) months which will expire on June 2, 2021.

REPRESENTATIVE(S): Travis B. Swearingen, Attorney

F. BAPTIST TRINITY HOME CARE-PRIVATE PAY DIVISION, MEMPHIS (HHA #242)

This home health agency is requesting a third extension waiver for their license to remain on inactive status through June 2022. Baptist Trinity sought a partner to collaborate with on the future operations of its home care service. Those efforts have not yet been successful. The ability to evaluate potential arrangements has been adversely affected by the COVID-19 pandemic. This facility's license was placed on inactive status for one (1) year on June 6, 2018 and expired June 6, 2019; an extension inactive waiver status for an additional twelve (12) month was granted June 9, 2019 and expired June 3, 2020; and a second extension inactive waiver status for an additional one (1) year was granted on June 3, 2020 which will expire on June 2, 2021.

REPRESENTATIVE(S): Travis B. Swearingen, Attorney

G. JACKSON PARK CHRISTIAN HOME, NASHVILLE (NH #55)

This twenty-eight (28) bed nursing home facility is requesting its eighth extension waiver for their license to remain on inactive status through June 2022. Signature continues its efforts to find either a viable purchaser or a viable development opportunity for the facility's beds with another replacement facility. The past fifteen (15) months, during the COVID-19 public health emergency, have essentially been "lost" as Signature has been unable to devote any resources to this matter, and there has been little, if any, market for such transactions. Jackson Park Christian Home's license was placed on inactive status for twelve (12) months on May 2, 2012; an extension waiver for inactive status was granted for an additional twelve (12) months on May 1, 2013; a second extension was granted on May 8, 2014 for an additional twelve (12) months; a third extension was granted on May 6, 2015 for an additional twelve (12) months; a fourth extension was granted on May 4, 2016 for an additional twelve (12) months; a fifth extension was granted on June 7, 2017 for an additional twelve (12) months; a sixth extension was granted on June 6, 2018 for twenty-four

(24) months; and a seventh extension was granted on June 3, 2020 which will expire on June 3, 2021.

REPRESENTATIVE(S): Chris Puri, Attorney

H. COOKEVILLE REGIONAL MEDICAL CENTER/UPPER CUMBERLAND PHYSICIAN'S SURGERY CENTER, COOKEVILLE (ASTC #155)

This ASTC facility is requesting to place their license on inactive status through June 2022. On January 1, 2021, Cookeville Regional became owner of 100% of the ownership interests in the limited liability company. For administrative efficiencies, the ASTC has been converted to a hospital-based outpatient surgery facility and operation of the premises as an ambulatory surgical treatment center has been suspended. In placing this license on inactive status, it will provide the owner, Cookeville Regional, the opportunity to consider potential relocation of the ASTC.

REPRESENTATIVE(S): Dan H. Elrod, Attorney

VII. WAIVER REQUESTS.

A. SISKIN HOSPITAL FOR PHYSICAL REHABILITATION, CHATTANOOGA (HOSP #67)

This eighty-eight (88) bed hospital facility is requesting a second extension request of the temporary addition of twelve (12) IRF beds until December 31, 2021. The extension of the temporary twelve (12) bed addition is to carry Siskin through the completion of the build out of their 2-East Unit in which the permanent ten percent triennial increase will be put into place which was granted at the October 7, 2020 Board meeting. Patients are being turned away on a regular basis due to the unavailability of beds, especially those individuals dealing with COVID-19. While new cases of COVID-19 are declining the need for care in our post-COVID program continues to increase.

REPRESENTATIVE(S): Matthew Gibson, President & CEO

B. BROOKDALE GREEN HILLS CUMBERLAND, NASHVILLE (ACLF #294)

This facility is applying for a waiver to admit a 90 years old man who lived in an Independent Living facility in Arizona that requires a gastrostomy feeding tube in accordance with ACLF rule 1200-08-25-.08(4)(b)2. He is not able to care for this himself due to Neuropathy and Parkinson's disease. He is independent with all other ADLs and is able to flush the tube and administer his meds himself after the nurse crushes them. He will use our NP here at the community and we have an RN on staff and LPN's here 24/7.

REPRESENTATIVE(S): Mark Davis, Executive Director

C. VANDERBILT UNIVERSITY MEDICAL CENTER, NASHVILLE (HOSP #27) – CONTINGENT WAIVER REQUEST – BOARD POLICY #82

Vanderbilt University Medical Center (VUMC), Nashville contingent waiver request related to the continued use of two areas in the facility that have been operated as part of VUMC's responses to the COVID-19 pandemic. The areas covered by that request are (1) the temporary emergency department waiting and screening areas and (2) the temporary use of seven (7) observations beds for inpatients on the 8th floor of the

Medical Center East building. After further analysis, VUMC has determined the contingent need for additional waivers related to the temporary semi-private occupancy of fifteen (15) rooms located in the round wing north tower, and south tower. VUMC requests waivers of FGI requirements to accommodate temporary semi-private occupancy of the rooms as listed in their letter. VUMC is requesting that the waivers described in the original letter and their supplement letter be granted until the Board meeting in June of 2022.

Vanderbilt University Medical Center (VUMC), Nashville, is requesting the waivers be considered if the following action is taken; Board Policy #82 is not extended.

REPRESENTATIVE(S): Dan H. Elrod, Attorney

D. TENNOVA HEALTHCARE-PHYSICIANS REGIONAL MEDICAL CENTER (PRMC), KNOXVILLE, TENNOVA HEALTHCARE-NORTH KNOXVILLE MEDICAL CENTER (NKMC); TENNOVA HEALTHCARE-TURKEY CREEK MEDICAL CENTER (TCMC), (HOSP #45)

Tennova Healthcare Knoxville is requesting to extend a waiver for licensed beds assigned to the campus of Physician Regional Medical Center (PRMC) until June 30, 2023. Three (3) Tennova hospitals (North Knoxville Medical Center, Turkey Creek Medical Center, and PRMC) operate under a consolidated license. At the time of the original request, the bed complement consisted of 333 med/surg beds, 38 psychiatric beds, and 30 rehabilitation beds.

On June 26, 2019, Health Service and Development Agency (HSDA) approved a free standing, 57 bed rehabilitation hospital to serve East Tennessee. One component of that project was the commitment of Tennova to contribute the 30 rehabilitation beds at PRMC, and 27 additional rehabilitation beds at Lakeway Medical Center, Morristown Lic #72 which is in inactive status. This new rehabilitation hospital is scheduled to open on June 22, 2021. Tennova's commitment to the Board will result in delicensure of 57 rehabilitation beds. In February 2020, HSDA approved a new free standing 64 bed mental health hospital to serve East Tennessee. The new hospital is scheduled to open March 2022. A component of this project was the commitment of Tennova to contribute 38 psych beds from the PRMC campus and subsequent delicensure of 38 beds from PRMC. North Knoxville Medical Center has filed a certificate of need application for a new patient tower which will include the addition of 56 med/surg beds. The new patient tower at North Knoxville Medical Center is scheduled to open in 2023. Their CON will be considered later this month at the June HSDA meeting.

The approval of this waiver request will allow for completion of the above-mentioned projects and final decisions regarding other projects which are currently under consideration.

REPRESENTATIVE(S): Warren L. Gooch, Attorney

VIII. DISCUSSION(S).

- A. Tennessee Association for Home Care (TAHC) presented a bill to effectuate the CARES Act by changing the statutory definition of home health services to allow NPs and PAs to order home health services. This bill has been signed by the Governor. TAHC has requested the Home Health Rules, 1200-08-26 be changed so the rules may be amended to mirror the change.

REPRESENTATIVE(S): Maegan Carr Martin, JD, Executive Director

- B. Approval of the Joint Annual Report on the Status of Children's Emergency Care Alliance of Tennessee (CECA TN) 2021.

REPRESENTATIVE(S): Natasha Kurth, Executive Director
Children's Emergency Care Alliance of Tennessee
(CECA TN)

- C. Extension of Interpretative Guidelines and Board Policy #82 regarding COVID-19 Crisis Waivers in Effect Until the June 2, 2021 Board meeting.

1. Assisted Care Living Facility rule 1200-08-25-.10(3)(a & b) and Homes for the Aged rule 1200-08-11-.08(2) regarding conducting of fire drills.
2. Assisted Care Living Facility Rule 1200-08-25-.08(1)(c) regarding admission or retention of resident with COVID-19.
3. Home Health Agency rule 1200-08-26-.05(2) & (4) regarding written plan of care being established & reviewed by a physician and care under the supervision of a physician and rule 1200-08-26-.05(8) regarding medication or treatment ordered by physician.
4. Home Health Agency rule 1200-08-26-.06(3)(b) regarding evidence of review of plan of care must include physician's signature.
5. Home Health Agency rule 1200-08-26-.06(7)(c) regarding supervisory visit by registered nurse to patient's place of residence at least monthly.
6. Hospice rule 1200-08-27-.05(3) & (5) regarding written plan of care being established & reviewed by a physician and care or treatment under the supervision of a physician and rule 1200-08-27-.05(9) regarding medication or treatment ordered by physician.
7. Hospice rule 1200-08-27-.06(11)(b) regarding supervisory visit by registered nurse to patient's place of residence at least monthly.
8. Hospital Rule 1200-08-01-.01(19) regarding definition of Critical Access Hospital.
9. Hospital Rule 1200-08-01-.05(23) et al regarding exceeding of licensed bed capacity during an emergency.

10. Nursing Home Rule 1200-08-06-.05(7) regarding admission in excess of licensed bed capacity.
11. Nursing Home Rule 1200-08-06-.15(3) regarding length of time a nurse aide may work in facility until name included on Nurse Aide Registry.
12. *Board Policy #82-Interpretation and Temporary Waiver of Rules Related to Treatment and Containment of COVID-19.*

IX. BOARD POLICY CONSENTS.

A. THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(1) FOR A TENNESSEE REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE BY BOARD POLICY #81:

1. Whitehaven Community Living Center, Memphis #258
- Charlotte Jackson-Paul, Temporary Administrator
2. Tristate Health & Rehabilitation Center, Harrogate #38
- Keith Paul, Temporary Administrator

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

1. Jefferson Park at White Pine, White Pine – File #421
2. Obion County Nursing Home, Union City – NH #196

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

A. SPECIAL CONSIDERATION.

1. (INITIALS)
N/A
2. (CHOWS)
N/A

B. RATIFICATION.

1. **QUALIFYING APPLICATIONS (Approval)**
(INITIALS)

- (a) **Assisted Care Living Facilities**
 Harmony at Bellevue, Nashville
 Harmony at Mt. Juliet, Mt. Juliet
 The Capstone at Station Camp Senior Living, Gallatin
- (b) **Home Medical Equipment**
 Mountain West Medical Supply, LLC, Clinton
 Pretty in Pink Boutique, Franklin
 Rehab Medical, LLC, Nashville
- (c) **Professional Support Services, Antioch**
 Kayla Doane, Knoxville

2. **(CHOWS)**

- (a) **Hospitals**
 Jellico Regional Hospital, LLC, Jellico

XI. APPROVAL OF MINUTES.

- A. April 7, 2021 Board Meeting

XII. LICENSE STATUS UPDATES.

AMEDISYS HOSPICE, AN ADVENTA COMPANY, KNOXVILLE-HOSPICE #344

This hospice branch located in Sweetwater is having a plumbing issue and has moved to a sister branch office of license #343 located in Athens. The plumbing is causing a strong smell in their office. The landlord is addressing the problem and said it should be resolved soon and the agency branch office under license #344 will be able to return to their office within two (2) weeks.

LVC OUTPATIENT SURGERY CENTER, GOODLETTSVILLE (ASTC #149)

Nashville TN Ophthalmology ASC, LLC, the owner and primary operator of LVC Outpatient Surgery Center, Goodlettsville, does not intend to seek an extension of inactive license status. No future operations are planned for this facility and its owners are in the process of winding-down and dissolving the business. We expect that process to be completed shortly and the facility's license will be returned to the Department.

***FACILITY CLOSURES**

See attachment.

XIII. REPORTS.

- A. **EMS REPORT** – Robert Seesholtz, Trauma System Manager, EMS
- B. **NURSE AIDE REPORT** – Keonia Moore, Program Manager, CNA
- C. **OFFICE OF GENERAL COUNSEL REPORT** – Kyonzte´ Hughes-Toombs,
 Deputy General Counsel, OGC

D. UPDATE ON RURAL HOSPITALS.

XIV. ORDERS.

A. CONSENT ORDER(S).

XIV. REGULATION(S).

**A. BOARD APPROVAL FOR RULEMAKING HEARING
N/A**

**B. PROPOSED RULE LANGUAGE
N/A**