



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: May 30, 2019

To: Shelley Walker, 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: 152602#)

Date of Meeting: June 5, 2019

Time: 9:00 a.m., CDT

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

Major Item(s) on Agenda: See attachment.

LINK TO LIVE VIDEO STREAM:

<https://web.nowuseeit.tn.gov/Mediasite/Play/658cfc6319104ace870078c4976183e61d>

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*

BOARD FOR LICENSING HEALTH CARE FACILITIES

JUNE 5, 2019

IRIS CONFERENCE ROOM, FIRST FLOOR
9:00 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. REPORTS.**
 - A. LEGISLATIVE UPDATE 2019** – Sara Warner and Patrick Powell,
Office of Legislative Affairs
 - B. EMS REPORT** – Robert Seesholtz
 - C. OFFICE OF GENERAL COUNSEL REPORT** – Caroline Tippens
 - D. OFFICE OF HEALTH CARE FACILITIES REPORT** – Vincent Davis
- 3. BOARD APPROVAL FOR THE FOLLOWING INTERPRETATIVE GUIDELINES**
 - A. Interpretative Guidelines – Supervision of “unskilled” services delivered in the patient’s residence. – Home Health Services Rule 1200-08-26-.06(7)(c).**

4. LICENSE STATUS REQUESTS.

PLANNED PARENTHOOD OF TENNESSEE AND NORTH MISSISSIPPI (PPTNM), NASHVILLE-ASTC #15

This ambulatory surgical treatment facility is seeking to place their license on inactive status. The Nashville Health Center has not provided surgical abortions since November 30, 2018. Following a merger of Planned Parenthood Greater Memphis Region and Planned Parenthood of Middle and East Tennessee, the Nashville Health Center temporarily interrupted its surgical services to fill gaps in staffing and that all staff understands and adhere to the same policies and procedures. Planned Parenthood of Tennessee and North Mississippi plan to resume providing surgical services at the Nashville Health Center in early June but will alert the office for a definitive target date.

REPRESENTATIVE(S): Ashley Coffield, CEO

WAYNE COUNTY NURSING HOME, WAYNESBORO #277

This forty-six (46) bed nursing home is requesting a third extension waiver for their license to remain on inactive status pending completion of the CON project. Waynesboro Healthcare, LLC, Cleveland was granted a 24-month extension of their CON to April 1, 2019 and the organization decided to withdraw their CON pending relocation and replacement of beds. Waynesboro has decided to seek a new CON to relocate and replace the 46 beds which will give them time to finalize the scope, obtain the project costs, and complete construction. The CON project is moving forward and Wayne County Nursing Home would like to keep the 46 beds on inactive status as they go through this process. This facility's license was placed on inactive status on September 10, 2014 which expired on May 10, 2015, an extension waiver was granted on September 7, 2016 which expired February 8, 2017, and a second extension was granted on February 8, 2017 which expires on June 6, 2019.

REPRESENTATIVE(S): Kelli A. Canan, Director of Licensure and Certification

UPPER CUMBERLAND HOSPICE AND PALLIATIVE CARE, LLC, CHATTANOOGA #9

Upper Cumberland Hospice and Palliative Care, LLC, Cookeville, a residential hospice facility is requesting a second extension waiver for their license to remain on inactive status. Upper Cumberland Hospice and Palliative Care LLC, Cookeville was placed on inactive status on February 8, 2017 which expired February 2018, and an extension inactive status waiver was granted on February 7, 2018 which expired on February 7, 2019.

REPRESENTATIVE(S): Tracy Wood, President and CEO and Tim Heath, EVP Business Development

SISKIN HOSPITAL'S SUBACUTE REHABILITATION PROGRAM, CHATTANOOGA #382

This twenty-nine (29) bed nursing home facility is requesting a second extension waiver for their license to remain on inactive status through June 2020. Siskin continues to explore options for deployment of their beds, but a definitive plan has not yet been developed. 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 expires on June 7, 2019.

REPRESENTATIVE(S): Dan Elrod, Attorney

SAPLING GROVE ASC, BRISTOL #116

This ambulatory surgical treatment center is seeking to place their license on inactive status. The physicians who previously owned an interest in this facility has shifted their surgeries to other facilities. Surgeries are not currently being scheduled at Sapling Grove and the entity that owns this facility is in wind-down pending a determination as to the future possible uses of the facility.

REPRESENTATIVE(S): Dan Elrod, Attorney

MEMORIAL/MISSION OUTPATIENT SURGERY CENTER, CHATTANOOGA #147

This ambulatory surgical treatment center is requesting a fourth extension waiver to remain inactive status until June 2020. Leadership of Memorial/Mission continues to actively explore options for reactivating the facility's license. 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 which expired May 6, 2016; an extension inactive waiver status for additional twelve (12) months was granted on May 5, 2016 which expired June 7, 2017; an second extension inactive status for additional twelve (12) months was granted on June 7, 2017 which expired June 7, 2018; and a third extension inactive waiver status for additional twelve (12) months was granted on June 6, 2018 for additional twelve (12) months which expires June 6, 2019.

REPRESENTATIVE(S): Dan Elrod, Attorney

CHRISTIAN CARE CENTER OF MEDINA f/k/a MILAN HEALTH CARE CENTER, MILAN #308

This sixty-six (66) nursing home bed facility is requesting a second extension waiver for their license to remain on inactive status through October, 2020. A Certificate of Need (CON) application for relocation and replacement of this facility was approved on June 27, 2018 and is valid thru August 1, 2020. Since the Board meets after August, 2020 a second extension of inactive status is requested until the October 2020 Board meeting.

REPRESENTATIVE(S): Jerry Taylor, Attorney

CUMBERLAND RIVER HOSPITAL, CELINA #15

This thirty-three (33) hospital bed facility is requesting to place their license on inactive status effective March 1, 2019 concurrent with the Hospital's cessation of operations. Final accounts for the Hospital are currently being processed, and that process is expected to take several months.

REPRESENTATIVE(S): Michaela D. Poizner, Attorney

TRINITY MANOR SUITES, GALLATIN #623

This six (6) bed RHA is seeking to place their license on inactive status effective May 1, 2019. The owner stated she is unable financially to keep the facility afloat and is searching alternative options. If no interest to re-open facility owner will surrender license on or before August 22, 2019.

REPRESENTATIVE(S): Andrea McGuire, Owner/Administrator

BAPTIST TRINITY HOME CARE-PRIVATE PAY DIVISION, MEMPHIS #242

This home health agency is seeking to request an extension waiver for their license to remain on inactive status through June 5, 2020. This will allow Baptist-Trinity to reach a definitive plan for the future operation of this service.

REPRESENTATIVE(S): Travis B. Swearingen, Attorney

5. WAIVER REQUESTS.

NORTH KNOXVILLE MEDICAL CENTER, POWELL #45

This six hundred and ten (610) bed hospital is requesting to increase their acute care beds count by eight (8) licensed beds for a new birthing center. The total licensed acute bed complement will be one hundred and eight beds (108) beds upon approval. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g).

REPRESENTATIVE(S): Clyde Wood, CEO

SUMNER REGIONAL MEDICAL CENTER, GALLATIN #116

This one hundred and fifty-five (155) bed hospital is requesting to increase their acute care beds count by twelve (12) licensed beds. The total licensed beds complement will be one hundred and sixty-seven (167) beds upon approval. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g).

REPRESENTATIVE(S): Susan Peach, CEO

DELTA MEDICAL CENTER, MEMPHIS #106

This two hundred twenty-three (223) bed hospital is seeking to discontinue surgical services under hospital rule 1200-08-01-.07(1). Delta Medical Center has not been able to provide surgical services at the hospital since 2016 as a result of both outdated facilities and equipment and having difficulty securing physician coverage. In addition, Delta is seeking to close its emergency room. Patients in southeast Memphis and surrounding communities do not rely on Delta for true emergency care. Most importantly, this is an ongoing financial drain which directly impacts Delta’s ability to focus on and expand its core services.

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

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

This home medical equipment provider came before the Board May 4, 2016 requesting an interpretation that a RespirTech individual employee’s home would meet the physical location requirements of the HME regulations. RespirTech is currently seeking to slightly modify the previously approved waiver to allow the usage of corporate office space to serve as the physical location for Tennessee DME provider license.

In addition to location modification, RespirTech is requesting the Board to waive or modify nine (9) other HME regulations which are specified in the waiver request letter.

REPRESENTATIVE(S): Chris Puri, Attorney

**RESPIRONICS, INC., DBA PHILIPS RESPIRONICS AND RESPIRONICS
COLORADO, INC., COLORADO**

This potential applicant as a home medical equipment provider in Tennessee is seeking an interpretation and/or waiver of twelve (12) provisions of the HME Regulations 1200-08-29 including the physical location regulation. Respiroics, Inc., is requesting to be consistent with previous waiver approvals that were granted to home medical equipment provider RespirTech in May 2016 and to National Biological Company in October 2017. This provider will offer to consumers a product known as “Simply Go Mini” which is a portable oxygen concentrator as well as other durable medical equipment. Respiroics’ “Simply Can Mini” will be delivered to patients only through mail order delivery. The product is also not covered under Medicare and/or Medicaid. Like the related company, RespirTech, all equipment-related problems and returns are handled through company support resources and not at the physical location in Tennessee.

REPRESENTATIVE(S): Chris Puri, Attorney

6. DISCUSSION(S).

A. J.B. Knowles Assisted Living, Nashville fka Autumn Hills Assisted Living, Nashville #79 (ACLF) – Request to Lift Probation.

REPRESENTATIVE(S): Melvin Corlew, Administrator

- B. Home Healthcare Solutions of Davidson, LLC, Nashville (PSS-333) – Updated Progress Report by facility on securing DIDD contract.
- REPRESENTATIVE(S):** Tony O’Digie, Owner
- C. Vanderbilt University Medical Center, Nashville (HOSP-27) – Updated Progress Report on Accepted Plan of Correction (POC).
- REPRESENTATIVE(S):** Dan Elrod, Attorney, Dr. Wright Pinson, Deputy Chief Executive Officer/Chief Health System for VUMC; Marilyn Dupree, Executive Chief Nursing Officer; and Mitch Edgeworth, CEO.
- D. Legacy Assisted Living and Memory Care, Memphis (ACLF) Progress Report.
- REPRESENTATIVE(S):** Joe Jasmon, CEO, American Healthcare Mgmt.
- E. Cades Center, Inc., Jackson (ACLF-350) – Status on Meeting the Requirements of the Consent Order of February 5, 2019.
- REPRESENTATIVE(S):** Linda K. Burton, Administrator
- F. Approval of the Joint Annual Report on the Status of Children’s Emergency Care Alliance of Tennessee (CECA TN) 2019.
- REPRESENTATIVE(S):** Natasha Kurth, Executive Director
Children’s Emergency Care Alliance of Tennessee (CECA TN)
- G. SRS-Nashville HH+, LLC, Nashville (Sanderling) (ESRD-233)-Unacceptable Plan of Correction and Update Report and Approval of Plan of Correction.
- REPRESENTATIVE(S):** Dr. Jerome Tannenbaum, Owner and Clay Bird, Attorney
- H. Inaugural Meeting of the Coordinated Community Response on Elder Abuse in regards to Grant Work with the Plough Foundation.
- REPRESENTATIVE(S):** Jim Shulman, HCF Chairman Pro Tem Board Member
- I. Prestige Assisted Living of Loudon County, Loudon #53 (ACLF) – Progress Report
- REPRESENTATIVE(S):** Nikki Zaveri, Administrator
- J. Introduce \$3,000 ALCF CMP amount for CMP tags rising to actual harm of ALCF resident.
- REPRESENTATIVE(S):** Caroline Tippens, Attorney, Office of General Counsel

K. Defined ‘Sleeping hours’ in ACLFs and RHAs.

REPRESENTATIVE(S): Craig Parisher, Facilities Construction Director

L. Autumn Ridge Manor, White Bluff #53-Unacceptable Plan of Correction and Approval of Plan of Correction.

REPRESENTATIVE(S): Steve Farless, Administrator and Joe Moore, President, Biblical Concepts Housing

7. APPROVAL OF MINUTES.

A. February 5, 2019 – Board Meeting

B. April 16, 2019 – Performance Improvement Issue Standing Committee Meeting

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

A. SPECIAL CONSIDERATION

(INITIALS)

(CHOWS)

Riverdale Assisted Living Facility, Memphis

B. RATIFICATION.

1. QUALIFYING APPLICATIONS (Approval)

(INITIALS)

(a) Assisted Care Living Facility

Clarendale at Indian Lake, Hendersonville

Jubilee Hills, Goodlettsville

Jubilee House at Warfield, Clarksville

Princeton Transitional Care & Assisted Living, Johnson City

Traditions of Smyrna, Smyrna

(b) End Stage Renal Disease Facility

FKC Sandy River, Paris

Foreman Drive Home Training, Cookeville

Fresenius Kidney Care Caryville, Caryville

Kidney Center of Ooltewah-Collegedale, LLC, Ooltewah

Lewis Creek Dialysis, Dyersburg

(c) Home Health Services

Advanced Nursing Solutions, Nashville

(d) Home Medical Equipment Facility

Diversity Ortho Solutions, Murfreesboro
Medly Health Solutions, LLC, Johnson City
Serious Health, Chattanooga
Star Med Supplies, LLC, Nashville
Strive Medical, LLC, Nashville

(e) Professional Support Services

Best Homecare, LLP, Kingston
Best Nurses, Inc., Memphis

(CHOWS)

(a) Ambulatory Surgical Treatment Center

Renaissance Surgery Center, Bristol

(b) Assisted Care Living Facility

Country Cottage-Lawrenceburg, Lawrenceburg

(b) Nursing Homes

BedrockHC at Spring Meadows, LLC, Clarksville
The Highlands of Dyersburg Health and Rehabilitation, Dyersburg
The Highlands of Memphis Health and Rehabilitation, Memphis

9. LICENSE STATUS UPDATES.

RENAISSANCE SURGERY CENTER, LLC, BRISTOL #177

This ambulatory surgical treatment facility had placed their license on inactive status on February 5, 2019. Since that time Renaissance has gathered equipment, contracted with payors and vendors, and has submitted its 855B application with Medicare. This facility's current plans are to perform its first procedure on May 14, 2019 and have request the Department to place their license back to active status. A survey was conducted May 14-15, 2019 with no deficiencies cited.

PENDLETON HOUSE OF LOVE, MEMPHIS (RHA-185)

This residential home for the aged at the February 5, 2019 Board meeting had requested for their license to be placed back to active status effective March 1, 2019. A survey is required before this facility can become active. A survey was scheduled for this facility but the surveyors could not conduct the survey due to the facility was locked. A second survey was schedule, but after speaking with the owner it was found that the facility was inaccessible again and the survey could not take place. The facility continues on inactive status which will expire on October 2019.

***FACILITY CLOSURES**

See attachment.

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:

Adamsville Healthcare and Rehabilitation Center, Adamsville #167
Christian Care Center of Bristol, Bristol #409
Claiborne and Hughes Nursing and Rehabilitation Center, Franklin #294
Decatur County Health Care and Rehabilitation, Inc., Parson #315
Durham-Hensley Health and Rehabilitation, Chuckey #310
Majestic Gardens at Memphis Rehabilitation and Skilled Nursing Center, Memphis #240
Mountain City Care & Rehabilitation Center, Mountain City #140
Stones River Manor, Inc, Murfreesboro #412

B. 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 BY BOARD POLICY #81:

(1) Palmyra Nursing and Rehabilitation Center, Palmyra (NH #192)
- Jeffery White, Temporary Administrator

11. ORDERS.

A. Consent Orders.

12. REGULATION(S).

A. BOARD APPROVAL FOR RULEMAKING HEARING

Change ACLF/RHA Administrators' renewal date from June 30th to birthdate of administrator.

B. PROPOSED RULE LANGUAGE

Propose revision to Nursing Home Rules 1200-08-06-.06(h) and Assisted Care Living Rules 1200-08-25-.08(i) that governs influenza and pneumococcal disease to include proposed shingles rule language.

REPRESENTATIVE(S): Jim Schmidt, President, Schmidt Government Solutions