



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: February 4, 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: February 5, 2019

Time: 9:00 a.m.

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

Major Item(s) on Agenda: See attachment.

LINK TO LIVE VIDEO STREAM:

February 5, 2019

<https://web.nowuseeit.tn.gov/Mediasite/Play/a4a4396430974b33aa587fca7db66fb31d>

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
LEE
COMMISSIONER

BILL
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

FEBRUARY 5, 2019

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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1. **WELCOME NEW BOARD MEMBERS:** Julie Jeter, M.D., Physician-Medicine Representative replacing Dr. Kenneth Robertson.
 2. **CONTESTED CASE HEARING.**
 3. **RULEMAKING HEARING(S)** – Notice of Rulemaking Hearings can be viewed online at: https://publications.tnsosfiles.com/rules_filings/11-01-18.pdf
 - A. 1200-08-12 Trauma Centers
 - 1200-08-12-.01 Preamble
 - 1200-08-12-.02 Authority
 - 1200-08-12-.03 Definitions
 - 1200-08-12-.04 Requirements
 - 1200-08-12-.05 Repealed
 - 1200-08-12-.06 Trauma Registry Data
 - 1200-08-12 Trauma Centers
 - 1200-08-12-.01 Preamble
 - 1200-08-12-.02 Definitions
 - 1200-08-12-.03 Facility Outreach
 - 1200-08-12-.04 Requirements
 - 1200-08-12-.05 Trauma Registry Data

4. REPORTS.

A. EMS REPORT – Robert Seesholtz

B. NURSE AIDE REPORT – Wanda King

C. OFFICE OF GENERAL COUNSEL REPORT – Caroline Tippens

(1) Update-EMS dissertation on the status of distinction between Level I and Level II trauma centers in adopting the rules.

D. TENNESSEE ARTS COMMISSION IMPLEMENTATION OF THE MUSIC & MEMORY PROGRAM IN TENNESSEE PROJECT.

REPRESENTATIVE(S): Anne Pope, Executive Director

5. LICENSE STATUS REQUESTS.

RENAISSANCE SURGERY CENTER, BRISTOL (ASTC #177)

This ambulatory surgical treatment facility is seeking to place their license on extension inactive status. This ASTC was recently acquired by Renaissance Surgery Center, LLC. The CHOW application has been submitted and has been tentatively approved pending ratification by the Board. The new owner want this license to be on inactive status in order to get Medicare certification; get Medicare number assigned and resume operations as soon as possible. The Renaissance Surgery Center saw their last patient on August 13, 2018 and has discontinued offering surgical services.

REPRESENTATIVE(S): Jerry Taylor, Attorney

LAKEWAY REGIONAL HOSPITAL, MORRISTOWN (HOSP. #72)

This one hundred thirty-five bed hospital is seeking to place their license on inactive status for three (3) years to determine if there is a future use for the beds. Lakeway Regional has ceased inpatient services on December 28, 2018. Tennova Healthcare has provided notice to the Centers for Medicare and Medicaid Services.

REPRESENTATIVE(S): Warren Gooch, Attorney and Tammy White, CEO, Lakeway Regional Hospital

BELCOURT TERRACE NURSING HOME, NASHVILLE-(NH #43)

This forty-nine (49) bed nursing home facility is requesting a third extension waiver for their license to remain on inactive status for an additional one (1) year. Belcourt Terrace Nursing Home ceased operation on December 15, 2015. The Purchaser entered into a contract to purchase the real estate for the replacement facility. The Purchaser is now actively working to secure proper zoning for the real estate and a Certificate of Need for the construction of the replacement facility. The Purchaser expects to be in position to complete the purchase of the license in the summer of 2019. Belcourt Terrace Nursing Home's license was initially placed on inactive status on January 2016 for one (1) year; an inactive status extension waiver granted on February 8, 2017 for one (1) additional year; and a second extension granted was granted on February 2018 which expires February 2019.

REPRESENTATIVE(S): Hannah Cole, Attorney

NASHVILLE SURGERY CENTER, NASHVILLE-(ASTC #12)

This ASTC facility is requesting a second extension waiver for their license to remain on inactive status for an additional twelve (12) months. The owner is in the process of re-syndicating ownership interests to a group of local surgeons, renovating the facility, and then re-opening the surgery center at its current location. Negotiating agreements with health plans, getting Medicare certification, getting construction plans approval and completing renovation progress is being made but additional time is needed. Nashville Surgery Center was granted inactive status on September 18, 2015 for two (2) years; and an inactive status extension waiver was granted October 4, 2017 for eighteen (18) months which expires in February 2019.

REPRESENTATIVE(S): Jerry W. Taylor, Attorney

SENIOR SAINTS' HOME, CHATTANOOGA (RHA #84)

This Residential Home for the Aged (RHA) facility is requesting a second extension waiver for their license to remain on inactive status for an additional twelve (12) months to finalize their plans review process. Senior Saints' Home is experiencing a delay in completing the required remodeling due to financial constraints, but much progress has been made and completion is envisioned in the next few months. Senior Saints' Home was granted inactive status on September 7, 2016 for one (1) year; and an extension inactive status waiver was granted on February 7, 2018 which expires in February 2019.

REPRESENTATIVE(S): Kennedy N. Omanwa, Administrator

CUMBERLAND RIVER HOMECARE, COOKEVILLE (HH #135)

This home health facility is requesting an extension waiver for their license to remain on inactive status for an additional one (1) year. Cumberland River Homecare is part of the Cookeville Regional Medical Center Health System (CRMC). CRMC has requests additional time to finish its evaluation and to complete a comprehensive search to identify an appropriate sales partner to continue the future operations of this facility. Cumberland River Homecare was granted inactive status on February 7, 2018 which will expire on February 2019.

REPRESENTATIVE(S): Travis Swearingen, Attorney

BAPTIST SKILLED REHABILITATION UNIT-GERMANTOWN, GERMANTOWN (NH #391)

This eighteen (18) bed skilled nursing unit at Baptist Rehabilitation-Germantown is requesting a fourth extension for their license to remain on inactive status for an additional twelve (12) months. Effective October 1, 2019, CMS altered the case-mix classification rules and payment system for short term nursing facilities to encourage a more value-based, unified post-acute care model. Baptist is evaluating the feasibility of reopening this new combined unit in close proximity to one of its acute care hospitals to better treat post-acute patients who are medically fragile. Baptist requires additional time to fully vet this possible option. Baptist Skilled Rehabilitation Unit-Germantown was granted an inactive status waiver on January 21, 2015 for twelve (12) months; an extension inactive status waiver was granted January 14, 2016 for twelve (12) months; a second extension inactive status waiver was granted February 8, 2017; and a third extension inactive status waiver was granted February 7, 2018 which will expire on February 2019.

REPRESENTATIVE(S): Travis Swearingen, Attorney

BAPTIST MEMORIAL-MEMPHIS SKILLED NURSING FACILITY, MEMPHIS (NH #352)

This thirty-five (35) bed skilled nursing unit at Baptist Memorial Hospital-Memphis is requesting a fifth extension for their license to remain on inactive status for an additional twelve (12) months. Continued inactive status for this facility will enable Baptist Memorial to reach a definitive plan for the future operation of this facility. Baptist Memorial Hospital-Memphis was granted an inactive status waiver on February 7, 2013 for twelve (12) months; an extension inactive status waiver was granted on January 23, 2014 for twelve (12) months; a second extension inactive status waiver for additional twelve (12) months was granted January 15, 2015; a third extension inactive status waiver for additional twelve (12) months was granted January 14, 2016; a fourth extension for inactive status was granted February 8, 2017 for twelve (12) months; and a fifth extension for inactive status was granted on February 7, 2018 which will expire on February 2019.

REPRESENTATIVE(S): Travis Swearingen, Attorney

SIGNATURE HEALTHCARE AT METHODIST, MEMPHIS (NH #247)

This forty-four (44) bed nursing home is requesting an extension waiver for their license to remain on inactive status for an additional one (1) year. Signature HealthCare continues to search for viable options to reactivate the licensed facility and beds. No such option has presented itself at this point in time, and additional time in inactive status is needed to find the best option for the continued use of this facility. Signature Healthcare at Methodist was granted an inactive status waiver on February 7, 2018 which will expire on February 2019.

REPRESENTATIVE(S): Christopher C. Puri, Attorney

SIGNATURE HEALTHCARE AT SAINT FRANCIS, MEMPHIS (NH #254)

This one hundred ninety-seven (197) bed nursing home is requesting an extension waiver for their license to remain on inactive status for an additional one (1) year. Signature HealthCare continues to search for viable options to reactivate the licensed facility and beds. No such option has presented itself at this point in time, and additional time in inactive status is needed to find the best option for the continued use of this facility. Signature Healthcare at Saint Francis was granted an inactive status waiver on February 7, 2018 which will expire on February 2019

REPRESENTATIVE(S): Christopher C. Puri, Attorney

FAMILY MINISTRIES JOHN M. REED CENTER, LIMESTONE (NH #293)

This thirty-eight (38) bed nursing home is requesting to place their license on inactive status effective October 4, 2018.

REPRESENTATIVE(S): Jonathan Bailie, Chief Operating Officer

7. WAIVER REQUESTS.

JELICO COMMUNITY HOSPITAL, INC, JELICO (HOSP-7)

This 54 bed hospital is seeking to discontinue their OB Services.

REPRESENTATIVE(S): Gene Miller, Interim CEO

LEBONHEUR CHILDREN’S MEDICAL CENTER, MEMPHIS-(HOSP-109)

This two hundred and fifty-five (255) bed hospital is requesting to increase their acute pediatric bed count by nineteen (19) licensed beds. LeBonheur Children’s Medical Center, Memphis is a satellite of Methodist Healthcare-Memphis Hospitals. The total licensed bed complement will be two hundred seventy-four (274) 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): Byron Trauger, Attorney

ERLANGER EAST HOSPITAL, CHATTANOOGA – (HOSP-140)

This one hundred and thirteen (113) bed hospital is requesting to increase their general acute care beds count by eleven (11) licensed beds. Erlanger East Hospital, Chattanooga is a satellite of Chattanooga-Hamilton County Hospital Authority. The total licensed bed complement will be one hundred and twenty-four (124) 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): Byron Trauger, Attorney

**TAKOMA REGIONAL MEDICAL HOSPITAL, GREENEVILLE (HOSP #54)
AND LAUGHLIN MEMORIAL HOSPITAL, GREENEVILLE (HOSP #53)**

Laughlin Memorial Hospital, Greeneville, a 140 bed general acute care hospital is owned by a subsidiary of Mountain State Health Alliance and Takoma Regional Hospital, Greeneville, a 100 bed general acute care hospital owned by a subsidiary of Mountain States Health Alliance and is seeking to become a satellite of Laughlin Memorial Hospital according to hospital rule 1200-08-01-.01(37)(b) effective April 1, 2019.

REPRESENTATIVE(S): Dan Elrod, Attorney

LINCOLN AND DONALSON CARE CENTERS, FAYETTEVILLE (NH #159)

Lincoln and Donalson Care Centers are seeking to no longer require the waiver to have one administrator to serve both nursing home facilities due to declining census at Lincoln Care Center. Lincoln and Donalson Care Centers, Fayetteville are both under the same license number #159, as a consolidated/satellite licensure. Lincoln & Donalson Care Centers was granted the consolidated license by the Board for Licensing Health Care Facilities in 1990. At the February 7, 2018 Board meeting, the Board granted the request for one (1) administrator over the two (2) buildings for one (1) year with a report back to the Board. In addition, the facility is updating the Board to its current status.

REPRESENTATIVE(S): Vicky Groce, Chief Nursing Officer

8. DISCUSSION(S).

A. Prestige Assisted Living of Loudon County, Loudon #53 (ACLF)-Progress Report.

REPRESENTATIVE(S): Nikki Zaveri, Administrator

- B. Magnolia Manor, McKenzie– Progress Report – Status on Meeting the Requirements of the Agreed Order for September 5, 2018 and September 21, 2018.

REPRESENTATIVE(S): Lynda Miller, Owner

- C. Riverdale Assisted Living Facility, Memphis #370 (ACLF) – Request to Lift Probation.

REPRESENTATIVE(S): Rhonda Westbrooks, Administrator

- D. 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

- E. **HOME HEALTHCARE SOLUTIONS OF DAVIDSON, LLC, NASHVILLE (PSS #333)**

This Professional Support Services (PSS) agency requested to waive the requirement of having a contract with DIDD at the October 3, 2018 Board meeting. The Board requested a progress report by the facility on securing a DIDD contract and provide further information for explanation of TennCare relationship.

REPRESENTATIVE(S): Tony O’Digie, Owner

- F. **VANDERBILT UNIVERSITY MEDICAL CENTER, NASHVILLE**

Received Report on Accepted Plan of Correction (POC).

REPRESENTATIVE(S): Dr. Wright Pinson, Deputy Chief Executive Office/Chief Health System for VUMC; Marilyn Dupree, Executive Chief Nursing Officer; Mitch Edgeworth, CEO and Dan Elrod, Attorney

9. APPROVAL OF MINUTES.

- A. October 3, 2018– Board Meeting
- B. December 18, 2018 – Performance Improvement Issue Standing Committee Meeting

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

A. SPECIAL CONSIDERATION

(INITIALS)

N/A

(CHOWS)

Ashton Place Health & Rehab Center, Memphis
Midsouth Health and Rehabilitation Center, Memphis

B. RATIFICATION.

1. QUALIFYING APPLICATIONS (Approval)

(INITIALS)

(a) Ambulatory Surgical Treatment Centers

The Plastic Surgery Center, Brentwood, LLC, Brentwood
UCH Vascular Access ASC, Memphis

(b) Assisted Care Living Facility

Legacy Village of Cleveland, Cleveland
Morning Pointe of Knoxville, Knoxville
NHC Place, Cavette Hill, Knoxville
Sunset Gardens, Mountain City
The Crossings at Victory Station, Murfreesboro

(c) End Stage Renal Dialysis Clinics

Fresenius Kidney Care Goodlettsville, Goodlettsville
Singleton Farms Dialysis, Memphis

(d) Home Medical Equipment

National Seating & Mobility, Inc., Kingsport

(e) Professional Support Services

Quality of Life, Spring City

(CHOWS)

(a) Ambulatory Surgical Treatment Center

Bowden Gastro Associates, LLC, Memphis
UCH Vascular Access ASC, Memphis

(b) Assisted Care Living Facility

Brookdale Hendersonville, Hendersonville
Brookdale Kingston, Kingston dba Sycamore Springs, Kingston
Cadence at Rivergate, Madison
Maybelle Carter Senior Adult Home, Madison
Northshore Senior Living, Knoxville
Sommerby of Franklin, Franklin

(c) Home Health Agency

AbilisHealth, Nashville, LLC, Brentwood
AbilisHealth Knoxville, LLC, Knoxville
AbilisHealth Martin, LLC, Martin
AbilisHealth McMinnville, LLC, McMinnville
AbilisHealth Nashville, LLC, Nashville

(d) Residential Home for the Aged

Fairfield Glade Assisted Living, Crossville
His House, Cookeville
Tree of Life Residential Care, LLC, Tracy City

11. LICENSE STATUS UPDATES.

BRISTOL SURGERY CENTER, BRISTOL (ASTC-52)

This ambulatory surgical treatment center has requested to place their license on inactive status for minor renovations to their facility. This request was effective on November 8, 2018 with the intent to reopen the facility on January 2, 2019.

PENDLETON HOUSE OF LOVE, MEMPHIS (RHA-185)

This residential home for the aged has requested for their license on inactive status extension to be placed back to active status effective March 1, 2019. Their license was previously placed on inactive status extension on October 3, 2018 for one (1) year to expire on October 2019. Pendleton House of Love, Memphis was previously on probation and it was lifted on October 4, 2017 and was placed on inactive status for one (1) year.

UPPER CUMBERLAND HOSPICE OF CHATTANOOGA, CHATTANOOGA (HOSPICE #622)

This hospice facility has requested for their license on inactive status to be placed back to active status effective February 4, 2019. Their license was placed on inactive status for twelve (12) months on February 7, 2018 which will expire February 2019.

***FACILITY CLOSURES**

See attachment.

12. BOARD POLICY CONSENTS.

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 BY BOARD POLICY #81:

- (1) Nashville Center for Rehabilitation and Healing, LLC, Nashville (NH #394)
- Rodger Peden, Temporary Administrator
- (2) Diversicare of Smyrna Healthcare & Rehabilitation Center, Smyrna (NH #218)
- Amber Williamson, Temporary Administrator

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

Grace Healthcare of Cordova, Cordova (NH-238)
Princeton Transitional Care & Assisted Living, Johnson City (NH-337) & (ACLF-486)

C. 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:

Somerfield at the Heritage, Brentwood (NH-386) and The Heritage at Brentwood, Brentwood (ACLF-Open Effective March 2019)

13. ORDERS.

A. Consent Orders.

14. REGULATION(S).

A. BOARD APPROVAL FOR RULEMAKING HEARING

N/A

B. PROPOSED RULE LANGUAGE

- (1) Public Chapter 427 – Necessitating rulemaking for assisted care living facilities (ACLF) which requires criminal background checks to be completed prior to employing any person who will be in a position that involves providing direct care to a resident or patient. – Caroline Tippens, OGC
- (2) Amendments to Hospital Rule 1200-08-01-.05(5) to make the rules consistent with the new effective definition of licensed healthcare professional in Rule 1200-08-01-01(45). – Caroline Tippens, OGC
- (3) Chapter 1200-08-34 Standards for Home Care Organizations Providing Professional Support Services Rule Language 1200-08-34-.02 regarding Licensing Procedures. – Caroline Tippens, OGC
- (4) Consideration of language changes regarding the Commissioner’s Rules - Review of Health Care Facility Construction Plans and Specifications.
– Craig Parish, Director, Plans Review.