



HEALTH FACILITIES COMMISSION

MEETING MINUTES

June 26, 2024

LOCATION: William Snodgrass Tennessee Tower, The Nashville Hearing Room, 3rd Floor, 312 Rosa L. Park Avenue, Nashville, TN 37243

COMMISSION MEMBERS PRESENT

Rick Chinn, Chairman
Vince Pinkney, Vice-Chairman and Designee for TennCare
Laura Beth Brown
Charley Jerman
Dr. Scott Fowler
Nicole Sweitzer, Designee for Comptroller
Lisa Jordan, Designee for Department of Commerce, and Insurance
Mark Wainner
Joe Grandy
Greg Duckett

COMMISSION MEMBERS ABSENT

COMMISSION STAFF PRESENT

Logan Grant, Executive Director
Phillip Earhart, Deputy Director
Jim Christoffersen, General Counsel
Alecia Craighead, Data and Analysis Administrator
Lowavia Eden-Hoback, Office and Resource Manager
Thomas Pitt, HFC Examiner
Ann R. Reed, Deputy Director of Licensure & Regulation

COURT REPORTER

April Daniel

GUESTS PRESENT

Prateek Gupta
Anton Dias Perera
Lauren Gaffney
Brant Phillips
Page Smith
Travis Swearingen
Warren Gooch
Hilary Dennen

Bryce E. Fitzgerald
Byron Trauger
Ginna Felts
Justin Adams
Omar Davis
Terry Litchfield
Jeff Peo
Majorie Melesko
Collen Green
Mike Brent
Kim Looney
Joseph Cunliffe
Jack Sheenhan
Clint Davis
Casey Challet-Lipscomb
AL Lawson
Katie Denning
John Phillips
David Turner
Jeffrey S, Nelson, M.D.
Sandy McClain
Natarsha Davis, M.D.
Mitch Edgeworth
Clark Spoden
Stephanie Wise
Martin Chaney, M.D.
Jaimee Davis
Gary Gober
Dr. Ashraf Hamdan
Rick Graham
Bruce Hall
Susan Shipley
Chief Don Brite
Matt Fitterer
Marilyn Lohman
Jeff Graves
Rebecca Melton
David Lewis
Elder Corey Howse
Jonathan McLendon
Dr. Chris Sizemore
Alderman Trent
Jim Hellier
Dr. Scott Jobe
Dr. David Hunnycutt
John Scott, MD
Carrie Lind, MD
Brian Hachett, MD
Kevin MaQuiling, MD
Timothy Jefferson
Amit Keswani
Robert Wesserfield
Gayloh Harris
Anuradha Mann
Sanford Kim
Clara Blich
John Reynolds
Lori K Orme

Patti Walton
Julie Miller
Matthew Anderson
Arthur Williams
Bradley Bullock
Phillip Mazzuca
Levi Benson, MD
Thomas Davidson
Michael Jenesse
Michael Wallace
Heather Rupe DD
Dr. Andy Russell
Catherine Crosbie
David Turner
Tracy Wood
Andre Lee
Pattie Greenberg
Lisa Gardi
Anna Lee Cockrill
Charlotte Burns
Sue Dyer
Dianna Cobb
Catherine Harvey
Phillip Mazzuca
Andy Russen
Jon Grayson
Saad Khan
Natalie Hsiau-Fung-Yen
David Whelan
Beth VanGilder
Charlie Berkley
Deborah Lumpkins
Trent Linville
Lori Fisk-Conners
Melissa Glenn
Terrence Tringle
Joan Tringle
Donna Orlovski
Patricia D. Welch
Ralph Welch
Colleen Grissom
Bill Grissom
Janet Montani
Michael Haag
Scott G. Hardin
Elizabeth I. Hardin
Leanne G. Smith
Laura Bailey
Tina Hill
Tim Hill
Chase A.
Matthew McCullough
Catherine O'Hara
Kara Owen
Sessions Cox
Claudia Reng
Hanson Pridgon
Cynthia Cain

Debbie A. Lubash
Susan J Meya
Paul Nail
Anthony Bugter
Deborah Bugter
Shirley Johnson
Kristopher Rake
Ty Perry
Daniel Alexander
Scott Baily
Matt Nulvey
Tonya Grissom
Anna Lee Cockrill
Lisa Garzli
Taylor Schlichtemier
Ann Morgan Wells
Glenn Power
Sharon Powell
Abbie Messick
Maggie Greco
Jensen Fuja
Courtney Grable-Nelson
Deshaun Ellis
Shana Bibble
Glenn R. Pruden
Dillon Turner
Lori Eubank
Carley Barron
Ken Mikula
Christopher W. Dyer
Brooke Barrett
Bridget Ward
Mickey Ward
Tim Crumley
Brian Janish
Betsy Sanchez

CALL TO ORDER:

The meeting was called to order at 9:00 a.m. by Mr. Chinn with the following members present: Sweitzer, Fowler, Jordan, Duckett, Brown, Grandy, Jerman, Pinkney, Wainner, and Chinn. A quorum was established with Ten members present.

DIRECTOR'S ANNOUNCEMENTS

The July 29, 2024, meeting will be held at the William Snodgrass Tennessee Tower, The Nashville Hearing Room 3rd Floor, Nashville TN.

APPROVAL OF MINUTES

Mr. Chinn presented the April 24, 2024, minutes for approval.

Mr. Jerman moved for approval with Mr. Pinkney providing the second.

The motion CARRIED [10-0-0] unanimously by voice vote. **APPROVED.**

CERTIFICATE OF NEED APPLICATIONS

PC 557 eliminated TCA § 68-11-1616, which had provided that “each decision rendered by the Health Facilities Commission shall include written documentation and explanation of the factual and legal basis upon which the commission grants or denies the Certificate of Need.” PC 557 only requires this for applications that are denied.

Therefore, for applications filed on or after the effective date of the relevant portions of PC 557 (10/1/2021), a simple motion to approve an application will suffice, and a motion to deny must include an explanation of the factual and legal basis as to why one or more of the criteria have not been met.

Five Certificate of Need applications were considered under the regular CON agenda.

Phillip Earhart introduced the following four applications that were under consideration and with four (4) being approved.

1. **Bluff City Vascular Surgery Center, Memphis (Shelby County), TN – CN2404-009**

Request: For the establishment of a licensed single-specialty ambulatory surgical treatment center located at 2977 Broad Street, Memphis (Shelby County), Tennessee 38112. The proposed project will provide minimally invasive procedures and surgical services to treat vascular access and other vascular diseases and conditions for chronic kidney disease patients and end stage kidney disease patients. The proposed service area consists of Shelby County. The applicant is owned by Bluff City Vascular Surgery Center, LLC. Estimated project cost: \$7,270,221.

RECUSED: Duckett

Speaking on behalf of the applicant was Justin Adams.

OPPOSITION: Vascular & Vein Institute of the South, Apollo Surgery Center, Methodist Healthcare, MidSouth Imaging Therapeutics, University Vascular Access Care, and practicing M.D.’s from the local service area.

Baptist Memorial Health withdrew their opposition request on 6/21/2024.

Speaking on behalf of the opposition was Bryon Trauger, Brant Phillips, Anton Dias Perera, and Dr. Prateek Gupta.

Mr. Pinkney moved for approval with Ms. Jordan providing the second.

Nine members voted to approve the application— Sweitzer, Grandy, Brown, Jerman, Fowler, Wainner, Jordan, Pinkney, and Chinn. The motion CARRIED [9-0-0].

LIMITATION: (1) Applicant not allowed to perform surgical access creation as noted by CPT codes 36821 and 36825. (2) Procedures that are currently permitted to be performed in the office based laboratory of Interventional Nephrology, which include but are not limited to Dialysis Access Maintenance procedures (for example, CPT codes 36901, 36902, 36903, 36904, 36905, 36906, 36909),

Percutaneous Access Creation (for example, CPT codes 36836 and 36837) and PAD-Other Vascular (for example, 37225, 37227, 37229, 37230, and 37231), and (3) Only by physicians who are members, employees, independent contractors, or Locum tenens physicians of Interventional Nephrology.

2. Tennessee Oncology White House, White Hours (Robertson County), TN – CN2403-006

Request: For the establishment of a licensed ambulatory surgical treatment center (ASTC) limited to outpatient megavoltage radiation therapy with a linear accelerator, and to initiate outpatient linear accelerator services at a currently unaddressed site on the west side of North Sage Road, approximately 70 yards south of North Sage Road's intersection with Hampton Place, White House (Robertson County), Tennessee 37188. The proposed service area will consist of 19 ZIP codes surrounding the project site in White House, north of Nashville in Robertson County. Ten of those ZIP codes are either entirely or substantially (>50%) within a 15-mile radius of the project site. The applicant is owned by Tennessee Oncology, PLLC. Estimated project cost: \$23,001,275

RECUSED: Brown and Wainner

Speaking on behalf of the applicant was Brant Phillips.

Mr. Pinkney moved for approval with Mr. Grandy providing the second.

Eight members voted to approve the application— Sweitzer, Grandy, Jerman, Jordan, Pinkney, Fowler, Duckett, and Chinn. The motion CARRIED [8-0-0].

3. Heart N Soul Hospice Memphis, Memphis (Shelby County), TN – CN2403-007

Request: For the establishment of a hospice agency and the initiation of hospice services with the parent office located at 1255 Lynnfield Road, Suite 258, Memphis (Shelby County), Tennessee 38119. The proposed service area will include Fayette, Shelby, and Tipton Counties. The applicant is owned by Heart N Soul Hospice Memphis LLC. Estimated project cost: \$182,500.

RECUSED: Duckett

Speaking on behalf of the applicant was Kim Looney.

Mr. Pinkney moved for approval with Ms. Brown providing the second.

Nine members voted to approve the application— Sweitzer, Grandy, Jerman, Jordan, Pinkney, Fowler, Wainner, Brown, and Chinn. The motion CARRIED [9-0-0].

4. Transitional Care Center, Maryville (Blount County), TN – CN2403-008

Request For the addition of fourteen (14) skilled care beds dually certified by Medicare and Medicaid to the existing 76-bed nursing home located at 2320 East Lamar Alexander Parkway, Maryville (Blount County), Tennessee 37804. The service area of the project is Blount County. The applicant is owned by Blount Memorial Hospital, Inc. Estimated project cost: \$103,000.

Speaking on behalf of the applicant was Mike Brent.

Mr. Grandy moved for approval with Mr. Pinkney providing the second.

Ten members voted to approve the application— Sweitzer, Grandy, Jerman, Duckett, Jordan, Pinkney, Fowler, Wainner, Brown, and Chinn. The motion CARRIED [10-0-0].

Tom Pitt introduced the following, one application under consideration and with one (1) being approved.

5. **TriStar Spring Hill Hospital, Spring Hill (Maury County), TN – CN2404-010**

For the establishment of a full-service acute care hospital with 68 licensed beds located at 3001 Reserve Boulevard, Spring Hill (Maury County), Tennessee 37174. The proposed project also seeks to initiate diagnostic and therapeutic cardiac catheterization services, magnetic resonance imaging (MRI) services, and will include a Level II neonatal intensive care unit (NICU). The hospital will be constructed adjacent to the existing 12- treatment room TriStar Centennial Spring Hill Freestanding Emergency Department and will operate under the proposed project's license if approved. The proposed service area consists of three ZIP codes: 37174 (Spring Hill), 38401 (Columbia), both in Maury County, and 37179 (Thompson's Station) in Williamson County. The applicant is owned by Spring Hill Hospital, Inc. which is ultimately owned by Hospital Corporation of America (HCA). Estimated project cost: \$250,000,000.

RECUSED: Brown and Wainner

Speaking on behalf of the applicant was Clark Spoden.

OPPOSITION: Maury Regional Medical Center, Williamson Medical Center, Vanderbilt University Medical Center, and local residents.

Speaking on behalf of the opposition was Travis Swearingen for Maury Regional and Vanderbilt University Medical Center, and Warren Gooch for Williamson Medical Center.

Ms. Sweitzer moved for approval with Ms. Jordan providing the second.

Six members voted to approve the application— Sweitzer, Grandy, Jerman, Jordan, Pinkney, and Fowler. Two members voted to deny the application -- Duckett and Chinn. The motion CARRIED [6-2-0].

GENERAL COUNSEL REPORT

OTHER BUSINESS – Not Applicable

ADJOURNMENT

There being no further business, the meeting adjourned.



Logan Grant, Executive Director

HFC Minutes provide a brief summary of commission actions. A detailed record of each meeting (recording and transcript) is available upon request by contacting the HFC office.