

HEALTH FACILITIES COMMISSION

MEETING MINUTES

September 28, 2022

AGENCY MEMBERS PRESENT

Rick Chinn, Chairman
Dr. Kenneth Patric
Douglas Scarboro
Laura Beth Brown
Charley Jerman
Greg Duckett
Nicole Shaffer, Designee for Comptroller
Lisa Jordan, Designee for Department of Commerce and Insurance
Vince Pinkney, Vice-Chairman and Designee for TennCare

AGENCY MEMBERS ABSENT

Joe Grandy

AGENCY STAFF PRESENT

Phillip Earhart, Deputy Director
Jim Christoffersen, General Counsel
Lowavia Eden-Hoback, Office and Resource Manager
Alecia Craighead, Data and Analysis Administrator
Joel Clinton, Statistical Research Analyst
Katie Thomas, Interdepartmental Liaison and Communications Officer
Thomas Pitt, HSD Examiner
John Carr, Budget Director
Christina Price, Fiscal Director
Consuelo Baker, Executive Administrative Assistant and HR Liasion
Jennifer Richardson, Contracts Manager

COURT REPORTER

April Daniel

GUESTS PRESENT

Richard Gregory
Byron Trauger
Dan Elrod
Christopher Puri
Jerry Taylor
Lauren Gaffney
Graham Baker
John Wesley Williamson
Travis Swearingen
Page Smith
Steven Clapp
Jeff Schoondyke
Michael W. Langenberg
Dere Brown

Katherine Denney
Tim Attebery
Bill West
Ashley Hempfling
Debbie Mullins
Tara Harrelson
Mark W Chang
Kenny Shafer
Lisa Carter
Allison Rogers
Clay Runnels

CALL TO ORDER:

The meeting was called to order at 9:00 a.m. by Mr. Earhart with the following members present: Shaffer, Jordan, Pinkney, Patric, Brown, Jerman, Duckett, Scarboro, and Chinn. A quorum was established with nine members being present.

DIRECTOR'S ANNOUNCEMENTS

- The next meeting will be October 26, 2022, and will be held in Cordell Hull, Senate Hearing Room I.
- Mr. Jerman was welcomed to the board.

APPROVAL OF MINUTES

Mr. Chinn presented the August 24, 2022 minutes for approval.

Ms. Brown moved for approval with Dr. Patric providing the second.

The motion CARRIED [9-0-0] 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 Services and Development Agency shall include written documentation and explanation of the factual and legal basis upon which the agency 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.

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

Thomas Pitt introduced each of the three applications under consideration with all being approved.

TwelveStone Infusion Support, LLC, Murfreesboro (Rutherford County), TN – CN2205-025

Request: The establishment of a new home care organization to initiate and provide home health services with a parent office located at 352 West Northfield Boulevard, Suite 3, Murfreesboro (Rutherford County), Tennessee 37129. The new home health organization will be limited to the administration of home infusion and injection products to pharmacy patients of pharmacies which are subsidiaries of TwelveStone Holdings, Inc. The proposed service area will include all 93 Tennessee counties, however only 90 of those counties are subject to Certificate of Need review. The applicant also plans to serve Grundy, Lake, and Perry Counties which are designated as economically distressed counties and are exempt from CON requirements. The applicant is owned by TwelveStone Holdings, Inc. The estimated project cost is \$134,416.

RECUSED: Brown and Duckett

Dr. Patric moved for approval with Mr. Scarboro providing the second with the following condition.

CONDITION: Limited to the administration of home infusion and injection products to pharmacy products to pharmacy patients of pharmacies which are subsidiaries of TwelveStone Holdings, Inc.

Seven members voted to approve the application— Shaffer, Jordan, Pinkney, Patric, Scarboro, Jerman, and Chinn. The motion CARRIED [7-0-0].

University Diagnostics, LLC, Knoxville (Knox County), TN – CN2207-031

Request: The establishment of an Outpatient Diagnostic Center (ODC) and the initiation of MRI services to persons ages 14 and younger. Imaging services to be provided are MRI (adults and pediatrics), CT, X-ray and Ultrasound. The ODC will be located at 7326 Maynardville Pike, Knoxville (Knox County), TN 37938. The proposed service area includes Anderson, Knox, and Union Counties. The applicant is owned by University Diagnostics, LLC with the following membership interests - University Health Systems, Inc. (72.5%); OIA of Knoxville, a wholly owned subsidiary of Outpatient Imaging Affiliates, LLC, (22.5%); and URAD, LLC, an affiliate of Association of University Radiologists, PC (5%). The estimated project cost is \$6,205,458.

Dr. Patric moved for approval with Ms. Jordan providing the second.

Nine members voted to approve the application— Shaffer, Jordan, Pinkney, Patric, Brown, Scarboro, Duckett, Jerman, and Chinn. The motion CARRIED [9-0-0].

Fusion Recovery Center Knoxville, LLC, Knoxville (Knox County), TN – CN2206-029

Request: The establishment of a non-residential substitution-based opioid treatment center for opiate addiction and to initiate opiate addiction treatment located at 4232 Asheville Highway, Knoxville (Knox County), TN 37914-3507. The proposed service area includes Blount, Knox, and Union Counties in Tennessee. The applicant is owned by Fusion Recovery Knoxville, LLC. The estimated project cost is \$1,618,634.

WITHDRAWN: September 20, 2022

OPPOSITION: Behavioral Healthcare Group.

Versa Surgery Center, Memphis (Shelby County), TN – CN2207-032

Request: The establishment of an ambulatory surgical treatment center (ASTC) limited to the specialty of gynecology. The ASTC will be located at 3251 Players Club Parkway, Memphis (Shelby County), TN 38125. The proposed service area includes Shelby County. The applicant is owned by Versa LLC. The estimated project cost is \$2,992,357.

OPPOSITION: Methodist Health-Methodist Hospital, Memphis Surgery Center, and Baptist Memorial Hospital, Baptist Memorial Hospital for Women, Baptist Memorial Hospital-Collierville, and Baptist Memorial Health Service Inc.

DEFERRED TO NOVEMBER 16, 2022

Karing Hearts Cardiology Heart and Vascular Center, Johnson City (Washington County), TN – CN2207-033

Request: The establishment of a single-specialty ambulatory surgical treatment center ("ASTC"), and the initiation of diagnostic cardiac catheterization services. This project will be co-located with Karing Hearts Cardiology PC within a medical office building located at 701 North State of Franklin Road, Suite 9, Johnson City (Washington County), Tennessee 37604. The project will seek licensure from the Health Facilities Commission (HFC) as a single-specialty ambulatory surgical treatment center limited to cardiac device implantation and related procedures, and diagnostic cardiac catheterization. The proposed service area includes Carter, Greene, Johnson, Unicoi, and Washington Counties. The applicant is owned by Karing Hearts Cardiology Heart and Vascular Center, LLC. The estimated project cost is \$3,253,198.

RECUSED: Pinkney

Mr. Duckett moved for denial with Ms. Brown second (Failed: 5-3-0). Dr. Patric moved for approval with Ms. Jordan providing the second with a condition.

OPPOSITION: Johnson City Medical Center, Commissioner Jenny Brock and Dr. William Block.

CONDITION: Limited to cardiac device implantation and related procedures, and diagnostic cardiac catheterization.

Five members voted to approve the application—Shaffer, Jordan, Patric, Scarboro, and Jerman. Three members voted to deny the application—Duckett, Brown, and Chinn. The motion CARRIED [5-3-0].

Metropolitan Ambulatory Surgery Center, Memphis (Shelby County), TN – CN2207-034

Request: The establishment of a single-specialty ambulatory surgical treatment center ("ASTC"), and the initiation of diagnostic cardiac catheterization services located at 1975 Nonconnah Blvd., Memphis (Shelby County), Tennessee 38132. The ASTC will have one (1) operating room. Services to be provided are diagnostic cardiac catheterization procedures and cardiac rhythm management procedures including pacemaker and defibrillator implants. The proposed service area includes Shelby County. The applicant is owned by Metropolitan Ambulatory Surgery Center, LLC. The estimated project cost is \$3,017,465.

OPPOSITION: Methodist Healthcare-Methodist Hospital, Baptist Memorial Hospital-Memphis, and Baptist Memorial Hospital-DeDoto.

DEFERRED TO OCTOBER 26, 2022

Behavioral Health Center of Clarksville, Clarksville (Montgomery County), TN – CN2203-011

Request: The establishment of an acute care hospital located at 930 Professional Park Drive, Clarksville (Montgomery County), TN 37040. The applicant proposes to convert its 26-bed mental health facility licensed by the Tennessee Department of Mental and Substance Abuse Services to an acute care hospital licensed by the Department of Health. The proposed service area includes Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, and Sumner Counties. The applicant is owned by Behavioral Healthcare Center of Clarksville, LLC d/b/a Unity Psychiatric Care. The estimated project cost is \$1,244,726.

OPPOSITION: Senator Bill Powers and Tennova Healthcare-Clarksville.

DEFERRED TO NOVEMBER 16, 2022

GENERAL COUNSEL'S REPORT

Dowell Springs Behavioral Health, Knoxville (Knox County), TN – CN1903-010A

Request: Modification Request

Nine members voted to approve the application— Shaffer, Jordan, Pinkney, Patric, Scarboro, Jerman, Duckett, Brown, and Chinn. The motion CARRIED [9-0-0].

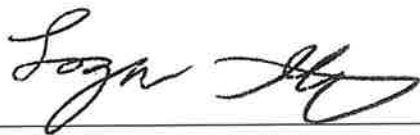
RULEMAKING

- A. Criteria and Standards Revisions

OTHER BUSINESS

ADJOURNMENT

There being no further business, the meeting adjourned.



Logan Grant, Executive Director

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

