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November 12, 2021

The Honorable Lisa Piercey, MD, MBA, FAAP  
State Health Commissioner  
Tennessee Department of Health  
710 James Robertson Parkway  
Nashville, TN 37243

Re: Request for Physician Waiver (Neurology in Washington County, Tennessee)

Dear Commissioner Piercey:

Ballad Health ("Ballad") has identified an immediate need for additional Neurology coverage in Washington County, Tennessee. In addition, Ballad seeks retroactive approval for Dr. Marivi Niebauer's move from Abingdon, Virginia to Johnson City, Tennessee in Washington County. For these, Ballad is requesting a waiver under Section 5.05(e) of the Second Amended and Restated Terms of Certification.

Ballad is concerned about the availability and consistency of neurology services in Washington County, specifically with respect to continuity of care. Hospital coverage for neurology services is provided only by Ballad Health Medical Associates ("BHMA") neurologists, as the independent neurologists in the community choose to provide only outpatient services. As such, the independent physicians do not maintain staff privileges at the hospital, and do not cover inpatient consults or ER call. When the independent physicians chose to cease their hospital activity and focus their practice exclusively in the ambulatory setting, this necessitated BHMA employing hospital-based neurologists to cover inpatient consults and emergencies. Currently, there are two BHMA neuro-hospitalists who serve at Johnson City Medical Center ("JCMC"), and one BHMA outpatient neurologist, credentialed at JCMC that provides some coverage (Dr. Niebauer) for patients who need post-acute care. The two BHMA neuro-hospitalists and Dr. Niebauer are the only neurologists currently credentialed at JCMC, a state-designated safety net hospital.

There are several implications for patients with the current model. First, upon discharge, the established relationship between the patient and the physician is disrupted, as the options for the single outpatient neurologist are limited, particularly given that this neurologist also attempts to cover referrals from Greeneville, Tennessee. The wait time for a new patient appointment is now 89 days.

Ballad is seeking to add an additional full time equivalent ("FTE") neurologist in order to ensure a proper continuum for patients who need follow up care. Certainly, Ballad understands it can hire as many outpatient neurologists as it wishes, so long as they are not on staff at the hospital, and this may be part of a solution going forward. However, in terms of immediate need, it is critical that an additional FTE be available for hospital coverage to provide the capacity needed to cover inpatient consults, electroencephalogram ("EEG") readings in the hospital and emergency needs, while also taking referrals from, and providing coverage for, Greeneville. This need stems from the choice of the independent physicians to focus their practice exclusively on their outpatient services.

In addition to providing the coverage described above, the new neurologist would provide relief coverage for the two neuro-hospitalists when they are absent, reducing the need for locum coverage. This new neurologist would provide clinic coverage in Johnson City four days a week and provide clinic coverage in Greeneville one day per week with telehealth coverage as needed.

Currently, BHMA employs 100% of the neurologists credentialed at JCMC. This additional FTE will not impact the percent of employed physicians. It will, however, allow for additional coverage at JCMC and provide more timely service to the community at the neurology clinic. The most recent needs assessment demonstrates the need for 4.1 FTE neurologists in Washington County in the current fiscal year, increasing to 5.4 - 6.0 FTE neurologists starting in fiscal year 2023 (these figures account for Dr. Niebauer). These market projections show that there will still be a deficit in the number of neurologists needed to provide care. These projections were calculated using data gathered through the community needs assessment. This is further evidenced by the excessive wait times referenced above. As was previously stated, the independent providers are not providing inpatient neurological services or providing follow-ups post discharge.

Dr. Niebauer moved her practice from Abingdon, Virginia to Johnson City, Tennessee in Washington County in late 2018, thus taking the percentage of employed neurologists from zero (as the neuro-hospitalists are exempted given they are hospital based) to 100%. This move was inadvertently not captured in the 35% calculation for JCMC. This inadvertent exclusion was recently discovered and therefore, Ballard is seeking retroactive approval for this move.

Due to these factors, Ballard is respectfully requesting a waiver under Section 5.05(e) of the Second Amended and Restated Terms of Certification to add an additional 1.0 FTE Neurologist to Washington County, Tennessee and retroactively approve Dr. Niebauer's move to ensure adequate neurology coverage is available.

We appreciate your consideration of this request. Please let us know if you need any additional information.

Sincerely,



Alan Levine  
Chairman and Chief Executive Officer

cc: The Honorable Norman Oliver, MD, MA, State Health Commissioner  
Virginia Department of Health

Janet M. Kleinfelter  
Tennessee Deputy Attorney General

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