



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: January 20, 2015

To: Woody McMillin, 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

Date of Meeting: January 21-22, 2015

Time: 9:00 a.m. CST

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

Major Item(s) on Agenda: See Attached Agenda

Link to Live Video Stream:

<https://web.nowuseeit.tn.gov/Mediasite/Play/7247d0ba8586480fb8a7f874b2a4ff0b1d>

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.



JOHN J. DREYZEHNER, MD, MPH
COMMISSIONER

BILL HASLAM
GOVERNOR

*THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND IMPROVE
THE HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE*

AMENDED AGENDA

BOARD FOR LICENSING HEALTH CARE FACILITIES

JANUARY 21-22, 2015
IRIS CONFERENCE ROOM, FIRST FLOOR
9:00 a.m.

**PLEASE REMEMBER TO SILENCE YOUR ELECTRONIC DEVICES WHEN
THE BOARD IS IN SESSION**

1. **WELCOME NEW BOARD MEMBERS:** Kenneth Robertson, M.D. replacing Roy King, M.D., as the Physician of Medicine Representative, Diana Miller, replacing Janice Hill as the Hospital Operated Nursing Home Administrator Representative, Roger Mynatt, replacing Sylvia Burton as the Nursing Home Industry Representative and Janet Williford, replacing Betsy Cummins as the Home Health Agency Administrator Representative.
2. **CALL THE MEETING TO ORDER.**
3. **ESTABLISH A QUORUM.**
4. **APPROVAL OF MINUTES** –September 11, 2013 Board Meeting
5. **REPORTS**
 - A. **EMS REPORT** - Robert Seesholtz
 - B. **OFFICE OF GENERAL COUNSEL REPORT** - Kyonzte' Hughes-Toombs
6. **CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND INITIALS).**
 - A. **CONSIDERATION.**

B. RATIFICATION.

1. QUALIFYING APPLICATIONS

(INITIALS)

Advocate Healthcare, Arlington-Professional Support Services
Alexian Village of Tennessee, Signal Mountain-Assisted Care Living Facility
Ashley's Total Care, Memphis-Home for the Aged
Atlas Medical, LLC, Knoxville-Home Medical Equipment Facility
Barnes Healthcare Services, Knoxville-Home Medical Equipment Facility
Baptist Memorial Rehabilitation, Germantown-Hospital
Bulow Orthotic and Prosthetic Solutions, Nashville-Home Medical Equipment Facility
Byram Healthcare Centers, Inc., Germantown-Home Medical Equipment Facility
Coram CVS/Specialty Infusion Services, Nashville-Home Medical Equipment
Highrise Medical Supply, LLC, Johnson City-Home Medical Equipment Facility
KCI USA, Inc., Johnson City-Home Medical Equipment Facility
MedTek Medical, LLC, Hendersonville-Home Medical Equipment Facility
Morning Pointe of Chattanooga at Shallowford, Chattanooga-Assisted Care Living Facility
NHC HealthCare, Kingsport, Kingsport-Nursing Home
Physical Therapy Services, PA, Elizabethton-Professional Support Services
Physio Care Inc., White House, Home Medical Equipment Facility
Sleep Management, LLC, Gallatin-Home Medical Equipment Facility
The Arbors at the Etheridge House, Union City-Assisted Care Living Facility
The Bridge at Hickory Woods, Antioch-Assisted Care Living Facility
The Hearth at Franklin, Franklin-Assisted Care Living Facility
Universal Medical Equipment, Nashville-Home Medical Equipment Facility

(CHOWS)

Azalea Trace Assisted Living, Nashville-Assisted Care Living Facility
Emeritus at Main Street, Hendersonville-Assisted Care Living Facility
Emeritus at Memphis, Memphis-Assisted Care Living Facility
Gardens of Germantown, Germantown-Assisted Care Living Facility
Hearth Hospice, Chattanooga-Hospice
Hickory Valley Retirement Center, Chattanooga-Residential Home for the Aged
Isokinetics, LLC, Bartlett-Home Medical Equipment Facility
Maple Court, Powell-Assisted Care Living Facility

Park Place Retirement Community, Hendersonville-Assisted Care Living Facility
Raintree Terrace, Knoxville-Assisted Care Living Facility
Rehoba Manor, LLC, Memphis-Residential Home for the Aged Facility

7. **RULEMAKING HEARINGS**-Notice of Rulemaking Hearings can be viewed online at: <http://tnsos.org/rules/RulemakingHearings.php>.

- A. 1200-08-01 Standards for Hospitals
1200-08-01-.08 Building Standards

- 1200-08-02 Standards for Prescribed Child Care Centers
1200-08-02-.07 Building Standards

- 1200-08-06 Standards for Nursing Homes
1200-08-06-.08 Building Standards

- 1200-08-10 Standards for Ambulatory Surgical Treatment Centers
1200-08-10-.08 Building Standards

- 1200-08-11 Standards for Home for the Aged
1200-08-11-.07 Building Standards

- 1200-08-15 Standards for Residential Hospice
1200-08-11-.08 Building Standards

- 1200-08-24 Standards for Birthing Centers
1200-08-24-.07 Building Standards

- 1200-08-25 Standards for Assisted Care Living Facilities
1200-08-25-.09 Building Standards

- 1200-08-28 Standards for HIV Supportive Living Centers
1200-08-28-.08 Building Standards

- 1200-08-32 Standards for End Stage Renal Dialysis Clinics
1200-08-32-.08 Building Standards

- 1200-08-35 Standards for Outpatient Diagnostics Centers
1200-08-35-.08 Building Standards

- 1200-08-36 Standards for Adult Care Homes-Level 2
1200-08-36-.11 Building Standards

- B. 1200-08-02 Standards for Prescribed Child Care Centers
1200-08-02-.01 Definitions
1200-08-02-.08 Basic Agency Functions

- 1200-08-06 Standards for Nursing Homes
 - 1200-08-06-.01 Definitions
 - 1200-08-06-.06 Basic Agency Functions

- 1200-08-15 Standards for Residential Hospices
 - 1200-08-15-.01 Definitions
 - 1200-08-15-.06 Basic Agency Functions

- 1200-08-26 Standards for Homecare Organizations Providing Home Health Services
 - 1200-08-26-.01 Definitions
 - 1200-08-26-.06 Basic Agency Functions

- 1200-08-27 Standards for Homecare Organizations Providing Hospice Services
 - 1200-08-27-.01 Definitions
 - 1200-08-27-.06 Basic Agency Functions

- 1200-08-28 Standards for HIV Supportive Living Centers
 - 1200-08-28-.01 Definitions
 - 1200-08-28-.06 Basic Agency Functions

- 1200-08-34 Standards for Homecare Organizations Providing Professional Support Services
 - 1200-08-34-.01 Definitions
 - 1200-08-34-.06 Basic Agency Functions

- 1200-08-10 Standards for Ambulatory Treatment Centers
 - 1200-08-10-.01 Definitions
 - 1200-08-10-.08 Basic Services

- 1200-08-35 Standards for Outpatient Diagnostic Centers
 - 1200-08-35-.06 Basic Services

- C. 1200-08-10 Standards for Ambulatory Surgical Treatment Centers
 - 1200-08-10-.01 Definitions
 - 1200-08-10-.06 Basic Services

- 1200-08-35 Standards for Outpatient Diagnostic Centers
 - 1200-08-35-.06 Basic Services

- D. 1200-08-06 Standards for Nursing Homes - Amendments
 - 1200-08-06-.04 Administration

8. DISCUSSION(S).

- A.** Requesting addition to Physician Orders for Scope of Treatment (POST) form does not include a label for time which is a requirement for authentication of paper records in a patient's medical record.
– Missy McElwee, Regulatory Readiness Program Manager, Methodist North Hospital
- B.** Consider definition/language to explain "Beds" when reference in facility regulation. – Ann Rutherford Reed
- C.** **Revisit**-Tennessee Physical Therapy Association is seeking to amend the Hospital Regulation 1200-08-01-.05 relating to the requirement of physician referrals for physical therapy services. – Ann Rutherford Reed
- D.** **Revisit**-Tennessee Ambulatory Surgery Center Association is requesting consideration proposed changes to the Ambulatory Surgical Treatment Center (ASTC) Regulations 1200-08-10. The proposed changes are intended to be more appropriate for the ASTC setting and align with current CMS requirements for an ASTC's radiology program. – Ann Rutherford Reed
- E.** Clarification of rule 1200-08-10-11(3) which addresses reporting of communicable disease to the Tennessee Department of Health.
- F.** Summary of the Assisted Care Living Facility Subcommittee meeting that were held November 17, 2014 and January 20, 2015. – Ann Rutherford Reed
- G.** Summary of the Home Medical Equipment Subcommittee meeting that were held December 16, 2014. – Ann Rutherford Reed
- H.** **Revisit**-Board approval for Interpretative Guideline for NFPA 99 17.3.5 Pertaining to Hard Piped Gas and Suction Systems & Ventilator Service(s)/Units.
– Bill Harmon, Facilities Construction Director, TDH
- I.** **Revisit**- Assisted Care Living Facility rule 1200-08-25-.16(4) regarding HVAC/Generators in assisted care living facilities. – Ann Rutherford Reed
- J.** **Revisit**-Health Care Facility Vaccination Policy. – Ann Rutherford Reed
- K.** East TN Dialysis Center, Maryville – Final Progress Report from the Plan of Correction for Board review and approval from Consent Order-June 17, 2013.
– Ann Rutherford Reed
- L.** Board Approval for Interpretative Guidelines for Nurse Aide Training Programs.
– Kyonzte' Highes-Toombs

9. **LICENSE STATUS UPDATES.**

HOSPICE ADVANTAGE OF MEMPHIS, MEMPHIS

Hospice Advantage of Memphis is relocating back to their leased office space located at 5796 Shelby Oaks Drive, Suite 6, Memphis, TN 38134 effective October 8, 2014. This facility's office had flooded in July 2014 resulting in black mold and was operating from a Holiday Inn/Germantown location under the Emergency Operation Plan (EOP).

WAYNE CARE NURSING HOME, WAYNESBORO

A Certificate of Need (CON) application has been submitted for the relocation and replacement of Wayne Care Nursing Home, a 46 bed facility and the construction of an addition to Waynesboro Health and Rehabilitation Center (f/k/a Wayne County Nursing Home) a 109 bed facility. This will result in a combination of the two licensed facilities into one licensed nursing home by closing the 46 bed facility and combining those beds via construction for the addition to the 109 bed facility. Upon completion, Waynesboro Health and Rehabilitation Center will have a total licensed bed capacity of 155 beds.

UNITED REGIONAL MEDICAL CENTER, MANCHESTER AND MEDICAL CENTER OF MANCHESTER, MANCHESTER

Medical Center of Manchester (MCM), Manchester, was approved as a satellite of United Regional Medical Center (URMC), Manchester at the September 2014 Board meeting. Medical Center of Manchester and United Regional Medical Center did not wish for the satellite designation to be effective September 11, 2014 based upon 3 factors:

- (1) Requested Board approval of the multistep consolidation to remove financing roadblocks in order to proceed to closing.
- (2) Consolidation and approved action could not occur in the same day.
- (3) A definitive agreement was signed regarding consolidation, but no closing had occurred therefore no common ownership between facilities existed at this time of presentation.

The October 3, 2014 Board approval letter for satellite designation was rescinded and additional info received from United Regional Medical Center and Medical Center of Manchester would be addressed by the Board at the January 2015 meeting. A final decision by the Board would be based upon clarification provided by the facilities.

NASHVILLE REHABILITATION HOSPITAL, NASHVILLE

Nashville Rehabilitation Hospital's, Nashville, license was placed on a third extension of inactive status through January 20, 2015. This facility had decided to close its license effective December 31, 2014.

10. LICENSE STATUS REQUESTS.

BAPTIST MEMORIAL HOSPITAL-MEMPHIS SKILLED NURSING FACILITY

This thirty-five (35) bed skilled nursing unit at Baptist Memorial Hospital-Memphis is requesting a second extension for their license to remain on inactive status for an additional twelve (12) months. Baptist Memorial Hospital-Memphis has not yet completed final plans for future operations of this unit. Baptist Memorial Hospital-Memphis was granted an inactive status on February 7, 2013 for twelve (12) month and an extension inactive status waiver was granted on January 23, 2014 for twelve (12) additional months. The current inactive status waiver will expire on February 7, 2015.

Representative(s): Dan Elrod, Attorney

BAPTIST SKILLED REHABILITATION UNIT-GERMANTOWN, GERMANTOWN

This eighteen (18) bed skilled nursing unit at Baptist Rehabilitation-Germantown is requesting to place their license on inactive status and cease operations pending an evaluation as to the appropriate location and model for future operations. Inactive status for this unit will enable Baptist Memorial to consider the future for this facility.

Representative(s): Dan Elrod, Attorney

CAREALL HOME CARE SERVICES, KNOXVILLE

This home health agency is seeking a second extension waiver for an additional six (6) months to remain on inactive status. The first extension waiver granted for six (6) months will expire on January 23, 2015. This extended time is required to complete the staffing of the facility, conduct orientation and training of the new staff, and implement proper operational procedures. CareAll Home Care Services intent is to be ready to accept patients by April 1, 2015.

Representative(s): Mary Ellen Foley, RN, BSN and Randy Forrest

SOUTHERN HILLS SURGERY CENTER, NASHVILLE

This ASTC facility is seeking their sixth extension waiver for an additional twelve (12) months for their license to remain on inactive status through February 7, 2016. The previous physician owners (held 49% ownership) of the facility have divested their interests in the facility. Since the last extension of the inactive status by the Board, the owner (HCA affiliate) has sought new physician investors so this facility can be re-opened. The licensee, Surgicare of Southern Hills, Inc., has filed a Certificate of Need (CON) application to relocate the ASTC to a different site and will re-open the facility with new physician syndication if and when the CON is granted. If the inactive status is not extended, the licensee will not be able to move forward with the CON application. If the CON is granted they will ask the Board to retain the inactive status for an additional period of time necessary to construct the new facility. This ASTC facility was granted a waiver to place their license on inactive status on November 5, 2009 for twelve (12) months, August 19, 2009 an extension waiver was granted for six (6) months, a second extension for twelve (12) months expired on May 31, 2011, a third extension for eighteen (18) months expired on November 4, 2012, a fourth extension for twelve (12) months

expired on February 7, 2014, and the fifth extension for twelve (12) months will expire on February 7, 2015.

Representative(s): Jerry Taylor, Attorney

VOLUNTEER WOMEN'S MEDICAL CLINIC, KNOXVILLE

This ASTC facility is seeking a second extension waiver for an additional two (2) years for their license to remain on inactive status through January 23, 2017. Volunteer Women's Medical Clinic, Knoxville, had to close due to Senate Bill 3323 which became law in 2012. This law has now been found to be unconstitutional in several other states which passed the same requirement into law. Ms. Walsh believes the higher courts will rule this way when the case is addressed in the state of Tennessee. She wishes to keep Volunteer Women's Medical Clinic's license on inactive status until this case is heard. Volunteer Women's Medical Clinic was placed on inactive status on February 7, 2013 which expired January 2014; an extension waiver for twelve months was granted on January 23, 2014 which will expire on January 23, 2015.

Representative(s): Deborah Walsh, Executive Director

11. WAIVER REQUESTS.

PARKWEST MEDICAL CENTER, KNOXVILLE

This four hundred sixty-two (462) bed hospital is seeking to waive Hospital Regulations 1200-08-01-.05(1) & (5) hospital admission and treatment shall be under supervision of a physician and concerning treatment shall be given or administered to a patient of a hospital except on order of a physician. Parkwest Medical Center provides therapy services at Covenant Therapy Center which is an off campus hospital department separately located from the hospital's main facility. This waiver request was moved to the Performance Improvement Standing Committee in conjunction with the Tennessee Physical Therapy Association's request to amend Hospital regulation 1200-08-01-.05 relating to the requirement of physician referrals for physical therapy services at the September, 2014 Board meeting.

Representative(s): Dr. Mary Dillon, Medical Director

FORT SANDERS REGIONAL MEDICAL CENTER, KNOXVILLE

This five hundred seventeen (517) bed hospital is requesting to waive Hospital Regulations 1200-08-01-.05(1) & (5) hospital admission and treatment shall be under supervision of a physician and concerning treatment shall be given or administered to a patient of a hospital except on order of a physician and. Fort Sanders Regional Medical Center therapy services are delivered in four (4) Fort Sanders Therapy Centers, hospital departments all located separately from the hospital's main facility. This waiver request was moved to the Performance Improvement Standing Committee in conjunction with the Tennessee Physical Therapy Association's request to amend Hospital regulation 1200-08-01-.05 relating to the requirement of physician referrals for physical therapy services at the September, 2014 Board meeting.

Representative(s): Dr. Mary Dillon, Medical Director

THE FOLLOWING FIVE (5) NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(4) FOR A TENNESSEE LICENSED NURSING HOME ADMINISTRATOR UNTIL A PERMANENT REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE.

GOLDEN LIVINGCENTER-UNION CITY, UNION CITY

Mr. Peter Stygar, Interim Administrator-Mr. Stygar will be seeking licensure in Tennessee.

TENNOVA NEWPORT CONVALESCENT CENTER, NEWPORT

Sharon Black, RN, BSN, MHA, Interim Administrator-Ms. Black will be seeking licensure in Tennessee.

UNICOI COUNTY NURSING HOME, ERWIN

Mr. Tracy Byers, Interim Administrator – To seek an extension waiver for an additional six (6) months to allow waiving the requirement for having a Tennessee licensed nursing home administrator until he receives his Tennessee Nursing Home Administrator’s license. Current waiver expires January 21, 2015.

LINCOLN & DONALSON CARE CENTER, FAYETTEVILLE

Carolyn Atchley, Administrator – To seek an extension waiver for the requirement of a Tennessee licensed nursing home administrator until a Tennessee licensed administrator can be hired. Current waiver expires January 21, 2015. Lincoln & Donalson Care Center is under one license and is required to have a nursing home administrator for each building. Ms. Atchley serves as administrator for Lincoln Care Center building and Ms. Mary Heatherly, DON is serving as interim administrator for Donalson Care Center building that is seeking the extension waiver.

BROOKWOOD NURSING CENTER, DECATUR

Juanita Frazier, Interim Administrator-Ms. Frazier will be seeking licensure in Tennessee.

FRIENDSHIP HAVEN HOME FOR THE AGED, CHATTANOOGA

This sixteen (16) bed RHA facility is seeking to waive NHA Rule 1200-08-07(18)b which states “a minimum of two (2) beds per bedroom”. Friendship Haven was previously licensed for 24 beds and wishes to utilize all 24 beds again and will need to be allowed to place more than two (2) beds per bedroom.

Representative(s): David Machoka, President, Friendship Haven, Inc.

PIONEER COMMUNITY HOSPITAL OF SCOTT, ONEIDA

This twenty-five (25) bed Critical Access facility is seeking to waive Rule 1200-08-01-.06(9)(b) to have a Certified Dietary Manager through March 1, 2015. Emily Acuff, Dietary Employee, will be assuming this role until the position can be filled. They are working diligently to hire a Certified Dietary Manager before the March 1st date.

Representative(s): Tony Taylor, CEO

HIGHPOINT HOMECARE, GALLATIN/HIGHPOINT HOSPICE

Highpoint Homecare is seeking to request for the administrator of the home health agency to serve as administrator for both the home health agency and the licensed hospice. Sumner Regional Medical Center, LLC operates two (2) licensed home health agencies with parent offices in Gallatin and Carthage and a licensed hospice. The two home health agencies will be combined into one licensed home health agency. The parent office will be located in Gallatin and a branch office will be located in Carthage. The home care organization rule language pertaining to an administrator of a home health agency serving more than one home care organization was approved during a rulemaking hearing held at the September 2014 Board meeting. Highpoint is seeking approval for this administrator request while the revised rules continue through the rulemaking process.

Representative(s): Kim Harvey Looney, Attorney, Mike Herman, CEO, and Cheri Crowley

12. BOARD POLICY CONSENTS.

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

Allenbrooke Nursing and Rehabilitation Center, LLC, Memphis
Bailey Park Community Living Center, Humboldt
Golden LivingCenter-Springfield, Springfield
Golden LivingCenter-Union City, Union City
Hillcrest Healthcare Center, Ashland City
Hillview Community Living Center, Dresden
Holston Manor, Kingsport
Lauderdale Community Living Center, Ripley
NHC HealthCare Kingsport, Kingsport
NHC HealthCare Lewisburg, Lewisburg
Oakwood Community Living Center, Dyersburg
Whitehaven Community Living Center, Memphis

B. THE FOLLOWING FACILITIES ARE REQUESTING APPROVAL TO PERMIT AN ADMINISTRATOR TO SERVE BOTH A NURSING HOME AND ASSISTED CARE LIVING FACILITY ACCORDANCE WITH BOARD POLICY #39:

Appalachian Christian Village, Johnson City

13. ORDERS.

A. Consent Orders

B. Orders.

14. REGULATION(S).

A. BOARD APPROVAL FOR RULEMAKING HEARING.