



The Tennessee Sunshine Law 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**

**FOURTH AMENDED**

**Date:** February 1, 2022

**To:** Sarah Tanksley, Director of Communications and Media Relations

**From:** Wanda E. Hines, Board Administrator

**Name of Board or Committee:** Board for Licensing Health Care Facilities Meeting

**Date of Meeting:** February 2, 2022

**Time:** 9:00 a.m., Central Time

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

**Major Item(s) on Agenda:** See attachment.

**Link to Live Video Stream:**  
<https://tdh.streamingvideo.tn.gov/Mediasite/Play/fe1a46faa85f4386bac3d25beb5da3331d>

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.



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LISA PIERCEY, MD, MBA, FAAP  
COMMISSIONER

BILL LEE  
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

BOARD MEETING

FEBRUARY 2, 2022

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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I. WELCOME NEW BOARD MEMBERS: Mr. James Dunn, replacing Mr. Jim Shulman, Ex-officio Representative and the Reappointment of Mr. Louis Caputo, Hospital Administrator Representative.

WELCOME NEW HEALTH CARE FACILITIES DIRECTOR: Mrs. Sarah Harvey.  
WELCOME NEW LEGAL COUNSEL: Mrs. Ronda Webb-Stewart

II. CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.

III. RULEMAKING HEARING(S): Notice of Rulemaking Hearings can be viewed online at: [https://publications.tnsosfiles.com/rules\\_filings/10-21-21.pdf](https://publications.tnsosfiles.com/rules_filings/10-21-21.pdf).

- A. 1200-08-01 Standards for Hospitals
  - 1200-08-01-.01 Definitions
  - 1200-08-01-.06 Basic Hospital Functions
- B. 1200-08-06 Standards for Nursing Homes
  - 1200-08-06-.01 Definitions
  - 1200-08-06-.03 Disciplinary Procedures
  - 1200-08-06-.04 Administration
  - 1200-08-06-.05 Admissions, Discharges, and Transfers

- 1200-08-06-.06 Basic Services
- 1200-08-06-.07 Special Services: Alzheimer's Units
- 1200-08-06-.08 Building Standards
- 1200-08-06-.09 Life Safety
- 1200-08-06-.10 Infectious and Hazardous Waste
- 1200-08-06-.12 Resident Rights
- 1200-08-06-.15 Nurse Aide Competency Evaluation

- C. 1200-08-10 Standards for Ambulatory Surgical Treatment Centers
  - 1200-08-10-.01 Definitions
  - 1200-08-10-.04 Administration
  - 1200-08-10-.11 Records and Reports

- D. 1200-08-11 Standards for Homes for the Aged
  - 1200-08-11-.01 Definitions
  - 1200-08-11-.02 Licensing Procedures
  - 1200-08-11-.05 Admissions, Discharges and Transfers
  - 1200-08-11-.09 Infectious and Hazardous Waste

- E. 1200-08-25 Standards for Assisted-Care Living Facilities
  - 1200-08-25-.06 Administration
  - 1200-08-25-.08 Admissions, Discharges, and Transfers
  - 1200-08-25-.09 Building Standards
  - 1200-08-25-.10 Life Safety
  - 1200-08-25-.11 Infectious and Hazardous Waste

IV. **PERFORMANCE IMPROVEMENT ISSUE STANDING COMMITTEE MEETING SUMMARY – January 11, 2022 – Ann Reed, Director of Licensing**

V. **LICENSE STATUS REQUESTS.**

- A. **SISKIN HOSPITAL FOR PHYSICAL REHABILITATION, CHATTANOOGA (HOSP #67)**  
 This eighty-eight (88) bed hospital facility is requesting a third extension request of the temporary addition of twelve (12) IRF beds until October 31, 2022. The extension of the temporary twelve (12) IRF bed addition is to carry them through to the completion of the build out of the 3-East Unit.

**REPRESENTATIVE(S):** Dan H. Elrod, Attorney

- B. **HUMBOLDT NURSING AND REHABILITATION CENTER (HNRC), HUMBOLDT (NH #87)**  
 This one hundred twenty (120) bed skilled nursing home facility is requesting to modify dates of the inactive status that was granted at the October 5, 2021 board meeting. Humboldt Nursing and Rehabilitation Center is requesting a modification of the inactive status granted at the October 2021 Board meeting. The modification is for a change of the inactive status period to June 5, 2022. The facility's cessation of operations and voluntary termination from the Medicare program was June 1, 2021. This change gives HNRC the capability to request an extension of such status within twelve (12) months of June 5, 2021, if that becomes necessary.

**REPRESENTATIVE(S):** Bill West, Attorney

- C. **FAMILY MINISTRIES JOHN M. REED CENTER, LIMESTONE (ACLF #4)**  
This forty-four (44) bed facility is requesting to place their license on inactive status effective February 1, 2022. This facility will no longer be able to provide care for residents as of January 31, 2022. Beds at the alternate facilities are being offered as well as placement services for each resident.
- REPRESENTATIVE(S): David C. Gibbs, III, Attorney
- D. **OPTIMUM SENIOR LIVING, INC., WHITE BLUFF (ACLF #233)**  
This twenty-three (23) bed facility is requesting to place their license on inactive status effective January 1, 2022 for one (1) year through January 1, 2023. All residents have been discharged as of January 1, 2022.
- REPRESENTATIVE(S): Christy Cho, Administrator
- E. **CHRISTIAN CARE CENTER OF MEDINA, MEDINA (NH #308)**  
This sixty-six (66) bed skilled nursing home facility is requesting a fourth extension waiver for their license to remain on inactive status through February 2023. A replacement facility for this skilled nursing facility located in Gibson County is under construction, pursuant to CON No. CN1802-006. The CON has an expiration date of July 1, 2022. The owner of the facility expects the construction of the replacement facility be completed in late spring of 2022. We are requesting a full one-year extension out of an abundance of caution in light of the many uncertainties of the times. Christian Care Center of Medina's license was placed on inactive status for one (1) year on June 7, 2017; an extension waiver for inactive status was granted for an additional one (1) year on June 6, 2018; a second extension for inactive status was granted for an additional one (1) year on June 5, 2019 which expire on October 7, 2020; and a third extension for inactive status was granted on October 7, 2020 that will expire on February 7, 2022.
- REPRESENTATIVE(S): Jerry W. Taylor, Attorney
- F. **BAPTIST MEMORIAL-MEMPHIS SKILLED NURSING FACILITY, MEMPHIS (NH #352)**  
This thirty-five (35) bed skilled nursing unit at Baptist Memorial-Memphis Skilled Nursing Facility, Memphis is requesting a ninth extension for their license to remain on inactive status for an additional twelve (12) months thru February 2023. Prior to the onset of the COVID-19 pandemic, Baptist Memorial had actively pursued plans to reimplement the skilled nursing beds. Discussions had occurred with experience providers of long-term care about combining the 35-bed unit with the 18 skilled nursing beds licensed as Baptist Skilled Rehabilitation Unit-Germantown #391, and relocating the combined units to a new site. Progress on these discussions has been stalled during the pandemic and additional efforts to reimplement the beds are not expected to occur until the pandemic has receded. Baptist Memorial-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 on January 15, 2015 for additional twelve (12) months; a third extension inactive status waiver was granted on January 14, 2016 for additional twelve (12) months; a fourth extension for inactive status wavier was granted on February 8, 2017 for twelve (12) months; a fifth extension for inactive status was granted on February 7, 2018 for additional twelve (12) months; a sixth extension for inactive status was granted on February 5, 2019 for additional twelve (12) months; and a seventh extension waiver for inactive status waiver on February 5, 2020 for additional twelve

(12) months; and a eighth extension for inactive status waiver was granted on February 3, 2021 for additional twelve (12) months will expire on February 5, 2022.

REPRESENTATIVE(S): Dan H. Elrod, Attorney

G. **BAPTIST SKILLED REHABILITATION UNIT-GERMANTOWN SKILLED NURSING FACILITY, GERMANTOWN (NH #391)**

This eighteen (18) bed skilled nursing unit at Baptist Skilled Rehabilitation Unit-Germantown, is requesting a seventh extension for their license to remain on inactive status for an additional twelve (12) months thru February 2023. Prior to the onset of the COVID-19 pandemic, Baptist Memorial had actively pursued plans to reimplement the skilled nursing beds. Discussions had occurred with experience providers of long-term care about combining the 18-bed unit with the 35 skilled nursing beds licensed as Baptist Memorial Hospital-Memphis #352, and relocating the combined units to a new site. Progress on these discussion, has been stalled during the pandemic, and additional efforts to reimplement the beds are not expected to occur until the pandemic has receded. 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 for twelve (12) months; a third extension inactive status waiver was granted February 7, 2018 for twelve (12) months; and a fourth extension for their license was granted February 5, 2019 for twelve (12) additional months; a fifth extension for their license was granted on February 5, 2020 for twelve (12) additional months; and a sixth extension for their license was granted on February 3, 2021 for additional twelve (12) months will expire on February 3, 2022.

REPRESENTATIVE(S): Dan H. Elrod, Attorney.

H. **SIGNATURE HEALTHCARE AT METHODIST, MEMPHIS (NH #247)**

This forty-four (44) bed nursing home is requesting a fourth extension waiver for their license to remain on inactive status for an additional one (1) year thru February 2023. Signature HealthCARE. Signature HealthCARE continues to search for viable options to reactivate the licensed facility and beds. However, since early 2020, the company and the long-term care industry overall have been presented with such significant challenges from the COVID-19 pandemic the no substantive progress in identifying options for this asset has been possible. Additional time in inactive status is needed to identify options for the future use of the facility, either through reopening, sale, or relocation. Signature HealthCARE at Methodist was granted an inactive status waiver on February 7, 2018 for one (1) year; an extension inactive status was granted on February 5, 2019 for an additional one (1) year; a second extension inactive status was granted on February 5, 2020 for an additional one (1) year; and a third extension inactive status was granted on February 5, 2021 which will expire on February 2, 2022.

REPRESENTATIVE(S): Chris C. Puri, Attorney

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

This one hundred ninety-seven (197) bed nursing home is requesting a fourth extension waiver for their license to remain on inactive status for an additional one (1) year thru February 2023. However, since early 2020, the company and the long-term care industry overall have been presented with such significant challenges from the COVID-19 pandemic the no substantive progress in identifying options for this asset has been

possible. Additional time in inactive status is needed to identify options for the future use of the facility, either through reopening, sale, or relocation. Signature HealthCARE at Saint Francis was granted an inactive status waiver on February 7, 2018 for one (1) year; an extension inactive status was granted on February 5, 2019 for an additional one (1) year; a second extension inactive status was granted on February 5, 2020 for an additional one (1) year; and a third extension inactive status was granted February 5, 2021 which will expire on February 2, 2022.

REPRESENTATIVE(S): Chris C. Puri, Attorney

J. **LENOIR CITY TN OPCO, LLC, LENOIR CITY (NH #160)**

This one hundred and four (104) nursing home facility is requesting a second extension waiver for their license to remain on inactive status for an additional twelve (12) months thru February 2023 due to construction plans are not finalized. Lenoir City TN OPCO, LLC, was granted inactive status for twelve (12) months on February 5, 2020; and an extension inactive status was granted on February 3, 2021 which will expire on February 2, 2022.

REPRESENTATIVE(S): Mick Vujanovic, CEO

K. **SENIOR SAINTS' HOME, CHATTANOOGA (RHA #84)**

This Residential Home for the Aged (RHA) facility is requesting a fifth extension waiver for their license to remain on inactive status for an additional twelve (12) months thru February 2023. The delay in completing the required remodeling has been due to financial constraints, with minimal progress made in the past year. Senior Saints' Home is optimistic that the project should be completed in the course of the next twelve (12) months. Senior Saints' Home was granted inactive status on September 7, 2016 for one (1) year; at the October 4, 2017 board meeting an representative for the facility was not present so the Board forwarded the inactive status extension request to the February 7, 2018 Board meeting where an inactive status extension waiver was granted for an additional one (1) year; a second inactive status extension was granted on February 7, 2019 for an additional one (1) year; a third inactive status extension was granted on February 5, 2020 for an additional one (1) year; and a fourth inactive status extension was granted on February 5, 2021 which will expire on February 2, 2022.

REPRESENTATIVE(S): Josephine K. Nyasimi, Manager/Owner

L. **CURAHEALTH NASHVILLE, NASHVILLE (HOSP #25)**

This sixty (60) bed hospital facility is requesting an inactive status extension for their license to remain on inactive status thru April 2023. CuraHealth Nashville need to continue the inactive status of its license partly due to COVID. This facility has been seeking a location to reopen its facility and has not completed this process. CuraHealth Nashville was granted inactive status on December 17, 2020 that will expire in February 2022.

REPRESENTATIVE(S): Kim H. Looney, Attorney

VI. WAIVER REQUESTS.

A. CHI NATIONAL HOME CARE d/b/a CHI MEMORIAL HEALTH AT HOME, CHATTANOOGA-HHA #103

This Home Health Agency is requesting program flexibility with regulatory relief from Chapter 1200-08-26 Standards for Home Care Organizations Providing Home Health Services, and 1200-08-26-.06 Basic Agency Functions 5(b), as a result of the current public health emergency due to COVID-19. CHI Memorial Health At Home is seeking to waive the requirement that a skilled nurse must perform the initial assessment when both nursing and therapy services are ordered. CMS continues to waive the requirements in 42 CFR § 484.55(a)(2) and §484.55(b)(3) that rehabilitation skilled professional may only perform the initial and comprehensive assessment when only therapy services are ordered.

(See January 11, 2022 PI Standing Committee Summary)

REPRESENTATIVE(S): Deborah Ames, MA, RN, Director of Clinical Services

B. BALLAD HEALTH (HOSPITALS)

BRISTOL REGIONAL MEDICAL CENTER, BRISTOL (HOSP #131)

HOLSTON VALLEY MEDICAL CENTER, KINGSPORT (HOSP #133)

INDIAN PATH COMMUNITY HOSPITAL, KINGSPORT (HOSP #134)

JOHNSON CITY MEDICAL CENTER, JOHNSON CITY (HOSP #121)

The above listed hospitals are requesting that the Board for Licensing Health Care Facilities to waive certain of its rules pursuant to T.C.A. §68-11-209(b), and otherwise interpret its rules, so the above hospitals may implement its federally approved hospital at home program. Under Executive Order #68 and pursuant to the Centers of Medicare & Medicare Services (CMS) Acute Hospital Care at Home (HHC) Individual Waivers, certain health care services may be provided outside of a traditional hospital setting and within a patient's home during the duration of the Public Health Emergency (PHE). All four (4) hospitals have applied for and received approval from CMS to implement a HHC program.

The current suspension of hospital licensing rules ended when Executive Order #68 expired and the HHC waiver program implemented by CMS is currently set to expire at the end of the PHE, the four (4) hospitals need for the Board waivers described in this letter to remain in effect. The waivers sought from the Board would enable the four (4) hospitals to continue its acute hospital at-home care to non-Medicare patients. The above listed hospitals are seeking waivers of certain Tennessee hospital licensure rules as well as interpretative guidance to clarify the applicability of certain rules. Such waivers would avoid disruption in patient care once the PHE expires.

REPRESENTATIVE(S): Dan H. Elrod, Attorney and Dr. Mark J. Wilkerson, Vice President of Medical Staff Services and Hospital Based Program

C. **ASCENSION SAINT THOMAS RUTHERFORD HOSPITAL, MURFREESBORO (HOSP #100)  
ASCENSION SAINT THOMAS WEST HOSPITALS AND  
ASCENSION SAINT THOMAS MIDTOWN HOSPITAL, NASHVILLE (HOSP #24)**

The above listed hospitals are requesting that the Board for Licensing Health Care Facilities to waive certain of its rules pursuant to T.C.A. §68-11-209(b), and otherwise interpret its rules, so the above hospitals may implement its federally approved hospital at home program - Saint Thomas West Hospital and Saint Thomas Midtown Hospital Care at Home, under consolidated license #24. On January 26, 2021, Ascension Saint Thomas Rutherford Hospital, Murfreesboro, received a waiver from CMS and was approved by CMS to implement an Acute Hospital at Home Program. On December 22, 2020, Saint Thomas West Hospital and Saint Thomas Midtown Hospital, Nashville, received a waiver from CMS and was approved by CMS to implement an Acute Hospital at Home Program. Ascension Saint Thomas initiated this program based on the approval from CMS and the Board's Interpretative Guidelines suspending any state hospital rules codified at Tenn. Comp. R & Regs 1200-08-01 *et. seq.* that would prohibit or impede implemented of Acute Hospital Care at Home Program.

The suspension of hospital licensing rules expired when Executive Order #83 expired on November 19, 2021. Upon the expiration of Executive Order #83, Ascension Saint Thomas suspended operations of its Acute Hospital Care at Home Program. Ascension Saint Thomas now respectfully seeks an individual waiver of certain rules and regulations to reinstate its services for its Acute Hospital Care at Home Program. Ascension Saint Thomas has attempted to outline the foregoing rules and requirements which are not compatible with the Acute Hospital Care at Home Program. The approval of this waiver request will allow Saint Thomas Rutherford Hospital, Saint Thomas West, and Saint Thomas Midtown to continue serving appropriate patients in the comfort of their homes as it has done over the past year under Executive #68 and #83 and the Board's Interpretative Guidance.

REPRESENTATIVE(S): Warren Gooch, Attorney

D. **VANDERBILT UNIVERSITY MEDICAL CENTER, NASHVILLE (HOSP #27)**

Vanderbilt University Medical Center (VUMC), Nashville requested that the Board for Licensing Health Care Facilities waive certain of its rules pursuant to T.C.A. §68-11-209(b), and otherwise interpret its rules, so VUMC may implement its federally approved hospital at home program at the Board's February 2021 meeting. At the Board's meeting on December 17, 2020, an interpretation of Executive Order #68 as suspending any hospital licensing rules that prohibit or impede a hospital from implementing an Acute Hospital Care at Home (HHC) program approved by the Centers of Medicare & Medicare Services (CMS) under its waiver process was adopted by the Board. This suspension of hospital licensing rules will expire when Executive Order #68 expires.

VUMC has applied for and believes it will receive approval from CMS to implement the HHC program. VUMC needs the Board waivers even if the CMS HHC program ends at the end of the public health emergency. The waivers would enable VUMC to continue its acute hospital at home care to non-Medicare patients after the public health emergency ends. Such waivers would avoid disruption in patient care in the event the federally-declared public health emergency extends beyond the time that Tennessee Executive Order #68 is in effect.



REPRESENTATIVE(S): Dan H. Elrod, Attorney

E. **VANDERBILT UNIVERSITY MEDICAL CENTER (VUMC), (HOSP #27) – MEDICAL CENTER EAST (MCE) SOUTH TOWER MRI ROOM**

Vanderbilt University Medical Center is requesting a temporary waiver for the use of the Medical Center East (MCE) South Tower MRI room (TDOH Project #2020-02-27-04) as a Class 3 Imaging Room on the outpatient floor. The MRI room currently designed and used as a Class 2 Imaging Room. MCE South Tower is of Construction Type 1A, Business Occupancy. The MCE South Tower MRI room currently has a new 3T MRI with a larger bore size that can accommodate intubated patients who cannot be accommodated in smaller MRI bores due to patient body habitus. Intubated patients require physiological monitoring, and pursuant to Table 2.1-5 in the 2018 FGI-Guidelines for Design and Construction of Outpatient Facilities, this subset of MRI scans should occur in a Class 3 Imaging Room. Plans are under way to construct a new 3T MRI Class 3 room, which should be completed within 1 year. Pending completion of the new room, VUMC requests approval to use MCE South Tower MRI room to scan intubated patients. After completion of the new MRI Class 3 Imaging room in the hospital, these patients will be directed to that location instead of the MCE South Tower MRI room. As the MRI room was designed to Class 2 Imaging, we request a waiver for the deficit of 1 relative to the speed of Outside Air Change (OA) and the deficit of 2 relative to Total Minimum Air Change (ACH).

REPRESENTATIVE(S): Dan H. Elrod, Attorney

F. **SAINT FRANCIS HOSPITAL-BARTLETT, BARTLETT (HOSP #161)**

This one hundred ninety-six (196) bed hospital is requesting to temporarily close its OB/NICU services on or around March 1, 2022 due to two of the four OBs left the medical staff and the neonatology group will stop providing services due to a physician retirement. The loss of the OBs as well as the loss of pediatric and NICU coverage has led to the inability of Saint Francis Hospital-Bartlett to provide appropriate care for this patient population. During this temporary closure Saint Francis Hospital-Bartlett will transfer this service line to its sister campus Saint Francis Hospital-Memphis to cover the NICU deliveries with additional support from Le Bonheur Children's Hospital if necessary.

REPRESENTATIVE(S): Kim H. Looney, Attorney

VII. **DISCUSSION(S).**

- A. Interpretative Guidelines Language Approval for Trauma Center Rules 1200-08-12-.04(2)5 Regarding Surgical Specialty Availability from Inside or Outside Hospital.

REPRESENTATIVE(S): Robert Seesholtz, Trauma System Manager, EMS

- B. Extension of Interpretative Guidelines Until the February 2022 Board meeting.
1. Home Health Agency rule 1200-08-26-.05(2) & (4) regarding written plan of care being established & reviewed by a physician and care under the supervision of a physician and rule 1200-08-26-.05(8) regarding medication or treatment ordered by physician.

2. Home Health Agency rule 1200-08-26-.06(3)(b) regarding evidence of review of plan of care must include physician's signature.
  3. Home Health Agency rule 1200-08-26-.06(7)(c) regarding supervisory visit by registered nurse to patient's place of residence at least monthly.
  4. Hospice rule 1200-08-27-.05(3) & (5) regarding written plan of care being established & reviewed by a physician and care or treatment under the supervision of a physician and rule 1200-08-27-.05(9) regarding medication or treatment ordered by physician.
  5. Hospice rule 1200-08-27-.06(11)(b) regarding supervisory visit by registered nurse to patient's place of residence at least monthly.
  6. Hospital Rule 1200-08-01-.01(19) regarding definition of Critical Access Hospital.
  7. Nursing Home Rule 1200-08-06-.05(7) regarding admission in excess of licensed bed capacity.
- C. Consideration of Extension the Nursing Home Rule Regarding CNAs and 4 months working.

REPRESENTATIVE(S): Chris Puri, Attorney

#### VIII. BOARD POLICY CONSENTS.

A. THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(1) FOR A TENNESSEE REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE BY BOARD POLICY #81:

1. Parkway Health and Rehabilitation Center, Memphis (NH #349)  
- Margaret Abbott, Temporary Administrator

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

1. Asbury Place Maryville, Maryville (NH #10)
2. Asbury Place Kingsport, Kingsport (NH #123)

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

A. SPECIAL CONSIDERATION.

1. (INITIALS)  
N/A

2. (CHOWS)

- (a) Assisted Care Living Facilities  
Sycamore Place Alzheimer's Special Care Center, Memphis

REPRESENTATIVE(S): Heather Lee Allred, Senior Counsel  
Legal-Regulatory Compliance & Analytics  
Rachel Hold-Weiss, RPA-C, JD, Partner  
Arent Fox, LLP

**B. RATIFICATION.**

**1. QUALIFYING APPLICATIONS (Approval)**

**(INITIALS)**

**(a) Ambulatory Surgical Treatment Centers**

New Salem Surgery Center, Murfreesboro  
Riverfront Surgery Center, Chattanooga  
Sapling Grove Endoscopy Center, LLC, Bristol  
Volunteer Ambulatory Surgery Center, Talbott

**(b) Assisted Care Living Facilities**

Remember Me Senior Care at Wind Creek, Cleveland

**(c) End Stage Renal Dialysis Clinics**

DCI-Henderson, Henderson

**(d) Home Medical Equipment**

Cardinal Medical Group, LLC, Red Boiling Springs  
Center for Sleep DME, Nashville

**(e) Home Health Agencies**

Critical Nurse Staffing, LLC, Oak Ridge  
Nuclear Care Partners, LLC, Knoxville  
St. Jude Children's Research Hospital Home Care, LLC, Memphis

**(f) Outpatient Diagnostic Centers**

Ballad Health Imaging Center, Johnson City  
Covenant Health Diagnostic Centers, LLC, Knoxville

**(g) Professional Support Services**

Berenice M. Sansone, Lakeland  
Greater Community Home Healthcare, LLC, Memphis  
Premier Health Care, LLC, Bartlett

**2. (CHOWS)**

**(a) Assisted Care Living Facility**

The Goldton at Spring Hill, Spring Hill

**X. APPROVAL OF MINUTES.**

A. October 5, 2021 Board Meeting

B. January 11, 2022 Performance Improvement Issue Standing Committee Meeting

**XI. LICENSE STATUS UPDATES.**

**MILLINGTON DIALYSIS, MILLINGTON (ESRD #187)**

This ESRD facility had requested to place their license on inactive status due to staffing issues. Millington Dialysis have since discovered that the facility intends to continue to provide peritoneal dialysis services, and only desires to temporarily suspend in-center hemodialysis services at this time. Millington Dialysis withdrew their request to temporarily place the license in inactive status, since the facility will continue to operate in a limited capacity. We currently anticipate that Milligan Dialysis will resume in-center HD services on or about March 14, 2022, but that date could be subject to change due to circumstances currently outside of our control but will keep the department informed as the situation develops.

**\*FACILITY CLOSURES**

See attachment.

**XII. REPORTS.**

- A. EMS REPORT – Robert Seesholtz, Trauma System Manager, EMS
- B. NURSE AIDE REPORT – Ann Reed, Director of Licensing
- C. OFFICE OF GENERAL COUNSEL REPORT – Ronda Webb-Stewart, OGC

**XIII. ORDERS.**

- A. CONSENT ORDER(S).

**XIV. REGULATION(S).**

- A. BOARD APPROVAL FOR RULEMAKING HEARING  
N/A
- B. PROPOSED RULE LANGUAGE  
N/A

## MINUTES

### BOARD FOR LICENSING HEALTH CARE FACILITIES

#### BOARD MEETING

FEBRUARY 2, 2022

The Board for Licensing Health Care Facilities meeting began on February 2, 2022. Dr. Saunders, Chair, called the meeting to order.

Dr. Saunders, Chair, welcomed new Board members; Mr. James Dunn, Ex-officio Representative replacing Mr. Jim Shulman, and the reappointment of Mr. Louis Caputo, Hospital Administrator Representative. She also welcomed the new Health Care Facilities Director, Mrs. Sarah Harvey and new Legal Counsel, Mrs. Ronda Webb-Stewart.

A quorum roll call vote was taken:

Mr. Paul Boyd – here  
Mr. Louis Caputo – here  
Dr. Howard Clark – not here  
Dr. Patsy Carihfield – here  
Mr. Joshua Crisp – here  
Mr. James Dunn – here  
Mr. Chuck Griffin – here  
Dr. Julie Jeter – not here  
Ms. Patricia Ketterman – not here  
Mr. Bobby Meadows – here  
Mr. Roger Mynatt – not here  
Ms. Susan Peach – not here  
Dr. Sherry Robbins – not here  
Dr. René Saunders – here  
Ms. Jennifer Tatum-Cranford- here  
Ms. Gina Throneberry – not here  
Ms. Janet Williford – here  
Dr. Monica Warhaftig – not here

**A quorum was established.**

#### **RULEMAKING HEARING:**

Mr. Matthew Gibbs, Deputy General Counsel read the rules into the record. **Mr. Caputo made a motion to accept the rules as written; Mr. Dunn seconded.**

Roll call vote:

Mr. Paul Boyd – yes  
Mr. Louis Caputo – yes  
Dr. Patsy Carihfield – yes

Mr. Joshua Crisp – yes  
Mr. James Dunn – abstain  
Mr. Chuck Griffin – yes  
Mr. Bobby Meadows – yes  
Dr. René Saunders – abstain  
Ms. Jennifer Tatum-Cranford- yes  
Ms. Janet Williford – yes

**The motion was approved.**

**Performance Improvement Issue Standing Committee Meeting Summary – January 11, 2022.**  
Mrs. Reed presented items that were discussed during this meeting.

**LICENSE STATUS REQUEST(S):**

Mrs. Reed presented the following (12) requests.

Siskin Hospital for Physical Rehabilitation, Chattanooga (Hosp #67)

This eighty-eight (88) bed hospital facility requested the temporary addition of twelve (12) IRF beds until the April 2023 Board meeting. The representative for this facility was Mr. Elrod. **Mr. Griffin made motion to grant inactive status until April 2023; Mr. Dunn seconded. The motion was approved.**

Humboldt Nursing and Rehabilitation Center (HNRC), Humboldt (NH #87)

This one hundred twenty (120) bed skilled nursing home facility requested to modify dates of the inactive status that was granted at the October 5, 2021 board meeting. The facility requested a modification of the inactive status period to June 5, 2022. The representative for this facility was Mr. West. **Mr. Dunn made a motion that the period of suspension matches the period of inactivity; Mrs. Williford seconded. The motion was approved.**

Family Ministries John M. Reed Center, Limestone (ACLF #4)

This forty-four (44) bed facility requested to place their license on inactive status effective February 1, 2022 for one (1) year. This facility will no longer be able to provide care for residents as of January 31, 2022. The representative for this facility was Mr. Gibbs. **Mrs. Crihfield made a motion to grant inactive status until February 2023; Mr. Caputo seconded. The motion was approved.**

Optimum Senior Living, Inc., White Bluff (ACLF #233)

This twenty-three (23) bed skilled nursing home facility requested to place their license on inactive status for one (1) year until February 2023. The representative for this facility was Mrs. Cho. **Mr. Meadows made a motion to grant inactive status until February 2023; Mr. Boyd seconded. The motion was approved.**

Christian Care Center of Medina, Medina (NH #308)

This sixty-six (66) bed skilled nursing home facility requested an extension waiver for their license to remain on inactive status through February 2023. The representative for this facility was Mr. Taylor. **Mr. Dunn made a motion to grant inactive status until February 2023; Mr. Caputo seconded. The motion was approved.**

Baptist Memorial-Memphis Skilled Nursing Facility, Memphis (NH #352)

This thirty-five (35) bed skilled nursing unit at Baptist Memorial-Memphis Skilled Nursing Facility, Memphis requested an extension of their license to remain on inactive status for one (1) year

through February 2023. The representative for the facility was Mr. Elrod. **Mr. Dunn made a motion to grant inactive status for both NH #352 and #391 with the requirement to have a representative presented at the February 2023 Board meeting; Mr. Caputo seconded. The motion was approved.**

Baptist Skilled Rehabilitation Unit-Germantown Skilled Nursing Facility, Germantown (NH #391)

This eighteen (18) bed skilled nursing unit at Baptist Skilled Rehabilitation Unit-Germantown, is requested an extension waiver for their license to remain on inactive status for one (1) year through February 2023. The representative for the facility was Mr. Elrod. **Mr. Dunn made a motion to grant inactive status for both NH #352 and #391 with the requirement to have a representative presented at the February 2023 Board meeting; Mr. Caputo seconded. The motion was approved.**

Signature Healthcare at Methodist, Memphis (NH #247)

This forty-four (44) bed nursing home requested an extension waiver to remain on inactive status for an additional one (1) year through February 2023. The representative for the facility was Mr. Puri. **Mr. Meadows made a motion to grant inactive status through February 2023 Board meeting; Mr. Caputo seconded. The motion was approved.**

Signature Healthcare at Saint Francis, Memphis (NH #254)

This one hundred ninety-seven (197) bed nursing home requested an extension for their license to remain on inactive status for an additional one (1) year through February 2023. The representative for this facility was Mr. Puri. **Mr. Meadows made a motion to grant inactive status through February 2023 Board meeting; Mr. Dunn seconded. The motion was approved.**

Lenoir City TN OPCO, LLC, Lenoir City (NH #160)

This one hundred and four (104) nursing home facility requested an extension for their license to remain on inactive status for an additional one (1) year through February 2023 due to construction plan are not finalized. The representative for this facility was Mr. Vujanovic. **Mr. Boyd made a motion to grant inactive status through February 2023 Board Meeting; Mrs. Crihfield seconded. The motion was approved.**

Senior Saints' Home, Chattanooga (RHA #84)

This residential home for the aged facility is requested an extension for their license to remain on inactive status for an additional one (1) year through February 2023. The representative for the facility was Mrs. Nyasimi. Mrs. Nyasimi was not able to appear before the board. **Mr. Crisp made a motion to grant inactive status until February 2023; Mr. Caputo seconded. The motion was approved.**

Curahealth Nashville, Nashville (Hosp #25)

This sixty (60) bed hospital facility requested an extension for their license to remain on inactive status through April 2023. The representative for this facility was Mrs. Looney. **Mr. Caputo made a motion to grant inactive status through April 2023 Board Meeting; Mr. Boyd seconded. The motion was approved.**

**WAIVER REQUESTS:**

Mrs. Reed presented the following (6) requests.

CHI National Home Care d/b/a CHI Memorial Health at Home, Chattanooga (HHA #103)

This Home Health Agency requested program flexibility with regulatory relief to allow this facility to have initial and comprehensive assessments completed by a therapist if only therapy services

ordered. The representative for the facility was Ms. Ames. **Ms. Carihfield extended the request and accept the PI Committee findings; Mr. Dunn seconded. The motion was approved.**

Ballad Health Hospitals: Bristol Regional Medical Center, Bristol (Hosp #131); Holston Valley Medical Center, Kingsport (Hosp #133); Indian Path Community Hospital, Kingsport (Hosp #134); Johnson City (Hosp #121)

The above hospitals are requesting the Board to waive certain of its rule T.C.A. § 68-11-209(b), and otherwise interpret its rules, so the hospitals may implement its federally approved hospital at home program. Under Executive Order #68 and pursuant to the CMS Acute Hospital Care at Home (HHC) Individual Waivers, certain health care services may be provided outside of a traditional hospital setting and within a patient's home during the duration of the Public Health Emergency (PHE). All four (4) hospitals have applied for and received approval from CMS to implement a HHC program.

The current suspension of hospital licensing rules ended when Executive Order #68 expired and the HHC waiver program implemented by CMS is currently set to expire at the end of the PHE, the four (4) hospitals need for the Board waivers described in the letter to remain in effect. The waivers sought from the Board would enable the hospitals to continue its acute hospital at-home care to non-Medicare patients. The above listed hospitals are seeking waivers of certain Tennessee hospital licensure rules as well interpretative guidance to clarify the applicability of certain rules. Such waivers would avoid disruption in patient care once the PHE expires. The representative for this facility was Mr. Elrod. **Mr. Dunn made a motion to approve the hospital rules 1200-08-01-.06(3)(m) & (n) Housekeeping, 1200-08-01-.06(4)(a) Nursing Services, and 1200-08-01-.06(9) Food and Dietetic Services and Interprets that a hospital can provide care at home and a patient's bed at home is not considered a hospital bed for one (1) year and for the duration of the waiver and requirement to production and presentation of a statistical quarterly report until February 2023; Mr. Caputo seconded. The motion was approved.**

Ascension Saint Thomas Rutherford Hospital, Murfreesboro (Hosp #100); Ascension Saint Thomas West Hospital and Ascension Saint Thomas Midtown Hospital, Nashville (Hosp #24)

This above listed hospitals requested to waive certain rules so that Saint Thomas Rutherford Hospital, Rutherford; Ascension Saint Thomas West Hospital and Ascension Thomas Midtown Hospital, Nashville to continue to operate its federally approved Acute Hospital Care at Home programs. 1200-08-01.06(3)(a) Infection Control; 1200-08-01.06(3)(b)(6) A method of Control used in relation to Sterilization of Water; 1200-08-01.06(3)-(n) Housekeeping; 1200-08-01306(3)(o)-(p) Laundry; 1200-08-01.06(3)(q)(1), (2), (3), (4), (5) Physical Environment; 1200-08-01.06(4)(a) Nursing Services; 1200-08-01.06(9)(g) Food Dietetic Services - Minimum of 3 meals per day; 1200-08-01-.08 Building Standards; 1200-08-01.09 Life Safety; and 1200-08-01.09 Disaster Preparedness; The representative for these facilities was Mr. Gooch. **Mr. Meadows made a motion to approve the facility's request to waive 1200-08-01.06(9)(g) dietetic services, 1200-08-01.06(4)(a) nursing services, 1200-08-01.06(3)-(n) housekeeping and 1200-08-01306(3)(o)-(p) laundry services and to include the reporting requirement; Dr. Tatum-Cranford seconded. The motion was approved.**

**Mr. Dunn made an amendment to the motion to add a timeframe of one (1) year until February 2023; Mrs. Carihfield seconded. The motion was approved.**

Vanderbilt University Medical Center, Nashville (Hosp #27)

This hospital requested to extend the waivers that were granted to their facility by the board approved at the February 2021 Board meeting. The representative for this facility was Mr. Elrod. **Mr. Dunn made a motion to extend hospital rules 1200-08-01-.06(3)(m) & (n) Housekeeping, 1200-08-01-.06(4)(a) Nursing Services, and 1200-08-01-.06(9) Food and Dietetic Services and Interprets that a hospital can provide care at home and a patient's bed at home is not considered a hospital bed for**



(1) year and for the duration of the waiver. Vanderbilt University Medical Center is to submit to the Board Quarterly reports on safety measures such as readmissions, infections, mortality, and patient's satisfaction; Mrs. Williford seconded. The motion was approved.

Vanderbilt University Medical Center (VUMC), (Hosp #27) – Medical Center East (MCE) South Tower MRI Room

This facility is requesting a temporary waiver for the use of the Medical Center East (MCE) South Tower MRI room (TDOH Project #2020-02-27-04) as a Class 3 Imaging Room on the outpatient floor. The MRI room currently designed and used as a Class 2 Imaging Room. MCE South Tower is of Construction Type 1A, Business Occupancy. The MCE South Tower MRI room currently has a new 3T MRI with a larger bore size that can accommodate intubated patients who cannot be accommodated in smaller MRI bores due to patient body habitus. The representative for this facility was Mr. Elrod. **Mr. Griffin made a motion to allow the temporarily use of the MCE MRI room and to waive the deficit of 12” at the foot of the table; a deficit of 4 receptacles convenient to the table placement; a deficit of 1 vacuum outlet and the deficit of 1 relative to the speed of outside air change (OA) and the deficit of the 2 relative to total minimum air change (ACH); Mr. Dunn seconded. The motion was approved.**

Saint Francis Hospital-Bartlett, Bartlett (Hosp #161)

This one hundred ninety-six (196) bed hospital requested to temporarily close its OB/NICU services on or around March 1, 2022, due to two of the four OB's left the medical staff and the neonatology group will stop providing services due to a physician retirement. The representative for this facility was Ms. Looney. **Mr. Meadows made a motion to approve the temporarily closure of the OB/NICU services; Mr. Caputo seconded. The motion was approved.**

**Mr. Boyd made an amendment to add the timeframe for one (1) year; Mr. Meadows seconded. The motion was approved.**

DISCUSSION(S):

Interpretative Guidelines Language Approval for Trauma Center Rules 1200-08-12-.04(2)(5) Regarding Surgical Specialty Availability for Inside or Outside Hospital. Mr. Seesholtz was the representative for this item. **Mr. Caputo made a motion to approve the interpretative guideline; Ms. Williford seconded. The motion was approved.**

Extension of Interpretative Guidelines until the February 2022 Board Meeting

1. Home Health Agency rule 1200-08-26-.05(2) & (4) regarding written plan of care being established & reviewed by a physician and care under the supervision of a physician and rule 1200-08-26-.05(8) regarding medication or treatment ordered by physician.

**Ms. Williford made a made a motion to approve this waiver until Legislation passes; Ms. Carihfield seconded. The motion was approved.**

2. Home Health Agency rule 1200-08-26-.06(3)(b) regarding evidence of review of place of care must include physician's signature.

**Mr. Boyd made a motion to continue with this Interpretative Guidance until February 2023 Board meeting; Ms. Williford seconded. The motion was approved.**

3. Home Health Agency rule 1200-08-26-.06(7)(c) regarding supervisory visit by registered nurse to patient's place of residence at least monthly.

**Ms. Williford made a motion to continue with this Interpretative Guidance until February 2023 Board meeting; Mr. Meadows seconded. The motion was approved.**

4. Hospice rule 1200-08-27-.05(3) & (5) regarding written plan of care being established & reviewed by a physician and care or treatment under the supervision of a physician and rule 1200-08-27-.05(9) regarding medication or treatment ordered by physician.

**Ms. Williford made a motion to continue with this Interpretative Guidance until February 2023 Board meeting; Mr. Caputo seconded. The motion was approved.**

5. Hospice rule 1200-08-27-.06(11)(b) regarding supervisory visit by registered nurse to patient's place of residence at least monthly.

**Ms. Williford made a motion to continue this Interpretative Guidance until February 2023 Board meeting; Mr. Caputo seconded. The motion was approved.**

6. Hospital rule 1200-08-01-.01(19) regarding definition of Critical Access Hospital.

**Mr. Dunn made a motion to continue this Interpretative Guidance until February 2023 Board meeting; Mr. Boyd seconded. The motion was approved.**

7. Nursing Home rule 1200-08-06-.05(7) regarding admission in excess of licensed bed capacity.

**Mr. Dunn made a motion to continue this Interpretative Guidance until February 2023 Board meeting; Mr. Williford seconded. The motion was approved.**

Consideration of Extension the Nursing Home Rule Regarding CNAs and 4 months working. The representative for this item was Mr. Puri. Mr. Puri requested that this waiver to be extended and align with CMS. **Mr. Meadows made a motion to extend this waiver until February 2023 Board meeting; Mr. Dunn seconded. The motion was approved.**

**BOARD POLICY CONSENTS:**

Board Policy #81  
Parkway Health and Rehabilitation Center, Memphis (NH #349)

**Ms. Williford made a motion to approve Parkway Health and Rehabilitation Center; Mrs. Carihfield seconded. The motion was approved.**

Board Policy #32  
Asbury Place Maryville, Maryville (NH #10)  
Asbury Place Kingsport, Kingsport (NH #123)

**Ms. Williford made a motion to approve these facilities; Mr. Dunn seconded. The motion was approved.**

**CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND (INITIALS):**

The following chow application was presented to the Board for approval for special consideration- (CHOWS)

Assisted Care Living Facilities

Sycamore Place Alzheimer's Special Care Center, Memphis

Mrs. Reed gave the reasoning for the need of the representative of Sycamore Place Alzheimer's Special Care Center, Memphis to present to the Board. Mrs. Hold-Weiss was the representative for this facility. Ms. Hold-Weiss discussed the background/history of the Civil Monetary Penalty assessed to the facility. **Mr. Meadows made a motion to approve the CHOW application; Mr. Griffin seconded. The motion was approved.**

The following qualifying initial applications were presented to the Board for approval without staff concern-

(Initials)

Ambulatory Surgical Treatment Centers

New Salem Surgery Center, Murfreesboro  
Riverfront Surgery Center, Chattanooga  
Sapling Grove Endoscopy Center, LLC, Bristol  
Volunteer Ambulatory Surgery Center, Talbott

Assisted Care Living Facilities

\*Remember Me Senior Care at Wind Creek, Cleveland

End Stage Renal Dialysis Clinics

DCI-Henderson, Henderson

Home Medical Equipment

Cardinal Medical Group, LLC, Red Boiling Springs  
Center for Sleep DME, Nashville

Home Health Agencies

Critical Nurse Staffing, LLC, Oak Ridge  
Nuclear Care Partners, LLC, Knoxville  
St. Jude Children's Research Hospital Home Care, LLC, Memphis

Outpatient Diagnostic Centers

Ballad Health Imaging Center, Johnson City  
Covenant Health Diagnostic Centers, LLC, Knoxville

Professional Support Services

Berenice M. Sansone, Lakeland  
Greater Community Home Healthcare, LLC, Memphis  
Premier Health Care, LLC, Bartlett

**Mr. Boyd made a motion to approve the facilities with the exclusion of Remember Me Senior Care at Wind Creek, Cleveland (Mr. Crisp has recused himself therefore losing a quorum and this**

application will move to the April 2022 Board Meeting); Ms. Williford seconded. The motion was approved.

(CHOWS)

Assisted Care Living Facility

The Goldton at Spring Hill, Spring Hill

Mr. Boyd made a motion to approve the CHOW application; Ms. Williford seconded. The motion was approved.

#### **APPROVAL OF MINUTES:**

Mrs. Reed presented the following minutes to the full Board for approval –

October 5, 2021 – Board Meeting

January 11, 2022 – Performance Improvement Issue Standing Committee Meeting

Mr. Caputo made a motion to approve the minutes as written; Ms. Williford seconded. The motion was approved.

#### **LICENSE STATUS UPDATES:**

Millington Dialysis, Millington (ESRD #187)

The ESRD facility had requested to place their license on inactive status due to staffing issues. Millington Dialysis have since discovered that the facility intends to continue to provide peritoneal dialysis services, and only desires to temporarily suspend in-center hemodialysis services at this time. Millington Dialysis withdrew their request to temporarily place the license in active status, since the facility will continue to operate in a limited capacity. We currently anticipate that Milligan Dialysis will resume in-center HD services on or about March 14, 2022, but that date could be subject to change due to circumstances currently outside of our control but will keep the department informed as the situation develops.

#### **FACILITY CLOSURES**

Mrs. Reed presented this report to the Board.

#### **REPORTS:**

EMS Report – Mr. Seesholtz, Trauma System Manager presented this report.

Sumner Regional Medical Center Level III Trauma Center

Vanderbilt Medical Center reverification review for a Level I designation.

Ms. Williford made a motion to approve the report and grant the Level I Trauma Center designation to Vanderbilt University Medical Center and Level III Trauma Center designation to Sumner Regional Medical Center.

Ballad Health indicating to transition from Level 2 to Level 3 Trauma Center designation.

Nurse Aide Report – Mrs. Reed, Director of Licensing presented this report. As of January 25, 2022, there are 35,577 certified nurse aides in Tennessee and 1,366 Temporary nurse aides who have transitioned to certified nurse aides since the Bridge Program began on August 16, 2021, and 298 approved Nursing Aide Training Programs. As of January 30, 2022, there are 3,312 Temporary Nurse aides.

Office of General Counsel Report – Mrs. Webb-Stewart presented this report.

**ORDERS:**

There were no orders to present at this meeting.

**REGULATIONS: N/A**