



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
THIRD AMENDED**

Date: May 31, 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: June 1-2, 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/16839d16296e48aca944be5341054df31d>

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.

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

JUNE 1, 2022

**IRIS CONFERENCE ROOM, FIRST FLOOR
9:00 a.m.**

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

-
- I. **CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
 - II. **DISCIPLINARY HEARING(S).**
 - III. **RULEMAKING HEARING(S):** Notice of Rulemaking Hearings can be viewed online at:
https://publications.tnsosfiles.com/rules_filings/03-03-22.pdf
 - A. 1200-08-01 Standards for Hospitals
 - 1200-08-01-.01 Definitions
 - 1200-08-01-.02 Licensing Procedures
 - 1200-08-01-.03 Disciplinary Procedures
 - 1200-08-01-.04 Administration
 - 1200-08-01-.05 Admissions, Discharges, and Transfers
 - 1200-08-01-.10 Infectious and Hazardous Waste
 - B. 1200-08-02 Standards for Prescribed Child Care Centers
 - 1200-08-02-.01 Definitions
 - 1200-08-02-.03 Disciplinary Procedures
 - 1200-08-02-.09 Infectious and Hazardous Waste

- C. 1200-08-06 Standards for Nursing Homes
 - 1200-08-06-.01 Definitions
 - 1200-08-06-.03 Disciplinary Procedures
 - 1200-08-06-.09 Infectious and Hazardous Waste

- D. 1200-08-10 Standards for Ambulatory Surgical Treatment Centers
 - 1200-08-10-.01 Definitions
 - 1200-08-10-.03 Disciplinary Procedures
 - 1200-08-10-.10 Infectious and Hazardous Waste

- E. 1200-08-11 Standards for Homes for the Aged
 - 1200-08-11-.01 Definitions
 - 1200-08-11-.03 Disciplinary Procedures
 - 1200-08-11-.09 Infectious and Hazardous Waste

- F. 1200-08-15 Standards for Residential Hospices
 - 1200-08-15-.01 Definitions
 - 1200-08-15-.03 Disciplinary Procedures
 - 1200-08-15-.10 Infectious and Hazardous Waste

- G. 1200-08-24 Standards for Birthing Centers
 - 1200-08-24-.01 Definitions
 - 1200-08-24-.03 Disciplinary Procedures
 - 1200-08-24-.09 Infectious and Hazardous Waste

- H. 1200-08-25 Standards for Assisted-Care Living Facilities
 - 1200-08-25-.02 Definitions
 - 1200-08-25-.05 Regulatory Standards
 - 1200-08-25-.06 Administration
 - 1200-08-25-.08 Admissions, Discharges, and Transfer
 - 1200-08-25-.11 Infectious and Hazardous Waste
 - 1200-08-25-.16 Disaster Preparedness

- I. 1200-08-26 Standards for Homecare Organizations Providing Home Health Services
 - 1200-08-26-.01 Definitions
 - 1200-08-26-.03 Disciplinary Procedures
 - 1200-08-26-.10 Infectious and Hazardous Waste

- J. 1200-08-27 Standards for Home Care Organizations Providing Hospice Services
 - 1200-08-27-.01 Definitions
 - 1200-08-27-.03 Disciplinary Procedures
 - 1200-08-27-.10 Infectious and Hazardous Waste

- K. 1200-08-28 Standards for HIV Supportive Living Centers
 - 1200-08-28-.01 Definitions
 - 1200-08-28-.03 Disciplinary Procedures
 - 1200-08-28-.10 Infectious and Hazardous Waste

- L. 1200-08-29 Standards for Home Care Organizations Providing Home Medical Equipment
 - 1200-08-29-.01 Definitions
 - 1200-08-29-.03 Disciplinary Procedures
 - 1200-08-29-.10 Infectious and Hazardous Waste
- M. 1200-08-32 Standards for End Stage Renal Dialysis Clinics
 - 1200-08-29-.01 Definitions
 - 1200-08-29-.03 Disciplinary Procedures
 - 1200-08-29-.10 Infectious and Hazardous Waste
- N. 1200-08-35 Standards for Outpatient Diagnostic Centers
 - 1200-08-35-.01 Definitions
 - 1200-08-35-.03 Disciplinary Procedures
 - 1200-08-35-.10 Infectious and Hazardous Waste
- O. 1200-08-36 Standards for Adult Care Homes – Level 2
 - 1200-08-36-.01 Definitions
 - 1200-08-36-.04 Regulatory Standards
 - 1200-08-36-.13 Infectious and Hazardous Waste
- P. 1200-08-37 Traumatic Brain Injury Residential Homes
 - 1200-08-37-.01 Definitions
 - 1200-08-37-.04 Regulatory Standards
 - 1200-08-37-.13 Infectious and Hazardous Waste
 - 1200-08-37-.17 Disaster Preparedness

IV. LICENSE STATUS REQUESTS.

A. **PRIME IMAGING, LLC d/b/a DIAGNOSTIC PET/CT OF CHATTANOOGA, CHATTANOOGA (ODC #49)**

Diagnostic PET/CT of Chattanooga is requesting their license to be placed on inactive status. Prime received a Certificate of Need in 2004 allowing to initiate PET/CT services and establish an ODC at the 2205 McCallie Avenue location. On or about April 9, 2019, Prime submitted a Certificate of Need Application to relocate its PET/CT machine. It explained in its application to relocate its ODC license, which was granted, and the PET/CT machine has been relocated. Prime is continuing to evaluate the market and continuing its options related to the ODC license.

REPRESENTATIVE(S): Mark Cunningham, Attorney

B. **HUMBOLDT NURSING AND REHABILITATION CENTER, HUMBOLDT (NH #87)**

This one hundred twenty (120) bed skilled nursing home facility is requesting an extension waiver for their license to remain on inactive status for one (1) additional year. Its license is currently scheduled to expire on June 5, 2022. The owner of HNRC is actively pursuing sale or reopening possibilities and needs additional time to complete this process. Humboldt Nursing and Rehabilitation Center, Humboldt was granted inactive status for one (1) year waiver in October 2021, with a readjusted expiration date of June 2022.

REPRESENTATIVE(S): Bill West, Attorney

C. **CAMDEN DIALYSIS, CAMDEN (ESRD #14)**

This ESRD facility is requesting an extension waiver for their license to remain on inactive status. Camden Dialysis will be changing their dba to Huntingdon Dialysis. This site is still under construction and Camden expect to have a Certificate of Occupancy in early June 2022. This will allow enough time for the clinic set-up and perform two (2) consecutive weeks of acceptable water cultures and electrolyte testing and coordinating onsite TDOH inspections related to life safety regulations and health facilities licensure will determine the opening date. Camden at the Huntingdon location will be the same approved number of thirteen (13) in-center hemodialysis stations and will add the services of PD home training and support. Camden Dialysis was granted an inactive status waiver on April 5, 2022, which expires in June 2022.

REPRESENTATIVE(S): Tammy Carrington, Group Facility Administrator

D. **SISKIN HOSPITAL'S SUBACUTE REHABILITATION PROGRAM, CHATTANOOGA (NH #382)**

This twenty-nine (29) bed nursing home facility is requesting a fifth inactive status extension waiver for their license to remain on inactive status for an additional one (1) year through June 2023. Siskin Hospital Subacute Rehabilitation Program was placed on inactive status for one (1) year on June 7, 2017 which expired June 7, 2018; an extension inactive status waiver was granted June 7, 2018 which expired June 7, 2019; a second extension inactive status for one (1) year on June 7, 2019 which expired June 7, 2020; a third extension inactive status for one (1) year was granted on June 7, 2020 which expired on June 2, 2021 and a fourth extension inactive status for one (1) year was granted on June 2, 2021 which will expire on June 2, 2022.

REPRESENTATIVE(S): Dan Elrod, Attorney

E. **COOKEVILLE REGIONAL MEDICAL CENTER/UPPER CUMBERLAND PHYSICIAN'S SURGERY CENTER, COOKEVILLE (ASTC #155)**

Upper Cumberland Physicians Surgery Center is requesting an extension waiver for their license to remain on inactive status for one (1) additional year. Due to the disruption and distraction resulting from the COVID pandemic, Cookeville Regional Medical Center has not had an adequate opportunity to develop plans for Upper Cumberland Physician's Surgery Center. This ambulatory surgical treatment center is operating as a joint venture between Cookeville Regional Medical Center and local physicians.

REPRESENTATIVE(S): Dan H. Elrod, Attorney

F. **MEMORIAL/MISSION OUTPATIENT SURGERY CENTER, CHATTANOOGA (ASTC #147)**

This ambulatory surgical treatment center is requesting a seventh extension waiver to remain on inactive status for an additional one (1) year through June 2023. Leadership at Memorial/Mission continues to actively explore options for reactivating the facility's license, but this process has been significantly hampered by the COVID-19 pandemic. Memorial has had discussions with several physician groups regarding reopening of this facility and is hopeful that as the COVID-19 pandemic recedes, those conversations will be able to further progress. This facility's license was placed on inactive status for twelve (12) months on May 6, 2015 expired May 6, 2016; an extension inactive waiver status for additional twelve (12) months was granted on May 6, 2016 expired June 7, 2017; a second extension inactive status for additional twelve (12) months was granted on June 7, 2017 expired June 7, 2018; a third extension inactive status for additional twelve (12)

months was granted on June 6, 2018 expired June 6, 2019; a fourth extension inactive status for additional twelve (12) months was granted on June 6, 2019 expired June 3, 2020; a fifth extension inactive status was granted for June 3, 2020 for twelve (12) months expired on June 2, 2021; and a sixth extension inactive status for an additional one (1) year was granted on June 2, 2021, which will expire on June 2, 2022.

REPRESENTATIVE(S): Dan Elrod, Attorney

G. **BAPTIST TRINITY HOME CARE-PRIVATE PAY DIVISION, MEMPHIS (HHA #242)**

This home health agency is requesting a fourth extension waiver for their license to remain on inactive status for an additional one (1) year through June 2023. Baptist-Trinity is a home health agency authorized to provide services in Fayette, Hardeman, Haywood, Shelby, and Tipton counties. It is not Medicare or Medicaid-certified, it has historically provided private duty home health services to commercially-insured and self-pay patients. Baptist-Trinity continues to seek a partner to collaborate with on the future operations of its home care services but has not made substantial progress in those efforts over the past two years due to the COVID-19 pandemic. Inactive status for this license will provide Baptist-Trinity additional time to determine a definitive plan for the future operation of this service. This facility's license was placed on inactive status for one (1) year on June 6, 2018, expired June 6, 2019; an extension inactive waiver status for an additional twelve (12) month and was granted June 9, 2019, expired June 3, 2020; and a second extension inactive waiver status for an additional one (1) year was granted on June 3, 2020 expired on June 2021; and a third extension inactive waiver status for an additional one (1) year was granted June 2, 2021 which will expire on June 2, 2022.

REPRESENTATIVE(S): Dan Elrod, Attorney

H. **JACKSON PARK CHRISTIAN HOME, NASHVILLE (NH #55)**

This twenty-eight (28) bed nursing home facility is requesting its ninth extension waiver for their license to remain on inactive status for an additional twelve (12) months through June 2023. Signature Healthcare, LLC is affiliated with Signature HealthCARE which owns and operates other facilities. This facility ceases operations on February 29, 2012, because the operation of the facility was economically unfeasible. The Board has continued approval of the facility's inactive status as Signature continues to evaluate the best options for the licensed facility going forward, and Signature has updated the Board during that period. Signature continues its effort to find either a viable purchaser or a viable development opportunity for the facility's beds with another replacement facility. Jackson Park Christian Home's license was placed on inactive status for twelve (12) months on May 2, 2012; an extension waiver for inactive status was granted for an additional twelve (12) months on May 1, 2013; a second extension was granted on May 8, 2014 for an additional twelve (12) months; a third extension was granted on May 6, 2015 for an additional twelve (12) months; a fourth extension was granted on May 4, 2016 for an additional twelve (12) months; a fifth extension was granted on June 7, 2017 for an additional twelve (12) months; a sixth extension was granted on June 6, 2018 for twenty-four (24) months expired June 2020; a seventh extension was granted on June 3, 2020 expired on June 3, 2021; an eighth extension was granted on June 3, 2021 for an additional twelve (12) months which will expire on June 3, 2022.

REPRESENTATIVE(S): Chris Puri, Attorney

I. NASHVILLE METRO CARE & REHABILITATION CENTER, NASHVILLE (NH#47)

This one hundred eleven (111) bed skilled nursing home facility is requesting an additional twelve (12) months extension to remain on inactive until the next board meeting in June 2023. In September 2016, The Crestview Care and Rehabilitation Center, LLC and Nashville Realty Holdings, LLC (“Crestview”), borrowed funds from Bank of Oklahoma (BOKF) which they utilized in the acquisition. In September 2017, the Tennessee Department of Health (TDH) suspended admissions of new residents to the facility, impose large civil monetary penalties, and appointed a special monitor to oversee its operations. Shortly thereafter, the facility’s provider agreements were terminated by CMS which led to the closure of the facility. In April 2018 BOKF notifies representatives of Crestview and Skyline Health Care, LLC, of numerous defaults regarding the loan made by BOKF. May 23, 2018, attorneys with our firm (as counsel for BOKF) filed a legal action seeking Emergency Appointment of Receiver. On June 5, 2020, the Davidson County Chancery Court granted BOKF motion for the Emergency Appointment of Receiver and appointed Attorney John Cheadle, Jr. as receiver for this asset, which includes the facility’s license #47. The real property and health care license rights are the only assets of which BOKF is aware to satisfy the obligations owed to it. BOKF has actively marketed the facility assets and had reached a definite agreement with a new owner to purchase the property and redevelop a new facility. That transaction is currently in the process of moving to a closing that the parties hope will occur in the next few months.

REPRESENTATIVE(S): Chris Puri, Attorney

J. WAYNE COUNTY NURSING HOME, WAYNESBORO (NH #277)

This forty-six (46) bed nursing home is seeking a fifth extension waiver for their license to remain on inactive status for an additional twelve (12) months through June 2023. This facility is one of two facilities in Wayne County, and the facility cease operations because the operation of the beds was economically unfeasible. The Board has continued approval of the facility’s inactive status as the facility continued to evaluate the best option for the licensed facility going forward. This facility’s license was placed on inactive status on September 10, 2014, an extension waiver was granted on September 10, 2015; a second extension was granted on October 26, 2016, for two (2) years, which expired in June 2019; a third extension was granted on June 19, 2019, for an additional one (1) year; and a fourth extension was granted for June 18, 2020, for two (2) additional years which will expire June 2022.

REPRESENTATIVE(S): Chris Puri, Attorney

V. **WAIVER REQUESTS.**

A. TANDEM DIABETES CARE, INC., SAN DIEGO, CA (HME File #1337)

Tandem Diabetes Care, Inc., submitted their application and fee to apply for licensure as a Home Medical Equipment Provider in Tennessee. As Tandem prepares for its initial survey they request the Board a waiver of certain Rules under Chapter 1200-08-29, Standards for Home Care Organizations providing home medical equipment. Under Tennessee law, a provider of home medical equipment has its principal place of business outside of Tennessee, under Tennessee Code Section 68-11-226(e) Tandem is not subject to this requirement because Tandem manufactures and distributes its own company-branded insulin infusion pumps; maintains an employee presence in Tennessee; is accredited by a CMS-approved accrediting organization; and maintains a 24/7 service number. Tandem does not maintain a physical facility in Tennessee. Tandem request from the Board a waiver for the following rules: (1) Rule 1200-08-29-.04(7) – Post notices in the main public entrance; (2) Rule 1200-08-29-.04(8) – No smoking signs; (3) Rule 1200-08-29-.06(2)(f), (4) – Annual Influenza Vaccination Program; Rule 1200-08-29-

.06(5) - Physical location; and Rule 1200-08-29-.06(6)(c) – Staff or contract with a qualified rehabilitation professional – insulin infusion pumps not require nor does Tandem have any use for the services of a qualified rehabilitation professional. Tandem is in the process of gathering the materials necessary for the initial licensure survey which will be provided to the surveyor at the time of their initial review.

REPRESENTATIVE(S): Ms. Deborah Muns-Park., Assistant General Counsel

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

On behalf of Vanderbilt University Medical Center (VUMC), Nashville to request the Board for Licensing to grant the following waivers. Vanderbilt requests the extension of waivers permitting continued use of an observation unit on the first floor until construction in the area is completed in late 2022. VUMC was first granted waivers for this unit in 2014. The unit included seven observation rooms and eleven observation hold cubicles and the waiver relates to the size of the rooms and cubicles. VUMC did not expect this waiver would need to be extended. However, planned construction to bring rooms into compliance with FGI standards was delayed due to the COVID-19 pandemic.

Second, the Board has previously granted waivers to VUMC for the following:

- Temporary emergency department waiting and screening area;
- The use of 20 observation rooms on the Medical Center East, floors 6, 7, and 8 for inpatients;
- The use of 14 observation rooms on the 7th floor of the South Building for inpatients; and
- The use of semi-private occupancy in 115 rooms.

VUMC is completing the construction in phases. Phase 1 is underway currently and Phase 2 will begin late summer 2022. While it appears that the pandemic has subsided for the present, VUMC continues to need the additional capacity and flexibility created by the uses outlined. VUMC requests that the waivers for the four areas outlined above continue until the Board's meeting in February 2023.

REPRESENTATIVE(S): Dan H. Elrod, Attorney

C. THE FARMS AT BAILEY STATION, AL & SECURED UNITS, COLLIERVILLE -(ACLF FILE #517)

The Farms at Bailey Station, Collierville is requesting a waiver of certain space requirements to allow the use of certain units as double occupancy units by two related individuals. The facility requests a waiver of ACLF Rules 1200-08-25-.09(18)(b). This regulation specifically requires the facility a minimum of eighty (80) square feet of bedroom space for each resident. A couple sharing the living unit would not be in compliant with these square footage requirements based on the configuration of certain of these units. The facility does not have multiple double occupancy units and believes it will require more double occupancy units in certain situations. This waiver will be requesting to continue permanently for the facility as it is currently constructed. The Farms at Bailey Station is also requesting the Board recognizes that its approval of the flexibility in requested waiver would also be compliant with the more general building requirements as ACLF 1200-08-25-.09(1) which requires construction of the facility in a manner that assures the safety and well-being of residents. This facility is in the process of pending initial licensure application to be approved and in process of initial inspection.

REPRESENTATIVE(S): Chris Puri, Attorney

VI. DISCUSSION(S).

- A. Second Data Report from Vanderbilt University Medical Center #27 regarding services for its Hospital Care at Home Program.
- B. Assisted Care Living Facility Administrators how many ACLF facilities can an administrator serve? This number is not stated by ACLF Rules and Regulations.
- C. Approval of the Joint Annual Report on the Status of Children's Emergency Care Alliance of Tennessee (CECA TN) 2022.

REPRESENTATIVE(S): Natasha Kurth, Executive Director
Children's Emergency Care Alliance of Tennessee (CECA TN)

- D. Extension of Interpretative Guidelines and Board Policy #82 - COVID-19 Crisis Waivers in Effect Until the February 2023 Board meeting regarding CMS 1135 QSO recent updates.
 - 1. Assisted Care Living Facility rule 1200-08-25-.08(1)(c) regarding admission or retention of resident with COVID-19.
 - 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. 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.
 - 4. Board Policy #82 – Revised/Updates.
- E. Temporary Nurse Aides – Challenge Application.

VII. 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. Signature Healthcare of Cleveland, Cleveland (NH #16)
- Jaquelyn Spence, Temporary Administrator
 - 2. Magnolia Healthcare and Rehabilitation Center (NH #182)
- Tevis Tuggle, RN, NHN, Temporary Administrator
 - 3. AHC Forest Cove, Jackson (NH #170)
- Christopher Spence, Temporary Administrator
- B. **THE FOLLOWING NURSING HOMES ARE REQUESTING A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY BOARD POLICY #32:**
 - 1. Elk River Health and Nursing Center of Ardmore, Ardmore (NH #91)

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

A. SPECIAL CONSIDERATION.

1. (INITIALS)
N/A
2. (CHOWS)
N/A

B. RATIFICATION.

1. QUALIFYING APPLICATIONS (Approval)

(INITIALS)

(a) Home Health Agencies

Brightstar Care, Knoxville
MAG Homecare, Memphis

(b) Professional Support Services

Milestone Home Healthcare Services

2. (CHOWS)
N/A

IX. APPROVAL OF MINUTES.

- A. April 5, 2022 Board Meeting

X. LICENSE STATUS UPDATES.

CLARKSVILLE NORTH DIALYSIS, CLARKSVILLE (ESRD #166)

Clarksville North Dialysis, Clarksville will temporarily close and change their operating days and hours due to staffing shortage effective March 31, 2022. All ICHD patients that treat on TTS, will treat at Fort Campbell Dialysis, Clarksville.

ROCKGATE ASSISTED LIVING FACILITY, COWAN (ACLF #373)

Rockgate Assisted Living is now officially shutdown for operations, having transitioned the last resident terminated the last resident on April 30, 2022. The owners of Rockgate request that the operating license #000000373, be terminated as of May 13, 2022.

*FACILITY CLOSURES

See attachment.

XI. REPORTS.

- A. EMS REPORT – N/A
- B. NURSE AIDE REPORT – Ann Reed, Director of Licensing
- C. OFFICE OF GENERAL COUNSEL REPORT – Ronda Webb-Stewart, OGC

XII. ORDERS.

A. CONSENT ORDER(S)

XIII. 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

JUNE 1, 2022

The Board for Licensing Health Care Facilities meeting began on June 1, 2022. Dr. Rene' Saunders, Chair, called the meeting to order.

A quorum roll call vote was taken:

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

A quorum was established.

CONTESTED CASE HEARING:

A contested case hearing took place regarding Asbury Place, Maryville. See OGC for transcript.

LICENSE STATUS REQUEST(S):

Mrs. Reed presented the following (12) requests.

Prime Imaging, LLC d/b/a Diagnostic PET/CT of Chattanooga, Chattanooga (ODC #49)

This Outpatient Diagnostic Center requested for their license be placed on inactive status. Prime is continuing to evaluate the market and continuing its options related to the ODC license. The representative for this facility was Mr. Mark Cunningham. **Mr. Mynatt made a motion to grant inactive status until June 2023 meeting; Mr. Crisp seconded. The motion was approved.**

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. 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; Ms. Williford seconded. The motion was approved.**

Camden Dialysis, Camden (ESRD #14)

This ESRD facility is requesting an extension waiver for their license to remain on inactive status. Camden Dialysis will be changing their dba to Huntingdon Dialysis. This site is still under construction and Camden expect to have a Certificate of Occupancy in early June 2022. Camden at the Huntingdon location will be the same approved number of thirteen (13) in-center hemodialysis stations and will add the services of PD home training and support. The representative for this facility was Ms. Tammy Carrington. **Dr. Robbins made a motion to grant an extension inactive status waiver until October 2022; Mr. Meadows seconded. The motion was approved.**

Siskin Hospital's Subacute Rehabilitation Program, Chattanooga (NH #382)

This twenty-nine (29) bed nursing home facility is requesting a fifth inactive status extension waiver for their license to remain on inactive status for an additional one (1) year through June 2023. The representative for this facility was Mr. Dan Elrod, Attorney. **Mr. Mynatt made a motion for approval for an extension inactive status waiver until one (1) additional year until June 2023; Ms. Ketterman seconded. The motion was approved.**

Cookeville Regional Medical Center/Upper Cumberland Physician's Surgery Center Cookeville (ASTC #155)

Upper Cumberland Physicians Surgery Center is requesting an extension waiver for their license to remain on inactive status for one (1) additional year. Due to the disruption and distraction resulting from the COVID pandemic, Cookeville Regional Medical Center has not had an adequate opportunity to develop plans for Upper Cumberland Physician's Surgery Center. The representative for this facility was Mr. Dan Elrod, Attorney. **Dr. Warharftig made a motion for approval for an additional one (1) year inactive status extension through June 2023. Dr. Robbins seconded. The motion was approved.**

Memorial/Mission Outpatient Surgery Center, Chattanooga (ASTC #147)

This ambulatory surgical treatment center is requesting a seventh extension waiver to remain on inactive status for an additional one (1) year through June 2023. Leadership at Memorial/Mission continues to actively explore options for reactivating the facility's license, but this process has been significantly hampered by the COVID-19 pandemic. The representative for this facility was Dan Elrod, Attorney. **Mr. Mynatt made a motion for approval for a seventh additional year inactive status extension through June 2023; Ms. Ketterman seconded. The motion was approved.**

Baptist Trinity Home Care-Private Pay Division, Memphis (HHA #242)

This home health agency is requesting a fourth extension waiver for their license to remain on inactive status for an additional one (1) year through June 2023. Baptist-Trinity is a home health agency authorized to provide services in Fayette, Hardeman, Haywood, Shelby, and Tipton counties. It is not Medicare or Medicaid-certified, it has historically provided private duty home health services to commercially-insured and self-pay patients. Baptist-Trinity continues to seek a partner to collaborate with on the future operations of its home care services but has not made substantial progress in those efforts over the past two years due to the COVID-19 pandemic. The representative for the facility was Mr. Dan Elrod, Attorney. **Dr. Warharftig made a motion for approval for a fourth**

additional year inactive status extension through June 2023; Mr. Meadows seconded. The motion was approved.

Jackson Park Christian Home, Nashville (NH #55)

This twenty-eight (28) bed nursing home facility is requesting its ninth extension waiver for their license to remain on inactive status for an additional twelve (12) months through June 2023. This facility ceases operations on February 29, 2012, because the operation of the facility was economically unfeasible. The Board has continued approval of the facility's inactive status as Signature continues to evaluate the best options for the licensed facility going forward, and Signature has updated the Board during that period. Signature continues its effort to find either a viable purchaser or a viable development opportunity for the facility's beds with another replacement facility. The representative for the facility was Mr. Chris Puri, Attorney. **Mr. Meadows made a motion to grant a ninth inactive status extension for one additional year through June 2023; Dr. Robbins seconded. The motion was approved.**

Nashville Metro Care and Rehabilitation Metro Care & Rehabilitation Center, Nashville (NH #47)

This one hundred eleven (111) bed skilled nursing home facility is requesting an additional twelve (12) months extension to remain on inactive until the next board meeting in June 2023. In September 2016, The Crestview Care and Rehabilitation Center, LLC and Nashville Realty Holdings, LLC ("Crestview"), borrowed funds from Bank of Oklahoma (BOKF) which they utilized in the acquisition. The real property and health care license rights are the only assets of which BOKF is aware to satisfy the obligations owed to it. BOKF has actively marketed the facility assets and had reached a definite agreement with a new owner to purchase the property and redevelop a new facility. That transaction is currently in the process of moving to a closing that the parties hope will occur in the next few months. The representative for the facility was Chris Puri. **Mr. Mynatt made a motion for approval for an additional year inactive status extension through June 2023; Ms. Ketterman seconded. The motion was approved.**

Wayne County Nursing Home Waynesboro (NH #277)

This forty-six (46) bed nursing home is seeking a fifth extension waiver for their license to remain on inactive status for an additional twelve (12) months through June 2023. This facility is one of two facilities in Wayne County, and the facility cease operations because the operation of the beds was economically unfeasible. The Board has continued approval of the facility's inactive status as the facility continued to evaluate the best option for the licensed facility going forward. The representative for the facility was Chris Puri. **Mr. Meadows made a motion for approval for a fifth additional year inactive action extension through June 2023; Dr. Robbins seconded. The motion was approved.**

WAIVER REQUESTS:

Mrs. Reed presented the following (6) requests.

Tandem Diabetes Care, Inc., San Diego, CA (HME File #1337)

Tandem Diabetes Care, Inc., submitted their application and fee to apply for licensure as a Home Medical Equipment Provider in Tennessee. As Tandem prepares for its initial survey they request the Board a waiver of certain Rules under Chapter 1200-08-29, Standards for Home Care Organizations providing home medical equipment. Under Tennessee law, a provider of home medical equipment has its principal place of business outside of Tennessee, under Tennessee Code Section 68-11-226(e) Tandem is not subject to this requirement because Tandem manufactures and distributes its own company-branded insulin infusion pumps; maintains an employee presence in Tennessee; is accredited by a CMS-approved accrediting organization; and maintains a 24/7 service

number. Tandem does not maintain a physical facility in Tennessee. Tandem request from the Board a waiver for the following rules: (1) Rule 1200-08-29-.04(7) – Post notices in the main public entrance; (2) Rule 1200-08-29-.04(8) – No smoking signs; (3) Rule 1200-08-29-.06(2)(f), (4) – Annual Influenza Vaccination Program; Rule 1200-08-29-.06(5) - Physical location; and Rule 1200-08-29-.06(6)(c) – Staff or contract with a qualified rehabilitation professional – insulin infusion pumps not require nor does Tandem have any use for the services of a qualified rehabilitation professional. Tandem is in the process of gathering the materials necessary for the initial licensure survey which will be provided to the surveyor at the time of their initial review. The representative for the facility was Ms. Deborah Muns-Park, Assistant General Counsel. **Mr. Marshall made a motion for approval to exclude the required annual vaccination; Mr. Meadows seconded. During more deliberation Mr. Marshall made a motion to table the previous motion; Mr. Meadows seconded. The motion was tabled. Ms. Webb-Stewart is seeking more information to clarify this situation in the meantime later at the meeting. Ms. Peach made a motion to decline to issue the requirement for influenza for Tennessee based employees; Mr. Meadows seconded. The motion was approved.**

REPRESENTATIVE(S): Ms. Deborah Muns-Park., Assistant General Counsel

Vanderbilt University Medical Center, Nashville (HOSP #27)

On behalf of Vanderbilt University Medical Center (VUMC), Nashville to request the Board for Licensing to grant the following waivers. Vanderbilt requests the extension of waivers permitting continued use of an observation unit on the first floor until construction in the area is completed in late 2022. VUMC was first granted waivers for this unit in 2014. The unit included seven observation rooms and eleven observation hold cubicles and the waiver relates to the size of the rooms and cubicles. VUMC did not expected this waiver would need to be extended. However, planned construction to bring rooms into compliance with FGI standards was delayed due to the COVID-19 pandemic.

Second, the Board has previously granted waivers to VUMC for the following:

- Temporary emergency department waiting and screening area;
- The use of 20 observation rooms on the Medical Center East, floors 6, 7, and 8 for inpatients;
- The use of 14 observation rooms on the 7th floor of the South Building for inpatients; and
- The use of semi-private occupancy in 115 rooms.

VUMC is completing the construction in phases. Phase 1 is underway currently and Phase 2 will begin late summer 2022. While it appears that the pandemic has subsided for the present, VUMC continues to need the additional capacity and flexibility created by the uses outlined. The representative for the facility was Dan Elrod, Attorney. **Ms. Peach made a motion to continue the temporary emergency department the EPod; the use of 20 observation rooms on Medical Center East floors, 6, 7, and 8for inpatients; the use of 14 observation rooms on the 7th floor of the South Building for inpatients and the use of semi-private occupancy in 15 rooms through June 2023; Dr. Robbins seconded. The motion was approved.**

The Farms at Bailey Station, AL & Secured Units, Collierville- (ACLF File #517)

The Farms at Bailey Station, Collierville is requesting a waiver of certain space requirements to allow the use of certain units as double occupancy units by two related individuals. The facility requests a waiver of ACLF Rules 1200-08-25-.09(18)(b). This regulation specifically requires the facility a minimum of eighty (80) square feet of bedroom space for each resident. A couple sharing the living unit would not be in compliant with these square footage requirements based on the configuration of certain of these units. The facility does not have multiple double occupancy units and believes it will require more double occupancy units in certain situations. This waiver will be requesting to

continue permanently for the facility as it is currently constructed. The Farms at Bailey Station is also requesting the Board recognizes that its approval of the flexibility in requested waiver would also be compliant with the more general building requirements as ACLF 1200-08-25-.09(1) which requires construction of the facility in a manner that assures the safety and well-being of residents. This facility is in the process of pending initial licensure application to be approved and in process of initial inspection. The representative for the facility was Chris Puri, Attorney. **Ms. Peach made a motion to grant the requirement of the ACLF rules 1200-08 allowing a couple can occupancy an 80 square feet bedroom if it is in a suite of a minimum of 500 square feet; Mr. Meadows seconded. The motion was approved.**

DISCUSSION(S):

Approval of the Joint Annual Report on the Status of Children's Emergency Care Alliance of Tennessee (CECA TN) 2022. Natasha Kurth, Executive Director for CECA TN presented this report. **Mr. Marshall made a motion to approve the report; Ms. Peach seconded. The motion was approved.**

Temporary Nurse Aides was approved at the April board meeting where language was presented that the board members voted upon for TNAs to be able to use the challenge application in order to attempt to bypass the clinical training and three (3) days after the board meeting CMS release a new QSO giving further guidance which caused some direction to change the language on the challenge application that resulted in some language changed in phasing out of that particular 1135 waiver.

Vanderbilt University Medical Center #27 presented their second data report regarding their services for their care at home services for the second data quarterly. Discussion at the last board meeting regarding giving a physical report from written report. This is their second quarterly report, and the next reporting period will be giving in October where Vanderbilt will actually give a physical report.

Assisted Care Living Facility Administrators how many ACLF facilities can an administrator serve? There is not a specific number or hours in the ACLF Rules and Regulations. Legal created specific language for serving multiple location specifically for ACLF; legal did include nursing homes and homes for the aged to include in the board purview. Mr. Crisp suggested to move this request to a subcommittee and Mr. Crisp stated he is willing for it to be sent to the ACLF committee. Mr. Mynatt agreed. **Mr. Crisp made a motion to move this discussion to one of the subcommittee for further discussion and bring back to the October Board meeting; Mr. Mynatt seconded. The motion passed.**

Extension of Interpretative Guidelines and Board Policy #82 – COVID-19 Crisis Waivers in Effect Until the February 2023 Board meeting regarding CMS 1135 QSO recent updates. The first interpretative guidelines have no impact from the CMS 1135 or QSO. It is ACLF 1200-08-25-.08(1)(c) regarding admission or retention of resident with COVID-19 it is up for continuation or for discussion. Mr. Puri requested the Board that TNCAL would like to continue this interpretative guidelines because there is still a need. **Ms. Peach moved for the Board adopt this interpretative guidelines to be put into effect until our next board meeting in October; Mr. Crisp seconded.** Mr. Puri stated that TNCAL would be willing to take a look at it. Ms. Reed stated she would suggest this interpretative guidelines to be aligned with the other interpretative guidelines for February 2023. **Ms. Peach amended her motion to be in effect through February 2023; Mr. Crisp seconded. The motion passed.**

Home Health Agency rule 1200-08-26-.06(3)(b) regarding evidence of review of plan of care must include physician's signature. This interpretative guideline needs to be considered by the Board to be extended and also any 1135 implications. Ms. Webb-Stewart, OGC stated looking at the rules and this 1135 waiver from CMS is very close to the line. There were some changes but there wasn't any clear conflict and the QSO remove some, but this guideline was not affected. **Ms. Peach move to approve the interpretative guideline for the Home Health Agency regarding the rules until February 2023; Dr. Jeter seconded. The motion was approved.**

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. Webb-Stewart, OGC stated it is close but no direct conflict. **Mr. Mynatt move a motion to approve this interpretation guidelines until February 2023; Ms. Peach seconded. The motion was approved.**

Board Policy #82 – Revised/Updates.

Ms. Webb-Stewart, OGC stated a number of those items were there were set in place doing the Corona Public Health Emergency Corona Virus. There were three (3) separate items the first being about testing and the IPPEs those were from the first QSO provided by all of the attachments; but the QSO are there provided by CMS. A number of policies regarding visitation has been lifted and I would recommend the Board probably those things do not need to remain in the 82 policy because they are not currently in effect. It is up to the Board to make that decision. Mr. Parisher, Director of Facilities Construction he brought up to the Board an issue Plans Review has been trying to speak with CMS for guidance regarding temporary construction. Mr. Parisher stated they have not heard from CMS regarding this issue, and it is in this Board Policy #82. Ms. Webb-Stewart stated there are a few outdated policies in this Board Policy #82. Mr. Puri offered his assistance in helping counsel in cleaning up the old policies. Mr. Puri stated federal policies can supersede the state policies and if the Board still what to continue with the policies and he would work with counsel to update this policy. **Mr. Crisp made a motion to allow for Board Policy #82 to continue until the October board meeting to allow counsel to make updated policies changes; Mr. Meadows seconded. The motion was approved.**

BOARD POLICY CONSENTS:

Board Policy #81
Signature Healthcare of Cleveland, Cleveland (NH #16)
Magnolia Healthcare and Rehabilitation Center (NH #182)
AHC Forest Cove Jackson (NH #170)

Mr. Mynatt made a motion to approve these facilities; Mr. Crisp seconded. The motion was approved.

Board Policy #32
Elk River Health and Nursing Center of Ardmore (NH #91)

Mr. Crisp made a motion to approve Elk River Health and Nursing Center of Ardmore; Mr. Mynatt seconded. The motion was approved.

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

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

(Initials)

Home Health Agencies

Brightstar Care, Knoxville

MAG Homecare, Memphis

Professional Support Services

Milestone Home Healthcare Services

Ms. Ketterman made a motion to approve the Initial applications; Mr. Boyd seconded. The motion was approved.

APPROVAL OF MINUTES:

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

April 5, 2022 – Board Meeting

Mr. Mynatt made a motion to approve the minutes as written; Mr. Meadows seconded. The motion was approved.

LICENSE STATUS UPDATES:

Clarksville North Dialysis, Clarksville (ESRD #166)

Clarksville North Dialysis, Clarksville will temporarily close and change their operating days and hours due to staffing shortage effective March 31, 2022. All ICHD patients that treat on TTS, will treat at Fort Campbell Dialysis, Clarksville.

Rockgate Assisted Living Facility, Cowan (ACLF #373)

Rockgate Assisted Living is now officially shutdown for operations, having transitioned the last resident terminated the last resident on April 30, 2022. The owners of Rockgate request that the operating license #000000373, be terminated as of May 13, 2022.

FACILITY CLOSURES

Mrs. Reed presented this report to the Board.

REPORTS:

EMS Report – Mr. Seesholtz, Trauma System Manager presented his 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

The meeting was adjourned.