

HEALTH FACILITIES COMMISSION

MEETING MINUTES

August 24, 2022

AGENCY MEMBERS PRESENT

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

AGENCY MEMBERS ABSENT

Charley Jerman
Douglas Scarboro

AGENCY STAFF PRESENT

Phillip Earhart, Deputy Director
Jim Christoffersen, General Counsel
Lowavia Eden-Hoback, Office and Resource Manager
Alecia Craighead, Data and Analysis Administrator
Joel Clinton, Statistical Research Analyst
Katie Thomas, Interdepartmental Liaison and Communications Officer
Thomas Pitt, HSD Examiner

COURT REPORTER

April Daniel

GUESTS PRESENT

Trey Bryant
Byron Trauger
Michael Brent
Jerry Taylor
Lauren Gaffney
Graham Baker
John Wesley Williamson
Travis Swearingen
John Wellborn
Kim Looney
Ann R Reed
Michael Hasty
Billy Jolley
Rebecca Thornhill
Leah Summons
Wells Trompeter
Renee Johnson
Vanessa Patrick

Dere Brown
Michael Harper
David Whelan
Richard Gregory
John Wesley Williamson
Warren Gooch
Garry Mac
Dave Cooley
Daniel Carter
Clark Spoden
Deann Thelen
Diamond Stewart
Charlotte Burns
Brittain Douglas Little
Scott Cihak
Sue Dyer
Dr. Rakesh Amin
Mitch Edgeworth
Jennifer Selikoff
Sean McCarthy
Dr. David Schwartz
Marcus Williamson
Daniel Espensen

CALL TO ORDER:

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

Greg Duckett arrived later.

DIRECTOR'S ANNOUNCEMENTS

- The next meeting will be September 28, 2022, and will be held in Cordell Hull, Senate Hearing Room I.

ELECTION OF CHAIR AND VICE CHAIR

APPROVAL OF MINUTES

Mr. Chinn presented the June 22, 2022 minutes for approval.

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

The motion CARRIED [6-0-0] unanimously by voice vote. **APPROVED.**

CONSENT CALENDER

Jordan River Health Center, Collierville (Shelby County), TN – CN2205-024

Request: The addition of 30 skilled nursing home beds located at 10001 Crooked Creek Road, Suite 501, Collierville (Shelby County), Tennessee 38017. The additional 30 beds will bring the total licensed bed complement to 60 beds. The proposed service area includes Shelby County. The applicant is owned by Luke, Inc. These beds are subject to the 125-Nursing Home Bed Pool for 2022-2023. The estimated project cost is \$17,215,241.

RECUSED: Duckett

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

Six members voted to approve the application— Shaffer, Jordan, Pinkney, Patric, Brown, and Chinn. The motion CARRIED [6-0-0].

CERTIFICATE OF NEED APPLICATIONS

PC 557 eliminated TCA § 68-11-1616, which had provided that “each decision rendered by the Health Services and Development Agency shall include written documentation and explanation of the factual and legal basis upon which the agency grants or denies the Certificate of Need.” PC 557 only requires this for applications that are denied.

Therefore, for applications filed on or after the effective date of the relevant portions of PC 557 (10/1/2021), a simple motion to approve an application will suffice, and a motion to deny must include an explanation of the factual and legal basis as to why one or more of the criteria have not been met.

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

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

Jellico Surgery Center, LLC, Jellico (Campbell County), TN – CN2203-013

Request: For the establishment of a multi-specialty ambulatory surgical treatment center (ASTC) with 2 operating rooms and 1 procedure room performing general surgery services to be located within Jellico Medical Center, a 25-bed inactively licensed hospital located at 188 Hospital Lane, Jellico, (Campbell County), TN 37762. The proposed service area includes Campbell and Scott Counties in Tennessee, and Whitley County in Kentucky. The applicant is owned by Boa Vida Foundation. The estimated project cost is \$943,652.

RECUSED: Duckett

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

Six members voted to approve the application— Shaffer, Jordan, Pinkney, Patric, Brown, and Chinn. The motion CARRIED [6-0-0].

VIBRA Hospital of Memphis, Memphis (Shelby County), TN – CN2204-017

Request: The establishment of a 30-bed long term care hospital to be located within Saint Francis Hospital at 5959 Park Avenue, Memphis (Shelby County) TN 38119. The proposed service area includes Crockett, Fayette, Hardin, Haywood, Shelby, and Tipton Counties in Tennessee, and the following out-of-state counties: Crittenden County, Arkansas; and DeSoto and Lee Counties in Mississippi. The applicant is owned by VIBRA Hospital of Memphis, LLC. The estimated project cost is \$8,116,691.

RECUSED: Duckett

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

Six members voted to approve the application— Shaffer, Jordan, Pinkney, Patric, Brown, and Chinn. The motion CARRIED [6-0-0].

TriState Infusion, LLC, Germantown (Shelby County), TN – CN2204-022

Request: The establishment of a home health care organization and initiation of home health services limited to home infusion therapy services. The applicant's home office will be located at 7796 Wolf Trail Cove, Suite 103, Germantown, (Shelby County), TN 38138. The proposed service area includes Benton, Chester, Crockett, Decatur, Dickson, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Lauderdale, Lawrence, Lewis, Madison, McNairy, Montgomery, Obion, Shelby, Stewart, Tipton, Wayne, and Weakley Counties. The applicant also plans to serve Lake and Perry Counties which are designated as economically distressed counties and are exempt from CON requirements. The applicant is owned by PRMC Holdings, LLC (90%) and LWS Holdings, LLC (10%). The estimated project cost is \$70,500.

RECUSED: Duckett

Ms. Jordan moved for approval with Ms. Brown providing the second with a condition.

CONDITION: Limited to Home infusion therapy services.

Six members voted to approve the application—Shaffer, Jordan, Pinkney, Patric, Brown, and Chinn. The motion CARRIED [6-0-0].

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

Request: The establishment of a new home care organization to initiate and provide home health services to 92 counties limited to the administration of home infusion and injection products to pharmacy patients of pharmacies which are subsidiaries of TwelveStone, Holdings, Inc. The new home health organization's home office will be located at 352 West Northfield Boulevard, Suite 3, Murfreesboro (Rutherford County), Tennessee 37129. The applicant also plans to serve Grundy, Lake, and Perry Counties which are designated as economically distressed counties and are exempt from CON requirements. The applicant is owned by TwelveStone Holdings, Inc. The estimated project cost is \$134,416.

DEFERRED TO SEPTEMBER 28, 2022

OGI WT, Jackson (Madison County), TN – CN2205-026

Request: The establishment of a single-specialty ambulatory surgical treatment center for the performance of gastroenterology surgeries, to be owned by OGI WT JV LLC located at 27 Medical Center Drive Building 2, Jackson (Madison County), Tennessee 38301. The proposed service area includes Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lauderdale, McNairy, Madison, Obion and Weakley Counties. The applicant also plans to serve Lake County which is designated as an economically distressed county and is exempt from CON requirements. The applicant is owned by OGI WT JV, LLC. Estimated project cost: \$4,303,421.

RECUSED: Duckett

Dr. Patric moved for approval with Mr. Pinkney providing the second with a condition.

CONDITION: Limited to gastroenterology surgeries and upon licensure, the relinquishment of CN2007-020A.

Six members voted to approve the application—Shaffer, Jordan, Pinkney, Patric, Brown, and Chinn. The motion CARRIED [6-0-0].

TriStar Centennial Medical Center, Nashville (Davidson County), TN – CN2205-027

Request: The establishment of a Freestanding Emergency Department (FSED). The FSED will be a satellite of TriStar Centennial Medical Center and will be located at 7730 and 7734 Highway 70 S, Nashville (Davidson County), Tennessee 37221 on 3.42 acres. The proposed service area includes ZIP Codes 37221 (Bellevue – Davidson County), 37205 (Nashville/West Meade/Belle Meade – Davidson County), and 37209 (Nashville/Sylvan Grove/White Bend – Davidson County), 37143 (Pegram – Cheatham County), 37062 (Fairview – Williamson County), and 37082 (Kingston Spring – Cheatham County). The applicant is owned by HCA Health Services of Tennessee, Inc. Estimated project cost: \$15,526,857.

DUCKETT ARRIVED BEFORE THIS APPLICATION WAS HEARD

RECUSED: Brown

Dr. Patric moved for approval with Ms. Shaffer providing the second with a condition.

Six members voted to approve the application—Shaffer, Jordan, Pinkney, Patric, Duckett, and Chinn. The motion CARRIED [6-0-0].

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

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

OPPOSITION: Senator Bill Powers and Tennova Healthcare-Clarksville.

DEFERRED TO SEPTEMBER 28, 2022

AccentCare Hospice and Palliative Care of Tennessee, LLC, Memphis (Shelby County), TN – CN2205-023

Request: The establishment a new home care organization to initiate and provide hospice services in Shelby, Fayette, and Tipton Counties. The new home health organization's office will be located at 855 Ridge Lake Boulevard, Suite 604, Memphis (Shelby County), Tennessee 38120. The proposed service area includes Fayette, Shelby, and Tipton Counties. The applicant is owned by AccentCare Hospice & Palliative Care of Tennessee, LLC. The estimated project cost is \$317,508.

OPPOSITION: Methodist LeBonheur Healthcare, Crossroads Hospice of Tennessee, LLC, Caris Healthcare L.P., and Baptist Trinity Home Care and Hospice.

WITHDRAWN: 8-3-2022

GENERAL COUNSEL'S REPORT

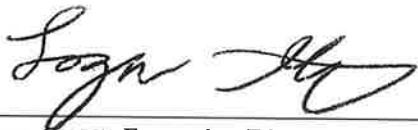
RULEMAKING

- A. Criteria and Standards Revisions

OTHER BUSINESS

ADJOURNMENT

There being no further business, the meeting adjourned.



Logan Grant, Executive Director

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