



HEALTH FACILITIES COMMISSION

MEETING MINUTES

August 23, 2023

LOCATION: Davy Crockett Tower, Hearing Room I-A, 500 James Robertson Pkwy., Nashville,
TN 37243

COMMISSION MEMBERS PRESENT

Rick Chinn, Chairman
Vince Pinkney, Vice-Chairman and Designee for TennCare
Laura Beth Brown
Joe Grandy
Charley Jerman
Greg Duckett
Nicole Sweitzer, Designee for Comptroller

COMMISSION MEMBERS ABSENT

Lisa Jordan, Designee for Department of Commerce, and Insurance
Mark Wainner

COMMISSION STAFF PRESENT

Logan Grant, Director
Phillip Earhart, Deputy Director
Jim Christoffersen, General Counsel
Alecia Craighead, Data and Analysis Administrator
Joel Clinton, Statistical Research Analyst
Lowavia Eden-Hoback, Office and Resource Manager
Consuelo Baker, Executive Administrative Assistant
Grace Langeland, Internal Audit Director
Kusam Lata, HFC Public Health Administrator

COURT REPORTER

D. Rochelle Koenes

GUESTS PRESENT

Mike Brent
Jeff Wheeler
Dr. Antionette Wilson, DDS
Dr. Lisa Stanley, DDS

Kyle Welch
Spencer Westcott
Adam Pitts
Kim Looney
Travis Swearingen
David Turner
Keisha Mason
Byron Trauger
Clark Spoden
Andre Lee
Chris Puri
Levi Benson
Dr. Simon Okewole
Dr. Nirav Patel
Dr. Naji Bourjik

CALL TO ORDER:

The meeting was called to order at 9:00 a.m. by Mr. Chinn with the following members present: Sweitzer, Brown, Duckett, Grandy, Pinkney, Jerman and Chinn. A quorum was established with seven members present.

DIRECTOR'S ANNOUNCEMENTS

The September 27, 2023, meeting will be held at the Cordell Hull State Legislative Office Bldg., Senate Hearing Rm. 1, Nashville, TN.

APPROVAL OF MINUTES

Mr. Chinn presented the July 26, 2023, minutes for approval.

Mr. Pinkney moved for approval with Ms. Brown providing the second.

The motion CARRIED [7-0-0] unanimously by voice vote. **APPROVED.**

CERTIFICATE OF NEED APPLICATIONS

PC 557 eliminated TCA § 68-11-1616, which had provided that “each decision rendered by the Health Facilities Commission shall include written documentation and explanation of the factual and legal basis upon which the commission 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.

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

Phillip Earhart introduced the following, three (3) applications under consideration and with three (3) being approved.

1. Nashville Children's Surgery Center, Madison (Davidson County), TN – CN2305-015

Request: For the establishment of an ambulatory surgical treatment center (ASTC) with 3 operating rooms limited to the performance of general dentistry and oral surgery located at 647 Myatt Drive, Madison (Davidson County), TN 37115. The proposed service area consists of Davidson, Rutherford, Sumner, Williamson, and Wilson Counties. The applicant is owned by NCH Growth Partners (10%) and New Core Healthcare, LLC, (90%). Estimated project cost: \$5,345,330.

Speaking on behalf of the applicant was Michael Brent.

OPPOSITION: Nashville Midtown Surgical

Speaking on behalf of the opposition was Kim Looney representing Nashville Midtown Surgical.

Mr. Pinkney moved for approval with Mr. Grandy providing the second.

Seven members voted to approve the application—Jerman, Brown, Duckett, Pinkney, Sweitzer, Grandy, and Chinn. The motion CARRIED [7-0-0].

2. Heart and Vascular Center of West Tennessee, Jackson (Madison County), TN – CN2305-014

Request: For the initiation of stationary cardiac PET/CT services located at 17 Centre Plaza Drive, Jackson (Madison County), TN 38305. The proposed service area consists of Carroll, Dyer, Gibson, Hardeman, Henderson, Lake, Lauderdale, Madison, McNairy, Obion, and Weakley Counties. The applicant is owned by an equal partnership between Simon Okewole, D.O, MBA (33.3%), Naji Bourji, MD (33.3%) and Nirav Patel, MD (33.3%). Estimated project cost: \$1,723,809.

RECUSED: Duckett

Speaking on behalf of the applicant was Dr. Simon Okewole, Dr. Nirav Patel, And Dr. Naji Bourjik.

Ms. Sweitzer moved for approval with Mr. Grandy providing the second.

Six members voted to approve the application—Jerman, Brown, Pinkney, Sweitzer, Grandy, and Chinn. The motion CARRIED [6-0-0].

3. Heart and Soul Hospice, LLC, Nashville (Davidson County), TN – CN2306-016

Request: For the expansion and initiation of hospice services in Sumner, Williamson, and Wilson Counties operated from a current principal office located at 402 BNA Drive, Suite 305, Nashville, TN 37217. The agency is currently licensed to serve patients in Davidson, Robertson, and Rutherford Counties. The applicant is owned by a partnership between David Turner (50%), Andre L. Lee, DPA (25%), and Reverend Sandy McClain (25%). Estimated project cost: \$42,960.

Speaking on behalf of the applicant was Kim Looney.

Ms. Sweitzer moved for approval with Mr. Duckett providing the second.

Seven members voted to approve the application—Jerman, Brown, Duckett, Pinkney, Sweitzer, Grandy, and Chinn. The motion CARRIED [7-0-0].

The following two (2) applications were deferred to the September 27, 2023 Commission Meeting:

1. TriStar Hendersonville Medical Center – Gallatin Freestanding Emergency Department, Gallatin (Sumner County), TN – CN2305-012

Request: For the establishment of a freestanding emergency department ("FSED") located on a tract of vacant land that is approximately 2.3 acres in size located at the northeast corner of Harris Lane and Green Lea Boulevard in Gallatin (Sumner County), TN 37066. The FSED will consist of approximately 11,900 square feet with 11 exam rooms, including 1 trauma room, a lab, an imaging department, a nurse station, and associated support spaces. The proposed service area includes ZIP Codes (37066, 37048, and 37075) in Sumner County. The applicant is owned by HCA Health Services of Tennessee, Inc. Estimated project cost: \$16,704,501.

OPPOSITION: Sumner Regional Medical Center, LLC d/b/a Sumner Regional Medical Center

DEFERRED: To September 27th, 2023

2. APEX Vascular Outpatient Center, Lenoir City (Loudon County), TN – CN2306-017

Request: For the establishment of an ambulatory surgical treatment center (ASTC) located at 460 Medical Park Drive, Suite 105, Lenoir City (Loudon County), TN 37772. The proposed ASTC will consist of 2 procedure rooms limited to the performance of peripheral vascular surgery and dialysis shunt maintenance. The procedures will be performed by vascular surgeons who are members or employees of the private physician practice, Innovative Vascular, PLLC. The proposed service area consists of Anderson, Knox, Loudon, McMinn, Monroe, and Roane Counties. The applicant is wholly owned by Christopher Pollock, M.D. Estimated project cost: \$2,579,291.

DEFERRED: To September 27th, 2023

GENERAL COUNSEL'S REPORT- Not Applicable

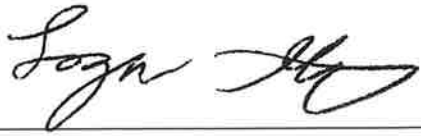
RULEMAKING -

- A. **Emergency Rulemaking for Temporary Healthcare Staffing Agency Rules. Pub. Ch. 0432 creates staffing registry and requires the Commission to have rules in place by September 1, 2023**

OTHER BUSINESS – Not Applicable

ADJOURNMENT

There being no further business, the meeting adjourned.



Logan Grant, Executive Director

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

