

# **HEALTH FACILITIES COMMISSION**

## **MEETING MINUTES**

**January 25, 2023**

### **COMMISSION MEMBERS PRESENT**

Rick Chinn, Chairman  
Laura Beth Brown  
Joe Grandy  
Douglas Scarboro  
Charley Jerman  
Mark Wainner  
Greg Duckett  
Nicole Shaffer, Designee for Comptroller  
Lisa Jordan, Designee for Department of Commerce and Insurance

### **AGENCY MEMBERS ABSENT**

Vince Pinkney, Vice-Chairman and Designee for TennCare  
Dr. Kenneth Patric

### **COMMISSION 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  
Thomas Pitt, HSD Examiner  
Consuelo Baker, Executive Administrative Assistant and HR Liaison

### **GUESTS PRESENT**

Michael D. Brent  
Richard C. Gregory  
Brant Phillips  
Warren Gooch  
Travis Swearingen  
Ann R. Reed  
Dr. Casey Chollet-Lipscomb  
John Wellborn  
Dr. Adam Huggins  
Angela Thompson  
Ginna Felts  
Kenneth L. Homann  
Eric Shinohara  
Adam Yock  
Ashwin Shinde  
Jerry Scott McCarver  
Lauren Gaffney  
Lindsey Clevinger  
Cindy Sumrall  
Page Smith

Ron Horowitz  
Dr. Stephen Schleicher  
Dr. Natalie Dickson  
Dr. Jamie Peyton  
Larry Bilbrey  
AL Lawson  
Daniel Carter  
Karen Munyon  
Clark Spoden  
Kaitlin Parham  
Jennifer Steely  
Arthur Maples  
Kim Looney  
Jamie Thompson

**CALL TO ORDER:**

The meeting was called to order at 9:00 a.m. by Mr. Chinn with the following members present: Shaffer, Jordan, Jerman, Duckett, Scarboro, Brown, Wainner, Grandy, and Chinn. A quorum was established with nine members being present.

**DIRECTOR'S ANNOUNCEMENTS**

The February meeting will be held at 665 Mainstream Drive.

**APPROVAL OF MINUTES**

Mr. Chinn presented the November 16, 2022 minutes for approval.

Ms. Jordan moved for approval with Mr. Scarboro providing the second.

The motion CARRIED [9-0-0] unanimously by voice vote. **APPROVED.**

**CONSENT CALENDER**

**TwelveStone Infusion Support, LLC, Murfreesboro (Rutherford County), TN – CN2210-042**

Request: The addition of Bedford and Smith Counties to the 90 counties previously approved in the unimplemented Certificate of Need project, CN2205-025A, approved September 28, 2022. CN2205-025A is for the establishment of a new home care organization to provide home health services 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 is owned by TwelveStone Holdings, Inc. Estimated project cost: \$20,000.

**RECUSED: Brown and Duckett**

**CONDITION: Limited to administration of home infusion and injection products of pharmacy of pharmacies which are subsidiaries of TwelveStone Holdings, Inc.**

Ms. Jordan moved for approval with Ms. Shaffer providing the second with condition.

**Seven members voted to approve the application— Shaffer, Jordan, Scarboro, Jerman, Wainner, Grandy and Chinn. The motion CARRIED [7-0-0].**

**Campbell Clinic, Cookeville (Putnam County), TN – CN2211-045**

Request: The initiation of stationary Magnetic Resonance Imaging (MRI) unit services through the lease of an existing 1.5 Tesla MRI unit to the Campbell Clinic P.C. The MRI Unit will continue to be located at 335 West Spring Street, Cookeville (Putnam County), TN 38501. The proposed service area includes Cumberland, Fentress, Jackson, Overton, Putnam, and White Counties. The applicant is owned by Campbell Clinic Holdings, P.C. Estimated project cost: \$226,400.

**RECUSED: Duckett**

**CONDITION: Limited to patients of the Campbell Clinic.**

Ms. Jordan moved for approval with Mr. Scarboro providing the second with condition.

**Eight members voted to approve the application— Shaffer, Jordan, Scarboro, Brown, Jerman, Wainner, Grandy, and Chinn. The motion CARRIED [8-0-0].**

**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 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.

Four Certificate of Need applications was considered under the regular CON agenda.

Phillip Earhart introduced the four applications under consideration and all four were approved.

**Lebanon Radiation Oncology Center, LLC, Lebanon (Wilson County), TN – CN2210-041**

Request: The establishment of an ambulatory surgical treatment center limited to outpatient megavoltage radiation therapy and to initiate linear accelerator services located in a medical office building at 101 Physicians Way, Suite 111, Lebanon (Wilson County), TN 37090. The proposed primary service area includes DeKalb, Macon, Rutherford, Smith, Trousdale, and Wilson Counties. The secondary service area includes Cannon, Clay, Jackson, and Putnam Counties. The applicant is owned by Tennessee Oncology, PLLC. Estimated project cost: \$20,641,911.

**RECUSED: Brown**

**OPPOSITION: Vanderbilt Wilson County Hospital & Dr. Robert Bone.**

Ms. Jordan moved for approval with Ms. Shaffer providing the second.

**Five members voted to approve the application— Shaffer, Jordan, Wainner, Jerman, and Chinn. Three members voted nay—Scarboro, Duckett, and Grandy. The motion CARRIED [5-3-0].**

**Oral and Facial Surgery Center of Dickson, PLLC, Dickson (Dickson County), TN – CN2210-038**

Request: The establishment of an ambulatory surgical treatment center (ASTC) limited to the specialty of oral and maxillofacial surgeries located at 108 Sunset Drive, Dickson (Dickson County), TN 37055. The proposed service area includes 20 counties located in Middle and West Tennessee. The applicant is owned by Oral and Facial Surgery Center of Dickson PLLC. Estimated project cost: \$2,528,164.

**DEFERRED: To February 22, 2023**

**CareMax Pharmacy of Loudon, Inc., (East) Lebanon (Wilson County), TN – CN2210-039**

Request: The establishment of a home care organization to initiate and provide home health services limited to infusion services located at 418 South Gay Street, Suite 203, Knoxville (Knox County), TN 37902. The proposed service area includes 24 East Tennessee counties. Under T.C.A. § 68-11-1607(q), Morgan County meets the criteria to be designated as a distressed county and is not subject to Certificate of Need review. The applicant is owned by Paragon Healthcare, Inc. Estimated project cost: \$156,000.

**CONDITION: Limited to home infusion services and related nursing services for patients of pharmacies owned by Paragon Healthcare, Inc.**

Ms. Shaffer moved for approval with Mr. Wainner providing the second.

**Eight members voted to approve the application— Shaffer, Jordan, Scarboro, Wainner, Grandy, Jerman, Duckett, and Chinn. One member voted nay—Brown. The motion CARRIED [8-1-0].**

**CareMax Pharmacy of Loudon, Inc., (Middle) Nashville (Davidson County), TN – CN2210-040**

Request: The establishment of a home care organization to initiate and provide home health services limited to infusion services located at 601 Grassmere Park, Suite 19A, Nashville (Davidson County) Tennessee 37211. The proposed service area includes 12 Middle Tennessee counties. The applicant is owned by Paragon Healthcare, Inc. Estimated project cost: \$155,000.

**RECUSED: Brown**

**CONDITION: Limited to home infusion services and related nursing services for patients of pharmacies owned by Paragon Healthcare, Inc.**

Ms. Shaffer moved for approval with Ms. Jordan providing the second.

**Eight members voted to approve the application— Shaffer, Jordan, Scarboro, Wainner, Grandy, Jerman, Duckett, and Chinn. The motion CARRIED [8-0-0].**

**East Memphis Imaging Center, LLC, Memphis (Shelby County), TN – CN2211-046**

Request: The establishment of an Outpatient Diagnostic Center located at 4625 Poplar Avenue, Memphis (Shelby County), TN 38117. Imaging services to be provided include MRI (adults only), CT, X-ray, Mammography and Ultrasound. The service area includes Shelby County. The applicant is owned by East Memphis Imaging Center, LLC. Estimated project cost: \$16,126,670.

**RECUSED: Duckett**

Ms. Jordan moved for approval with Mr. Jerman providing the second.

**Eight members voted to approve the application— Shaffer, Jordan, Scarboro, Wainner, Grandy, Jerman, Brown, and Chinn. The motion CARRIED [8-0-0].**

**GENERAL COUNSEL’S REPORT**

**Rehabilitation Hospital of Knox County, Knoxville (Knox County), TN – CN2007-024A**

Request: To be licensed as a satellite of Rehabilitation Hospital of Knox County – West (CN2007-023A), instead of being independently licensed.

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

**Nine members voted to approve the application—Shaffer, Jordan, Scarboro, Duckett, Jerman, Pinkney, Brown, Grandy, and Chinn. The motion CARRIED [9-0-0].**

**OTHER BUSINESS**

**ADJOURNMENT**

There being no further business, the meeting adjourned.

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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.