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TENNESSEE DEPARTMENT OF HEALTH

MEMORANDUM

Date: July 23, 2021

To: Sara Tanksley, Director of Communications and Media Relations

From: Wanda E. Hines, Board Administrator

Name of Board or Committee: Board for Licensing Health Care Facilities
Performance Improvement Issue Standing Committee
Meeting

(Call-in Number: 1-888-757-2790 passcode: 534967#)

Date of Meeting: August 3, 2021

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/bbab8f1e33834313ae0b112b0498396e1d>

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
PERFORMANCE IMPROVEMENT ISSUE
STANDING COMMITTEE MEETING**

AUGUST 3, 2021

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

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

1. Call the Meeting to Order and Establish a Quorum.
2. Tennessee Association for Home Care (TAHC) presentation of suggested rule language to effectuate the CARES Act and recently passed legislation. These changes will amend Home Health Rules, 1200-08-26.
REPRESENTATIVE(S): Maegan Carr Martin, JD, Executive Director
3. Life Safety Rules regarding Vaping in Facilities.
REPRESENTATIVE(S): Ann R. Reed, Director of Licensure
4. Public Comments.
5. Adjourn.

**Board for Licensing Health Care Facilities
Performance Improvement Issue Standing Committee Meeting
August 3, 2021**

The Board for Licensing Health Care Facilities meeting began on August 3, 2021. Dr. Saunders called the meeting to order.

A quorum roll call vote was taken:

Mr. Louis Caputo – here
Mr. James Dunn – not here
Dr. Patricia Ketterman – not here
Dr. René Saunders – here
Ms. Gina Throneberry – here
Ms. Janet Williford – here

A quorum was established.

Dr. Saunders stated that the first order of business is to establish a new chairman to replace Mr. Shulman who is no longer serving on the Board for Licensing Health Care Facilities. The committee nominated Mr. Caputo to be the new chair.

The first item for discussion was the THCA presentation of suggested rule language to effectuate the CARES Act and recently passed legislation. These changes will amend Home Health Rules, 1200-08-26. Ms. Maegan Carr Martin, JD, Executive Director was the representative for this item. She stated that this is just an update to the definition of home health service to be consistent with Federal Law. The change included the addition of the terms advanced practice nurse or physician assistant where the term physician is used. She presented to the Board all proposed changes. **Dr. Saunders made a motion to accept language as presented with the amendment adding term provider with definition and then present the language to the full Board; Ms. Throneberry seconded.**

A roll call vote was taken:

Mr. Louis Caputo – yes
Dr. René Saunders – yes
Ms. Gina Throneberry – yes
Ms. Janet Williford – yes

The motion was approved.

The final item was the discussion of vaping in facilities. Ms. Reed, Director of Licensure, gave background to this item. The question was from a residential facility on how to address this issue. Ms. Reed stated the intention is to have feedback and/or thoughts from this committee and then have further discussion with the Assisted Care Living Facility Standing Committee to get a consensus on this issue which will be brought to the full Board. Dr. Saunders questioned the difference between vaping and smoking. Ms. Williford questioned the danger of a resident vaping vs. smoking in a facility posing a life and fire safety risk to the facility and/or residents. Mr. Parisher, Facilities Construction Director for OHCF, stated his

research in vaping devices didn't give him a great answer to whether it's as dangerous and fire hazard as smoking would be. He did state that CMS' stance is that vaping is not as dangerous as smoking but to follow smoking policies in the different facility types. Dr. Saunders proposed development of an interpretative guidance with a tie to local ordinances. It was further stated the definition of smoking should be explored. Ms. Hughes-Toombs read the statutory definition of smoking which includes the terms lighted and tobacco; e-cigarettes are associated with smoking. The standing committee discussed defining the term lighted. Two committee members stated leave to the facility to develop their own policies addressing vaping and to follow these. Ms. Hughes-Toombs researched the definition of smoking and found T.C.A 39-17-1604 regarding the prohibition of smoking or the use of vapor products in health care facilities, excluding nursing home facilities. **Dr. Saunders made a motion to have one of the administrators within OHCF to address a letter to the facility with the statute that Mrs. Hughes-Toombs presented; Ms. Williford seconded.**

A roll call vote was taken:

Mr. Louis Caputo – yes
Dr. René Saunders – yes
Ms. Gina Throneberry – yes
Ms. Janet Williford – yes

The motion was approved.

The meeting was adjourned.