



The Tennessee Open Meetings Act 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  
AMENDED**

**Date:** May 12, 2017

**To:** Woody McMillin, Director of Communication and Media Relations

**From:** Wanda E. Hines, Board Administrator

**Name of Board or Committee:** Board for Licensing Health Care Facilities- Assisted Care Living Facilities Standing Committee Meeting  
**(Call-in Number: 1-888-757-2790 passcode: 152602#)**

**Date of Meeting:** May 15, 2017

**Time:** 9:00 a.m. – 12:00 noon

**Place:** Poplar Conference Room  
665 Mainstream Drive, First Floor  
Nashville, TN 37243

**Major Item(s) on Agenda:** See attachment.

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.

PH-1850 (Rev. 3/79)

RDA N/A



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**JOHN J. DREYZEHNER, MD, MPH**  
COMMISSIONER

**BILL HASLAM**  
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  
ASSISTED CARE LIVING FACILITIES  
STANDING COMMITTEE MEETING**

**May 15, 2017  
POPLAR CONFERENCE ROOM, FIRST FLOOR  
9:00 a.m.**

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

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1. Call the Meeting to Order and Establish a Quorum.
2. Approval of Minutes – April 18, 2017 ACLF Standing Committee Meeting Minutes
3. Revisit-Residential Home for the Aged Rules Regarding Definition of the Term ‘Ambulatory’.
  - (a) Statutory parameters of hospice guidelines within RHAs.
  - (b) Alternative means of egress in RHAs.
3. Revisit-Home and Community-Based Services (HCBS) Assisted Care Living Facility (ACLF) Administrative Rule Compliance.
  - (a) Proposed rule language relative to HCBS services in Assisted Care Living Facility.
4. Other Discussion(s).
5. Public Comments.
6. Adjourn.

**MINUTES  
BOARD FOR LICENSING HEALTH CARE FACILITIES  
ASSISTED CARE LIVING FACILITY (ACLF)  
STANDING COMMITTEE MEETING**

**May 15, 2017**

The Board for Licensing Health Care Facilities' Assisted Care Living Facility (ACLF) Standing Committee meeting began May 15, 2017. Joshua Crisp, Chairman, called the meeting to order.

A quorum roll call vote was taken:

Mr. Joshua Crisp – here  
Dr. Sherry Robbins – here  
Ms. Carissa Lynch – here  
Ms. Annette Marlar – not here  
Mr. Roger Mynatt – here  
Dr. René Saunders - here

A quorum was established.

The first item for discussion was approval of the ACLF Standing Committee minutes from the April 18, 2017 meeting. **Mr. Mynatt made a motion to accept the minutes; seconded by Dr. Saunders. The motion was approved.**

The second item for discussion was to revisit the Home for the Aged (RHA) rule definition for the term "ambulatory" specifically the statutory parameters of hospice guidelines within RHAs alternative means of egress in RHAs. Ann Reed, Director of the Board for Licensing Health Care Facilities (BLHCF), gave background/recap of the agenda item. She stated this item was presented to the ACLF Standing Committee at the April 18, 2017 meeting. At that time, the standing committee did not feel comfortable altering the definition of ambulatory, but recognized hospice services as a benefit which may be afforded to the residents of the RHA, that residents decline as they age, and the home for the aged is considered these individuals' home. Ms. Reed stated the standing committee requested legal to research hospice and its parameters in RHAs and for Plans Review/Life Safety to explore other means of egress in RHAs. Caroline Tippens, Office of General Counsel (OGC), presented her legal analysis for hospice in RHAs. She stated the issue is with the term 'short-term' which needs to be defined. The term ambulatory should not be the focus. Ms. Tippens went on to inform the standing committee the facility which prompted this discussion has since closed, but the issue will continue in other licensed RHAs. Dr. Saunders then asked if the issue needs to be addressed. Mr. Crisp asked if a rule change and/or an interpretative guideline (IG) were needed. Ms. Tippens stated an IG would be a band aid and a quick fix for the issue. Chris Puri, legal counsel for THCA, addressed the standing committee. He informed the standing committee of newly passed legislation, Public Chapter 242, which speaks to medication administration in RHAs and who can administer. Ms. Tippens and Ms. Reed indicated the current RHA rules require licensed nurses as needed. **Dr. Robbins made a motion to move for the development of an IG to define 'short-term' as six months or less plus provide a summary of this agenda item to the full Board; seconded by Dr. Saunders. The motion was approved.** Ms. Tippens stated she would share the memo provided at today's meeting on this item with additional information to the full Board in June.

Craig Parish, Director of Facilities Construction, addressed the standing committee regarding the means of egress item. He stated the one item he found providing for alternative means of egress was the use of a slide via a window. Mr. Parish would not recommend this as a viable alternative. He had concerns with the 90 second fire rating. Dr. Robbins questioned if the use of an alternative means of egress such as a window were looked at by the surveyors during an inspection. Mr. Parish stated the window size would be reviewed to include the height and width. Ms. Tippens interjected that facilities use other means to evacuate residents. She stated a facility recently used a quilt to pull a resident out. Ms. Tippens requested Nelson Rodriguez, Life Safety Supervisor, to speak to this. He stated an example of an alternative means of evacuation he has encountered during survey was a wheelchair bound resident receiving hospice that would be pulled via a quilt by a sitter out of the facility.

The third item for discussion was to revisit the home and community based services (HCBS) assisted care living facility (ACLF) administrative rule compliance specifically proposed rule language relative to the HCBS services in assisted care living facilities. Ms. Tippens addressed the standing committee stating the CMS deadline has been extended to 2022. She feels the Board needs to be conservative in their approach; there are only a small number of facilities participating in the program. Ms. Tippens stated the full TennCare rules should not be adopted. Mr. Crisp stated he has done research on this item since first presented to the standing committee. He agrees too much is up in the air relative to what is required and there is a large timeframe for implementation of the federal rules. **Mr. Mynatt made a motion to delay the directive at this time; seconded by Dr. Robbins. The motion was approved.**

There was no more business of the ACLF Standing Committee conducted. **A motion was made and approved to adjourn the meeting.**