

# HEALTH FACILITIES COMMISSION

## MEETING MINUTES

May 24, 2023

LOCATION: Cordell Hull State Legislative Office Bldg., Senate Hearing Room I, 425 Rep. John Lewis Way North, Nashville, TN 37243

### COMMISSION MEMBERS PRESENT

Rick Chinn, Chairman  
Vince Pinkney, Vice-Chairman and Designee for TennCare  
Dr. Kenneth Patric  
Laura Beth Brown  
Douglas Scarboro  
Greg Duckett  
Joe Grandy  
Charley Jerman  
Mark Wainner  
Lisa Jordan, Designee for Department of Commerce, and Insurance

### COMMISSION MEMBERS ABSENT

Nicole Shaffer, Designee for Comptroller

### COMMISSION STAFF PRESENT

Phillip Earhart, Deputy Director  
Jim Christoffersen, General Counsel  
Alecia Craighead, Data and Analysis Administrator  
Joel Clinton, Statistical Research Analyst  
Thomas Pitt, HSD Examiner  
Consuelo Baker, Executive Administrative Assistant and HR Liaison  
Grace Langeland, Audit Director

### COURT REPORTER

April Daniel

### GUESTS PRESENT

Graham Baker  
Trent Sansing  
Ana Heinzl  
Jerry Taylor  
Kristin Rich  
John Wesley Williamson  
David Levitt  
Jeff Samosrere  
Iagha Ema  
Page Smith  
Brent Phillips

Dere Brown  
Travis Swearingen  
Kim Looney  
Jeff Mazzela  
Wells Trompeter  
Adam Garner  
Tammy Barber  
Byron Trauger  
Gina Felts  
David Whetan  
Mike Brent  
Warren Gooch  
Heather Ketring Brown  
Darrah Whitaker  
Joseph Walker  
Dr. Jason Hutchison  
Rod Harkleroad  
Gabe Starace  
Jim Drumwright

**CALL TO ORDER:**

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

**DIRECTOR'S ANNOUNCEMENTS**

The June 28, 2023 meeting will be held at the Cordell Hull State Legislative Office Building, Nashville, TN

**APPROVAL OF MINUTES**

Mr. Chinn presented the April 24, 2023 minutes for approval.

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

The motion CARRIED [10-0-0] 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.

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

Thomas Pitt introduced the following (5) applications under consideration and with four (4) being approved and (1) one being denied.

1. AHC Home Health and Hospice of Nashville, LLC, Nashville (Davidson County), TN – CN2302-003

Request: The establishment of a home care organization to initiate and provide home health services limited to patients who have received services at an existing nursing home facility, AHC Nashville, LLC, d/b/a Advanced Health Care of Nashville, located at 627 19th Avenue North, Nashville (Davidson County), TN 37203. The home office for the home health agency will be located at the same address. The 7-county service area includes Cheatham, Davidson, Robertson, Rutherford, Sumner, Williamson, and Wilson Counties. The applicant is owned by New AHC Holdings, LLC. Estimated project cost: \$178,100.

Speaking on behalf of the applicant was Graham Baker, Joseph Walker with AHC Holdings, LLC, and Iagha Ema with Progressive Care Medical Group.

**OPPOSITION: Guardian Home Care of Nashville, LLC, d/b/a AccentCare Home Health of Nashville.**

(NHC HomeCare Withdrew opposition on 5/24/2023.)

Speaking on behalf of the opposition was Wells Trompeter representing Guardian Hospice of Nashville LLC d/b/a AccentCare Hospice and Palliative Care of Nashville, and Tammy Barber representing AccentCare.

**RECUSED: Duckett and Brown**

**LIMITATION: Limited to patients who have received services at the nursing home facility, AHC Nashville, LLC, d/b/a Advanced Health Care of Nashville, located at 627 19<sup>th</sup> Ave. North, Nashville (Davidson County), TN 37203.**

Dr. Patric moved for approval with Mr. Wainner providing the second.

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

2. AHC Home Health and Hospice of Nashville, LLC, Nashville (Davidson County), TN – CN2302-005

Request: The establishment of a home care organization to initiate in-home hospice services to be officed at an existing nursing home facility, AHC Nashville, LLC, d/b/a Advanced Health Care of Nashville, located at 627 19th Avenue North, Nashville (Davidson County), TN 37203. The 7-county service area includes Cheatham, Davidson, Robertson, Rutherford, Sumner, Williamson, and Wilson Counties. The applicant is owned by New AHC Holdings, LLC. Estimated project cost: \$155,859.

Speaking on behalf of the applicant was Graham Baker, and Joseph Walker with AHC Holdings, LLC, and Iagha Ema with Progressive Care Medical Group.

**OPPOSITION: Alive Hospice, Guardian Hospice of Nashville LLC d/b/a AccentCare, Hospice and Palliative Care of Nashville, and Caris Healthcare.**

**Speaking on behalf of the opposition was Travis Swearingen representing Caris Healthcare, Wells Trompeter representing Guardian Hospice of Nashville LLC d/b/a AccentCare Hospice and Palliative Care of Nashville, and Jerry Taylor representing Alive Hospice.**

**RECUSED: Wainner**

Ms. Jordan moved for denial with Mr. Grandy providing the second.

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

**3. West Tennessee Bone and Joint, P.C., Jackson (Madison County), TN – CN2303-007**

Request: For the initiation of stationary Magnetic Resonance Imaging (MRI) unit services for its patients at its future clinic to be constructed at 50 Capital Avenue, Jackson (Madison County), TN 38305. The applicant will acquire and operate two new 1.5T MRI Units at which time it will decommission its existing 1.5T MRI unit located at its current clinic location at 24 Physicians Drive in Jackson (Madison County), TN 38305. The service area includes Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Henderson, Lauderdale, Madison, and McNairy Counties. The applicant is owned by West Tennessee Bone and Joint Clinic, P.C. Estimated project cost: \$4,636,681.

Speaking on behalf of the applicant was Jerry Taylor, Dr. Jason Hutchinson (Medical Director and President, WTBJC).

**RECUSED: Duckett and Jerman**

**CONDITION: The applicant will decommission its existing 1.5T MRI unit at its current clinic location at 24 Physicians Drive in Jackson (Madison County), TN 38305.**

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

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

**4. Alana Home Care, LLC, Dickson (Dickson County), TN – CN2303-008**

Request: For the establishment of a home care organization and the initiation of home health services to be located at 460 Highway 46 South, Dickson (Dickson County), TN 37055. The 9-county service area includes Cheatham, Davidson, Dickson, Hickman, Maury, Montgomery, Sumner, Williamson, and Wilson Counties. The applicant is owned by Alana Healthcare, LLC. Estimated project cost: \$25,920.

Speaking on behalf of the applicant was Timothy Sheehan.

**OPPOSITION: NHC HomeCare withdrew opposition on 5/16/2023.**

**RECUSED: Brown and Wainner**

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

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

**5. Hospice of Chattanooga Holdings, LLC, Chattanooga (Hamilton County), TN - CN2303-009**

Request: For the addition of Cannon, Clay, Cumberland, DeKalb, Fentress, Jackson, Overton, Pickett, Scott, and White Counties to the existing 11-County in-home hospice service area of Hospice of Chattanooga Holdings, LLC. The proposed additional 10 counties will be served from Hospice of Chattanooga's branch office located in Cookeville (Putnam County), TN. The applicant's parent office is located at 2030 Hamilton Place Blvd., Suite 220, Chattanooga (Hamilton County), TN 37421. The applicant is owned by Care Hospice, Inc. Estimated project cost: \$266,200.

Speaking on behalf of the applicant was Brent Phillips.

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

**Ten members voted to approve the application— Jordan, Patric, Scarboro, Brown, Grandy Duckett, Jerman, Wainner, Pinkney and Chinn. The motion CARRIED [10-0-0].**

**GENERAL COUNSEL'S REPORT**

- A. Sumner Physician Practice, LLC – CN2009-028AM**  
**Request For Change of Ownership of the CON to ADI Radiology, PC.**  
**Request For Removal of Condition limiting patients to those of Sumner Physician Practices, LLC.**

**RECUSED: Brown**

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

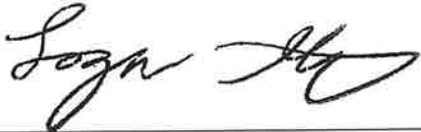
**Nine members voted to approve the application— Jordan, Patric, Scarboro, Grandy Duckett, Jerman, Wainner, Pinkney and Chinn. The motion CARRIED [9-0-0].**

**RULEMAKING: Postponed.**

**OTHER BUSINESS-No other business was brought before the board.**

**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.

