



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: June 30, 2016
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 and Facilities Construction Standing Committee Meeting
(Call-in Number: 1-888-757-2790 passcode: 457462#)

Date of Meeting: July 12, 2016
Time: 9:00 a.m. – 12:00 noon, CDT
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.



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 AND
FACILITIES CONSTRUCTION STANDING COMMITTEE MEETING**

**JULY 12, 2016
POPLAR CONFERENCE ROOM, FIRST FLOOR
9:00 a.m. to 12:00 noon**

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

A. ASSISTED CARE LIVING FACILITY STANDING COMMITTEE

1. Call the Meeting to Order and Establish a Quorum.
2. Revisit- Assisted Care Living Facilities (ACLF) Requirements for Administrators: Test and Process.
3. Other Discussion(s).
4. Public Comments.
5. Adjourn.

B. ASSISTED CARE LIVING FACILITY AND FACILITIES CONSTRUCTION STANDING COMMITTEE

1. Call the Meeting to Order and Establish a Quorum.
2. Revisit-Approval for Rule language for ACLF Rule 1200-08-25-.08(8) and RHA Rule 1200-08-11-.05(8) regarding the thirteen (13) minutes evacuate to be consistent for both regulations.
3. Revisit-Interpretative Guidelines regarding Cooking Appliances -- ACLF Rule 1200-08-25-.10(2)(i).
4. Other Discussion(s).
5. Public Comments.
6. Adjourn.

C. FACILITIES CONSTRUCTION STANDING COMMITTEE

1. Call the Meeting to Order and Establish a Quorum.
2. Approval of Minutes:
 - (a) Facilities Construction Standing Committee Meeting-April 29, 2016
3. Other Discussion(s).
4. Public Comments.
5. Adjourn.

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

JULY 12, 2016

The Board for Licensing Health Care Facilities' Assisted Care Living Facility (ACLF)/Facilities Construction Standing Committee meeting began on July 12, 2016. Mr. David Rhodes, Chairman of this co-committee, called the meeting to order.

A roll call vote was taken:

Mr. Joshua Crisp – here
Mr. Thomas Gee - here
Dr. Sherry Robbins -- not here
Ms. Carissa Lynch – here
Ms. Annette Marlar – not here
Mr. Roger Mynatt – here
Dr. René Saunders – here
Mr. David Rhodes – here
Dr. Kenneth Robertson – here

A quorum was established.

The first item of business was approval of one (1) set of standing committee minutes. The minutes for approval were for the April 29, 2016 ACLF/Facilities Construction Standing Committee meeting. There was discussion on the placement of August 29, 2016 to the heading of this set of minutes. The co-standing committee members indicated this date has not occurred and that the body of the minutes references April 29, 2016. **Dr. René Saunders made a motion to accept the presented minutes recognizing the August 29, 2016 as being erroneous; seconded by Mr. Joshua Crisp. The co-committee approved these minutes.**

The second item of business was to revisit approval of rule language for ACLF rule 1200-08-25-.08(8) and Home for the Aged (RHA) rule 1200-08-11-.05(8) regarding the thirteen (13) minute evacuation requirement to establish consistency in both regulations. Ms. Ann Reed, Director of Licensure, gave background to this agenda item. She indicated it was brought to the full Board in May, but prior to presentation another rule was found regarding the 13 minute evacuation timeframe and Mr. Bill Harmon, Director of Facilities Construction, wanted more time to review. Mr. Harmon presented these questionable rules and additional information on this agenda item to the co-standing committee. He suggested removal of the specific code and/or chapter reference currently found in these rules. Mr. Harmon stated the only reference needed to be to NFPA. **Dr. Saunders made a motion to remove from RHA page 13 rule 1200-08-11-.05(8) the Chapter 22 reference; remove and change from RHA page 20 rule 1200-08-11-.08(3) Standard to International; remove from ACLF page 21 rule 1200-08-25-.08(8) the Chapter 19 and 2006 edition; the ACLF rule language should be included in the Life Safety section of the rules as it is included in the Life Safety section of the RHA rules; and use RHA rule language found at page 20 in ACLF Life Safety section; seconded by Ms. Carissa Lynch.** The public was questioned by the co-standing committee if the recommended changes would make the rule language

confusing. Mr. Harmon indicated that by approving these changes consistency in the ACLF and RHA rule language would be reached. **The motion was approved for rule language presentation to the full Board.**

The third item of business was to revisit the interpretative guideline (IG) regarding cooking appliances for ACLF rule 1200-08-25-.10(2)(i). Ms. Reed provided background to this agenda item. A concern was brought forth by Mr. Harmon for future situations where this IG would allow cooking appliances such as stoves to be in resident rooms without suppression. He requested of the co-standing committee their opinion on this item. Mr. Harmon also provided to the co-standing committee information on residential suppression systems. Mr. Rhodes asked if ACLFs allow stoves. Mr. Crisp stated probably not. Mr. Crisp further stated he supported the developed IG when approved in January of this and felt it allows providers the ability to set guidelines by facility policy. He felt it was to be flexible for facilities. Mr. Crisp could see the addition of stoves in the future as the current IG becomes more known by providers and developers of ACLFs. Mr. Harmon feels the January 2016 IG allows stoves and recommends the Board to require a suppression system for stoves in resident rooms. Dr. Robertson questioned the use of stoves with auto shut-off. Mr. Harmon is not aware of any. Dr. Robertson pointed out the current IG has auto shut-off requirement and is afraid of placing language in the IG about suppression systems which would be permissive. Dr. Saunders asked what Mr. Harmon's suggested language for this IG. Mr. Harmon stated an auto shut-off would not address a fire that was already in place. Dr. Saunders asked should wording be added to this IG or should a new IG be created. Mr. Rhodes stated he could see the issue and suggested adding a sentence to the IG to include any UL reference. The language Ms. Harmon recommended was as follows "...shut-off and residential suppression system if stove/range in place." Mr. Crisp understands the life safety concerns. Patient choice is important; layers of stringency can become expensive; and adds cost to the ACLF operation. He stated this will raise cost to the resident. Dr. Saunders stated this affects more than one individual since others live in the ACLF. She recommended the following sentence "If the appliance to be used is a range or cook top a residential suppression system must be in place" after the last sentence of the current IG. Mr. Crisp asked if this would mean all appliances have to have suppression systems. Chris Puri, TNCal attorney, informed the co-standing committee this is more of a use in common kitchens in regulated environments. He recalls this IG being developed for in room use of appliances such as coffee pots, sandwich makers, etc. Mr. Puri stated this was not for full stoves. He recommended having facilities come to the Board on a case by case basis such as a waiver presentation. Mr. Puri further stated it's not known what the future holds and there may be development of devices like stoves to be used in rooms. Dr. Robertson suggested adding to this IG that the current language does not apply to cooktops/ranges/stoves. Dr. Saunders questioned when this comes as a waiver how will it be reviewed. Mr. Harmon stated he is okay with facilities making a waiver request to the Board for stoves. Mr. Crisp likes Mr. Puri's concept of waiver requests for the use of stoves in resident rooms coming before the Board. This continues to allow resident choice. He also agreed with Dr. Saunders idea and desire for consistency with Board determinations. Mr. Rhodes asked how to move on this as new language to an IG; further review; or bring as waiver to full Board. Dr. Saunders doesn't really want a bunch of waiver requests to the Board. She suggested guidance be made today that can be used. Dr. Saunders asked Mr. Harmon if 300A is all that is available for the residential suppression system and would this rating increase/change. Mr. Harmon stated yes it could. **Dr. Saunders made a motion for an addendum to the current IG of January 2016 to state 'If the appliance to be used is a range/cooktop a residential suppression system device that complies with UL must be in place'; seconded by Mr. Crisp. The motion was approved.**

Mr. Rhodes adjourned the meeting.