



The Tennessee Sunshine Law 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: February 4, 2020

To: Shelley Walker, Director of Communications and Media Relations

From: Wanda E. Hines, Board Administrator

Name of Board or Committee: Board for Licensing Health Care Facilities Board Meeting
(Call-in Number: 1-888-757-2790 passcode: 516730#)

Date of Meeting: February 5, 2020

Time: 9:00 a.m., Central Standard Time

Place: Iris Conference Room
665 Mainstream Drive, Second Floor
Nashville, TN 37243

Major Item(s) on Agenda: See Attached

LINK TO LIVE VIDEO STREAM:

<https://web.nowuseeit.tn.gov/Mediasite/Play/9609e5d51df0440082b73d57469bbc141d>

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

FEBRUARY 5, 2020

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

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

1. **WELCOME NEW BOARD MEMBERS:** Ms. Susan Peach, Hospital Administrator Representative replacing Mr. Thomas Gee and Mr. Louis Caputo, Hospital Administrator Representative replacing Dr. Lisa Piercey.
2. **CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
3. **REPORTS.**
 - A. **EMS REPORT** – Robert Seesholtz, Trauma System Manager, EMS
 - B. **NURSE AIDE REPORT** – Wanda King, Program Manager, CNA
 - C. **OFFICE OF GENERAL COUNSEL REPORT** – Caroline Tippens,
Senior Associate General Counsel
 - D. **OFFICE OF HEALTH CARE FACILITIES REPORT** – Vincent Davis, Director
Health Care Facilities
 - E. **STANDING COMMITTEE(S) REPORT** – Ann Reed, Director of Licensing, HCF

4. BOARD APPROVAL FOR THE FOLLOWING INTERPRETATIVE GUIDELINES

- A. Assisted Care Living Facility Rule 1200-08-25-.02(37) Definition of Secured Unit
- B. Hospital 1200-08-01-.05(5)- Licensed Practitioners Medication/Treatment Orders for Inpatients

5. LICENSE STATUS REQUESTS.

BAPTIST MEMORIAL-MEMPHIS SKILLED NURSING FACILITY, MEMPHIS-(NH #352)

This thirty-five (35) bed skilled nursing unit at Baptist Memorial-Memphis Skilled Nursing Facility, Memphis is requesting a seventh extension for their license to remain on inactive status for an additional twelve (12) months thru February 5, 2021. Effective October 1, 2019, CMS altered the case-mix classification rules and payment system for short term nursing facilities to encourage a more value-based, unified post-acute care model. Baptist Memorial-Memphis had hope that this change would provide clarity as to the feasibility of reactivating the thirty-five (35) SNF beds for post-acute services. There has been insufficient experience with the new payment system to determine whether the use of the beds is a viable option. The continuing need to find cost-effective, high-quality solutions for post-acute patients Baptist Memorial-Memphis respectfully requests an additional extension. Baptist Memorial-Memphis was granted an inactive status waiver on February 7, 2013 for twelve (12) months; an extension inactive status waiver was granted on January 23, 2014 for twelve (12) months; a second extension inactive status waiver for additional twelve (12) months was granted January 15, 2015; a third extension inactive status waiver for additional twelve (12) months was granted January 14, 2016; a fourth extension for inactive status was granted February 8, 2017 for twelve (12) months; a fifth extension for inactive status was granted on February 7, 2018, and a sixth extension for inactive status was granted on February 5, 2019 which will expire on February 5, 2020.

REPRESENTATIVE(S): Dan Elrod, Attorney

BAPTIST SKILLED REHABILITATION UNIT-GERMANTOWN, GERMANTOWN (NH #391)

This eighteen (18) bed skilled nursing unit at Baptist Rehabilitation-Germantown is requesting a fifth extension for their license to remain on inactive status for an additional twelve (12) months thru February 2021. Effective October 1, 2019, CMS altered the case-mix classification rules and payment system for short term nursing facilities to encourage a more value-based, unified post-acute care model. Baptist Memorial had hope that this change would provide clarity as to the feasibility of reactivating the eighteen (18) SNF beds for post-acute services. There has been insufficient experience with the new payment system to determine whether the use of the beds is a viable option. The continuing need to find cost-effective, high-quality solutions for post-acute patients Baptist Memorial respectfully requests an additional extension. Baptist Skilled Rehabilitation Unit-Germantown was granted an inactive status waiver on January 21, 2015 for twelve (12) months; an extension inactive status waiver was granted January 14, 2016 for twelve (12) months; a second extension inactive status waiver was granted February 8, 2017 for twelve (12) months; a third

extension inactive status waiver was granted February 7, 2018 for twelve (12) months; and a fourth extension for their license was granted February 5, 2019 for twelve (12) additional months which will expire on February 5, 2020.

REPRESENTATIVE(S): Dan Elrod, Attorney

BELCOURT TERRACE NURSING HOME – (NH #43)

This forty-nine (49) bed nursing home facility is requesting a fourth extension waiver for their license to remain on inactive status for an additional one (1) year. The Purchaser has entered into a contract to purchase the real estate for the replacement facility, and has filed a CON application for the replacement facility. Their CON application was deferred until the February 26, 2020 HSDA meeting. The Purchaser has filed for a change of ownership approval with this Board.

REPRESENTATIVE(S): Bill West, Attorney

LENOIR CITY TN OPCO, LLC, LENOIR CITY – (NH #160)

This one hundred and four (104) nursing home facility is requesting to place their license on inactive status.

REPRESENTATIVE(S): Mick Vujanovic, COO

NASHVILLE SURGERY CENTER, NASHVILLE-(ASTC #12)

This ASTC facility is requesting a third extension waiver for their license to remain on inactive status for an additional sixteen (16) months through June 2021. The owner is in the process of re-syndicating ownership interests to a group of local surgeons, renovating the facility, and then re-opening the surgery center at its current location. This has taken longer than expected but the plans are moving forward. Finalization of the negotiated agreements with the physician group may take several more months and the construction is expected to take at least eight (8) months. Nashville Surgery Center was granted inactive status on September 18, 2015 for two (2) years; and an inactive status extension waiver was granted October 4, 2017 for eighteen (18) months; and a second extension waiver was granted on February 5, 2019 for one (1) additional year which expires February 5, 2020.

REPRESENTATIVE(S): Jerry W. Taylor, Attorney

SENIOR SAINTS' HOME, CHATTANOOGA-(RHA #84)

This Residential Home for the Aged (RHA) facility is requesting a third extension waiver for their license to remain on inactive status for an additional twelve (12) months. The delay in completing the required remodeling has been due to financial constraints, with minimal progress made in the past year. Senior Saints' Home is optimistic that the project should be completed in the course of the next twelve (12) months. Senior Saints' Home was granted inactive status on September 7, 2016 for one (1) year; and an inactive status extension waiver was granted on February 7, 2018 for one (1) year; and February 7, 2019 for one (1) year which expires on February 2020.

REPRESENTATIVE(S): Kennedy N. Omanwa, Administrator

SIGNATURE HEALTHCARE AT METHODIST, MEMPHIS (NH #247)

This forty-four (44) bed nursing home is requesting a second extension waiver for their license to remain on inactive status for an additional one (1) year. Signature HealthCare continues to search for viable options to reactivate the licensed facility and beds. No such option has presented itself at this point in time, and additional time in inactive status is needed to identify options for the future use of the facility, either through reopening, sale or relocation. Signature Healthcare at Methodist was granted an inactive status waiver on February 7, 2018 for one (1) year; an extension inactive status was granted on February 5, 2019 for an additional one (1) year which will expire on February 5, 2020.

REPRESENTATIVE(S): Christopher C. Puri, Attorney

SIGNATURE HEALTHCARE AT SAINT FRANCIS, MEMPHIS (NH #254)

This one hundred ninety-seven (197) bed nursing home is requesting a second extension waiver for their license to remain on inactive status for an additional one (1) year. Signature HealthCare continues to search for viable options to reactivate the licensed facility and beds. No such option has presented itself at this point in time, and additional time on inactive status is needed to find the best option for the continued use of this facility. Signature Healthcare at Saint Francis was granted an inactive status waiver on February 7, 2018 for one (1) year; an extension inactive status was granted on February 5, 2019 for an additional one (1) year which will expire on February 5, 2020.

REPRESENTATIVE(S): Christopher C. Puri, Attorney

TENNOVA LAKEWAY REGIONAL HOSPITAL, MORRISTOWN (HOSP. #72)

This one hundred thirty-five bed hospital is requesting an inactive status extension waiver for 27 inpatient rehabilitation beds to remain on inactive status through October 31, 2021. In June 2019, the Tennessee Health Services and Development Agency (HSDA) approved a new freestanding 57 bed rehabilitation hospital to serve East Tennessee. This new hospital is a joint venture between Tennova Healthcare, University of Tennessee Medical Center and Kindred Healthcare. One component of this project is the commitment of Tennova to contribute the 27 Lakeway rehabilitation beds upon the opening of the new hospital to delicense those beds. The new hospital is schedule to currently schedule to open July 2021. Tennova will retain the 27 rehabilitation beds in inactive status through October 31, 2021 and will immediately surrender the remaining 108 beds under the Lakeway's license.

REPRESENTATIVE(S): Warren Gooch, Attorney

WILLOWBROOK VISITING NURSES ASSOCIATION, MEMPHIS (HHA #244)

This home health agency is requesting to place their license on inactive status effective January 31, 2020 for one (1) year. Willowbrook Visiting Nurses Association has temporarily suspending their operations and have ceased taking admissions and will have all of their patients discharged or transferred to other agencies. The plan is for the agency to be sold and purchase by Tennessee Quality Home Care, Inc. and reopened within approximately six (6) months.

REPRESENTATIVE(S): Chris Puri, Attorney

6. WAIVER REQUESTS.

BAPTIST MEMORIAL REHABILITATION HOSPITAL, GERMANTOWN-(HOSP #187)

This forty-nine (49) hospital bed facility is requesting to increase their rehabilitation beds count by four (4) licensed beds. The total licensed rehabilitation beds complement will be fifty-three (53) beds upon approval. The proposed addition of four (4) beds will require construction and construction plans will be submitted to the Department of Health for renew and approval. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g).

REPRESENTATIVE(S): Dan Elrod, Attorney

UNITY MEDICAL CENTER, MANCHESTER (HOSP #17)

This forty-nine (49) hospital bed facility is seeking to reopen an existing 4 bed ICU. This original unit was opened in 1999 but was eventually converted to a sleep lab. In reviewing current ICU requirements in the FGI Guidelines for Design and Construction of Health Care Facilities Unity were alerted to the need for a waiver on the following: (1) Request waiver for minimum square footage of critical care room - A2.2-2.6.2.2. *In renovation rooms must have a minimum clear floor area of 150 square feet; (2) Request waiver for minimum clearances. A2.2-2.6.2.2 *Clearances-all adult critical care patient rooms shall have the following minimum clearances: 1 foot from head or bed to wall, 5 feet from the foot of bed to the wall, 5 feet on the transfer side, and 4 feet on the non-transfer side; (3) Request waiver for janitorial/EVS room-A2.2-2.6.8.14. *An environmental services room shall be provided that meets the requirements in section 2.1-2.8.14; (4) Request waiver for clean supply area-A2.2-2.6.8.11. *A clean supply room shall be provided in each critical care unit; (5) Request waiver for minimum 13 foot headwall width - A2.2-2.6.2.2. *Each critical care patient room shall have a minimum headwall width of 13 feet; (6) Request waiver for dedicated staff lounge on ICU-A2.2-2.6.9.1 *Staff lounge facilities shall be provided in or adjacent to the critical care area.

REPRESENTATIVE(S): Bappa Mukherji, Chairman of the Board and Chief Manager

7. DISCUSSION(S).

A. Proposed Rules 1200-07-02-.05(5)(b) regarding Failure to Report regarding hospitals, facility, or health care practitioners pursuant to T.C.A. § 4-5-226 of the Joint Government Operations Committee.

REPRESENTATIVE(S): Gabriel Galletti, Assistant General Counsel

B. Vanderbilt University Medical Center, Nashville #27 (Hospital) – Received Report on Accepted Plan of Correction (POC).

REPRESENTATIVE(S): Dan Elrod, Attorney

- C. Expectations from the Board for Licensing Healthcare Facilities for COPEC.

REPRESENTATIVE(S): Ann Reed, Director of Licensure, BLHCF

- D. Brookdale Germantown, Germantown #73-Request for Formal Determination Regarding Assisted Care Living Rules 1200-08-25-.07(2) relating to the reconciliation of medications in a licensed assisted care living facility.

REPRESENTATIVE(S): Chris Puri, Attorney

- E. Riverdale Assisted Living Facility, Memphis #370 – Unacceptable Plan of Correction #3 was submitted on January 17, 2020 for deficiencies cited during the compliant investigation completed on November 21, 2019. A plan of correction (POC) #4 is required and must be submitted to the Board for review according to State of Tennessee T.C.A. §68-11-213(k)(1) & (2) and a representative must appear before the Board for Board approval.

REPRESENTATIVE(S): Tommy Baker, Administrator and Rhonda Westbrooks, Owner

- F. The Terrace at Mountain Creek, Chattanooga- ACLF #257 – Progress Report.

REPRESENTATIVE(S): Steve Vogel, Administrator

8. APPROVAL OF MINUTES.

- A. October 2, 2019 – Board Meeting
- B. October 7, 2019 – Special Called Teleconference Meeting
- C. December 19, 2019 – Assisted Care Living Facility Standing Committee Meeting

9. CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND (INITIALS)).

A. SPECIAL CONSIDERATION

- 1. (INITIALS)
N/A

- 2. (CHOWS)

(a) Assisted Care Living Facility

Franklin Manor, an Inspirit Senior Living Community, Winchester
Lincoln Manor, an Inspirit Senior Living Community, Fayetteville
Wilson Manor, an Inspirit Senior Living Community, Lebanon

B. RATIFICATION.

1. QUALIFYING APPLICATIONS (Approval)

(INITIALS)

(a) Ambulatory Surgical Treatment Centers

Bone and Joint Institute of Tennessee Surgery Center, LLC, Franklin
Eye Surgery Center of Lenoir City, LLC, Lenoir City

(b) Assisted Care Living Facility

Tree of Life Residential Care, LLC, Tracy City
Springhouse Village of Collierville Assisted Living and Memory Care,
Collierville

(c) End Stage Renal Dialysis Clinics

Dialysis Clinic, Inc (Hermitage), Hermitage
Fresenius Kidney Care Community Dialysis, Memphis
Riverdale Home Training, Memphis

(d) Home Medical Equipment

Innovative Supply Group, LLC, Chattanooga
Respironics Colorado, Inc., Nashville
Total Wound Care Solutions, Memphis
United Medical Providers, Inc., Madison

(e) Outpatient Diagnostic Centers

Premier Radiology-Antioch, Antioch

2. (CHOWS)

(a) Assisted Care Living Facility

Bristol Terrace Assisted Living, Nashville
Morningside of Franklin, Franklin
Morningside of Belmont, Nashville
Morningside of Cleveland, Cleveland
Morningside of Cookeville, Cookeville
Morningside of Gallatin, Gallatin
Morningside of Jackson, Jackson
Morningside of Paris, Paris
The Waterford in Hermitage, Hermitage
Walking Horse Meadows, Clarksville
Williamsburg Villas, Knoxville

(b) Home for the Aged

Elite Elderly Care, LLC, Hendersonville
Park Terrace Assisted Living, South Fulton

(c) **Hospice Services**

Comfort Care Hospice of Middle Tennessee, LLC, Springfield

(d) **Nursing Home Facility**

AHC of Nashville, Nashville fka Belcourt Terrace, Nashville
Boulevard Terrace Health and Rehabilitation, Murfreesboro
Glen Oaks Health and Rehabilitation, Shelbyville

10. LICENSE STATUS UPDATES.

MORRISTOWN DIALYSIS, MORRISTOWN #66

This ESRD facility was temporarily closed due to drain blockage and flooding that took place on December 9, 2019. Morristown Dialysis re-open date was Monday, December 16, 2019. All patients were being treated at nearby facilities.

PRESTIGE ASSISTED LIVING OF LOUDON, LOUDON-(ACLF #53)

This assisted care living facility owner has surrendered the license for Prestige Assisted Living of Loudon, Loudon and has closed the facility effective January 30, 2020. The wall license has been returned to the department.

***FACILITY CLOSURES**

See attachment.

11. BOARD POLICY CONSENTS.

A. THE FOLLOWING NURSING HOMES ARE REQUESTING TO WAIVE NURSING HOME REGULATIONS 1200-08-06-.04(1) FOR A TENNESSEE LICENSED NURSING HOME ADMINISTRATOR UNTIL A PERMANENT REPLACEMENT IS HIRED OR RECEIVES HIS/HER LICENSE IN TENNESSEE BY BOARD POLICY #81:

- (1) Mabry Health Care & Rehab, Gainesboro #136
- Heather Stafford, Temporary Administrator
- (2) Pigeon Forge Care and Rehabilitation Center, Pigeon Forge #228
- Derek Holbrook, Temporary Administrator

B. THE FOLLOWING NURSING HOMES ARE REQUESTING A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY BOARD POLICY #32:

- (1) StoneRidge Health Care Center, Goodlettsville #215
- (2) AHC Meadowbrook, Pulaski #92
- (3) Woodland Terrace Care and Rehab, Chattanooga #114

12. ORDERS.

A. Consent Orders.

13. REGULATION(S).

A. BOARD APPROVAL FOR RULEMAKING HEARING

B. PROPOSED RULE LANGUAGE

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
FEBRUARY 5, 2020

The Board for Licensing Health Care Facilities Board meeting began February 5, 2020.

Dr. Rene Saunders, chairman, called the meeting to order. Dr. Saunders recognized new board members, Mr. Louis Caputo replacing Dr. Lisa Piercey and Mrs. Susan Peach replacing Mr. Thomas Gee. A roll call of attendance was requested.

Mr. Paul Boyd – here
Mr. Robert Breeden – here
Dr. Evelyn Brock – here
Dr. Patsy Carihfield – here
Mr. Joshua Crisp – here
Dr. Jennifer Gordon-Maloney – here
Mr. Chuck Griffin – here
Dr. Julie Jeter – here
Dr. Patricia Ketterman – here
Ms. Carissa Lynch – here
Mr. Roger Mynatt – here
Ms. Susan Peach – here
Dr. Sherry Robbins – here
Dr. Rene Saunders – here
Mr. Jim Shulman – here
Ms. Gina Throneberry – here
Ms. Janet Williford – here
Mr. Bobby Wood – here
Mr. Louis Caputo – here

A quorum was established.

Reports:

EMS –

Robert Seesholtz, EMS Trauma System Manager, presented the EMS report. He informed the Board of meeting minutes of Trauma Care Advisory Council on August 9, 2019.

Nurse Aide –

Wanda King, Nurse Aide Program Manager, presented the Nurse Aide Report. She stated there are 36,386 active nurse aides certified in the state of Tennessee.

OGC –

Caroline Tippens, Senior Associate General Counsel presented the Office of General Counsel's report. Ms. Tippens informed the Board there are thirty (30) open cases in OGC and eight (8) consent/agreed orders to be presented at this meeting. She gave an update on the electronic building plan submission rules. These have been filed in the Secretary of State's office. She also mentioned that rule packets are currently under internal review in the Office of General Counsel.

Office of Health Care Facilities Report-

Vincent Davis, Director, gave a few updates to the Board regarding the outcome of the Joint Government Operations Committee meeting and their sunset recommendation to the board for three (3) years. He also mentioned the concern presented by Mr. Bo Mitchell with the CMP amounts being too low and chair Mr. John Reagan's concern regarding the public not having access to how CMPs are decided and levied on the facilities for deficient practice. Dr. Saunders asked Mr. Davis how the scale is used to determine a CMP. Mr. Mynatt asked if TNCAL can offer perspective of other state's CMP scale. TNCAL stated it is difficult to compare as state regulations are different from state to state. Ms. Tippens stated a new CMP worksheet will be made available to the public. Mr. Crisp asked if legislators want a formal response. Mr. Davis stated desire to be prepared to address if asked again by legislators. Ms. Peach stated this is a complicated issue and a look should be made at the financial impact of each resident to a facility. **Mr. Crisp advised to move this item to the Assisted Care Living Facility Standing Committee for further discussion; Dr. Robbins seconded.** Mr. Breeden asked what the reasoning is for the legislators' statements. He further stated this is only two legislators voicing concerns out of many. Dr. Jeter asked if the desire is to change behavior and are these repeat offenders. Ms. Tippens stated all are reviewed on a case by case basis and are fact based. The Board's role is to protect the health and safety of residents. The history and severity of offenses is considered. Dr. Robbins asked how often the cap for CMPS is hit. Ms. Tippens stated that this information was not available. Mr. Davis stated how the CMP is determined should be placed in the rule. Dr. Robbins repeated her concern of deficiencies being repeated over and over and how CMP cap amounts affect the facilities. **The motion was approved.**

Standing Committee(s) Report-

Ms. Reed presented key items that occurred in the Assisted Care Living Facility Standing Committee Meeting on December 19, 2019.

Board Approval Interpretative Guidelines (IG):

Ms. Reed presented the following interpretative guidelines for approval by the Board–

Assisted Care Living Facility Rule 1200-08-25-.02(37) Definition of Secured Unit.

Hospital 1200-08-01-.05(5) licensed practitioner's medication/treatment order for inpatients.

Mr. Crisp made a motion to approve the interpretative guidelines together; Mr. Mynatt seconded. The motion was approved.

License Status Requests:

Ms. Reed presented the nine (9) licensure status requests.

Baptist Memorial-Memphis Skilled Nursing Facility, Memphis #352 -

This thirty-five (35) bed skilled nursing unit at Baptist Memorial-Memphis Skilled Nursing Facility, Memphis is requesting a seventh extension for their license to remain on inactive status for an additional one (1) year thru February 5, 2021. Dan Elrod was the representative for this facility. He stated that this would be the last extension with a definitive plan in place. If there is no definitive plan in place the facility will relinquish their licensed beds. **Mr. Mynatt made a motion to grant inactive status for 1 year with conditions presented by Mr. Elrod; Dr. Robbins seconded. The motion was approved.**

Baptist Skilled Rehabilitation Unit-Germantown, Germantown #391 -

This eighteen (18) bed skilled nursing unit at Baptist Rehabilitation-Germantown is requesting a fifth extension for their license to remain on inactive status for an additional one (1) year. Dan Elrod was the representative for this facility. He stated that this would be the last extension with a definitive plan in place. If there is no definitive plan in place the facility will relinquish their licensed beds. **Mr. Mynatt made a motion to grant inactive status for 1 year with conditions presented by Mr. Elrod; Dr. Robbins seconded. The motion was approved.**

Belcourt Terrace Nursing Home, Nashville #43 -

This forty-nine (49) bed nursing home facility is request a fourth extension waiver for their license to remain on inactive status for an additional one (1) year. Bill West was the representative for this facility. He stated a CON application has been filed for a replacement facility. The CON application was deferred to the February 26, 2020 HSDA meeting. **Mr. Boyd made a motion to approve inactive status until October 2021; Mr. Mynatt seconded. The motion was approved.**

Lenoir City TN Opco, LLC, Lenoir City #160 -

This one hundred four (104) nursing home facility is requesting to place their license on inactive status for one (1) year. Mick Vujanovic, COO, was the representative for this facility. **Mr. Breeden made a motion to approve inactive status; Mr. Mynatt seconded. The motion was approved.**

Nashville Surgery Center, Nashville #12 -

This ASTC facility is requesting a third extension for their license to remain on inactive status for an additional sixteen (16) months. Mr. Caputo recused himself. Jerry Taylor was the representative for this facility. **Dr. Robbins made a motion to approve inactive status; Mr. Breeden seconded. The motion was approved.**

Senior Saints' Home, Chattanooga #84 -

This RHA facility is requesting a third extension waiver for their license to remain on inactive status for an additional twelve (12) months. Kennedy Omanwa, Administrator, was to be on the phone as the representative of the facility. This call in to the meeting did not occur. Ms. Reed presented this request. **Ms. Peach made a motion to approve inactive status; Dr. Robbins seconded. The motion was approved.**

Signature Healthcare at Methodist, Memphis #247 -

This forty-four (44) bed nursing home is requesting a second extension waiver for their license to remain on inactive status for an additional one (1) year. Chris Puri was the representative for this facility. **Mr. Shulman made a motion to approve inactive status; Mr. Breeden seconded. The motion was approved.**

Signature Healthcare at Saint Francis, Memphis #254 -

This one hundred ninety-seven (197) bed nursing home is requesting a second extension waiver for their license to remain on inactive status for an additional one (1) year. Chris Puri was the representative for this facility. **Mr. Shulman made a motion to approve inactive status; Mr. Breeden seconded. The motion was approved.**

Tennova Lakeway Regional Hospital, Morristown #72 -

This one hundred thirty-five (135) bed hospital is requesting an inactive status extension waiver for twenty-seven (27) inpatient rehabilitation beds to remain on inactive status through October 31, 2021. Warren Gooch was the representative for this facility. **Mr. Shulman made a motion to approve inactive status; Mr. Mynatt seconded. The motion was approved.**

Willowbrook Visiting Nurses Association, Memphis #244 -

This HHA is requesting to place their license on inactive status effective January 31, 2020 for one (1) year. Chris Puri and Ben Sparks were the representatives for this facility. **Mr. Shulman made a motion to approve inactive status; Dr. Robbins seconded. The motion was approved.**

Waiver Requests:

Ms. Reed presented the following waiver requests for consideration by the Board.

Baptist Memorial Rehabilitation Hospital, Germantown #187

This forty-nine (49) hospital bed facility is requesting to increase their rehabilitation beds count by four (4) licensed beds. The total licensed rehabilitation beds complement will be fifty-three (53) beds upon approval. Dan Elrod was the representative for this facility. **Mr. Shulman made a motion to approve; Ms. Lynch seconded. The motion was approved.**

Unity Medical Center, Manchester #17

This forty-nine (49) hospital bed facility is seeking to reopen an existing four (4) bed ICU and had multiple waiver requests. Mr. Bappa Mukherji, Chairman of the Board and Chief Manager, was the representative for the facility. He indicated the original ICU unit was opened in 1999 then was converted to a sleep lab. Mr. Mukherji presented the following waiver requests -

- waiver of minimum square footage of critical care room
- waiver of minimum clearances in critical care patient rooms
- waiver for janitorial/EVS room
- waiver for clean supply area
- waiver of minimum 13 foot headwall width
- waiver for dedicated staff lounge

Mr. Parish, Director of Facilities Construction, spoke to the Life Safety regulation/codes and stated no issues with the Life Safety for fire safety purposes. Dr. Suanders asked if the area could be reconfigured to three (3) beds. Mr. Mukherji stated construction too expensive and difficult for an operating hospital to do. Ms. Peach questioned what occurs if ICU out of cleaning supplies. Mr. Mukherji stated the staff do not leave the unit; a small closet in the unit and staff will bring supplies into the unit vs ICU staff leaving the unit for supplies. Ms. Peach had further questions regarding the space around the bed. Mr. Parish provided the Board with the current square footage requirements. Ms. Peach further questioned how emergency equipment would be gotten into the room. Mr. Mukherji stated the impingement would be on visitor chairs and not on equipment brought into the rooms. Mr. Shulman asked if this type of waiver has been done before. Ms. Reed stated that building codes have been

waived by this Board in the past. The question was asked as to how safety would be maintained with the current space constraints. Unity Medical Center's DON stated the ICU would not house high acuity patients and therefore there would not be a lot of equipment present in the patient rooms. The size of patient room doors was questioned and it was indicated the door size was large enough. The look of the staffing was asked about. The DON stated specific staff would be trained for this unit. He further stated the facility has flight capabilities to transfer more acute patients. Dr. Saunders asked for the number of ICU patients turned away over the past 60 days. The DON stated during the last 12 months this equaled 170 patients. He further stated the addition of the ICU would be viewed as an enhancement to the care and services provided by the hospital. Mr. Parish stated it was verified by inspectors the room doors meet codes and the facility would not have to update all the facility space to current codes. Mr. Mukherji stated he would bring back pictures with equipment in the rooms for a better visual and would have a MD present. Dr. Jeter recommended having working staff that run the unit present to address the Board. **Mr. Shulman made a motion to defer one (1) meeting and asked Mr. Mukherji to bring back pictures, design/layout, measurements of necessary equipment to be used and information to ensure patient safety, bring Medical Doctor and nurses that would work in the unit. Dr. Robbins seconded. The motion was approved.**

Discussion(s):

Proposed Rules 1200-07-02-.05(5)(b) regarding Failure to Report regarding Hospitals, Facility, or Health Care Practitioners pursuant to T.C.A. §4-5-226 of the Joint Government Operations Committee –

Gabe Galletti, Assistant General Counsel with the Department of Health, presented this item to the Board. The rule 1200-07-02-.05(5)(b) was stated as now being effective. Red-lined rules were referenced to show the changes from previously effective rules. This presentation was informational for the Board.

Vanderbilt University Medical Center, Nashville #27 Report on Accepted POC –

Dan Elrod was present as the representative for the facility. He indicated this discussion before the Board was in response to a plan of correction (POC) that was accepted by the department in early 2019. The cited deficiencies were related to an unfortunate event which occurred in 2018 and resulted in a patient death. Vanderbilt continues to meet metrics set forth in the POC. This is to be the last report to the Board. Ms. Tippens of the Office of General Counsel asked Mr. Elrod if the facility is currently in compliance. Mr. Elrod stated yes.

Expectations from the Board for Licensing Healthcare Facilities for CoPEC-

This item was presented by Ms. Reed. She indicated to the Board members that Dr. Saunders and she met with CoPEC and others on this item. Ms. Reed conveyed to the Board members that CoPEC is seeking collaboration with the Board on pediatric questions or concerns that are had. CoPEC as an advisory committee to the Board desires to provide up to date and evidence based medicine so decisions on pediatric care can be made with confidence.

Brookdale Germantown, Germantown #73 Request for Formal Determination regarding ACLF Rule 1200-08-25-.07(2) Reconciliation of Medications in a Licensed ACLF –

Ms. Throneberry recused from this discussion. Chris Puri was the representative for the facility. He stated the facility was cited during survey for a deficient practice of 1200-08-25-.07(2). The facility had a policy regarding medication reconciliation (two (2) personnel count). Medical services are not defined in the ACLF rules and regulations. Mr. Puri asked the Board to determine if it is required to have two (2) licensed professionals to count medications. Dr. Robbins clarified if the facility's policy required two (2)

licensed personnel to count. Mr. Puri stated no the policy states associates count so there was no violation of the facility's policy. Mr. Mynatt referenced the surveyors' use of AllNurses.com and asked if this was a frequently used reference. Mr. Puri stated it is a discussion board. He further stated the facility was following the laws and regulations set forth. Mr. Shulman questioned why two (2) individuals to count. Ms. Tippens spoke to the requirement for licensed professionals to administer medications. Many consent orders come before this Board related to unlicensed professionals administering medications. Mr. Boyd questioned who the other associate was. Mr. Puri stated a care attendant. Dr. Crihfield stated there is more to counting than just number of pills; an individual needs to know the medications. Dr. Brock asked why no registered nurse in incoming and outgoing position. Mr. Crisp stated this appears to be two separate issues. Dr. Robbins agreed and felt this may need rulemaking down the road. Ms. Peach stated the Nurse Practice Act needs to be checked. Dr. Saunders reiterated that Mr. Puri identified this was not related to medication administration. **Mr. Crisp determined facility wasn't in violation with existing regulation and referred issue for discussion to the Performance Improvement Standing Committee; Mr. Mynatt seconded. The motion was approved.**

Ms. Throneberry rejoined the meeting discussion.

Riverdale Assisted Living Facility, Memphis #370 Unacceptable POC #3 –

Tommy Baker, Administrator, was the representative for the facility. He stated to the Board the facility had submitted a third unacceptable POC resulting in the need to provide a fourth POC to the Board for approval. Mr. Baker stated the facility is licensed for 96 beds. He further stated when the facility was acquired it was in a mess. Mr. Baker presented the corrective actions of the fourth POC. Mr. Mynatt stated he sees great progress to address the issues cited, but doesn't think all required components of the POC have been met. The WTRO has reviewed this POC and deemed it acceptable. Dr. Jeter asked about medications being given back to the facility. It was explained that this was addressed in rule. **Mr. Breeden made a motion to approve the POC #4; Dr. Brock seconded. The motion was approved.**

The Terrace at Mountain Creek, Chattanooga #257 Progress Report –

Steve Vogel, Administrator, was the representative for the facility. He provided a progress report for the facility. Mr. Vogel stated the facility was surveyed January 15, 2020 and found to be in compliance. A new management group was approved by the Department and the transition to this group will be complete by March 2020. Another consent order for a survey conducted between October 2019 and the compliance date of January 15, 2020 was presented to the Board with a CMP of \$1,500.00. **Mr. Mynatt made a motion to approve the progress report; Mr. Breeden seconded. The motion was approved. Mr. Shulman made a motion to approve their consent order; Ms. Throneberry seconded. The motion was approved.**

Approval of Minutes:

Ms. Reed presented the following minutes for approval by the full Board –

October 2, 2019 – Board Meeting

October 7, 2019 – Special Called Teleconference Meeting

December 19, 2019 – Assisted Care Living Facility Standing Committee Meeting

Mr. Shulman made a motion to approve minutes; Dr. Robbins seconded. The motion was approved.

CONSIDERATION AND RATIFICATION OF LICENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND INITIALS):

The CHOW and initial licensure applications received by the Office of Health Care Facilities were presented as follows –

The following CHOW applications were presented to the Board for approval without staff concern –
Assisted Care Living Facility - Franklin Manor, an Inspirit Senior Living Community; Winchester – Lincoln Manor, an Inspirit Senior Living Community; Fayetteville – Wilson Manor, an Inspirit Senior Living Community; Lebanon.

Mr. Shulman made a motion to approve CHOW applications; Ms. Throneberry seconded. The motion was approved.

The following initial applications were presented to the Board for approval without staff concern –
Ambulatory Surgical Treatment Center - Bone and Joint Institute of Tennessee Surgery Center, LLC, Franklin and Eye Surgery Center of Lenoir City, LLC, Lenoir City
Assisted Care Living Facility - Tree of Life Residential Care, LLC, Tracy City and Springhouse Village of Collierville Assisted Living and Memory Care, Collierville
End Stage Renal Dialysis Clinic - Dialysis Clinic, Inc. (Hermitage), Hermitage; Fresenius Kidney Care Community Dialysis, Memphis; and Riverdale Home Training, Memphis
Home Medical Equipment - Innovative Supply Group, LLC, Chattanooga; Respironics Colorado, Inc., Nashville; Total Wound Care Solutions, Memphis; and United Medical Providers, Inc., Madison
Outpatient Diagnostic Center - Premier Radiology Antioch, Antioch

Mr. Shulman made a motion to approve initial applications; Mr. Boyd seconded. The motion was approved.

The following CHOW applications were presented to the Board for approval without staff concern –
Assisted Care Living Facility - Bristol Terrace Assisted Living, Nashville; Morningside of Franklin, Franklin; Morningside of Belmont, Nashville; Morningside of Cleveland, Cleveland; Morningside of Cookeville, Cookeville; Morningside of Gallatin, Gallatin; Morningside of Jackson, Jackson; Morningside of Paris, Paris; The Waterford in Hermitage, Hermitage; Walking Horse Meadows, Clarksville; and Williamsburg Villas, Knoxville
Home for the Aged - Elite Elderly Care, LLC, Hendersonville and Park Terrace Assisted Living, South Fulton
Hospice - Comfort Care Hospice of Middle Tennessee, LLC, Springfield
Nursing Home Facility - AHC of Nashville, Nashville fka Belcourt Terrace, Nashville; Boulevard Terrace Health and Rehabilitation, Murfreesboro; and Glen Oaks Health and Rehabilitation, Shelbyville.

Mr. Shulman made a motion to approve CHOW applications; Ms. Williford seconded. The motion was approved.

LICENSURE STATUS UPDATE(S):

The following licensure status requests were presented –

Morristown Dialysis, Morristown #66 (ESRD) -

Morristown Dialysis temporarily closed due to drain blockage and flooding that took place December 9, 2019. They reopened Monday, December 16, 2019.

Prestige Assisted Living of Loudon, Loudon #53 (ACLF) – The facility owner surrendered the license and closed the facility effective January 30, 2020. The wall license was returned to the department. The facility was under a consent order before closure.

Facility Closures –

The facility closures report was given.

BOARD POLICY CONSENTS:

The following Board Policy Consent requests were presented –

Board Policy #81 –

Mabry Health Care & Rehab, Gainesboro

Pigeon Forge Care and Rehabilitation Center, Pigeon Forge

Mr. Breeden made a motion to approve; Dr. Robbins seconded. The motion was approved.

Board Policy #32 -

StoneRidge Health Care Center, Goodlettsville

AHC Meadowbrook, Pulaski

Woodland Terrace Care and Rehab, Chattanooga

Mr. Breeden made a motion to approve; Mr. Mynatt seconded. The motion was approved.

Order(s):

Consent Orders-

The following consent orders were presented by Ms. Caroline Tippens -

Legacy Assisted Living – ACLF – A survey conducted resulting in suspension. Mr. Crisp, Dr. Saunders and Mr. Shulman recused. **Mr. Boyd made a motion to approve; Mr. Mynatt seconded. The motion was approved.**

Mr. Crisp, Dr. Saunders, and Mr. Shulman rejoined the meeting.

Carriage Court – ACLF – A survey conducted resulting in \$5,000.00 CMP. **Mr. Mynatt made a motion to approve; Mr. Breeden seconded. The motion was approved.**

Horizon Health & Rehabilitation – NH – Failure to pay bed taxes. **Mr. Shulman made a motion to approve; Dr. Robbins seconded. The motion was approved.**

Westmoreland Health & Rehabilitation – NH – Failure to pay bed taxes. **Mr. Shulman made a motion to approve; Dr. Robbins seconded. The motion was approved.**

Madisonville Health & Rehabilitation – NH – Failure to pay bed taxes. Mr. Shulman made a motion to approve; Ms. Ketterman seconded. The motion was approved.

Main Street Senior Living – ACLF – A survey conducted resulting in \$1,000.00 CMP. Mr. Shulman made a motion to approve; Ms. Lynch seconded. The motion was approved.

Gardens of Germantown – ACLF – A survey conducted resulting in \$2,000.00 CMP. Mr. Shulman made a motion to approve; Mr. Mynatt seconded. The motion was approved.

Brookdale Columbia – ACLF – A survey conducted resulting in \$1,000.00 CMP. Mr. Shulman made a motion to approve; Mr. Caputo seconded. The motion was approved.

A motion was made to adjourn the meeting.