



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**

Date: August 6, 2018

To: Shelley Walker, Director of Communication and Media Relations

From: Wanda E. Hines, Board Administrator

Name of Board or Committee: Board for Licensing Health Care Facilities-Disciplinary Hearing.
(Call-in Number: 1-888-757-2790 passcode: 152602#)

Date of Meeting: September 5, 2018

Time: 9:00 a.m.

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

Major Item(s) on Agenda: See attachment.

BOARD MEMBERS WILL BE PARTICIPATING BY TELEPHONE OR IN PERSON.

LINK TO LIVE VIDEO STREAM:

<https://web.nowuseeit.tn.gov/Mediasite/Play/9eca79c703aa470180c1b0413c4bb3e21d>

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
DISCIPLINARY HEARING**

SEPTEMBER 5, 2018

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. Disciplinary Hearing – Contested Case Hearing.
3. Adjourn.

**MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
SPECIAL CALLED DISCIPLINARY HEARING
SEPTEMBER 5, 2018**

The Special Called Disciplinary Hearing meeting of the Board for Licensing Health Care Facilities began September 5, 2018.

The meeting was called to order by Dr. René Saunders who requested roll call of attendance. Ann Rutherford Reed called for attendance.

Mr. Paul Boyd - not here
Mr. Robert Breeden - here
Dr. Evelyn Brock - not here
Mr. Joshua Crisp - here
Mr. Thomas Gee – not here
Dr. Jennifer Gordon-Maloney - not here
Mr. Chuck Griffin – here (by phone)
Ms. Patricia Ketterman - not here
Ms. Carissa Lynch – here (by phone)
Mr. Roger Mynatt - here
Dr. Lisa Piercey - here
Dr. Sherry Robbins - here
Dr. René Saunders - here
Mr. Jim Shulman - here
Ms. Gina Throneberry - here
Ms. Janet Williford - not here
Mr. Bobby Wood - here

A quorum was established.

Caroline Tippens with the Office of General Counsel (OCG) presented the Agreed Order for Magnolia Manor. Ms. Tippens gave the Board a brief summary of the history with this facility. She stated the facility has been on the radar of the Department for many years as an unlicensed facility. Ms. Tippens indicated the Office of Health Care Facilities (OHCF) has received numerous unlicensed facility complaints on this facility. She stated OHCF has sent numerous letters to the provider including a cease and desist letter. Ms. Tippens further stated surveyors for the Department have visited the facility and determined the need for licensure. She also informed the Board the facility was formerly licensed as a home for the aged (RHA), but after closure of that license a new owner was established, Lynda Miller. Ms. Tippens provided to the Board that Ms. Miller is a former Tennessee licensed nursing home administrator as well as holding a nursing home administrator license in another state.

Ms. Tippens gave an overview of the contents of the agreed order. She stated the facility is required to pay civil monetary penalties (CMPs) assessed by the Commissioner for operating an unlicensed assisted care living facility (ACLF) by September 5, 2018; submit a RHA licensure application by Friday, September 7, 2018; move residents from one building to another for safety; and submit architectural

drawings to the OHCF Plans Review section. These are a few of the items contained within the agreed order.

Joshua Crisp voiced concern in regard to those entities with a campus setting that have independent living. He stated this is a grey area. Some independent living facilities appear on the surface to provide services found to be provided in ACLFs. He feels this Board will see many more instances like this and questions how the Board can be better prepared to address. Ms. Tippens stated there is a statutory definition for independent living focusing on medication administration. The department put forth this language last legislative session. Ms. Reed stated the best preparation for Board members would be to review the ACLF and RHA rules and definitions in light of the independent living definition. She felt this would better address for Board members the type of disciplinary action to take on unlicensed facilities.

Robert Breeden questioned the number of campus type unlicensed facility complaints that have been received. Ms. Reed stated all unlicensed facility complaints have been for smaller homes in rural areas. Ms. Tippens and Kyonzté Hughes-Toombs with OGC further discussed the independent living definition and the allowance under that definition of a facility to provide laundry services, meals, and social activities. She also stated concern would be had with care and health services being provided to include medication administration. Ms. Tippens stated medication administration is the hinging factor. Mr. Breeden asked that the licensure application submitted by Magnolia Manor be shared with the Board at the October meeting.

Motion to approve agreed order and presentation of Magnolia Manor's RHA application to the Board at the October Board meeting was made by Mr. Breeden; seconded by Dr. Robbins. A roll call vote was taken -

Mr. Paul Boyd - not here
Mr. Robert Breeden - yes
Dr. Evelyn Brock - not here
Mr. Joshua Crisp - yes
Mr. Thomas Gee – not here
Dr. Jennifer Gordon-Maloney - not here
Mr. Chuck Griffin – yes (via phone)
Ms. Patricia Ketterman - not here
Ms. Carissa Lynch – yes (via phone)
Mr. Roger Mynatt - yes
Dr. Lisa Piercey - yes
Dr. Sherry Robbins - yes
Dr. Rene Saunders - yes
Mr. Jim Shulman - yes
Ms. Gina Throneberry - yes
Ms. Janet Williford – not here
Mr. Bobby Wood - yes

The motion was approved.

The following consent orders were presented to the Board for approval –

Prestige Assisted Living - CMP of \$1,500.00. **Motion to approve made by Mr. Shulman; seconded by Dr. Piercey. The motion was approved.**

Brookdale Goodlettsville – CMP of \$2,000.00. Gina Throneberry recused on this vote. **Motion to approve made by Mr. Shulman; seconded by Dr. Piercey. The motion was approved.** Ms. Throneberry returned to the meeting.

Deane Hill – CMP of \$2,500.00. **Motion to approve made by Mr. Shulman; seconded by Mr. Crisp. The motion was approved.**

Dominion Senior Living Sevierville – CMP of \$2,000.00. Mr. Crisp recused on this vote. **Motion to approve made by Mr. Shulman, seconded by Dr. Robbins. The motion was approved.** Mr. Crisp returned to the meeting.

Asbury Cove – CMP of \$1,500.00. **Motion to approve made by Mr. Shulman; seconded by Mr. Crisp. The motion was approved.**

Broadmore Assisted Living – CMP of \$1,500.00. **Motion to approve made by Mr. Shulman; seconded by Mr. Mynatt. The motion was approved.**

Freedom Senior Living – CMP of \$1,500.00. **Motion to approve made by Mr. Shulman; seconded by Roger Mynatt. The motion was approved.**

Northshore Senior Living – CMP of \$1,000.00. **Motion to approve made by Mr. Shulman; seconded by Mr. Crisp. The motion was approved.**

Grace Manor – CMP of \$3,500.00. **Motion to approve made by Mr. Shulman; seconded by Ms. Throneberry. The motion was approved.**

Dr. Saunders officially called the meeting adjourned.