

HEALTH SERVICES AND DEVELOPMENT AGENCY
MINUTES
April 22, 2009

AGENCY MEMBERS PRESENT

Koella, Carl, III, Chair
Handorf, Charles, M.D., Vice Chair
Atchley, Bryan
Bishop, Jimmy
Burns, Charlotte
Gaither, Keith, designee for the TennCare Director
Lammert, Gregory
Weaver, Faye, designee for the Comptroller of the Treasury

AGENCY MEMBERS ABSENT

Jones, Clark
Newman, Leslie Shechter, Commissioner of Commerce and Insurance

AGENCY STAFF PRESENT

Hill, Melanie, Executive Director
Bobbitt, Melissa, Administrative Services Assistant III
Brogden, Reid, General Counsel
Christoffersen, Jim, Deputy General Counsel
Craighead, Alecia, Statistical Analyst III
Earhart, Phillip, Health Planner III
Farber, Mark, Assistant Executive Director
Finchum, Rhonda, Office Manager
Wells, Phil, Health Planner III

GUESTS PRESENT

Atwood, Robin, Executive Director, The Community Organizations
Baker, E. Graham, Esq.
Berellein, Jeff
Berg, Ronald, Erlanger Medical Center
Boone, Kathy, Director of Operations, RHA/DDMS
Brotherton, Matthew, Kramer Rayson, LLC
Brown, Dere, National HealthCare Corporation
Cain, Mark, Vice President, Professional Services, Cumberland Medical Center
Coats, Bryant, CEO, RHA
Cochrane, Kristi
Corritore, Danell, Department of Health
Crutcher, Donna, State Audit
Culp, Joe, Department of Health
Day, Edwin W., Consultant
DeStefano, Donna, Assistant Executive Director, Tennessee Disability Coalition
Duncan, Bruce, National HealthCare Corporation
Earp, Joe, COO, DDMS/RHA
Edwards, Karen, Tennessee Department of Mental Health/Developmental Disabilities

Elrod, Dan H., Esq., Miller & Martin
Farmer, Susan, RHA
Geffer, Jeffrey W., M.D., Chief, Radiation Oncology, Erlanger Medical Center
Gooch, Warren, Esq., Kramer Rayson, LLP
Harkness, Eric, Planning & Research Coordinator, Division of Health Planning, Finance & Administration
Hill, Ronald, Vice President, Strategic Development, Vanderbilt University Hospital
Houchin, Barbara, Executive Director, St. Thomas Health Services
Izzi, Lisa, Administrator, Stones River Center
Jenkins, Brad, Centennial Medical Center @ Ashland City
Kemp, Sonya
Kerr, Tracey
Kimsey, Frank C., M.D., FACR, Kimsey Radiation Oncology, PLLC
Latham, Dr. Larry, Assistant Commissioner, Facility Services, Division of Mental Retardation
Looney, Kim Harvey, Esq., Waller, Lansden, Dortch & Davis
Luchessi, Jane, Memorial Hospital
Maska, Margie J., Regional Director, MileStone Healthcare
McGinnis, Matthew, Accuracy
McGravey, John Wells, M.D., Medicine Oncologist, University Oncology & Hematology
McMillen, Debby, AmSurg
Megison, Phil, M.D., Neurosurgical Group of Chattanooga
Moss, Eric, AmSurg
Poling, Becki, Director Hospital Services, Tennessee Department of Mental Health/Developmental Disabilities
Puri, Christopher, Esq., Bradley Arant Boult Cummings, LLP
Reddy, Srikar, M.D.
Russell, R.F., THCA
Simmons, Gordon J., CEO, RHA Management Services, Inc.
Sloves, Harold, State Director, Guardian Community Living
Southwick, William, CEO, Mid-State Endoscopy Center
Spitler, Kenny, Sr. Vice President, Development, Healthmark Partners, Inc.
Stephenson, Kate, Esq., Trauger & Tuke
Swatley, Terry, President, DDMS
Taliaferro, David
Thompson, Ann R., RN, BSN, MBA, Director of Licensure, Department of Health
Trauger, Byron R., Esq., Trauger & Tuke
Vojr, Bob, Accuracy
Wellborn, John L., Consultant, Development Support Group
West, William H., Esq., Baker, Donelson, Bearman, Caldwell & Berkowitz
White, Darrell, Centennial Medical Center at Ashland City
Widmann, Michael, Financial Analyst, Healthmark Partners, Inc.
Wilcox, Janet
Wilson, Melissa, State Audit
Yamashita, Betty

Chairman Koella, called the meeting to order at 8:30 a.m. in Meeting Rooms D-G, of The Sommet Center, Nashville, Tennessee.

DIRECTOR'S ANNOUNCEMENTS

Mark Farber, Assistant Executive Director, made general announcements.

OTHER BUSINESS

- 1) State Health Plan – Eric Harkness, Planning & Research Coordinator, Division of Health Planning, Finance & Administration provided an update on the status of the state health plan.

CERTIFICATE OF NEED APPLICATIONS

Mark Farber summarized the following CON applications:

Cumberland Medical Center - (Crossville, Cumberland County) - Project No. CN0901-001

The establishment of a twelve (12)-bed inpatient rehabilitation unit and the initiation of rehabilitation services. The twelve (12)-bed unit will result from the conversion of five (5) existing medical/surgical beds and the addition of seven (7) new hospital beds increasing the licensed bed count from 182 to 189. The proposed unit will be managed by MileStone Healthcare. The project does not involve the initiation of any health care service or the acquisition of any major medical equipment. Project Cost \$342,456.00.

Dan H. Elrod, Esq., representing the applicant, addressed the Agency. Speaking on behalf of the project were: Mark Cain, Vice President, Professional Services, Cumberland Medical Center; and Margie J. Maska, Regional Director, MileStone Healthcare.

Mr. Lammert moved for approval of the project based on: 1) Need – The need has clearly been established in this area; 2) Economic Feasibility – The project's economic feasibility is met with cash reserves; and 3) The project does contribute to the orderly development of adequate and effective health care in serving an unmet need in this primary service area that has a higher population of individuals over 65 than the rest of the State. Ms. Burns seconded the motion. The motion CARRIED [8-0-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Handorf, Lammert, Bishop, Burns, Koella

NAY: None

Mid-South Endoscopy Center - (Columbia, Maury County) - Project No. CN0901-002

The relocation of the endoscopy center facility from 1510-1/2 Hatcher Lane, Columbia (Maury County), TN to 101 Berrywood Drive, Columbia (Maury County), TN 38401 and to expand its procedure room complement from two (2) to four (4) rooms. The facility will remain licensed as an ambulatory surgical treatment center (ASTC) limited to endoscopy. The project does not contain any major medical equipment or initiate or discontinue any other health service. Project Cost \$3,019,133.00.

Eric Moss, AmSurg, addressed the Agency on behalf of the project. Present in support of the project were: Srikar Reddy, M.D.; and John L. Wellborn, Consultant.

Mr. Lammert moved for approval of the project based on: 1) Need – The need is clearly evident as this is the only facility that serves this population; 2) Economic Feasibility – The economic feasibility is met through a loan from AmSurg; and 3) The project does contribute to the orderly development of adequate and effective health care in this primary service area by providing services in the clinic setting that aren't provided at this time. Dr. Handorf seconded the motion. The motion CARRIED [8-0-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Handorf, Lammert, Bishop, Burns, Koella

NAY: None

Cyberknife of Chattanooga - (Chattanooga, Hamilton County) - Project No. CN0901-003

The establishment of an ambulatory surgical treatment center (ASTC) limited to the provision of radiation therapy services, the initiation of linear accelerator services, specifically robotic stereotactic radiosurgical services, and the acquisition of a Cyberknife Stereotactic Radiosurgery System. No other health care services will be initiated or discontinued. Project Cost \$7,308,209.00.

Joseph Winick, Sr. Vice President, addressed the Agency on behalf of the project. Speaking in support were: John Wells McGravey, M.D., Medical Oncologist, University Oncology & Hematology; Jeffrey W. Gefter, M.D., Chief, Radiation Oncology, Erlanger Medical Center; Frank C. Kimsey, M.D., FACR, Kimsey Radiation Oncology, PLLC; and Phil Megison, M.D., Neurosurgical Group of Chattanooga.

Dr. Handorf moved for approval of the project based on: 1) Need – The need has been discussed and is established as there is no similar unit in the Southeast portion of the State; 2) Economic Feasibility – The project is economically feasible through commercial loan and a financial analysis; and 3) The project does

contribute to the orderly development of adequate and effective health care by delivering needed care to these citizens of the State. Mr. Atchley seconded the motion. The motion CARRIED [8-0-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Handorf, Lammert, Bishop, Burns, Koella
NAY: None

Mid-State Endoscopy Center, LLC - (Murfreesboro, Rutherford County) - Project No. CN0901-004

The establishment of a single specialty ambulatory surgical treatment center (ASTC) limited to endoscopic procedures. The facility will occupy approximately 4,039 square feet of leased space containing two (2) procedure rooms (one (1) will be shelled), a pre/post holding area, and support area. The project does not contain any major medical equipment or initiate or discontinue any other health service. Project Cost \$2,053,104.00.

Kim Looney, Esq., representing the applicant, addressed the Agency. Sunil Sarvaria, M.D., spoke on behalf of the project. Present in support of the project were: William Southwick, CEO, Mid-State Endoscopy Center; Michael Widmann, Financial Analyst, Healthmark Partners, Inc.; Kenny Spitler, Sr. Vice President, Development, Healthmark Partners, Inc.; and Edwin W. Day, Consultant.

Mr. Lammert moved for approval of the project based on: 1) Need – There is a need in this area as this is a strong TennCare applicant; 2) Economic Feasibility – The project's economic feasibility will be met through a commercial loan; and 3) The project does contribute to the orderly development of adequate and effective health care with the patients that they serve. Mr. Bishop seconded the motion. The motion CARRIED [8-0-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Handorf, Lammert, Bishop, Burns, Koella
NAY: None

RHA/Trenton MR, Inc. - (Three Way, Madison County) - Project No. CN0810-097

The establishment of a four (4)-bed* ICF/MR home to house the relocation of four (4) ICF/MR beds from The Margie and Thomas Winfrey Center, 2055 Highway 45 Bypass, Trenton (Gibson County), Tennessee 38382, to 101 Turner Loop Road, Three Way (Madison County), Tennessee 38343. This project includes a relocation of existing ICF/MR beds. No additional beds will be added. These four existing ICF/MR beds will continue to be licensed by the Tennessee Department of Mental Health and Developmental Disabilities as ICF/MR beds upon completion of this project. Project Cost \$1,136, 240.00. *These beds will not be subject to the 40 bed ICF/MR Bed Pool for 2008-2009.

DEFERRED FROM THE MARCH MEETING

William H. West, Esq., representing the applicant, addressed the Agency. Speaking in support of the project were: Bryant Coats, CEO, RHA; Joe Earp, COO, DDMS/RHA; Dr. Larry Latham, Assistant Commissioner Facility Services, Division of Mental Retardation; Donna DeStefano, Assistant Executive Director, Tennessee Disability Coalition; Robin Atwood, Executive Director, The Community Organizations; Betty Yamashita; Janet Wilcox; Kristi Cochran; Lisa Izzi, Administrator, Stones River Center; Tracey Kerr; Gordon J. Simmons, CEO, RHA Management Services, Inc.; and Terry Swatley, President, DDMS. Present in support were: Kathy Boone, Director of Operations, RHA/DDMS; and Harold Sloves, State Director, Guardian Community Living.

Mr. Atchley moved for approval of the project based on: 1) Need – The need to relocate has obviously been established not only by Court Order but also for a better atmosphere for these people to live in; 2) Economic Feasibility – The project is economically feasible; and 3) The project definitely does contribute to the orderly development of adequate and effective health care. Mr. Lammert seconded the motion. The motion CARRIED [8-0-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Handorf, Lammert, Bishop, Burns, Koella
NAY: None

RHA/Trenton MR, Inc. - (Three Way, Madison County) - Project No. CN0810-098

The establishment of a four (4)-bed* ICF/MR home to house the relocation of four (4) ICF/MR beds from The Margie and Thomas Winfrey Center, 2055 Highway 45 Bypass, Trenton (Gibson County), Tennessee 38382, to 102 Turner Loop Road, Three Way (Madison County), Tennessee 38343. This project includes a relocation of existing ICF/MR beds. No additional beds will be added. These four existing ICF/MR beds will continue to be licensed by the Tennessee Department of Mental Health and Developmental Disabilities as ICF/MR beds upon completion of this project. Project Cost \$1,124,780.00. *These beds will not be subject to the 40 bed ICF/MR Bed Pool for 2008-2009.

DEFERRED FROM THE MARCH MEETING

William H. West, Esq., representing the applicant, addressed the Agency. Speaking in support of the project were: Bryant Coats, CEO, RHA; Joe Earp, COO, DDMS/RHA; Dr. Larry Latham, Assistant Commissioner Facility Services, Division of Mental Retardation; Donna DeStefano, Assistant Executive Director, Tennessee Disability Coalition; Robin Atwood, Executive Director, The Community Organizations; Betty Yamashita; Janet Wilcox; Kristi Cochran; Lisa Izzi, Administrator, Stones River Center; Tracey Kerr; Gordon J. Simmons, CEO, RHA Management Services, Inc.; and Terry Swatley, President, DDMS. Present in support were: Kathy Boone, Director of Operations, RHA/DDMS; and Harold Sloves, State Director, Guardian Community Living.

Mr. Lammert moved for approval of the project based on: 1) Need – The need has certainly been established and demonstrated through the testimony given; 2) Economic Feasibility – The project's economic feasibility is met through lease agreement; and 3) The project does contribute to the orderly development of adequate and effective health care. Ms. Weaver seconded the motion. The motion CARRIED [6-1-1]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Lammert, Bishop, Burns

NAY: Handorf

ABSTAINED: Koella

RHA/Trenton MR, Inc. - (Oakfield, Madison County) - Project No. CN0810-103

The establishment of a four (4)-bed* ICF/MR home to house the relocation of four (4) ICF/MR beds from The Margie and Thomas Winfrey Center, 2055 Highway 45 Bypass, Trenton (Gibson County), Tennessee 38382, to 361 Oakfield Rd., Oakfield (Madison County), Tennessee 38362. This project includes a relocation of existing ICF/MR beds. No additional beds will be added. These four existing ICF/MR beds will continue to be licensed by the Tennessee Department of Mental Health and Developmental Disabilities as ICF/MR beds upon completion of this project. Project Cost \$1,136,240.00. *These beds will not be subject to the 40 bed ICF/MR Bed Pool for 2008-2009.

DEFERRED FROM THE MARCH MEETING

William H. West, Esq., representing the applicant, addressed the Agency. Speaking in support of the project were: Bryant Coats, CEO, RHA; Joe Earp, COO, DDMS/RHA; Dr. Larry Latham, Assistant Commissioner Facility Services, Division of Mental Retardation; Donna DeStefano, Assistant Executive Director, Tennessee Disability Coalition; Robin Atwood, Executive Director, The Community Organizations; Betty Yamashita; Janet Wilcox; Kristi Cochran; Lisa Izzi, Administrator, Stones River Center; Tracey Kerr; Gordon J. Simmons, CEO, RHA Management Services, Inc.; and Terry Swatley, President, DDMS; Present in support was Harold Sloves, State Director, Guardian Community Living; and Kathy Boone, Director of Operations, RHA/DDMS.

Mr. Atchley moved for approval of the project based on: 1) Need – The need is obviously there for the relocation for these residents; 2) Economic Feasibility – The project is economically feasible with the terms of the lease; and 3) The project does contribute to the orderly development of adequate and effective health care. Mr. Lammert seconded the motion. The motion CARRIED [8-0-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Handorf, Lammert, Bishop, Burns, Koella

NAY: None

RHA/Trenton MR, Inc. - (Oakfield, Madison County) - Project No. CN0810-104

The establishment of a four (4)-bed* ICF/MR home to house the relocation of four (4) ICF/MR beds from The Margie and Thomas Winfrey Center, 2055 Highway 45 Bypass, Trenton (Gibson County), Tennessee 38382, to 367 Oakfield Rd., Oakfield (Madison County), Tennessee 38362. This project includes a relocation of existing ICF/MR beds. No additional beds will be added. These four existing ICF/MR beds will continue to be licensed by the Tennessee Department of Mental Health and Developmental Disabilities as ICF/MR beds upon completion of this project. Project Cost \$1,136,240.00. *These beds will not be subject to the 40 bed ICF/MR Bed Pool for 2008-2009.

DEFERRED FROM THE MARCH MEETING

William H. West, Esq., representing the applicant, addressed the Agency. Speaking in support of the project were: Bryant Coats, CEO, RHA; Joe Earp, COO, DDMS/RHA; Dr. Larry Latham, Assistant Commissioner Facility Services, Division of Mental Retardation; Donna DeStefano, Assistant Executive Director, Tennessee Disability Coalition; Robin Atwood, Executive Director, The Community Organizations; Betty Yamashita; Janet Wilcox; Kristi Cochran; Lisa Izzi, Administrator, Stones River Center; Tracey Kerr; Gordon J. Simmons, CEO, RHA Management Services, Inc.; and Terry Swatley, President, DDMS. Present in support were: Kathy Boone, Director of Operations, RHA/DDMS; and Harold Sloves, State Director, Guardian Community Living.

Mr. Atchley moved for approval of the project based on: 1) Need – The need is established for the relocation; 2) Economic Feasibility – The project is economically feasible; and 3) The project does contribute to the orderly development of adequate and effective health care. Ms. Weaver seconded the motion. The motion CARRIED [6-1-1]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Lammert, Bishop, Burns

NAY: Handorf

ABSTAINED: Koella

RHA/Trenton MR, Inc. - (Three Way, Madison County) - Project No. CN0810-105

The establishment of a four (4)-bed* ICF/MR home to house the relocation of four (4) ICF/MR beds from The Margie and Thomas Winfrey Center, 2055 Highway 45 Bypass, Trenton (Gibson County), Tennessee 38382, to 201 & 202 Cobblestone Drive, Three Way (Madison County), Tennessee 38343. This project includes a relocation of existing ICF/MR beds. No additional beds will be added. These four existing ICF/MR beds will continue to be licensed by the Tennessee Department of Mental Health and Developmental Disabilities as ICF/MR beds upon completion of this project. Project Cost \$1,148,195.00. *These beds will not be subject to the 40 bed ICF/MR Bed Pool for 2008-2009.

DEFERRED FROM THE MARCH MEETING

William H. West, Esq., representing the applicant, addressed the Agency. Speaking in support of the project were: Bryant Coats, CEO, RHA; Joe Earp, COO, DDMS/RHA; Dr. Larry Latham, Assistant Commissioner Facility Services, Division of Mental Retardation; Donna DeStefano, Assistant Executive Director, Tennessee Disability Coalition; Robin Atwood, Executive Director, The Community Organizations; Betty Yamashita; Janet Wilcox; Kristi Cochran; Lisa Izzi, Administrator, Stones River Center; Tracey Kerr; Gordon J. Simmons, CEO, RHA Management Services, Inc.; Terry Swatley, President, DDMS; and Kathy Boone, Director of Operations, RHA/DDMS. Present in support was Harold Sloves, State Director, Guardian Community Living.

Mr. Lammert moved for approval of the project based on: 1) Need – The need is established from testimony given by those in support of the application; 2) Economic Feasibility – The project is economically feasible through lease agreement and financing; and 3) The project does contribute to the orderly development of adequate and effective health care by allowing these individuals to move into this community. Ms. Weaver seconded the motion. The motion CARRIED [8-0-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Handorf, Lammert, Bishop, Burns, Koella

NAY: None

RHA/Trenton MR, Inc. - (Three Way, Madison County) - Project No. CN0810-106

The establishment of a four (4)-bed* ICF/MR home to house the relocation of four (4) ICF/MR beds from The Margie and Thomas Winfrey Center, 2055 Highway 45 Bypass, Trenton (Gibson County), Tennessee 38382, to 218 & 219 Cobblestone Drive, Three Way (Madison County), Tennessee 38343. This project includes a relocation of existing ICF/MR beds. No additional beds will be added. These four existing ICF/MR beds will continue to be licensed by the Tennessee Department of Mental Health and Developmental Disabilities as ICF/MR beds upon completion of this project. Project Cost \$1,159,655.00. *These beds will not be subject to the 40 bed ICF/MR Bed Pool for 2008-2009.

DEFERRED FROM THE MARCH MEETING

William H. West, Esq., representing the applicant, addressed the Agency. Speaking in support of the project were: Bryant Coats, CEO, RHA; Joe Earp, COO, DDMS/RHA; Dr. Larry Latham, Assistant Commissioner Facility Services, Division of Mental Retardation; Donna DeStefano, Assistant Executive Director, Tennessee Disability Coalition; Robin Atwood, Executive Director, The Community Organizations; Betty Yamashita; Janet Wilcox; Kristi Cochran; Lisa Izzi, Administrator, Stones River Center; Tracey Kerr; Gordon J. Simmons, CEO, RHA Management Services, Inc.; and Terry Swatley, President, DDMS. Present in support were: Kathy Boone, Director of Operations, RHA/DDMS; and Harold Sloves, State Director, Guardian Community Living.

Mr. Atchley moved for approval of the project based on: 1) Need – The need has been established for the relocation of these beds; 2) Economic Feasibility – The project is economically feasible through the terms of the lease; and 3) The project does contribute to the orderly development of adequate and effective health care in Tennessee. Ms. Weaver seconded the motion. The motion CARRIED [7-1-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Lammert, Bishop, Burns, Koella
NAY: Handorf

RHA/Trenton MR, Inc. - (Jackson, Madison County) - Project No. CN0811-114

The establishment of a four (4)-bed* ICF/MR home to house the relocation of four (4) ICF/MR beds from The Margie and Thomas Winfrey Center, 2055 Highway 45 Bypass, Trenton (Gibson County), Tennessee 38382, to 89 Windale Drive, Jackson (Madison County), Tennessee 38305. This project includes a relocation of existing ICF/MR beds. No additional beds will be added. These four existing ICF/MR beds will continue to be licensed by the Tennessee Department of Mental Health and Developmental Disabilities as ICF/MR beds upon completion of this project. Project Cost \$1,105,130.00. *These beds will not be subject to the 40 bed ICF/MR Bed Pool for 2008-2009.

DEFERRED FROM THE MARCH MEETING

William H. West, Esq., representing the applicant, addressed the Agency. Speaking in support of the project were: Bryant Coats, CEO, RHA; Joe Earp, COO, DDMS/RHA; Dr. Larry Latham, Assistant Commissioner Facility Services, Division of Mental Retardation; Donna DeStefano, Assistant Executive Director, Tennessee Disability Coalition; Robin Atwood, Executive Director, The Community Organizations; Betty Yamashita; Janet Wilcox; Kristi Cochran; Lisa Izzi, Administrator, Stones River Center; Tracey Kerr; Gordon J. Simmons, CEO, RHA Management Services, Inc.; and Terry Swatley, President, DDMS. Present in support were: Kathy Boone, Director of Operations, RHA/DDMS; and Harold Sloves, State Director, Guardian Community Living.

Dr. Handorf moved for approval of the project based on: 1) Need – The need has been established through closure of The Winfrey Home; 2) Economic Feasibility – The project is economically feasible through a lease agreement; and 3) The project does contribute to the orderly development of adequate and effective health care as it provides needed services to its patients. Ms. Weaver seconded the motion. The motion CARRIED [8-0-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Handorf, Lammert, Bishop, Burns, Koella
NAY: None

GENERAL COUNSEL'S REPORT

Reid Brogden and Jim Christoffersen summarized the following requests for modifications:

Centennial Medical Center @ Ashland City - (Ashland City, Cheatham County) - Project No. CN0302-010A

Request to increase mobile magnetic resonance imaging (MRI) service from one (1) day to two (2) days per week. The Certificate of Need was approved for the initiation of mobile MRI services for one (1) day per week on May 28, 2003. The project's implementation date was June 30, 2003 and the final project cost was \$18,000.00.

Brad Jenkins, R.T., Manager, Imaging Services, addressed the Agency on behalf of the request.

Dr. Handorf moved for approval of the request as this project is needed based upon testimony received. Ms. Burns seconded the motion. The motion CARRIED [8-0-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Handorf, Lammert, Bishop, Burns, Koella
NAY: None

White House Health Care, Inc. - (White House, Robertson County) - Project No. CN0712-098A

Request to transfer the majority of the issued and outstanding stock of an unimplemented Certificate of Need. On November 19, 2008 approval was granted for transfer of ownership from White House Health Care, Inc. to HC Resources, LLC. This project was approved on May 28, 2008 for the replacement and relocation of a nursing home with eighty-four (84) dually-certified nursing home beds to be located off of Sage Road, White House (Robertson County), TN which was previously approved to be constructed on Wilkinson Lane, White House (Robertson County), TN (CN9409-062A and CN0511-104A of which both were voluntarily surrendered upon approval of CN0712-098A). The expiration date is July 1, 2010 and the project cost is \$7,436,695.00.

Chris Puri, Esq., representing the applicant, addressed the Agency. Graham Baker, Esq., spoke on behalf of the project and Sonya Kemp was present.

Mr. Atchley moved for approval of the request for the transfer of stock from Ms. Taylor to Ms. Kemp. Mr. Lammert seconded the motion. The motion CARRIED [7-1-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Lammert, Bishop, Burns, Koella
NAY: Handorf

SeniorHealth of Rutherford, LLC - (Murfreesboro, Rutherford County) - Project No. CN0610-089A

Request for Polaris Hospital Company to acquire all the stock of FenX Healthcare, Inc. which holdings include this Certificate of Need. This project was approved on February 28, 2007 for the construction and establishment of a sixty (60)-bed general hospital providing medical detoxification, psychiatric and rehabilitation services to serve Rutherford and Bedford counties. The expiration date is March 15, 2012 and the project cost is \$29,893,000.00.

WITHDRAWN

Wellmont Holston Valley Medical Center - (Kingsport, Sullivan County) - Project No. CN0602-010A

Request for a nine (9) month extension of the expiration date from August 1, 2009 to May 1, 2010. This project was approved June 28, 2006 for renovation and construction which affected emergency, surgery, critical care, pediatrics, OB/Gyn and support areas. The project cost is \$94,430,686.00.

Byron Trauger, Esq., representing the applicant, addressed the Agency.

Dr. Handorf moved for approval of the request for extension of the expiration date for twelve (12) months to August 1, 2010. The need is based on testimony given. Mr. Lammert seconded the motion. The motion CARRIED [8-0-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Handorf, Lammert, Bishop, Burns, Koella
NAY: None

Fort Sanders Endoscopy Center - (Knoxville, Knox County) - Project No. CN0701-001A

Request for a twelve (12) month extension of the expiration date from June 1, 2009 to June 1, 2010. This project was approved April 25, 2007 for the establishment of a single specialty ambulatory surgical treatment center (ASTC) limited to gastroenterology with four (4) procedure rooms. The project cost is \$2,859,328.00.

Dan H. Elrod, Esq., representing the applicant, addressed the Agency.

Mr. Lammert moved for approval of the request for a twelve (12) month extension of the expiration date from June 1, 2009 to June 1, 2010 based upon testimony given. Mr. Koella seconded the motion. The motion CARRIED [8-0-0]. **APPROVED**

AYE: Gaither, Weaver, Atchley, Handorf, Lammert, Bishop, Burns, Koella
NAY: None

CONTESTED CASE UPDATE

Mr. Christoffersen gave an update on Contested Cases.

OTHER BUSINESS

Ms. Hill reported that Memphis Long Term Care Specialty Hospital, CN0603-019A, provided an update regarding the project and its TennCare contract. This was requested by Dr. Gene Caldwell during the July 26, 2006 Agency meeting.

MINUTES

The minutes of the March 25, 2009, meeting were accepted by unanimous voice vote.

ADJOURNMENT

There being no further business, the meeting adjourned.

Melanie M. Hill, Executive Director

MMH/mab