



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: April 26, 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: April 29, 2016
Time: 9:00 a.m. – 2:00 p.m., CDT
Place: Iris 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**

**APRIL 29, 2016
IRIS CONFERENCE ROOM, FIRST FLOOR
9:00 a.m. to 2:00 p.m.**

**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. Approval of Minutes:
 - (1) Assisted Care Living Facility Standing Committee Meeting – January 7, 2016
 - (2) Assisted Care Living Facility Standing Committee Meeting – August 18, 2015
3. Revisit-Tennessee Board for Licensing Health Care Facilities 2015 Performance Audit Findings regarding Medication Administration in Assisted Care Living Facilities.
4. Revisit- Assisted Care Living Facilities (ACLF) Requirements for Administrators.
5. Other Discussion(s).
6. Public Comments.
7. Adjourn.

B. ASSISTED CARE LIVING FACILITY AND FACILITIES CONSTRUCTION STANDING COMMITTEE

1. Call the Meeting to Order and Establish a Quorum.
2. Approval of Minutes:
 - (1) Assisted Care Living Facility/Facilities Construction Standing Committee Meeting – November 16, 2015
 - (2) Assisted Care Living Facility/Facilities Construction Standing Committee Meeting – January 7, 2016

3. **MAYBELLE CARTER SENIOR ADULT HOME, NASHVILLE**

This seventy-four (74) ACLF facility is seeking to waive ACLF Regulation 1200-08-25-.09(16)(b) regarding the number of beds in each bedroom. Maybelle Carter is seeking to renovate the facility and is considering modification that would provide up to three (3) residents sharing certain common space within a shared space configuration of a half wall providing privacy in the sleeping area only.

Representative(s): Chris Puri, Attorney

4. **BARTON HOUSE, NASHVILLE (ACLF) #175**
CARRICK GLEN SENIOR LIVING, MT. JULIET (ACLF) #347
FOUNTAINS OF FRANKLIN, FRANKLIN (ACLF) #395
NORTHPARK VILLAGE SENIOR LIVING, MADISON (RHA) #31
POPLAR ESTATE SENIOR LIVING, COLUMBIA #77
THE GARDENS AT PROVIDENCE PLACE, MT. JULIET #285
VILLAGES OF MURFREESBORO, MURFREESBORO (ACLF)

The following seven (7) facilities are seeking to waive the variance of Section 1008.1.9.6 Special locking arrangements be applicable to I-1 occupancies for the referenced project. Their justification are that the 2015 International Building Code (IBC) or later will be intentionally adopted by the State within 2 years and by adoption will incorporate the inclusion of section 1010.1.9.6 Controlled Egress doors in Groups I-1 and I-2. 2012 International Building Code (IBC) 1008.1.9.6 Special locking arrangements in Group I-2 and 2015 1010.1.9.6 Controlled egress doors in Groups I-1 and I-2 are essentially the same. In lieu of the adoption the updated 2015 edition while the balance of the project remains under 2012 IBC, it has been the policy and practice of the department to avoid the adoption of multiple editions of a code; therefore the adoption of a waiver within the existing adopted 2012 IBC is preferred.

Representative(s): Michael O'Hare and Carmen Keckley, Architects, GoodWorks Unlimited, LLC

5. Other Discussion(s).
6. Public Comments.

7. Adjourn.

C. FACILITIES CONSTRUCTION STANDING COMMITTEE

1. Call the Meeting to Order and Establish a Quorum.

2. **VANDERBILT UNIVERSITY MEDICAL CENTER (VUMC),
NASHVILLE**

Vanderbilt University Hospital, Nashville, is requesting to waive certain section of the 2010 Facility Guidelines Institute (FGI) guidelines regarding several rooms variance from the component project of 17-bed observation unit in the 7 South building. Fourteen (14) of the seventeen (17) rooms will be used for inpatients on a temporary basis. VUMC is requesting that the guidelines be waived for two (2) years.

Representative(s): Dan Elrod, Attorney, Mitch Edgeworth, CEO, Vanderbilt Hospital and Clinics, Ginna Felts, Vice President, Business Development and Luke Gregory, CEO, Monroe Carell, Jr, Children’s Hospital at Vanderbilt

3. **METHODIST HEALTHCARE-SOUTH HOSPITAL, MEMPHIS**

Methodist Healthcare-South Hospital, Memphis, is requesting to waive certain section of the 2010 Facility Guidelines Institute (FGI) guidelines regarding the Intensive Care Unit (ICU) renovation of 16 patient rooms for renovation and patient room requirements.

Representative(s): Dr. Corbi Milligan, CMO, Dave Rosenbaum, VP of Facilities and Tracy Sigmon, Consulting

4. Other Discussion(s).

5. Public Comments.

6. Adjourn.

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

APRIL 29, 2016

The Board for Licensing Health Care Facilities' Assisted Care Living Facility (ACLF)/Facilities Construction Standing Committee meeting began on April 29, 2016. David Rhodes, Chairman of this co-committee, called the meeting to order.

A roll call vote was taken:

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

A quorum was established.

The first item of business was approval of two (2) sets of standing committee minutes. The minutes for approval were the November 16, 2015 and January 7, 2016 ACLF/Facilities Construction Standing Committee meetings. **Dr. Kenneth Robertson made a motion to approve these two sets of minutes; seconded by Joshua Crisp. The motion was approved.**

The second item of business was a request by Maybelle Carter Senior Adult Home to waive or interpret rule 1200-08-25-.09(19)(b) regarding the number of beds in each bedroom. Chris Puri presented the facility's request. Mr. Puri requested of the standing committees to first determine if the facility would meet rule 1200-08-25-.09(19)(b) and if the rule was not determined to be met then a waiver of the rule would be requested. Dr. Sherry Robbins sought clarification of a sleeping unit and bedroom. She identified the specific regulation which stated 'bedroom'. Dr. Robbins also stated choice for residents may change after the resident has been in the facility and experiences a hospital stay. David Rhodes asked about the location of the beds and the configuration of the wing which houses the beds. Paul Boethel representing the facility explained the units are on a secured unit or memory care. The units started as larger units. The reduction in the size of the units makes these units less expensive than other rooms in the ACLF to the residents of the assisted care living facility (ACLF) and potential residents. The reduction in size of the units may result in sharing of some facilities. Mr. Rhodes wants the Office of Health Care Facilities' Plans Review Section to have input. Bill Harmon indicated Plans Review cannot speak specifically to the items presented by the facility. He stated the presented plans are a different configuration than what was presented last year. Mr. Rhodes questioned the codes requiring doors opening to the corridor. Mr. Harmon stated it appears by the plans to be two (2) corridors being created. Some other issues that may be present are window sizing, etc. Mr. Crisp feels too much has

been given without enough information especially given the presented plans have not been submitted to the Plan Review Section. Mr. Rhodes stated the codes require doors to be at a bedroom and the new corridor would be required to meet fire ratings. Mr. Puri explained this item was brought to the Board to address the rule for the number of beds contained in a room then once this was established to follow with the life safety codes required to be met. Mr. Rhodes stated the Department must look at all codes and rules and whether the presented item is in violation of the rules. He again quoted the requirements of the life safety codes to be met. Frank Slubowski representative for the facility indicated the plans for the facility were approved as an A & B. He stated Plans Review staff indicated a fire retardant curtain is allowable. The question is whether a third bed can be in the room. Mr. Rhodes stated the presented plan does not meet the rule. There cannot be three (3) beds in a bedroom. Mr. Crisp stated is it a good concept and that the Board may see more of this in the future due to the cost of care in the private pay area. Vincent Davis, Director of Health Care Facilities, spoke to the facility's letter of 9/15 and identified a reference to half walls. He questioned whether this was being presented. Mr. Boethel walked the Board and audience members through the slide for unit 137. The only half wall is found in unit 133. Mr. Rhodes indicated this should go up to Plans Review for interpretation not the Board on whether two beds can be in a room. The committee would have to look at waiving the rule. Mr. Crisp asked have the presented plans been submitted. Mr. Puri stated he wanted to address the rule first. He feels it is allowable per the rules, but doesn't know the code requirements. Mr. Puri is seeking guidance for the facility on how to do this within the guidance provided. Carissa Lynch asked about placing doors to all to rooms and removing door to second hallway. Mr. Rhodes felt this was a review of plans item. Dr. Kenneth Robertson asked the same questions. Mr. Harmon stated this description would be allowable, but still other items would need to be addressed per plans submission. **Dr. Robbins made a motion to deny the waiver of the two (2) beds in a bedroom requirement 1200-08-25-.09(19)(b); seconded by Dr. Robertson. The motion was approved.**

The third item of business was a waiver request of the variance found in section 1008.1.9.6 special locking arrangements for I-1 occupancies by GoodWorks Unlimited, LLC for the following facilities: Barton House (ACLF), Carrick Glen Senior Living (ACLF), Fountains of Franklin (ACLF), Northpark Village Senior Living (RHA), Poplar Estate Senior Living (ACLF), The Gardens at Providence Place (ACLF), and Villages of Murfreesboro (ACLF). Michael O'Hare with GoodWorks presented this request. He requested that the most current code, 2015 International Building Code (IBC), regarding controlled egress in I-1 and I-2 occupancies be adopted to apply to the listed facilities above. Mr. Harmon did not recommend allowing one paragraph of one code to apply when the entire code applies. He further stated the Department would not keep single excerpts of codes that would apply to individual facilities. Mr. Crisp asked how codes are applied. Mr. Harmon stated new codes are used when new construction and/or renovation is completed. The code in effect at the time a set of plans is approved is what would be followed. Mr. Harmon suggested using the newly adopted interpretative guideline (IG) for secured units to allow GoodWorks' facilities to do what they are proposing. Mr. Crisp asked what the urgency was for the facilities. No urgency was identified by the provider. The GoodWorks' representative stated some of the facilities have secured units and some do not. The desire is to make the environment more secure for the memory care/secure unit to the courtyard of each facility. Ann Reed questioned the adopting of the 2015 IBC code. Mr. Rhodes indicated this could be more involved and directed Mr. Harmon to work with others to rewrite the IG on secured unit. **Mr. Crisp made a motion to deny the waiver request of GoodWorks Unlimited, LLC; seconded by Dr. Robbins. The motion was approved.**

The fourth item of business was a request for approval of a rule language change for ACLF rule 1200-08-25-25-.08(8) and home for the aged (RHA) rule 1200-08-11-.05(8) regarding thirteen (13) minute evacuation timeframes. The standing committees were presented with the recommended rule

language to make the rule for both the ACLF and RHA facility types consistent. Stacia Vetter, NHC, questioned the concept of defend in place for ACLFs if the facility is fully sprinklered. She requested placing language in the ACLF rules that states, "...area of refuge..." Ms. Vetter stated the surveyors require the facility to be able to evacuate residents in thirteen (13) minutes. She stated the surveyors do not read the additional portion of the rule which references requirements dictated by the life safety code. Mr. Harmon indicated he would rather educate the surveyors than to further alter the rule language. **Dr. Robbins made a motion to adopt the recommended rule language presented by the Department; seconded by Dr. Robertson. The motion was approved to move to the full Board.**

Mr. Rhodes adjourned the meeting.