



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
SECOND AMENDED**

Date: September 16, 2015
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 Board Meeting
(Call-in Number: 1-888-757-2790 passcode: 457462#)
Date of Meeting: September 17-18, 2015
Time: 9:00 a.m.
Place: Iris Conference Room
665 Mainstream Drive, First Floor
Nashville, TN 37243
Major Item(s) on Agenda: See attachments.

Link to Live Video Stream:

September 17, 2015

<https://web.nowuseeit.tn.gov/Mediasite/Play/912515a98ff540f6bd734d864106b6b51d>

September 18, 2015

<https://web.nowuseeit.tn.gov/Mediasite/Play/ec428749338a47f5bb9991f4194be2441d>

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

September 17-18, 2015
IRIS CONFERENCE ROOM, FIRST FLOOR
9:00 a.m.

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

A. PERFORMANCE IMPROVEMENT ISSUE STANDING COMMITTEE MEETING.

1. Call the Meeting to Order and Establish a Quorum.
2. Language Approval for Interpretative Guidelines-Hospital Rule 1200-08-01-.07(4)(a)(b) – Outpatient Services & Dialysis.
3. Revisit-APN On-Call & Admission Orders Rule Language (Follow CMS Guidance) for Nursing Homes and Hospitals.
4. Proposed Hospital Rule Change Governing Patient Diets.
– John P. Williams, Tune, Entrekin & White, PC
5. Interpretative Guidelines for Nursing Homes for Vent Units
– Gene Gantt, RRT, President, CEO, Eventa Outcomes for Life
6. Clarification for Professional Support Services Rule 1200-08-34-.04(9) Administration; proof of adequate medical screenings to exclude communicable disease.
– Teresa Anderson, Director of Nursing, and Donald W. Redden, Executive Director, Development Services of Dickson County
7. Other Discussion(s).
8. Adjourn.

B. EDUCATION STANDING COMMITTEE MEETING.

1. Call the Meeting to Order and Establish a Quorum.
2. Approval of Minutes – July 8, 2015 Education Standing Committee.
3. Language Approval for Interpretative Guidelines-Nursing Home Rule 1200-08-06-.15(2)(c)4 Nurse Aide Training Program Pass/Fail Rate Calculation.

C. ASSISTED CARE LIVING FACILITIES STANDING COMMITTEE MEETING

1. Call the Meeting to Order and Establish a Quorum.
2. Language Approval for Interpretative Guidelines- ACLF Rule 1200-08-25-.06(5)(a) – Infection Control.
3. Language Approval for Interpretative Guidelines- ACLF Rule 1200-08-25-.08(1)(c) – Reportable Patient Communicable Disease.
4. Discussion of the Medication Aide Certified Program.

D. FACILITIES CONSTRUCTION STANDING COMMITTEE AND THE ASSISTED CARE LIVING FACILITIES STANDING COMMITTEE MEETING

1. Call the Meeting to Order and Establish a Quorum.
2. Revisit-ACLF rules 1200-08-25-10(2)(i) – What is considered “cooking appliances?”
3. **GOVERNOR’S BEND ASSISTED LIVING FACILITY, ERWIN**
A one hundred twenty-four (124) bed facility is requested to waive 1200-08-25-.09(1) Building Standards regarding the HVAC issue and the Wireless Nurse Call Station. The statement references NFPA 90A, 5.3.3.1, 5.4.4 regarding HVAC and Fire Dampers. Their original architect’s email reference for the exception to dampers was NFPA 32.3.3.7.10. The only reference to the Wireless Nurse Call Station System is UL 1069 edition 7 which is an AIA Guideline specifically references Hospitals and Nursing Homes. This ACLF facility would be covered under NFPA as a new residential board and care occupancy which these rooms would be considered our clients’ homes.

Representative(s): Randy Trivette, Chief Financial Officer
FreeWill Baptist Family Ministries
4. **Reconsideration**-ACLF Rule 1200-08-25-.10(2)(f) & RHA Rule 1200-08-11-.08 vs. NFPA 101 Life Safety Code 32.3.2.3.3 – Corridor requirements. – Bill Harmon
5. Other Discussion(s).
6. Public Comments.
7. Adjourn.



JOHN J. DREYZEHNER, MD, MPH
COMMISSIONER

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GOVERNOR

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AGENDA

BOARD FOR LICENSING HEALTH CARE FACILITIES

September 18, 2015 – Second Day
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.**
- 2. ESTABLISH A QUORUM.**
- 3. ORDERS.**
 - A. Consent Orders.**
 - B. Orders.**
- 4. APPROVAL OF MINUTES:** Emergency Called Board Meeting-August 7, 2015
Education Standing Committee Meeting-July 8, 2015
Facilities Construction Standing Committee Meeting-
May 5, 2015
Assisted Care Living Facility Standing Committee
Meeting-March 24, 2015
- 5. REPORTS**
 - A. EMS REPORT - Robert Seesholtz**
 - B. NURSE AIDE REPORT – Wanda King**
 - C. OFFICE OF GENERAL COUNSEL REPORT – Devin Wells**

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

A. CONSIDERATION.

(INITIALS)

B. RATIFICATION.

1. QUALIFYING APPLICATIONS

(INITIALS)

A1 Diabetes and Medical Supply, Inc., Memphis-Home Medical Equipment Facility
Baby + Company Nashville1, LLC, Nashville-Birthing Center Facility
Carthage Assisted Living, LLC, Carthage-Assisted Care Living Facility
Dominion Senior Living of Johnson City, Johnson City-Assisted Care Living Facility
First Community Care, LLC, Nashville-Home Medical Equipment Facility
Fresenius Medical Care Knoxville Home Dialysis Therapies, Knoxville-End Stage Renal Disease Facility
Green Crest Assisted Living Centers, Inc., Parsons-Assisted Care Living Facility
Hemophilia Preferred Care of Memphis, Inc., Memphis-Home Health Agency
Medical Health Specialist of TN, Inc., Trenton-Home Medical Equipment Facility
Medical Supply Services, LLC, Cookeville-Home Medical Equipment Facility
Prism Medical Products, LLC, Memphis-Home Medical Equipment Facility
Sprocket Therapy Solutions, LLC, Nashville-Professional Support Services
Sunrise Homecare, LLC, Nashville-Home for the Aged Facility
Sycamore Springs Senior Living Community, Elizabethton-Assisted Care Living Facility
The Imaging Center at Wolf River, Germantown-Outpatient Diagnostic Center Facility
Therapy Success, LLC, Bartlett-Home Medical Equipment Facility
Vantage Pointe Village at Ashland City, Ashland City-Assisted Care Living Facility

2. (CHOWS)

Graceland Rehabilitation and Nursing Center, Memphis-Nursing Home Facility
Healthy Life Care, LLC, Portland-Residential Home for the Aged Facility
Maybelle Carter Senior Adult Home, Madison-Assisted Care Living Facility
Spring Creek Home Medical Supply, Clarksville-Home Medical Equipment Facility
The Hearth at Franklin, Franklin-Assisted Care Living Facility

7. DISCUSSION(S).

- A.** Summary of the Performance Improvement Issue Standing Committee Meeting that was held June 23, 2015 from 9:00 a.m. to 11:00 a.m. – Ann Rutherford Reed
- B.** Summary of the Performance Improvement Issue Standing Committee and the Facilities Construction Standing Committee Meeting that was held June 23, 2015 from 11:00 a.m. to 2:00 pm. – Ann Rutherford Reed
- C.** Summary of the Facilities Construction Standing Committee that was June 23, 2015 from 2:00 p.m. to 4:00 p.m. – Ann Rutherford Reed
- D.** Summary of the Assisted Care Living Facility Standing Committee Meeting that was held on August 18, 2015. – Ann Rutherford Reed
- E.** Tennessee Assisted Care Living Facility Trend Report from the Assisted Care Living Facility Standing Committee Meeting-August 18, 2015 request to share with Board.
– Ann Rutherford Reed
- F.** **Consider**-Home Care Organization Providing Home Health Services 1200-08-26-.01(48) and 1200-08-26-.05(4) and (8) pertaining to physician who supervises patient care and writes orders.
– Sharon Parham, Director of Development with Home Health of East Tennessee
- G.** **PROPOSED MEETING DATES FOR YEAR 2016.**
- H.** **Board Approval for the Following Interpretative Guidelines**
 - (1) Approval of Interpretative Guideline-Assisted Care Living Facility (ACLF) and Home for the Aged (RHA) Disaster Plan, HVAC, and Emergency/Generator Regulation 1200-08-25-.16(4) and RHA 1200-08-11-.13(3).
 - (2) Approval of Interpretative Guideline-Nursing Home Rule 1200-08-06-.15(2)(c)4 Nurse Aide Training Program Pass/Fail Rate Calculation.
 - (3) Approval of Interpretative Guideline-Hospital Rule 1200-08-01-.07(4)(a)(b) – Outpatient Services & Dialysis.
 - (4) Approval of Interpretative Guideline-ACLF Rule ACLF Rule 1200-08-25-.08(1)(c) – Infection Control.

- (5) Approval of Interpretative Guidelines-ACLF Rule 1200-08-25-.08(1)(c) – Reportable Patient Communicable Disease.
- (6) Approval of Interpretative Guidelines for Nursing Homes Vent Units Rules 1200-08-06-.06(12)(a)I; 1200-08-06-.06(a)4(d); 1200-08-06-.06(a)4(d); and 1200-08-06-.06(12)(a).

I. Board Approval for the following applications:

- (1) Ambulatory Surgical Treatment Center Initial Application
- (2) Home Medical Equipment Licensure Initial Application
- (3) Professional Support Services Licensure Initial Application
- (4) Professional Support Services Licensure CHOW Application
- (5) Professional Support Services Renewal Application

J. Proposed Hospital Rule Change Governing Patient Diets.
– John P. Williams, Attorney

K. Consider Amended Hospital Language Rule 1200-08-01-.01 the definition of “rural” or “rural hospital” is clear. This rule is promulgated under the auspices of the HCF Board. – Bruce Behringer and Angie Allen, Dept. of Health

L. Clarification for Professional Support Services Rule 1200-08-34-.04(9) Administration; proof of adequate medical screenings to exclude communicable disease.
– Teresa Anderson, Director of Nursing and Donald W. Redden, Executive Director, Development Services of Dickson County

M. Approval of the Joint Annual Report on the Status of Emergency Medical Services for Children 2015 and Report of the Five (5) Strategic Priorities.
– Rhonda Phillippi, Executive Director, TN EMS for Children

8. LICENSE STATUS UPDATES.

VOLUNTEER WOMEN’S MEDICAL CLINIC, KNOXVILLE

Volunteer Women’s Medical Clinic was placed on inactive status on February 7, 2013 which expired on January 2014; an extension waiver for twelve months was granted on January 23, 2014 which will expire on January 23, 2015. Due to phone difficulties at the January 21, 2015 Board meeting the Board asked Ms. Walsh to come back in May to explain her waiver request. On May 5, 2015 Ms. Walsh has informed the Department that she will be seeking to close this facility after returning from vacation on May 15th because it had become costly in renewal fees to keep this facility. Volunteer Women’s Medical Clinic did not renew their ASTC license so the license was closed on June 30, 2015.

9. **LICENSE STATUS REQUESTS.**

NASHVILLE SURGERY CENTER, NASHVILLE

This ASTC facility is seeking to place their license on inactive status due to low volume and other business issues and has stopped seeing patients effective May 29, 2015. The company of Nashville Surgery Center is in negotiations with Nashville SurgiCenter, LLC, an HCA-affiliated which will result in a change of ownership.

Representative(s): Chris Puri, Attorney, Nashville Surgery Center and
Jerry W. Taylor, Attorney, Nashville SurgiCenter, LLC

DONELSON PLACE CARE AND REHABILITATION CENTER, NASHVILLE

This one hundred twenty-four (124) bed facility is seeking to place their license on inactive status for a period of three (3) years. Due to the termination from participating in the CMS certification this facility has closed their operations and transferred all remaining residents to other Signature facilities on July 23, 2015. Signature Healthcare will be applying for a Certificate of Need (CON) to build a new replacement facility and for other possible opportunities.

Representative(s): Jeffrey D. Parrish, Attorney and Will Blank, Regional Vice President,
Signature Healthcare

TRI-CITIES OUTPATIENT SURGERY, INC., JOHNSON CITY

This ASTC facility is seeking to place their license on inactive status due to declining reimbursements and declining volume. This facility is not seeing patients and has closed their doors as of August 4, 2015. Their plans are to use the ASTC space as part of their clinic.

Representative(s): Brenda Stufflestreet, Administrator

SOUTHERN HILLS SURGERY CENTER, NASHVILLE

This ASTC facility is seeking their eighth extension waiver for inactive status for an additional two (2) years that corresponds to the period of validity of the Certificate of Need (CON) that was granted to Southern Hills Surgery Center on May 27, 2015 to relocate and for a replacement facility. The CON has an expiration date of July 1, 2017. Southern Hills requests an extension at least through the fall, 2016 at which time Southern Hills representatives could appear and provide the Board with an update on the status of the appeal.

Representative(s): Jerry W. Taylor, Attorney

BAPTIST REHABILITATION-GERMANTOWN, GERMANTOWN

This facility is seeking to place their license on inactive status for a period of one (1) year. Baptist Rehabilitation-Germantown surrendered its license for 49 inpatient rehabilitation beds leaving only 11 general acute care beds. Baptist Rehabilitation-Germantown operates an MRI service at an off-campus location at 6286 Briarcrest Avenue, Suite 120, Memphis. The plan is for this MRI service to continue, and Baptist Memorial-Germantown will undertake to transfer operation of the MRI services to Baptist Memorial Hospital-Memphis. A Certificate of Need (CON) has not yet been determined if transfer of the MRI is required. The inpatient rehabilitation services having been relocated, the future of this facility is uncertain and Baptist Rehabilitation-Germantown need time to allow an opportunity for an orderly review of the options for future operations of this facility.

Representative(s): Dan H. Elrod, Attorney

10. WAIVER REQUESTS.

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.

- (1) **NEWPORT HEALTH AND REHABILITATION CENTER, NEWPORT**
-Chris Puri, Attorney
- (2) **THE WEXFORD HOUSE OF KINGSPORT, KINGSPORT**
-Amy Gregory, Director of Nursing
- (3) **WHITEHAVEN COMMUNITY LIVING CENTER, MEMPHIS**
-Donni Dubert, Regional Director of Operations

B. OTHER WAIVER REQUEST(S)

GOVERNOR'S BEND ASSISTED LIVING FACILITY, ERWIN

This one hundred twenty-four (124) bed facility is requested to waive 1200-08-25-.09(1) Building Standards regarding the HVAC issue and the Wireless Nurse Call Station. The statement references NFPA 90A, 5.3.3.1, 5.4.4 regarding HVAC and Fire Dampers. Their original architect's email reference for the exception to dampers was NFPA 32.3.3.7.10. The only reference to the Wireless Nurse Call Station System is UL 1069 edition 7 which is an AIA Guideline specifically references Hospitals and Nursing Homes. This ACLF facility would be covered under NFPA as a new residential board and care occupancy which these rooms would be considered our clients' homes.

Representative(s): Randy Trivette, Chief Financial Officer
FreeWill Baptist Family Ministries

AVALON HOSPICE, NASHVILLE

Avalon Hospice Agency is seeking a waiver to open two (2) new branch offices located in Sweetwater (approximately 184 miles from the Nashville parent office) and Kingport (approximately 277 miles from the Nashville parent office). Avalon has a geographic service area of all 95 counties in Tennessee. Avalon Hospice has twice requested and received similar waivers from the Board in early 2014 and in May 2009 and has locations in Dyersburg, Johnson City, Morristown, Bolivar, Memphis, Jackson and Knoxville.

Representative(s): Stephen Angelette, Associate, John Dyer, Vice President TNMO Healthcare and Gusti McGee, Director of Regulatory Services

PENTEC HEALTH, INC., NASHVILLE

Pentec Health is a home health agency seeking license in Tennessee and is seeking to waive one provision of the Standards for Homecare Organizations Providing Home Health Services rule 1200-08-26-.04(10) relating to maintaining an office with a working telephone and be staffed during normal business hours. Pentec will maintain this office primarily for the purpose of survey conferences and other meetings and is staffed by a shared receptionist only. Pentec does not treat patients in the office and all patient records are electronic and are accessible from any location with internet service. Because care is delivered in their places of residence, patients whom are home-bound or suffer from limited mobility are spared for the need for travel to a physician's office for treatment.

Representative(s): Kim Looney, Attorney

***(Deferred to January 2016 Meeting)**

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

MCMINN MEMORIAL NURSING HOME, ETOWAH AND STARR REGIONAL MEDICAL CENTER, ATHENS

McMinn Memorial Nursing Home, Etowah is requesting approval to be allowed to temporarily move patients and beds to a temporary location within the Starr Regional Medical Center-Etowah Campus while McMinn undergoes renovation and construction. McMinn Memorial Nursing Home is an eighty-eight (88) bed nursing home in Etowah on the campus of Starr Regional Medical Center. Starr Regional Medical Center is a 190-bed acute care facility. McMinn will undergo an extensive renovation and remodeling in four (4) phases. Each phase of construction will affect approximately 16-22 patient beds. Starr Regional would like to utilize unused and available within the licensed hospital. The proposed construction plan for McMinn will be approximately eight (8) months.

Representative(s): Chris Puri, Attorney

11. BOARD POLICY CONSENTS.

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

Agape Nursing & Rehabilitation Center, Johnson City
Boulevard Terrace Rehabilitation and Nursing Center, Murfreesboro
Church Hill Health Care and Rehabilitation Center, Church Hill
Crestview Health and Rehabilitation, Nashville
Glen Oaks Health and Rehabilitation, Shelbyville
Golden Livingcenter-Windwood, Clinton
Lebanon Health & Rehabilitation Center, Lebanon
Manchester Health Care Center, Manchester
Poplar Point Health and Rehabilitation, Memphis
Signature Healthcare of Erin, Erin

B. THE FOLLOWING FACILITIES ARE REQUESTING APPROVAL TO PERMIT AN ADMINISTRATOR TO SERVE BOTH A NURSING HOME AND ASSISTED CARE LIVING FACILITY ACCORDANCE WITH BOARD POLICY #39:

Life Care Center of Sparta, Sparta (Nursing Home) and The Bridge Assisted Living (ACLF)

12. **REGULATION(S).**

A. **BOARD APPROVAL FOR RULEMAKING HEARING.**

B. **PROPOSED RULE LANGUAGE**

Request to amend the rules for hospitals and ambulatory surgical treatment centers to promulgate rules regarding the reporting of abortions according to T.C.A. 68-3-505.

There is already a rule in place in the Office of Vital Records rules 1200-07-0-.07(1), (2), (3), (4) that would like to see mirrored into the rules for Hospitals rules 1200-08-01-.11 and Ambulatory Surgical Treatment Center rules 1200-08-10.11.

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
ASSISTED CARE LIVING FACILITY/FACILITIES CONSTRUCTION
STANDING COMMITTEE MEETING

SEPTEMBER 17, 2015

The Board for Licensing Health Care Facilities' Assisted Care Living Facility (ACLF)/Facilities Construction Standing Committee meeting began on September 17, 2015. David Rhodes, Chairman of this co-meeting, called the meeting to order.

A roll call vote was taken:

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

A quorum was established.

The meeting began with Governor's Bend Assisted Living's request for a waiver of regulations 1200-08-25-.09(1) regarding HVAC and wireless nurse call system and including NFPA 90A, 5.3.3.1, 5.4.4 and UL 1069 Edition 7 in the AIA Guidelines. Mr. Randy Trivette presented to the co-standing committees on behalf of the facility. Mr. Trivette provided history on the facility including when it first opened, 2012. The facility was a new construction at that time. Mr. Trivette stated all plans had been submitted and approved by the state with the facility being built accordingly. Governor's Bend had its first annual survey in 2014 at which time deficiencies were cited for the HVAC system and the wireless nurse call system. The facility attempted to work with the life safety/Plans Review staff to reach an agreement on how to correct these deficiencies. For the wireless nurse call system deficiency, Mr. Trivette indicated to the standing committee members that plans were approved for the installation and that there is not a mandatory requirement for a nurse call system in an assisted care living facility. He further informed the committee members this system is used in a sister facility to Governor's Bend located in Virginia and has been in operation without incident at that facility. Mr. Trivette further indicated he has been in contact with the maker of the wireless nurse call system about modifications or updates to the system that would make it UL compatible, but there is not. The options available to the facility are to remove the system or to change the system to a traditional nurse call system. Mr. Trivette does not wish to remove the system as it offers a level of safety for the residents. Bill Harmon, Facilities Construction Director, spoke to the co-standing committee. He made the standing committee members aware that the Office of General Counsel in past years issued an opinion that if an ACLF desired to have a wireless nurse call system it must meet the UL standard. Mr. Rhodes clarified that a waiver request is being

sought to accept the system without the UL standard. Joshua Crisp asked if the system in place in the facility was approved in 2012 by Plans Review. Mr. Harmon stated it was. The UL listing was later pulled. Standing committee members stated the specifics on why the UL listing was pulled are not known and how would a facility know if they became noncompliant. Mr. Harmon indicated upon survey and if staff search for a UL certification and did not find. Mr. Trivette stated Governor's Bend does have the nurse call system monitored and maintenance as needed. Ms. Marlar questioned how the approval of this waiver request would affect other licensed facilities and if this waiver is granted how will it affect the safety of residents in the facility. Dr. Sherry Robbins asked if there was an entity that could inspect the system and bring a report back to the standing committee on the safety of the system. Mr. Harmon stated he was unaware of such an entity. Mr. Roger Mynatt asked of the provider if there was an option for recourse with the contractor that installed the system. Mr. Trivette stated these contracts generally have a two (2) year warranty and in their interpretation the Department of Health approved the installation of the system. Dr. Robbins stated should a waiver be considered for the facility until information can be brought back to this standing committee as to why the UL listing was dropped. The question of whether the product manufacturer decided to not maintain a UL listing would be why the UL listing was dropped. Mr. Joshua Crisp stated his limited knowledge of the UL listing process is that it is time consuming and expensive. He further stated whether a nurse call system is UL rated or not it is better to have a nurse call system than no system especially if it can't be proven the system is jeopardizing the lives of the residents. **Ms. Crisp stated he would be in favor of approving the waiver request. This was made the formal motion; seconded by Ms. Diana Miller.** Dr. Robbins posed an amendment to the motion that the waiver be approved until the next Board meeting with the stipulation that some entity obtain the UL report on why the listing was removed. Mr. Devin Wells, Office of General Counsel, stated it would probably be best to table this item versus approving a temporary waiver until the next Board meeting in January 2016. Mr. Rhodes indicated the standing committee is interested in knowing why the UL listing was not continued and is the safety of the residents impacted. Mr. Wells indicated he would research this for the committee and bring it back to the committee. **The above motion was denied. Mr. Mynatt made a motion to table this item until the next meeting pending further research by OGC; seconded by Dr. Robbins. The motion was approved.** The standing committee then moved to discuss the HVAC item for Governor's Bend. Mr. Trivette indicated to the standing committee that he did not feel a strong level of comfort in the HVAC request. Mr. Harmon indicated the contractor made changes to the installation of the HVAC system that were not approved via the plans submittal process. **Mr. Mynatt made a motion to deny the request to waive the HVAC item; seconded by Dr. Saunders. The motion was approved.**

The next agenda item for consideration was the ACLF rule 1200-08-25-10(2)(i) regarding cooking appliances. Ms. Ann Rutherford Reed informed the standing committee that this item was first considered by the Facilities Construction Standing Committee during their June 2015 meeting. The issue arose after a family member of an ACLF resident desired to have a sandwich maker in the resident's room. The result of the Facilities Construction Standing Committee was to research other states' requirements. This research was provided to the co-committee. Also, during the Facilities Construction Standing Committee many different 'cooking' appliances were discussed and it was then felt that the ACLF committee should have input. Mr. Crisp feels it is best to allow the facilities to determine what appliances may be brought into and used in their facilities per policy versus the regulations stating specific appliances to be allowed. Mr. Rhodes feels an interpretative guideline should be developed and a rule change should be considered. The discussion of the committee indicates a case by case basis should be instituted based upon resident assessment. **Mr. Crisp made a motion to allow counsel to draft language and to take into consideration the committees discussion of other states' rule language and more closely defining what constitutes a cooking appliance and safety measures and a**

corresponding interpretative guideline be presented back to the joint committees; seconded by Dr. Robertson. The motion was approved.

The next agenda item for consideration as the reconsideration of ACLF rule 1200-08-25-.10(2)(f) and home for the aged (RHA) rule 1200-08-11-.08 versus NFPA 101 Life Safety Code 32.3.2.3.3. – corridor requirements. Mr. Harmon spoke to the request for reconsideration of this item. He indicated that at the last committee meeting the developed interpretative guideline was as clear as it needed to be. Mr. Harmon further stated the code allows for differences in corridor widths based upon the size of the facility. He indicated he wants from the Board the direction of whether furniture is allowed in a corridor. The codes will direct the corridor width based upon the facility type and size. Mr. Harmon stated he specifically wanted clarity of the following language, “kept clear of equipment, furniture, or other obstacles”. Mr. Crisp stated he didn’t think the intent of the standing committees previous discussion was to not put specific parameters on what furniture was in a corridor, but that the egress was maintained based upon the designated parameters keeping a clear pathway and unobstructed pathway. Fire Safety surveyor, Stuart Hurwitz, explained to the committee that furniture is not considered in corridor size. Size is determined from corridor wall to corridor wall. Mr. Rhodes indicated clarity is desired on whether furniture is allowed in a corridor. Ms. Reed explained that when this issue was first considered the term clear was defined, but it was found later that different size facilities would have different corridor size requirements. Dr. Robbins voiced concern over the furniture and whether it would be appropriate to the facility for safety purposes. Mr. Harmon indicated this would be determined by the surveyors. Further discussion of the subject had the committee members determining that corridor must be defined to include the path of egress. Mr. Rhodes and Mr. Hurwitz agreed an interpretative guideline giving minimum dimensions as a clear path and that items in the corridor couldn’t encroach on that clear path would be helpful. The committee worked through development of an IG to address the issues presented. **Dr. Saunders made a motion to accept the developed IG for ACLF rule 1200-08-25-.10(2)(f) and RHA rule 1200-08-11-.08 regarding corridor requirements and the term ‘clear’; seconded by Dr. Robbins. The motion was approved.**

Mr. Rhodes adjourned the ACLF/Facilities Construction Standing Committees co-meeting.