



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:** December 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-  
Performance Improvement Issue Standing Committee  
Meeting  
**(Call-in Number: 1-888-757-2790 passcode: 152602#)**

**Date of Meeting:** December 18, 2018

**Time:** 9:00 a.m., (CST)

**Place:** Poplar 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.



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**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  
PERFORMANCE IMPROVEMENT ISSUE STANDING COMMITTEE MEETING**

**DECEMBER 18, 2018  
POPLAR CONFERENCE ROOM, FIRST FLOOR  
9:00 a.m.**

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

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1. Call the Meeting to Order and Establish a Quorum.
2. **GENESIS REHAB SERVICES, KENNETT SQUARE, PA**  
Genesis Rehab Services (GRS) is seeking clarification on whether a home health license is required for the provision of therapy services in the home in Tennessee. GRS provides rehab services for the older adult population and has partnered with skilled nursing centers, assisted living facilities, independent living facilities, hospitals, home health companies, adult day care programs and outpatient clinics to provide comprehensive therapy services. Section 2300 of the State Operations Manual for CMS Regional Office provide guidance on permissible off premises activities at other locations. Per Section 2300, the OPT may provide therapy services in the patient's private residence or in a patient's room in a skilled nursing facility/nursing facility, in an ACLF, or in an independent living facility without qualifying as an extension location. Unlike Medicare certified home health agencies covered under Medicare Part A, patient does not need to be homebound to receive outpatient services through Vitality to You. This service is designed to increase access to care.  
  
**REPRESENTATIVE(S):** Kelly Tripp, Associate General Counsel Healthcare and Regulatory.
3. Public Chapter 427 – Necessitating rulemaking for assisted care living facilities (ACLF) which requires criminal background checks to be completed prior to employing any person who will be in a position that involves providing direct care to a resident or patient.
4. Amendments to Hospital Rule 1200-08-01-.05(5) to make the rules consistent with the new effective definition of licensed healthcare professional in Rule 1200-08-01-01(45).

5. Requesting guidance regarding timeframe of disciplinary information request on Initial and CHOW applications.
6. Other Discussion(s).
7. Public Comments.
8. Adjourn.

**MINUTES**  
**BOARD FOR LICENSING HEALTH CARE FACILITIES**  
**PERFORMANCE IMPROVEMENT ISSUE (PI) STANDING COMMITTEE MEETING**  
**DECEMBER 18, 2018**

The Board for Licensing Health Care Facilities' Performance Improvement Issue (PI) Standing Committee meeting began on December 18, 2018. Jim Shulman served as chair for the meeting.

Ms. Patricia Ketterman-not here  
Dr. Lisa Piercey-here  
Dr. René Saunders-here  
Mr. Jim Shulman-here  
Ms. Gina Throneberry-here  
Ms. Janet Williford-here

**A quorum was established.**

The first item for discussion was Genesis Rehab Services, Kennett Square, PA. The item was first presented to the full board in June 2018. Genesis Rehab Services is seeking clarification on whether a home health agency license is required for the provision of therapy services in the home in Tennessee. This agency provides therapy services and requests to provide those services in Assisted Living Facilities and residents' apartments. Kelley Tripp presented over the phone for Genesis Rehab Services. She identified their agency as a certified Outpatient Therapy (OPT) and stated to the standing committee that per CMS regulation an OPT may provide intermittent services in off-site locations without a Medical Doctors' order to begin those services. She mentioned that the services they provide prevent re-hospitalization. Caroline Tippens read into the record Home Health Agency service definition TCA 68-11-201(20) and stated the opinion of the department is licensure as a Home Health Agency is required. Gina Throneberry clarified that this is a certified agency. **Dr. Piercey made a motion to deny the request that the rule defines that a Home Health Agency license is required; Dr. Saunders seconded. Motion was approved.**

The second item for discussion was Public Chapter 427 which necessitates rulemaking for Assisted Care Living Facilities to require criminal background checks be completed prior to employing any person who will be in a position that involves providing direct care to a resident or patient. Ms. Tippens read into the record the new rule language. She also mentioned that Public Chapter 427 was passed in 2017 and the language originates from the Nursing Home rules. She amended the rule so that the term nursing home was changed to ACLF. **Dr. Saunders made a motion to accept rules with amendments; Janet Williford seconded. Motion was approved.**

The third item for discussion was amendment to Hospital Rule 1200-08-01-.05(5) to make the rules consistent with the new effective definition of licensed healthcare professional in Rule 1200-08-01-01(45). Lacey Blair from THA spoke to this agenda item. The rule language effective 10/08/2018 is in contrast to language found in 1200-08-01-.05(5) where emergency is discussed. THA provided language which would include advance practice nurse. Ms. Tippens stated the Department is in favor of this recommendation and will roll the recommendation into other sets of Hospital rules going through the rule process. **Dr. Saunders made a motion to approve presented language; Ms. Williford seconded. Motion was approved.**

The last item for discussion was the Licensure section within the Office of Health Care Facilities (OHCF) requesting guidance on timeframe of disciplinary information request on Initial and CHOW applications. Ann Reed presented an application showing the required report of disciplinary action and the timeframe in which the action took place. Ms. Reed stated that licensure staff have used a look back of 3-5 years but does not feel comfortable with this being a standard practice. The Board collectively felt the need to look at all years if possible. Chris Puri with THCA addressed the standing committee stating the issue with the question is the type of information to provide. He feels a re-work of the question to indicate what is more relevant information for a provider to provide is needed. The Department sends out verification requests to other states and asks for a facility's current standing. Ms. Reed suggested the verification letter may need to be reworded as the Board initially approved this letter. Mr. Puri offered to bring recommendations back to the standing committee for this question. Mr. Shulman requested finding out what other state applications contained and what type of questions were posed on these. Mr. Puri stated his law firm can find this information. Mr. Shulman suggested bringing these items back to the Performance Improvement Issues Standing Committee. No action was taken.

Ms. Tippens presented to the standing committee and item received late in her office a day prior to this meeting. The item was for a Board member to present at the inaugural meeting of the Coordinated Community Response on Elder Abuse in regards to grant work with the Plough Foundation. There was discussion around this group presenting to the full Board. Mr. Shulman stated the Commission on Aging is interested in this and that he will be attending. **A motion was made to have Mr. Shulman to attend and report back to the Board at the February 2019 meeting. This motion was approved.**