



The Tennessee Sunshine Law 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: January 5, 2022

To: Sarah Tanksley, Director of Communications 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

Date of Meeting: January 11, 2022

Time: 9:00 a.m., Central Time

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

Major Item(s) on Agenda: See attachment.

Link to Live Video Stream:

<https://tdh.streamingvideo.tn.gov/Mediasite/Play/da42cbafa072452ea7e73965c0ea484c1d>

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.



LISA PIERCEY, MD, MBA, FAAP
COMMISSIONER

BILL LEE
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**

JANUARY 11, 2022

**POPLAR 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. **CHI NATIONAL HOME CARE d/b/a CHI MEMORIAL HEALTH AT HOME, CHATTANOOGA-HHA #103**
This Home Health Agency is requesting program flexibility with regulatory relief from Chapter 1200-08-26 Standards for Home Care Organizations Providing Home Health Services, and 1200-08-26-.06 Basic Agency Functions 5(b), as a result of the current public health emergency due to COVID-19. CHI Memorial Health At Home is seeking to waive the requirement that a skilled nurse must perform the initial assessment when both nursing and therapy services are ordered. CMS continues to waive the requirements in 42 CFR § 484.55(a)(2) and §484.55(b)(3) that rehabilitation skilled professional may only perform the initial and comprehensive assessment when only therapy services are ordered.
REPRESENTATIVE(S): Deborah Ames, MA, RN, Director of Clinical Services
3. LTC Qualified Food Service Director-Healthcare Services Group (HCSG) has put in place as we actively pursue CDMs in our dining services operations in the State of Tennessee. There are not enough CDMs in the country to service the long-term care industry. There were only 5,080 registered dietitians in long-term care; HCSG employs between 800-900 of these individuals which we use in the provision of our services. The Dining Apprenticeship and Dining Manager in training program, we enroll our employees in the International Food Service Executives Association (IFSEA) Certified Food Manager (recognized by CMS outside military settings as well) learning path and the Long-Term Care-Food Service Manager learning path. Our programs would like to be considered as meeting the qualified food service director in the nursing home regulation 1200-08-06-.06.
REPRESENTATIVE(S): Jeannie Fissinger, SVP, Healthcare Services Group, Inc.

4. Unlicensed Home Health Agency Providing Infusion Services Versus Interpretative Guideline.

REPRESENTATIVE(S): Ann R. Reed, Director of Licensing

5. Public Comments.

6. Adjourn.

**BOARD FOR LICENSING HEALTH CARE FACILITIES
PERFORMANCE IMPROVEMENT ISSUE STANDING COMMITTEE MEETING
MINUTES**

January 11, 2022

The Board for Licensing Health Care Facilities meeting began on January 11, 2022. Louis Caputo, Chairman, called the meeting to order.

A quorum roll call vote was taken:

Mr. Louis Caputo - here
Mr. James Dunn - here
Dr. Patricia Ketterman - here
Dr. René Saunders - not here
Ms. Gina Throneberry - here
Ms. Janet Williford - here

A quorum was established.

CHI National Home Care dba CHI Memorial Health at Home, Chattanooga HHA #103 -

This agency requested a waiver of the Home Health Agency regulation 1200-08-26-.06(5)(b) which states in part the requirement that a registered nurse make the initial evaluation visit unless the physician has ordered therapy services as the only skilled service. CMS continues to waive the requirements in 42 CFR §484.55(a)(2) and §484.55(b)(3) that a rehabilitation skilled professional may only perform the initial and comprehensive assessment when only therapy services are ordered. This request for program flexibility with regulatory relief would align with the current wavier of CMS via the 1135 waivers. There was much discussion among the standing committee members. **Mr. Caputo made the motion to grant the waiver as requested by CHI if only therapy services ordered initial assessment may be completed by therapist until the October 2022 Board meeting; seconded by Ms. Throneberry.**

A roll call vote was taken:

Mr. Louis Caputo - yes
Mr. James Dunn - yes
Dr. Patricia Ketterman - yes
Ms. Gina Throneberry - yes
Ms. Janet Williford - yes

The motion was approved.

LTC Qualified Food Service Director -

Healthcare Services Group (HCSG) requested the standing committee to consider the International Food Service Executives Association (IFSEA) Certified Food Manager and Long-Term Care-Food Service Manager as meeting the qualified food service director in the Nursing Home regulation, 1200-08-06-.06(9)(b). Representative for HCSG petitioned the Board for acceptance of above, interpretation of 1200-08-06-.06(9)(b)3. as including above, or an interpretation of 1200-08-06-.06(9)(b)4. regarding the certified dietary manager (CDM) as being the trademarked course or any other training provided resulting in similar certification. Further indication by HCSG

representation was that Tennessee surveyors are citing nursing homes under the above regulation stating the IFSEA Certified Food Manager and Long-Term Care-Food Service Manager course work does not meet 1200-08-06-.06(9)(b)3. and that 1200-08-06-.06(9)(b)4. is the trademark CDM course. The committee felt a decision could not be made regarding this request without first evaluating the surveys mentioned above. HCSG was requested to provide these surveys to the Board Director for dissemination.

Unlicensed Home Health Agency Providing Infusion Services versus Interpretative Guideline -

Board administrative staff requested the standing committee to review the interpretative guidance of the Board for home health agency rule 1200-08-26-.01(30)(e) and TCA §68-11-201(20)(E) granted in January of 2012. An unlicensed facility complaint was received against an agency providing infusion services (skilled nursing) working via a contractual relationship with a pharmacy which dispensed the infusion medication. The question was posed was the relevancy of the 2012 IG given changes in pharmacy statutes. There was much discussion by the standing committee on the pharmacy statute changes and impact to this IG, proposition of new IG language, and the certainty of making a change to the IG. The committee requested further review by legal counsel and Board administrative staff and to bring to the next scheduled PI Standing Committee.

The meeting was adjourned.