



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
SECOND AMENDED**

Date: October 1, 2019
To: Shelley Walker, Director of Communications 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: 516730#)

Date of Meeting: October 2, 2019
Time: 9:00 a.m., Central Standard Time
Place: Iris Conference Room
665 Mainstream Drive, Second Floor
Nashville, TN 37243
Major Item(s) on Agenda: See Attached

LINK TO LIVE VIDEO STREAM:

<https://web.nowuseeit.tn.gov/Mediasite/Play/88dd4cfddfc64ddb1f1602bf80383401d>

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*

**BOARD FOR LICENSING HEALTH CARE FACILITIES
BOARD MEETING**

October 2, 2019

**IRIS CONFERENCE ROOM, FIRST FLOOR
9:00 a.m.**

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

1. **WELCOME NEW BOARD MEMBERS:** Julie Jeter, M.D., Physician-Medicine Representative replacing Dr. Kenneth Robertson and Susan Peach, Hospital Administrator Representative replacing Mr. Thomas Gee. Reappointment of Dr. Sherry Robbins, Physician-Medicine Representative.
2. **CALL THE MEETING TO ORDER AND ESTABLISH A QUORUM.**
3. **RULEMAKING HEARING-**Notice of Rulemaking Hearings can be viewed online at: https://publications.tnsosfiles.com/rules_filings/07-16-19.pdf.
 - A. 1200-24-05 Plans and Specifications
 - 1200-24-05-.01 Definitions
 - 1200-24-05-.03 Fees
4. **REPORTS.**
 - A. **EMS REPORT** – Robert Seesholtz, Trauma System Manager, EMS
 - B. **NURSE AIDE REPORT** – Wanda King, Program Manager, CNA
 - C. **OFFICE OF GENERAL COUNSEL REPORT** – Caroline Tippens,
Senior Associate General Counsel
 - D. **OFFICE OF HEALTH CARE FACILITIES REPORT**–Vincent Davis, Director,
HCF

E. STANDING COMMITTEE(S) REPORT – Ann Reed, Director of Licensing

- (1) Performance Improvement Issue (PI) Standing Committee Meeting – August 16, 2019.
- (2) Assisted Care Living Facility (ACLF) Standing Committee Meeting – August 26, 2019.

5. BOARD APPROVAL FOR THE FOLLOWING INTERPRETATIVE GUIDELINES

- A. Revised Interpretative Guidelines-Use of ‘Physician’ Term – to include Professional Support Services (PSS) Rule 1200-08-34-.06(2)(b).
- B. Interpretative Guidelines language for Assisted Care Living Facility Rule 1200-08-25-.10(3)(b) and Home for the Aged Rule 1200-08-11-.08(2) to define “sleeping hours” in RHAs and ACLFs.
- C. Pediatric Emergency Care (COPEC) Rules 1200-08-30 – Equipment List.

REPRESENTATIVE(S): Dr. Kevin Brinkmann, Chair, COPEC Standards Committee

- D. Assisted Care Living Facility (ACLF) CMP Grid Rule 1200-08-25-.05(5) –
Caroline Tippens, Senior Associate General Counsel

6. LICENSE STATUS REQUESTS.

JAMESTOWN REGIONAL MEDICAL CENTER, JAMESTOWN #48

This eighty-five (85) hospital bed facility is requesting to place their license on inactive status effective June 13, 2019. Jamestown Regional Medical Center will not be admitting or treating patients at this location. No patients needed to be relocated to other facilities.

REPRESENTATIVE(S): Michael Alexander, CEO

SAINT THOMAS OUTPATIENT NEUROSURGICAL CENTER, NASHVILLE #126

This ambulatory surgical treatment center is requesting to place their license on inactive status for one (1) year. The physician partners were involved in postponing services and agree to suspend services on April 30, 2019. Patients previously scheduled at Saint Thomas Outpatient Neurosurgical Center have been rescheduled to Saint Thomas Midtown campus ASTC.

REPRESENTATIVE(S): Siara Bunn, Director of Business Operations, Saint Thomas Health, Brian Woodward, Attorney, and Tim Shalvey, Attorney

FAMILY MINISTRIES JOHN M. REED CENTER, LIMESTONE #293

This sixty-three (63) bed nursing home is requesting an extension waiver for their license to remain inactive for an additional twelve (12) months. The facility is in negotiations with a serious buyer for an acquisition of the facility.

REPRESENTATIVE(S): Jerry W. Taylor, Attorney

LONG HOLLOW TERRACE, HENDERSONVILLE #531

This eleven (11) bed home for the aged facility is seeking to place their license on inactive status. The owners have entered into a sale agreement. The projected date of closing is September 13, 2019 upon the approval of the Change of Ownership. The facility is currently unoccupied.

REPRESENTATIVE(S): Joseph B. Laoyan, Administrator

COPPER BASIN MEDICAL CENTER, COPPERHILL #94

This twenty-five (25) hospital bed facility is requesting a second extension of the inactive status extension for one (1) additional year. The county of Polk and the City of Ducktown currently hold the title to Real Property and Personal Property, since acquiring the property we have been working on finding a potential buyer.

REPRESENTATIVE(S): Vice-Mayor James Talley, Ducktown

PENDLETON HOUSE OF LOVE, MEMPHIS #185

Pendleton House of Love a residential home for the aged facility is requesting a second extension of the inactive status of their license until all surveys have been completed.

REPRESENTATIVE(S): MacAuther Sharkey, Administrator

MERITAN, INC., MEMPHIS- PSS #329

This licensed Professional Support Services Agency is seeking to place their license on inactive status. Meritan has recently discontinued their Medical Residential Supported Living Services with DIDD and is uncertain if they will continue providing hourly nursing services with DIDD.

REPRESENTATIVE(S): Melanie A. Keller, President/CEO

TENNOVA HEALTHCARE HOSPICE IN-PATIENT HOSPICE HOUSE, KNOXVILLE #2

This eighteen (18) bed residential hospice facility is requesting a second extension of the inactive status of the inactive status of their license for an additional one (1) year. This facility is reviewing its status and hope to be able to reopen if it can be financially feasible. Tennova Healthcare Hospice In-patient Hospice House was placed on inactive status on October 4, 2017 which expired on October 4, 2018 and an extension was granted October 3, 2018 which will expire on October 3, 2019.

REPRESENTATIVE(S): Kim Harvey Looney, Attorney

7. **WAIVER REQUESTS.**

SAINT THOMAS WEST HOSPITAL, NASHVILLE #24 AND SAINT THOMAS MIDTOWN HOSPITAL, NASHVILLE #32

Saint Thomas West Hospital, a 541-bed acute care hospital and Saint Thomas Midtown Hospital, a 683-bed acute care hospital, both are Tennessee nonprofit corporations and wholly owned of Saint Thomas Health. This notice of the merger of Saint Thomas Midtown into Saint Thomas West Hospital, a division of Saint Thomas Health and is seeking Saint Thomas Midtown Hospital to become a satellite of Saint Thomas West Hospital according to hospital rule 1200-08-01-.01(37)(b) and under the name Ascension Saint Thomas Hospital. In addition to the merger, Saint Thomas is considering converting Saint Thomas West from a non-profit corporation to a Tennessee limited liability company and changing its legal name to Saint Thomas West Hospital, LLC. Saint Thomas Health anticipate that the merger (and conversion if occurs) will be effective of or after July 1, 2020.

REPRESENTATIVE(S): Fahad Tahir, President and CEO Saint Thomas Midtown and West Hospitals, Brian Woodward, Attorney and Tim Shalvey, Attorney

REVISIT-RESPIRONICS, INC., DBA PHILIPS RESPIRONICS AND RESPIRONICS COLORADO, INC., COLORADO

This potential applicant as a home medical equipment provider in Tennessee is seeking an interpretation and/or waiver of twelve (12) provisions of the HME Regulations 1200-08-29 including the physical location regulation. Respiroics, Inc., is requesting to be consistent with previous waiver approvals that were granted to home medical equipment provider RespirTech in May 2016 and to National Biological Company in October 2017. This provider will offer to consumers a product known as “Simply Go Mini” which is a portable oxygen concentrator as well as other durable medical equipment. Respiroics’ “Simply Can Mini” will be delivered to patients only through mail order delivery. The product is also not covered under Medicare and/or Medicaid. Like the related company, RespirTech, all equipment-related problems and returns are handled through company support resources and not at the physical location in Tennessee. Philips Respiroics and Respiroics Colorado, Inc., representatives attended the Performance Improvement Issue Standing Committee Meeting on August 16, 2019 and a recommendation will be presented to the full Board for action.

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

TRISTAR SKYLINE MEDICAL CENTER, NASHVILLE #23

This three hundred eighty-five (385) hospital bed facility which includes the satellite campus Skyline Madison is requesting to increase their acute care beds count by twenty-two (22) licensed beds. The total licensed acute bed complement will be two hundred forty-five (245) beds upon approval. This request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. §68-11-1607(g).

REPRESENTATIVE(S): Jerry Taylor, Attorney

8. DISCUSSION(S).

- A. J.B. Knowles Assisted Living, Nashville f/k/a Autumn Hills Assisted Living, Nashville #79 (ACLF) – Request to Lift Probation.

REPRESENTATIVE(S): Melvin Corlew, Administrator and Deborah Neal

- B. Home Healthcare Solutions of Davidson, LLC, Nashville #333 (PSS) – Updated Progress Report by facility on securing DIDD contract.

REPRESENTATIVE(S): Tony O’Digie, Owner

- C. Vanderbilt University Medical Center, Nashville #27 (Hospital) – Updated Progress Report on Accepted Plan of Correction (POC).

REPRESENTATIVE(S): Dan Elrod, Attorney

- D. Legacy Assisted Living and Memory Care, Memphis #279 (ACLF) Progress Report.

REPRESENTATIVE(S): Peter Cawley, Managing Director and Joe Jasmon, CEO, American Healthcare Mgmt.

- E. Prestige Assisted Living of Loudon County, Loudon #53 (ACLF) – Progress Report

REPRESENTATIVE(S): Nikki Zaveri, Administrator

- F. Propose Board Meeting Dates for Year 2020.

- G. Olive Branch Assisted Living, LLC, Dickson #81 – The facility failed to address deficiencies and a request from the Board for a report and to address concerns.

REPRESENTATIVE(S): Martha Bullington, Administrator

- H. Optimum Assisted Living, LLC, White Bluff #233 - The facility failed to address deficiencies and a request from the Board for a report and to address concerns.

REPRESENTATIVE(S): Ann Reed, Director of Licensure

- I. Dialyze Direct TN, LLC, Memphis-This ESRD provider is seeking to provide staff-assisted home hemodialysis to ESRD patients residing in long-term care facilities in Tennessee by determination by the Board. Dialyze Direct provides complete coordination of care between Dialyze Direct and the Nursing Facility as specified as 2017 CMS State Operations Manual, Appendix PP. Dialyze Direct maintains a home hemodialysis training and support office as an employee hub for training and educating staff prior to designing them to a nursing facility site. No patient care is rendered in their office. Dialyze Direct’s model is an excellent solution to alleviating logistical, organizational and qualitative issues revolving around

transporting dialysis patients between nursing homes and outpatient dialysis centers.

REPRESENTATIVE(S): Jonathan Paull, General Counsel & Chief Compliance Officer and Josh Rothenberg, Chief Operating Officer

J. Revisit-CHOW Application Disciplinary Action Requirements.

REPRESENTATIVE(S): Ann Reed, Director of Licensure

K. Implementation of 'Best Practices' for Facilities.

REPRESENTATIVE(S): Ann Reed, Director of Licensure

L. Loving Arms of Memphis, Inc., Memphis RHA#158- Unacceptable Plan of Correction #3 was submitted on September 9, 2019 for health and life safety deficiencies cited during the licensure survey completed on March 18, 2019. A plan of correction (POC) #4 is required and must be submitted to the Board for review according to State of Tennessee T.C.A. §68-11-213(k)(1)&(2) and a representative must appear before the Board for Board approval.

REPRESENTATIVE(S): Timika Chambers Administrator

M. Big South Fork Medical Center, Oneida #101 (Hospital) – Unacceptable Plan of Correction #3 was submitted on September 6, 2019 for life safety deficiencies cited during the licensure survey completed on July 30, 2019. A plan of correction (POC) #4 is required and must be submitted to the Board for review according to State of Tennessee T.C.A. §68-11-213(k)(1)&(2) and a representative must appear before the Board for Board approval.

REPRESENTATIVE(S): Hal Leftwich, Administrator and Pamela Akins, Chief Nursing Officer

9. APPROVAL OF MINUTES.

- A. June 5, 2019 – Board Meeting
- B. August 16, 2019 – Performance Improvement Issue Standing Committee Meeting
- C. August 26, 2019 – Assisted Care Living Facility Standing Committee Meeting

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

A. SPECIAL CONSIDERATION

- 1. **(INITIALS)**
Pinnacle Medical Solutions, LLC, Memphis-HME *(Corporate integrity agreement).
- 2. **(CHOWS)**
N/A

B. RATIFICATION.

1. QUALIFYING APPLICATIONS (Approval)

(INITIALS)

(a) Adult Care Homes-Level II

Abby Mae Ventilator Care Home, Spring City

(b) Assisted Care Living Facility

Harmony at Brentwood, Brentwood
Morning Pointe of East Hamilton, Ooltewah
Sheltering Arms, Palmer
Sommerfield at The Heritage, Brentwood
The Arbors at Dogwood Pointe, Milan
The Blake at Kingsport, Kingsport
The Place at Crossfield, Hendersonville

(c) End Stage Renal Disease Facility

Fresenius Kidney Care Ooltewah, Ooltewah
Fresenius Kidney Care Spring Hill, Spring Hill

(d) Home for the Aged Facility

Front Porch Senior Living, Portland
Peaceful Village Residential Home, Hartsville

(e) Home Medical Equipment Facility

Chattanooga Durable Medical Equipment, LLC, Chattanooga
Cutting Edge Foot and Ankle Clinic, Nashville
HCH Medical, LLC, Ripley
Health System Services, Dickson
Mockingbird DME, LLC, Chattanooga
Professional Medical Partners, Jackson

(f) Outpatient Diagnostic Centers

Premier Radiology Gallatin, Gallatin

(g) Professional Support Services

Home Care Preference, LLC, Antioch

(CHOWS)

(a) Assisted Care Living Facility

Hickory Hills Alzheimer's Special Care Center, Hendersonville
Navion BKE Bellevue, LLC, Nashville
Navion BKE Oak Ridge, LLC, Oak Ridge
Optimum Senior Living, White Bluff

(b) Home Health Services

Clinch River Home Health, Clinton

(c) **Homes for the Aged**
Harlan Morris Retirement Home, Trenton

11. LICENSE STATUS UPDATES.

PLANNED PARENTHOOD OF TENNESSEE AND NORTH MISSISSIPPI, NASHVILLE #15

This ambulatory surgical treatment facility had placed their license on inactive status on June 5, 2019. This facility requested on July 16, 2019 to place their license back to active status. A health and life safety survey was required and done with no deficiencies. Planned Parenthood of Tennessee and North Mississippi license was approved and placed on active status effective July 15, 2019.

CUMBERLAND RIVER HOSPITAL, CELINA #15

This thirty-three (33) hospital bed facility had placed their license on inactive status on March 1, 2019 concurrent with the hospital's cessation of operations. This facility requested on September 9, 2019 to place their license back to active status. Cumberland River Hospital, Celina #15 license was approved and placed on active status effective September 6, 2019.

***FACILITY CLOSURES**

See attachment.

12. BOARD POLICY CONSENTS.

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

BedrockHC at Spring Meadows, LLC, Clarksville #193
Mabry Health Care & Rehab Center, Gainesboro #136

B. 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 BY BOARD POLICY #81:

- (1) The Reserve at Spring Hill, Spring Hill-NH-411 and The Reserve at Spring Hill, Spring Hill- ACLF-456
- Julie A. Bellar, Administrator-starting October 2, 2019
- (2) Tennova Newport Convalescent Center, Newport #35 – Seeking waiver extension; waiver previously granted October 3, 2018 for one (1) year which expires October 3, 2019.
- Robert Ham, Temporary Administrator
- (3) Grace Healthcare of Decatur, Decatur #185
- Ashley M. Wilson, Temporary Administrator

13. ORDERS.

A. Consent Orders.

14. REGULATION(S).

A. BOARD APPROVAL FOR RULEMAKING HEARING

B. PROPOSED RULE LANGUAGE

(1) Assisted Care Living Facility (ACLF) CMP Grid Rule 1200-08-25-.05(5).

**MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
OCTOBER 2, 2019**

The Board for Licensing Health Care Facilities Board meeting began October 2, 2019.

Dr. Rene Saunders, chairman, called the meeting to order. Dr. Saunders recognized new board members, Dr. Julie Jeter replacing Dr. Kenneth Robertson and Mrs. Susan Peach replacing Mr. Thomas Gee. Dr. Sherry Robbins was reappointed. A roll call of attendance was requested.

Dr. René Saunders, Chairman –here
Ms. Gina Throneberry – here
Mr. Robert Breeden – here
Ms. Carissa Lynch – here
Ms. Patsy Crihfield – here
Ms. Patti Ketterman - here
Mr. Jim Shulman – here
Mr. Bobby Wood – here
Mr. Roger Mynatt – not here
Dr. Sherry Robbins – here
Dr. Julie Jeter – here
Ms. Janet Williford – here
Mrs. Susan Peach – not here
Mr. Paul Boyd - here
Dr. Evelyn Brock – here

A quorum was established.

Rulemaking Hearing:

Ms. Tippens read into the record the date and location of the rulemaking hearing. She also indicated the purpose of the rulemaking hearing to solicit comments on the proposed rules by the Board to amend rules Chapter 1200-24-05 Construction Plans and Specifications. The language presented 1200-24-05-.01 is to delete paragraphs 5 and 7 in their entirety and shall read 5 health care facility includes and Hospital, Nursing Home, Residential Home for the Aged, Birthing Center, Ambulatory Surgical Treatment Center, Residential HIV Supportive Living Center, Adult Care Home Level 2, Assisted Care Living Facility, Outpatient Diagnostic Center, Prescribed Child Care Center, End Stage Renal Dialysis Clinic, Residential Hospice or Traumatic Brain Injury required to be licensed and acquire ordinance with TCA 68-11-201. The second change was rule language 1200-24-05-.03 amending the following additional \$15.00 per building project for receiving plans and specifications electronically shall be applied. This fee will create the electronic portal. Payments by card shall not exceed 2.5% of the total and e-check payments shall not exceed \$1.00. Ms. Tippens read into the record the language of the proposed rule for all the identified rule sets. No comments were made. Roll call vote was taken. **Jim Shulman made a motion to approve the presented amended language for the above set of regulations; seconded by Gina Throneberry. The motion was approved by a unanimous roll call vote.**

Reports:

EMS-

Robert Seesholtz, EMS Trauma System Manager, presented the EMS report. He informed the Board of meeting minutes for the April 23, 2019 Trauma Care Advisory Council; Hendersonville Medical Center had a follow up visit and the facility did not meet full criteria to be a full designation trauma center. Recommended continued provisional status as a Level 3 and a revisit to occur in 1 year; and Regional One Medical Center Level I showed many improvements continued Level 1 designation. Mr. Seesholtz informed staff of a letter Ballard Health addressed to him with the notice of downgrading Holston Valley from Level 1 to Level 3 effective October 1, 2019. He mentioned that no survey visit is needed and that Ballard Health will be visited 1st half of 2020. **Mr. Shulman made a motion to accept the EMS Report; seconded by Ms. Throneberry. The report was approved.**

Nurse Aide-

Wanda King, Nurse Aide Program Manager, presented the Nurse Aide Report. She stated there are 37,289 active nurse aides in the state of Tennessee. Ms. King informed the Board that the market still shows an additional need for Certified Nurse Aides. 62 Nursing Homes lost CNA programs due to CMPs and extended surveys. **Mr. Breeden made a motion to approve report; seconded Mr. Shulman. The report was approved.**

OGC-

Ms. Tippens, Senior Associate General Counsel, presented the Office of General Counsel's report. Ms. Tippens informed the Board there are 21 open cases in OGC and 16 consent/agreed orders to be presented at this meeting. She gave updates on rule packets that are currently under review at the Attorney General's office.

Office of Health Care Facilities Report-

Mr. Vincent Davis, Director, shared specific survey content found in the OHCF Audit that was done earlier in the year.

Standing Committee(s) Report-

Ms. Reed gave key items that occurred in the Performance Improvement Issue Standing Committee Meeting on August 16, 2019 and the Assisted Care Living Facility Standing Committee Meeting on August 26, 2019.

Board Approval Interpretative Guidelines (IG)

Ms. Reed presented the following interpretative guidelines for approval by the Board –

Revised Interpretative Guidelines –Use of “Physician” Term – to include Professional Support Services (PSS) Rule 1200-08-34-.06(2)(b). **Mr. Shulman made a motion to approve the IG as written; seconded by Mr. Boyd. The motion was approved.**

Interpretative Guidelines language for Assisted Care Living Facility Rule 1200-08-11-.08(2) to define “sleeping hours” in RHAs and ACLFs. **Mr. Shulman made a motion to define sleeping hours as 8:00pm-6:00am; seconded by Ms. Ketterman. The motion was approved.**

Pediatric Emergency Care (COPEC) Rules 1200-08-30 – Equipment List. Dr. Brinkmann, Chair, COPEC Standard Committee presented this item. **Mr. Shulman made a motion to accept the recommendation;**

seconded by Ms. Williford. 1 opposed – Dr. Robbins; 1 abstain – Dr. Saunders. The motion was approved.

Assisted Care Living Facility (ACLF) CMP Grid Rule 1200-08-25-.05(5). **Mr. Mynatt made a motion to approve; seconded by Mr. Boyd. The motion was approved.**

License Status Requests:

Ms. Reed presented the seven (7) licensure status requests.

Jamestown Regional Medical Center, Jamestown #48 –

This 85 Hospital bed facility is requesting to place their license on inactive status effective June 13, 2019. Jamestown Regional Medical Center will not be admitting or treating patients at this location and no patients need to be relocated to other facilities. CEO mentioned his intentions to reopen in 60-90 days. **Mr. Shulman made a motion to approve inactive status request; seconded by Dr. Brock. The motion was approved.**

Saint Thomas Outpatient Neurosurgical Center, Nashville # 126–

This ASTC is requesting to place their license on inactive status for 1 year. The physician partner was involved in postponing services and agreed to suspend services on April 30, 2019. **Mr. Shulman made a motion to approve inactive status request for one year; seconded by Dr. Brock. The motion was approved**

Family Ministries John M. Reed Center, Limestone #293 –

This 63 bed Nursing Home is requesting an extension waiver for their license to remain on inactive for an additional 12 months. The facility is in negotiations with a serious buyer for an acquisition of the facility. If the sale occurs, will seek CON to relocate facility in the same county. **Mr. Mynatt made a motion to approve the extension waiver for an additional 12 months; seconded by Ms. Williford. The motion was approved.**

Long Hollow Terrace, Hendersonville #531 –

This 11 bed Home for the Aged facility is seeking to place their license on inactive status. The owners have entered into a sale agreement. The projected date of closing is September 13, 2019 upon the approval of the CHOW application. The facility is currently unoccupied. **Mr. Mynatt made a motion to approve inactive status for 1 year; seconded by Mr. Boyd. The motion was approved.**

Copper Basin Medical Center, Copperhill #94 –

This 25 bed Hospital is requesting a 2nd extension of the inactive status extension for an additional 1 year. The County of Pike and the City of Ducktown currently hold the title to Real Property and Personal Property, since acquiring the property we have been working on finding a potential buyer. Clinics and specialty MDs are operating at the hospital location. **Dr. Brock made a motion to approve the 2nd extension inactive status of 1 year; seconded by Mr. Breeden. The motion was approved.**

Pendleton House of Love, Memphis –#185

This Home for Aged facility is requesting a 2nd extension inactive status of their license until all surveys have been completed. **Mr. Mynatt made a motion to grant the inactive status until February 2020; seconded by Mr. Wood. The motion was approved.**

Meritan, Inc., Memphis #329 –

This licensed PSSA is seeking to place their license on inactive status. Meritan, Inc. has recently discontinued their Medical Residential Supported Living Services with DIDD and is uncertain if they will continue providing hourly nursing services with DIDD. **Dr. Robbins made a motion to approve inactive status for 1 year; seconded by Ms. Williford. The motion was approved.**

Tennova Healthcare Hospice In-Patient Hospice House, Knoxville #2 –

This 18 bed residential hospice facility is requesting a 2nd extension of the inactive status for 1 year. The facility is reviewing its status and hope to be able to reopen if it can be financially feasible. **Ms. Williford made a motion to approve inactive status for 1 year; seconded by Mr. Mynatt. The motion was approved.**

Waiver Requests:

Ms. Reed presented the following waiver requests for consideration by the Board.

Saint Thomas West Hospital, Nashville #24 and Saint Thomas Midtown Hospital, Nashville #32 –

The licensed 541 acute bed Saint Thomas West Hospital and Saint Thomas Midtown 683 acute care bed Hospital are both wholly owned by Saint Thomas Health. The merger of Saint Thomas Midtown into Saint Thomas West Hospital, a division of Saint Thomas Health, has led to Saint Thomas Midtown Hospital's request to become a satellite of Saint Thomas West Hospital according to Hospital rule 1200-08-01-.01(37)(b) and under the name Ascension Saint Thomas Hospital. In addition to the merger, Saint Thomas is considering converting Saint Thomas West from a non-profit corporation to a Tennessee limited liability company and changing its legal name to Saint Thomas West Hospital, LLC. Saint Thomas Health anticipates that the merger will be effective on or after July 1, 2020. **Ms. Lynch made a motion to approve; seconded by Dr. Robbins. The motion was approved.**

Revisit-Respironics, INC., DBA Philips Respironics and Respironics Colorado, Inc. –

This potential applicant as a HME provider in Tennessee is seeking an interpretation and/or waiver of 12 provisions of the HME Regulations 1200-08-29 including the physical location regulation. Respironics, Inc., is requesting to be consistent with previous waiver approvals that were granted to HME provider RespirTech in May 2016 and National Biological in October 2017. Like the related company RespirTech, all equipment-related problems and returns are handled through company support resources and not at the physical location in Tennessee. **Mr. Shulman made a motion to approve; seconded by Dr. Brock. The motion was approved.**

Tristar Skyline Medical Center, Nashville #23 –

This 385 hospital bed facility which includes the satellite campus Skyline Madison is requesting to increase their acute care beds count by 22 licensed beds. The total acute bed complement will be 245 beds upon approval. The request is made pursuant to the Tennessee Health Services and Development Agency statute T.C.A. 68-11-1607(g). **Mr. Shulman made a motion to approve the bed increase by 22; seconded by Dr. Robbins. The motion was approved.**

DISCUSSION(S):

J.B. Knowles Assisted Living, Nashville f/k/a Autumn Hills Assisted Living, Nashville #79 (ACLF) –

Melvin Corlew, Administrator and Deborah Neal presented on behalf of J.B. Knowles Assisted Living. He requested of the Board to lift their probation. Surveyors confirmed that the facility was found in compliance. Mr. Shulman recused from the discussion. **Dr. Robbins made a motion to lift their probation; seconded by Ms. Lynch. The motion was approved.**

Mr. Shulman rejoined the meeting.

Home Healthcare Solutions of Davidson, LLC, Nashville #333 (PSS) –

Julie O'Digie, Owner, presented on behalf of Home Healthcare Solutions of Davidson, LLC. She provided documentation to confirm that the facility did secure a contract with DIDD on June 12, 2019.

Vanderbilt University Medical Center, Nashville #27 (Hospital) –

Dan Elrod presented on behalf of Vanderbilt. Dr. Brock was recused during the presentation. He addressed the Board that all protocols are being followed and the staff has been trained appropriately with no new incidents.

Dr. Brock rejoined the meeting.

Legacy Assisted Living and Memory Care, Memphis #279 (ACLF) –

Jerry Taylor presented on behalf of Legacy Assisted Living and Memory Care, the receiver and the management company. The facility was surveyed on September 19, 2019 and was cited new deficiencies that lead the facility into another Consent Order. He stated that the facility trying to get to a point that it can be sold and will work with survey staff on expectations to reach compliance. He requested the Board to allow them to admit two residents that was arranged prior to the survey findings on September 9, 2019. **Mr. Mynatt made a motion to approve the Consent Order; seconded by Mr. Breeden. The motion was approved. Mr. Mynatt made a motion to deny the two residents to the facility; seconded by Ms. Ketterman. The motion was approved.**

Prestige Assisted Living of Loudon County, Loudon #53 (ACLF) –

Nikki Zaveri, Administrator, and Connie Thompson, Director of Nursing, presented on behalf of Prestige Assisted Living of Loudon County. She informed the Board that their deficiencies were cleared and no new deficiencies have been cited. She also mentioned that the facility will be requesting inactive status in February 2020 and patients will be discharged by October 31, 2019.

Propose Board Meeting Dates for Year 2020 –

The following dates were presented to the Board for the 2020 meeting dates:

February 5 & 6, 2020

June 3 & 4, 2020

October 2 & 3, 2020

Mr. Mynatt made a motion to approve the Board dates; seconded by Mr. Shulman. The motion was approved.

Olive Branch Assisted Living, LLC, Dickson #81 (ACLF)–

Martha Bullington, Administrator, presented on behalf of Olive Branch Assisted Living, LLC. She stated that they are now in compliance.

Optimum Assisted Living, White Bluff #233 (ACLF)–

Ms. Reed gave background of the new operator and CHOW process being completed. The new facility operator was not in place during last Consent Order presentation and approval by the Board.

Dialyze Direct TN, LLC, Memphis–

Johnathan Paull, General Counsel, and Josh Rothenberg, COO, presented on behalf of Dialyze Direct TN, LLC. The facility's model for Tennessee is to provide home assisted dialysis to geriatric patients in long-term care facilities. Representatives for Dialyze Direct TN, LLC requested to waive ESRD rule 1200-08-32-.01(30) to allow registered nurses to provide care. **Dr. Brock made a motion to approve waiver request 1200-08-32-.01(30); seconded by Ms. Williford. The motion was approved.**

Revisit-CHOW Application Disciplinary Action Requirements –

Ms. Reed gave background of the CHOW application disciplinary action requirements. **Dr. Robbins made a motion to approve CHOW Application disciplinary action requirements; seconded by Mr. Mynatt. The motion was approved.**

Implementation of Best Practices for Facilities –

Ms. Reed gave background of this item that originated from the ACLF Standing Committee and which the Committee wanted brought to the full Board. Mr. Shulman recommended to the Board that the ACLF Standing Committee should get together and invite groups to discuss “best practices” in facilities. Ms. Estes of THCA mentioned that the Board is a regulatory Board and it would not be applicable but it would be easier to navigate individuals to association, etc. for information such as best practices. Dr. Saunders and Mr. Boyd agreed with this. No action taken.

Loving Arms of Memphis, Inc., Memphis #158 (RHA) –

Ms. Reed gave background of Loving Arms of Memphis, Inc. They submitted Plan of Correction #3 to the Regional Office which was deemed unacceptable. Plan of Correction #4 was required to be submitted to the Board for review. The Administrator, Timika Chambers, and her mother were unavailable to appear before the Board due to health reasons. Ms. Tippens presented an Agreed Order that was signed August 30, 2019. Mr. Boyd stressed that he would like the Department to see if there are licensed individuals working in the facility and to check on the residents. **Mr. Shulman made a motion to approve consent order and have surveyors in the facility within 10 days; seconded by Dr. Robbins. The motion was approved.**

Big South Fork Medical Center, Oneida #101 (Hospital) –

Hal Leftwich, Administrator, presented on behalf of Big South Fork Medical Center, Oneida. This hospital submitted its 3rd unacceptable Plan of Correction on September 6, 2019 for health deficiencies cited during the licensure survey completed on July 30, 2019. Plan of Correction #4 was required to be submitted to the Board for review. Facility reported difficulty in repairing a second elevator in the facility. A deficiency has been cited since 2013 for this item. The facility also had many expired supply items. This was a concern of the Board. The THA representative present at the Board meeting offered assistance in development of a POC. **Mr. Mynatt made a motion to deny Plan of Correction #4 without penalty, with ETRO review, and report to the Board. Also, a POC to be submitted within ten (10) days; seconded by Dr. Robbins. The motion was approved. Mr. Mynatt made a separate motion to have**

them appear before the June 2020 Board meeting; seconded by Dr. Robbins. The motion was approved.

Terrace at Mountain Creek –

A consent order was presented to the Board for this facility. Mr. Puri represented on behalf of The Terrace at Mountain Creek and Kayne Anderson-Principal Owner. Mr. Puri stated the current operator did not keep Kayne Anderson aware of the situation in the facility. It was further stated that Kayne Anderson representatives are onsite at the facility. Several Board members with questions related to the survey findings/deficiencies cited. Board recognized two paragraphs missing in the order and a total CMP amount of \$29,000. **Mr. Shulman made a motion to approve with appropriate changes; seconded by Mr. Mynatt. The motion was approved.**

APPROVAL OF MINUTE(S):

The following minutes were presented –

June 5, 2019 – Board Meeting

August 16, 2019 – Performance Improvement Issue Standing Committee Meeting

August 26, 2019 – Assisted Care Living Facility Standing Committee Meeting

Mr. Shulman made a motion to accept the above meeting minutes with the correction stated by Dr. Robbins concerning attendance; seconded by Mr. Breeden. The motion was approved.

CONSIDERATION AND RATIFICATION OF LIENSURE APPLICATIONS (CHANGE OF OWNERSHIP (CHOWS) AND INITIALS):

The CHOW and initial licensure applications received by the Office of Health Care Facilities were presented as follows –

The following CHOW application was presented to the Board for special consideration – Pinnacle Medical Solutions, LLC, Memphis (HME). This application was presented to the Board for ratification due to the Corporate Integrity Agreement. **Mr. Shulman made a motion to accept the CHOW application pending the CIA being deemed complete by Office of Inspector General; seconded by Ms. Lynch. The motion was approved.**

The following initial applications were processed by the Board’s administrative staff without concern –

Adult Care Home-Level II: Abby Mae Ventilator Care Home, Spring City

Assisted Care Living Facility: Harmony at Brentwood, Brentwood; Moring Pointe of East Hamilton, Ooltewah; Sheltering Arms, Palmer; Somerfield at The Heritage, Brentwood; The Arbors at Dogwood Pointe, Milan; The Blake at Kingsport, Kingsport; The Place at Crossfield, Hendersonville.

End Stage Renal Disease Clinic: Fresenius Kidney Care Ooltewah, Ooltewah; Fresenius Kidney Care Spring Hill, Spring Hill.

Home for the Aged: Front Porch Senior Living, Portland; Peaceful Village Residential Home, Hartsville.

Home Medical Equipment: Chattanooga Durable Medical Equipment, LLC, Chattanooga; Cutting Edge Foot and Ankle Clinic, Nashville; HCH Medical, LLC, Ripley; Health System Services, Dickson; Mockingbird DME, LLC, Chattanooga; Professional Medical Partners, Jackson.

Outpatient Diagnostic Centers: Premier Radiology Gallatin, Gallatin.

Professional Support Services: Home Care Preference, LLC, Antioch.

Mr. Mynatt made a motion to approve; seconded by Mr. Boyd. The motion was approved.

The following CHOW applications were presented to the Board for approval without staff concern –
Assisted Care Living Facility: Hickory Hills Alzheimer’s Special Care Center, Hendersonville; Navion BKE Bellevue, LLC, Nashville; Navion BKE Oak Ridge, LLC, Oak Ridge; Optimum Senior Living, White Bluff.
Home Health Services: Clinch River Home Health, Clinton.
Home for the Aged: Harlan Morris Retirement Home, Trenton.

Mr. Breeden made a motion to approve; seconded by Dr. Robbins. The motion was approved.

LICENSE STATUS UPDATES:

The following licensure status requests were presented –

Planned Parenthood of Tennessee and North Mississippi, Nashville #15 (ASTC) –

This ambulatory surgical treatment center (ASTC) had placed their license on inactive status on June 5, 2019. This facility requested on July 16, 2019 to place their license back to active status. A health and life safety survey were required and done with no deficiencies. Planned Parenthood of Tennessee and North Mississippi was approved and placed on active status effective July 15, 2019.

Cumberland River Hospital, Celina #15 (Hospital) –

This 33 Hospital bed facility had placed their license on inactive status on March 1, 2019 concurrent with the Hospital’s cessation of operations. This facility requested on September 9, 2019 to place their license back to active status. Cumberland River Hospital was approved and placed on active status effective September 6, 2019.

Facility Closures –

The facility closures report was given.

BOARD POLICY CONSENTS:

The following Board Policy Consent requests were presented –

Board Policy #32

BedrockHC at Spring Meadows, LLC, Clarksville #193

Mabry Health Care & Rehab Center, Gainesboro #136

Ms. Lynch made a motion to approve; seconded by Mr. Mynatt. The motion was approved.

Board Policy #81

The Reserve at Spring Hill, Spring Hill (NH) #411 and The Reserve and Spring Hill, Spring Hill (ACLF) #456

Tennova Newport Convalescent Center, Newport #35

Grace Healthcare of Decatur, Decatur #185

Mr. Mynatt made a motion to approve; seconded by Mr. Breeden. The motion was approved.

ORDERS(S):

Consent Orders-

The following consent orders were presented by Ms. Caroline Tippens -

The Courtyards Senior Living Briarcliff – ACLF – Survey conducted resulting in \$3,000 CMP. **Mr. Shulman made a motion to approve; seconded by Mr. Mynatt. The motion was approved.**

The Village at Primacy Place – ACLF – Survey conducted resulting in \$3,000 CMP. **Mr. Mynatt made a motion to approve; seconded by Mr. Wood. The motion was approved.**

Maple Court – ACLF – Survey conducted resulting in \$500 CMP. **Dr. Jeter made a motion to approve; seconded by Ms. Lynch. The motion was approved.**

Maple Court – ACLF – Survey conducted resulting in \$2,000 CMP, 2nd CMP recommendation. **Mr. Mynatt made a motion to approve; seconded by Mr. Boyd. The motion was approved.**

Maple Ridge Manor – ACLF – Survey conducted resulting in \$500 CMP. **Mr. Mynatt made a motion to approve; seconded by Mr. Boyd. The motion was approved.**

Oakwood Senior Living, Knoxville – ACLF – Survey conducted resulting in \$1,000 CMP. **Dr. Jeter made a motion to approve; seconded by Dr. Brock. The motion was approved.**

Shelby Garden Place – ACLF – Survey conducted resulting in \$1,500 CMP. **Mr. Mynatt made a motion to approve; seconded by Mr. Breeden. The motion was approved.**

Schilling Gardens Assisted Living – ACLF – Survey conducted resulting in \$1,500 CMP. **Dr. Jeter made a motion to approve; seconded by Dr. Robbins. The motion was approved.**

Dominion Senior Living of Sevierville – ACLF – Survey conducted resulting in \$500 CMP. **Mr. Mynatt made a motion to approve; seconded by Dr. Robbins. The motion was approved.**

The Lodge at Natchez Trace – ACLF – Survey conducted resulting in \$500 CMP. **Dr. Jeter made a motion to approve; seconded by Dr. Brock. The motion was approved.**

Belmont Village, Memphis – ACLF – Survey conducted resulting in \$1,500 CMP. **Mr. Mynatt made a motion to approve; seconded by Mr. Breeden. The motion was approved.**

BeeHive Homes of Powell – ACLF – Survey conducted resulting in \$1,500 CMP. **Dr. Brock made a motion to approve; seconded by Mr. Mynatt. The motion was approved.**

Arcadia Senior Living of Clarksville – ACLF – Survey conducted resulting in \$1,500 CMP. **Dr. Brock made a motion to approve; seconded by Mr. Mynatt. The motion was approved.**

Foxbridge Assisted Living and Memory Care – ACLF – Survey conducted resulting in \$1,000 CMP. **Mr. Shulman made a motion to approve; seconded by Ms. Lynch. The motion was approved.**

REGULATION(S):

The following proposed rule language was presented for approval by the Board for rulemaking hearing –

Assisted Care Living Facility (ACLF) CMP Grid Rule 1200-08-25-.05(5). **Mr. Shulman made a motion to move language forward to rulemaking hearing; seconded by Dr. Robbins. The motion was approved.**

A motion was made to adjourn the meeting.