AGENDA

BOARD FOR LICENSING HEALTH CARE FACILITIES
227 French Landing
Heritage Place Metrocenter
Iris Conference Room, Lobby
Nashville, TN 37243

January 21, 2010
10:30 a.m. & 1:00 p.m.

1. **CALL THE MEETING TO ORDER.**

2. **DISCUSSION.**

   A. **Rulemaking Hearing: 1200-08 – Building Standards and Fire Safety Codes Edition – 10:30 a.m.**

   B. **Rulemaking Hearing: End Stage Renal Dialysis Clinics Regulations – 1200-08-32-.01 Definitions; 1200-08-32-.04 Administration; 1200-08-32-.06 Basic Services – 1:00 p.m.**

3. **PUBLIC COMMENTS.**

4. **ADJOURN.**

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
RULEMAKING HEARING
January 21, 2010

The Board for Licensing Health Care Facilities second rulemaking hearing regarding End Stage Renal Dialysis Clinic Rules was called to order by Ms. Ann R. Reed on January 21, 2010, commencing at 1:00 p.m. Ms. Reed announced previously that our Chairman and Chairman Pro Tem were not in attendance today and that the Board will need to designate a Chairman for the rulemaking hearing.

Motion was made by Ms. Taylor-Huff, seconded by Ms. Chadwell, to:

> **APPOINT MR. LUKE GREGORY TO SERVE AS CHAIRMAN FOR THE SECOND RULEMAKING HEARING.**

Motion carried by voice vote.

Ms. Reed called the roll to establish a quorum.

Mr. Luke Gregory, Acting Chairman
Ms. Elizabeth Chadwell
Ms. Paula Collier
Mr. Mike Hann
Ms. Janice Hill
Dr. Norman Jones
Ms. Carissa Lynch
Ms. Annette Marlar
Mr. John Marshall
Ms. Sara Snodgrass
Ms. Dixie Taylor-Huff
Mr. James Weatherington

Members not present:

Dr. Larry Arnold, Chairman
Dr. Thomas Carr
Mr. Alex Gaddy
Mr. Robert Gordon, Chairman Pro Tem
Dr. Jennifer Gordon-Maloney
Dr. Jon Winter

Present and representing the Office of General Counsel:

Ms. Erin Begley

Also present:

Ms. Ann Rutherford Reed, Director, Board for Licensing
Ms. Wanda Hines, Board Administrator

A quorum was established by roll call vote.

Ms. Begley began the rulemaking hearing and explained in detail the procedures regarding the rulemaking hearing. She summarizes the proposed rules to incorporate into the End Stage Renal Dialysis Clinic rules concerning home dialysis training and support services. Ms. Begley acknowledged no one signed up to give public comments but written comments were submitted on behalf of Davita. Mr. Scott White was present at the rulemaking hearing.

Ms. Begley read the proposed comments submitted by Davita. The proposed comments consist of the following:

The review of the proposed rules has identified a potential issue related to the requirements under Rule 1200-08-32-.06. These rules create new training requirements for renal dialysis clinics of their registered nurses to conduct training in several numerous subjects. These subjects include the implementation of a nutritionist care plan and methods used to achieve and maintain emotional and social well-being. Training at Davita is being done by licensed dietitians on nutrition and Certified Masters of Social Work provide training related to emotional and social well-being. While registered nurses are generally qualified to provide this training, Davita believes that licensed dietitians and certified master social workers are specifically qualified in these prospective areas through education, training and licensing. Therefore, in allowing renal dialysis clinics the continuality to utilize the services of licensed dietitians and certified master social workers to provide training related to nutrition and well-being they would like the Board to consider their request of the following changes:

(1) On page 1, paragraph 2, subparagraph b, Training Requirements, Davita requested the change of the language to state "unless otherwise provided by this rule a renal dialysis clinic providing home dialysis training shall ensure will be conduct by a registered nurse..." The rule currently states "a renal dialysis clinic providing home dialysis training" so with the recommended language add the phrase, "unless otherwise provided by this rule."

(2) The second requested changes are under Training Requirement, (b)(2). The current language states, "implementation of a nutritional care plan." Davita has requested that the Board consider changing the language to "implementation of a nutritional care plan provided however by a dietitian or a nutritionist who has a valid license in the state may provide training in lieu of a registered nurse". Below that language is the language "methods used to achieve and maintain emotional and social well-being" Davita requested the Board to consider changing that language to "methods used to achieve and maintain emotional and social well-being provided however a certified master social worker or licensed clinical social worker holding a valid certificate of registration or license in this state may provide such training in lieu of a registered nurse."

Ms. Begley clarified for the Board the purpose of the home dialysis training language in the ESRD rules. Several questions were raised by the Board regarding this language with legal responding.

Motion was made by Ms. Chadwell, seconded by Ms. Hill, to:

> **APPROVE THE FIRST SET OF RECOMMENDED LANGUAGE UNDER SECTION B, TRAINING REQUIREMENTS TO ADD THE PHRASE "UNLESS OTHERWISE PROVIDED BY THIS RULE. A RENAL DIALYSIS CLINIC PROVIDING HOME DIALYSIS TRAINING SHALL ENSURE THAT THE TRAINING WILL BE CONDUCTED BY A REGISTERED NURSE HAVING AT LEAST 12 MONTHS OF EXPERIENCE OF PROVIDING NURSING CARE AND AT LEAST 3 MONTHS EXPERIENCE WORKING IN HEMODIALYSIS OR PERITONEAL DIALYSIS AND THAT THE REGISTERED NURSE OR OTHER SPECIFIC PROFESSIONALS SHALL TEACH THE FOLLOWING."**
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> **APPROVE THE SECOND SET OF RECOMMENDED LANGUAGE WHICH IS IMPLEMENTATION OF A NUTRITIONAL PLAN PROVIDED HOWEVER A DIETITIAN OR NUTRITIONIST HOLDING A VALID LICENSE IN THIS STATE MAY PROVIDE SUCH TRAINING IN LIEU OF A REGISTERED NURSE' AND**
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> **METHODS USE TO ACHIEVE AND MAINTAIN EMOTIONAL AND SOCIAL WELL-BEING PROVIDED HOWEVER A CERTIFIED MASTER SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER HOLDING A VALID CERTIFICATE OF REGISTRATION WHERE LICENSED IN THIS STATE, MAY PROVIDE SUCH TRAINING IN LIEU OF A REGISTERED NURSE.**

Motion carried by voice vote.

Motion was made by Ms. Taylor-Huff, seconded by Ms. Chadwell, to:

> **ACCEPT ALL OF THE CHANGES AS AMENDED REGARDING THE END STAGE RENAL DIALYSIS CLINIC RULES CONCERNING HOME DIALYSIS TRAINING AND SUPPORT SERVICES THAT WERE PRESENTED TODAY TO THE BOARD AND TO ADOPT THESE RULES.**

Motion carried by roll call vote.

With all business concluded, a motion was made by Dr. Jones, seconded by Ms. Snodgrass, to adjourn the meeting.

Respectfully submitted,

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Robert Gordon
Board Secretary

RG/weh