

**MINUTES**  
**BOARD FOR LICENSING HEALTH CARE FACILITIES**  
**August 1, 2007**

The Board for Licensing Health Care Facilities was called to order by Dr. Larry Arnold on August 1, 2007, commencing at 9:00 a.m.

Ms. Thompson called the roll to establish a quorum.

Dr. Larry Arnold, Chairman  
Dr. Duane Budd  
Ms. Charlotte Burns  
Dr. Thomas Carr  
Ms. Elizabeth Chadwell  
Mr. Alex Gaddy  
Ms. Estelle Garner  
Mr. Robert Gordon, Chairman Pro Tem  
Mr. Luke Gregory  
Dr. Norman Jones  
Dr. Ronald Staples  
Dr. Joe T. Walker  
Mr. Carlyle Walton  
Mr. James Weatherington

Members not present:

Mr. Jim Hastings  
Ms. Charlsie Lankford  
Ms. Carissa Lynch  
Ms. Annette Marlar  
Ms. Nancy Peace  
Dr. Jon Winter

Present and representing the Office of General Counsel:

Ms. Lucy Bond

Also present:

Ms. Ann Thompson, Director, Board for Licensing  
Mr. Jere Younger, Interim Director, Health Care Facilities  
Ms. Wanda Hines, Board Administrator  
Ms. Faye Vance, East TN Regional Administrator  
Ms. Shirley Jones, West TN Regional Administrator  
Ms. Susan Harper, Middle TN Regional Office  
Mr. Bill Harmon, Director of Engineering

A quorum was established by roll call vote.

## **APPROVAL OF MINUTES**

The first order of business was approval of the May 2, 2007 minutes.

Motion was made by Mr. Gordon, seconded by Dr. Budd to approve the May 2, 2007 minutes as written.

Motion carried.

## **REPORTS**

### **EMS Report**

#### **Trauma Center Site Revisit**

Mr. Joe Phillips reported to the board on the revisit report of the Level I Trauma Center at Wellmont/Holston Valley Hospital. The scheduled visit was done in May of 2006 and problems were discovered. The board gave the hospital a year to correct its deficiencies and have another site visit and bring the results back to the board. Mr. Phillips stated that the deficiencies have been corrected. Dr. Cory Siffring, Trauma Director at Holston Valley was present and addressed the board. Dr. Siffring explained to the board that the two items were listed that needed work. The first item was the development of an outreach coordination to do further injury prevention coordination in the region. The second item was maintaining continuing medical evaluation for the physician staff.

A motion was made by Mr. Gordon, seconded by Ms. Burns to accept the Trauma Care Site Revisit Report on Wellmont/Holston Valley Hospital Medical Center and continue as a Level I Trauma Center.

Motion carried.

#### **Trauma Center Funding Law**

Mr. Phillips addressed the board regarding the Trauma Center Funding Law. This bill provides \$10 million a year, a two-cent increase on cigarette tax. This is part of the administration bill to increase funding for education. Two cents were added for trauma centers. This was the result of the efforts of the Tennessee Trauma Alliance over the past two years to address some funding problems within our trauma system.

The bill does several things besides providing money. It directs your Trauma Care Advisory Council to come up with some distribution or at least make recommendations of the distribution or at least make recommendations of the distribution formulas for state infrastructure, for trauma center readiness, and to address some of the funding shortfalls for uncompensated care.

The Trauma Care Advisory Council work is not finished, the groundwork has been laid to present or recommend some formulas to the requirements of the law. Hopefully, in the next

couple of months we will definitely have a progress report. Also, two positions have been created in state government. One position will be within the Bureau. This position will be a State Trauma System Coordinator. This individual will be responsible for all things related to trauma care including new activities and certainly overseeing the trauma registry which we are very close to having operational. Mr. Phillips stated that he will give an update report to the board at our next board meeting.

### **Trauma System Assessment**

The Trauma Care Advisory Council has wanted for some time a consultation from the American College of Surgeons on the state of our trauma care system in Tennessee.

This is now scheduled for September 16-19, 2007 of this year. It will be held in Nashville. A team of surgeons and other selected by the American College of Surgeons Committee on Trauma will be here to assess our system. There are two key focus issues that the Council selected. One is the financial stability of the system. The other issue is the difficulties in getting some patients who are in need of rehabilitation services. There will certainly be a report concerning every aspect of the system. This board's representative on the Trauma Care Advisory Council is Mr. Robert Gordon. These things will be looked at and we will present a copy of the report to the board when it becomes available.

### **Department Report**

#### **Nurse Aide Report**

The Nurse Aide Report was given to each board member. Any questions regarding the Nurse Aide Report, Wanda King, Nurse Aide Coordinator was in the audience to answer questions.

#### **Legislative Report**

Ms. Ann Thompson, Director of Licensure, discussed with the board the 2007 Legislative Action Plan. Ms. Thompson stated that this is a summary of legislative actions that occurred this session which impact our bureau and division. This information is for the board members to review. There will be some additional language changes in some of our different licensed facilities' regulations based on some of the legislative results from this session. Those will be brought forth to the board at the November meeting.

#### **Office of General Counsel Report**

Lucy Bond from the Office of General Counsel presented to the board the report on rules and regulations amendments and their status at this time. Currently there are three rules that have been sent to the Attorney General's office. We also have eight contested cases that are open. Ms. Bond discussed with the board about the conflict of interest. Ms. Bond stated that at the last meeting we had discussed that the regulatory boards have a policy that states that a board member must recuse himself/herself by going out of the room. This board does not have that policy. Ms. Bond stated that it's the Department's preference that if it is a conflict of interest, the board member must recuse himself/herself by leaving the room. The other matter Ms. Bond reminded the members on are the matters on the agenda. Ms. Bond explained this is an open meeting and the information on the agenda has been sunshined. The board members are not supposed to discuss upcoming business on the agenda at break time, lunch breaks or over the

telephone. Ms. Bond iterated that this is a really important issue that the board members need to follow.

## **DISCUSSION**

### **Sprinkler Issues**

Ms. Bond explained to the board that the Department has been reviewing some of the statutes about the sprinklers. New statutes were passed in 2004 regarding sprinklers. It was brought to the attention of the division that the sprinkler law requirement within a three year period ended July 1, 2007. There are four nursing homes that are not in compliance with the law and unfortunately some RHAs haven't gotten up to speed as well. Ms. Bond suggested to the board members to bring these facilities before the board to explain they are not in compliance. Several board members asked questions of Ms. Bond regarding these facilities and the procedures to follow. Ms. Bond suggested having a special meeting to bring the facilities before the board. Ms. Thompson informed the board that the decision to have a special meeting is at the board's discretion because our next board meeting is not scheduled until November. Ms. Bond suggested September 26<sup>th</sup> in Nashville which would give time to give the facilities notice if they can't comply and also suggested this meeting is greatly needed. After discussion among the board members regarding the urgency and date of the meeting, September 27<sup>th</sup> was suggested.

A motion was made by Dr. Carr and seconded by Mr. Walton to approve the special call meeting for September 27<sup>th</sup> regarding facilities not in sprinkler compliance.

Motion carried by voice vote.

### **Update on Committee on Pediatric Emergency Care (COPEC)**

Ms. Rhonda Phillippi, Executive Director for the Pediatric Emergency Care was present and addressed the board. Ms. Phillippi stated that their committee reports to both Health Care Facilities board and the EMS board which was established by state statute. Ms. Phillippi presented to the board a presentation regarding the national movement for emergency medical services for children in the United States and to review how Tennessee compares to the national measures, to highlight portions of the survey that was completed by ambulance service directors.

The national EMSC performance measures were established to provide ongoing and systematic process for tracking the progress that people are making because each state in the six territories receive \$115,000 EMSC funding per year. It allows for continuous monitoring of the effectiveness of the program and to have performance improvement program as well as to determine the extent to which the grantees are meeting the standards and targets.

The ambulance service directors were the majority completing this portion of the survey. Most were public EMS agencies. Tennessee is fortunate that most of our EMS providers are paid. Many states are still under a volunteer base. The existence of a statewide system that recognizes hospitals that are able to stabilize or manage pediatric emergencies have been achieved. Currently, 100 percent of all of our hospitals in Tennessee have a written interfacility agreement, but there is certain language that HRSA is asking for that is not in our current agreement. That will be a goal for 2008. Ms. Phillippi stated that she would like to come back to the next board

meeting and talk with the board concerning hospitals that completed a survey on readiness for emergencies for disaster planning. There were not any pediatric questions on the questionnaire so COPEC went back and surveyed all the hospitals to do that with the help of the Tennessee Hospital Association. We are currently in the process of compiling that information and then going to 24 hospitals to have a conversation with them on what are their needs for pediatrics. Ms. Phillippi stated they are about to launch a web-based tool kit where you will be able to go to our website and get eight 45 minutes of web-based education tools on disaster planning that is specific to pediatrics as well as prepare your home for an emergency. The family readiness is one that we all should look at and heed.

### **Hospice Waivers**

Ms. Lucy Bond, Office of General Counsel presented to the board the problem with hospice waivers. Ms. Bond explained that in the past a hospice waiver allowed people to apply to have a hospice patient in an assisted care living care facility or a residential home for the aged.

We have reviewed the situation lately and that policy is no longer in place. OGC has reviewed the statutes and don't believe that under the current statutes there is a provision to allow hospice patients particularly those who are transferred from the hospital into a new place to remain as residents in assisted care living facilities and in residential homes for the aged.

The Assisted Care Living Facility definition provided by statute is quite clear. Anyone who needs more services or no longer meets the definition of an assisted care living resident is allowed to stay there for 21 days. Facilities can be and are cited a deficiency if surveyed and finds a resident who no longer meets the definition of an assisted care living resident. The fine is quite stiff. It is \$1,000 per resident. The waiver has been taken off the website and it doesn't exist anymore. The Department is not saying that we are not open to new legislation or new ideas, but the statute stands right. It is our position that hospice waivers should not be granted for assisted care living facilities and residential homes for the aged. The reason being is that we can not waive the statute. We can waive the regulations but we can't waive the statute.

Several people in the audience as well as organizations had questions regarding the hospice matter. Many board members had questions for Ms. Bond and discussed different situations regarding hospice. Mr. Gordon suggested for our staff with the board members and other interested groups to put together legislative changes. Mr. Gregory suggested a need for a task force or a subcommittee to better address the matter which Ms. Thompson and Dr. Arnold, Chairman unanimously agreed. Luke Gregory, Elizabeth Chadwell, Carlyle Walton and Dr. Budd volunteered to serve on the task force for the hospice waiver issue. The committee will look forward to any feedback and information to work out a solution.

### **REGULATIONS**

#### **BOARD APPROVAL FOR RULEMAKING HEARING**

##### **1. Vaccine and License Verification Amendments**

1200-8-1 Standards for Hospitals

Motion was made by Mr. Gordon, seconded by Ms. Chadwell to:

**SEND THE VACCINE AND LICENSE VERIFICATION AMENDMENTS FOR 1200-8-1 STANDARDS FOR HOSPITALS FOR RULEMAKING HEARING.**

Motion carried by roll call vote.

**2. Records and Reports Amendments for:**

1200-8-11 Standards for Homes for the Aged

Motion was made by Mr. Gordon, seconded by Dr. Budd to:

**SEND THE RECORDS AND REPORTS AMENDMENTS FOR 1200-8-11 STANDARDS FOR HOMES FOR THE AGED FOR RULEMAKING HEARING.**

Motion carried by roll call vote.

**3. Definitions Amendments**

1200-8-27 Standards for HomeCare Organizations Providing Hospice Services

Motion was made by Mr. Gordon, seconded by Ms. Chadwell to:

**SEND THE DEFINITIONS AMENDMENTS FOR 1200-8-27 STANDARDS FOR HOMECARE ORGANIZATIONS PROVIDING HOSPICE SERVICES FOR RULEMAKING HEARING.**

Motion carried by roll call vote.

**4. Definitions Amendments**

1200-8-29 Standards for HomeCare Organizations Providing Home Medical Equipment

Motion was made by Dr. Staples, seconded by Ms. Chadwell to:

**SEND THE DEFINITIONS AMENDMENTS FOR 1200-8-29 STANDARDS FOR HOMECARE ORGANIZATIONS PROVIDING HOME MEDICAL EQUIPMENT**

Motion carried by roll call vote.

**5. Repeal**

1200-8-14 Regulations for Pediatric Trauma Centers

Ms. Thompson explained that these rules was brought before the board for repealing because the Department has currently in place the pediatric emergency care facility regulations which encompass this aspect of the trauma centers by allowing designation of either primary, basic, general, and comprehensive pediatric emergency care facilities.

Motion was made by Mr. Gordon, seconded by Ms. Burns to:

**SEND 1200-8-14 REGULATIONS FOR PEDIATRIC TRAUMA CENTERS FOR RULEMAKING HEARING TO REPEAL.**

Motion carried by roll call vote.

**BOARD APPROVAL FOR FINAL FILING**

**1. Repeal**

1200-8-8 Regulations for Home Care Organizations

Motion was made by Dr. Staples, seconded by Ms. Chadwell to:

**SEND 1200-8-8 STANDARDS FOR HOME CARE ORGANIZATIONS FOR FINAL FILING TO REPEAL.**

Motion carried by roll call vote.

**2. Registered Health Information Administrator (RHIA) and Registered Health Information Technician (RHIT) Amendments for:**

1200-8-1 Standards for Hospitals

Motion was made by Mr. Gordon, seconded by Dr. Budd to:

**SEND THE REGISTERED HEALTH INFORMATION ADMINISTRATOR (RHIA) AND REGISTERED HEALTH INFORMATION TECHNICIAN (RHIT) PROGRAM AMENDMENTS FOR 1200-8-1 STANDARDS FOR HOSPITALS FOR FINAL FILING.**

Motion carried by roll call vote.

**WAIVER REQUESTS**

**Discussion on Nursing Home Administrator Waiver Requests**

Ms. Bond stated to the board that health care facilities has a statute allowing for a temporary administrator waiver due to an unexpected loss of an administrator of a nursing home. The nursing home must notify the licensure office within 24 hours after the notice of unexpected loss. Then the nursing home will have 30 days during which the temporary administrator could be anybody. These are the requirements the board has been waiving for years. The Board of Examiners Nursing Home Administrator (BENHA) brought to the Division's attention that these people who are temporary administrators need to apply to the BENHA board for a temporary license, which is valid for six months according to their statute. BENHA statutes also states that a person acting as an administrator without a temporary license after the first 30 days can be fined not less than \$50.00, no more than \$250.00 for the purpose of this section. Each day of operation constitutes a separate offense.

Ms. Bond explained to the board that this is not the way we have been operating. We cannot waive a statute even if it's somebody else's statute. It is still a Tennessee state statute. Ms. Bond suggested to the board that we get some legislation proposed on this issue, but in the meantime all Ms. Bond is suggesting is that this is what state law states.

Many board members express that this is an issue for the BENHA board. As long as the Division explains to the individual that they have to apply for a temporary license with the Board of Examiners Nursing Home Administrator then the board is doing their part. The board grants this waiver according to their statutes; it is not an issue for Health Care Facilities.

Ms. Thompson gave a brief summary of each of the following waiver requests:

**BAPTIST HOSPITAL OF EAST TN TRANSITIONAL CARE, KNOXVILLE**

Thomas A. Reitinger, Administrator of Baptist Hospital of East Tennessee is requesting a waiver of Rule 1200-8-6-.04 requirement for a licensed nursing home administrator for this twenty (20) bed hospital-based skilled nursing facility until an administrator is hired. Mr. Reitinger is serving as acting administrator for the Transitional Care Unit (TCU). Ms. Molly Quarles representing Baptist Hospital of East TN Transitional Care was present. Ms. Quarles stated that Mr. Reitinger has been functioning in this role since the unexpected loss of their previous nursing home administrator on May 17, 2007.

Motion was made by Dr. Walker, seconded by Dr. Budd to:

**GRANT A SIX (6) MONTH WAIVER FROM MAY 17, 2007 TO ALLOW THE FACILITY TO OPERATE WITHOUT A LICENSED ADMINISTRATOR UNTIL AN ADMINISTRATOR CAN BE HIRED.**

Motion carried by roll call vote.

**JUDY'S BOARDING HOME, MCMINNVILLE**

This eleven (11) bed RHA is requesting a waiver of Rule 1200-8-11-.07(3) Life Safety requirement for approved plans for the alarm system. The alarm system was installed without approval from the Department of Health as required. The alarm system company will not draw up or do the plans until the alarm system balance is paid. The alarm system will be paid in full by November 30, 2007. Ms. Judy Young representing Judy's Boarding Home was present.

Ms. Young explained to the board that she had hired a contractor from an electronics company and was unaware that she needed to have plans before installation. The contractor refuses to do the plans without an extra charge which he wouldn't give a quote. Ms. Young stated that this home is not bringing in enough money for her to pay for the plans.

Motion was made by Dr. Walker, seconded by Mr. Walton to:

**GRANT A WAIVER TO ALLOW THE FACILITY TO WAIVE THE REQUIREMENT OF PROVIDING APPROVED ALARM SYSTEM PLANS TO**

**THE DEPARTMENT PRIOR TO INSTALLATION ACCORDING TO RULE 1200-8-11-.07(3) LIFE SAFETY.**

Motion carried by voice vote.

**PRINCETON TRANSITIONAL CARE UNIT AT NORTH SIDE AND FRANKLIN TRANSITIONAL CARE UNIT AT QUILLEN, JOHNSON CITY**

Mountain States Health Alliance is requesting a waiver according to Rule 1200-8-6-.04(1) and Rule 1200-8-6-.06(4)(b)(c) to allow one Administrator and one Director of Nursing to serve both facilities, Princeton Transitional Care and Franklin Transitional Care which is located within walking distance between the two units. Princeton Transitional Care has 34 beds and Franklin Transitional Care has 13 beds. Ms. Kimberly Adelman and Ms. Ann Fleming representing the two facilities were present.

Ms. Adelman, Director, explained to the board that she has the oversight of both of these units. From an operational standpoint, she feels that it would be much more efficient to have single oversight of these two units because of their proximity which allows us to share staff between these units. We can place patients faster and more efficient in the appropriate setting versus having to deal with two different administrators. Our long term plan for Mountain States Health Alliance is to potentially merge these two units together within the North Side Hospital which currently we don't have space to do at this point.

Ms. Fleming, Senior Vice President with Mountain States Health Alliance stated that both of these units have an administrator and a director of nursing. This is a redundancy in management that puts impediments for operations and speed and smoothness in streamlining of moving patients to the appropriate units and placements. Our long range plans are to combine the two skilled facilities in a new acute care hospital and to place one administrator and one director of nursing over both units.

Motion was made by Mr. Walton, seconded by Mr. Gaddy to:

**GRANT THE WAIVER TO ALLOW THE ADMINISTRATOR AND THE DIRECTOR OF NURSING TO SERVE BOTH FACILITIES.**

Motion carried by voice vote.

**ARBOR PLACE OF PURYEAR NURSING HOME, PURYEAR**

This thirty-two (32) bed nursing home is seeking waivers for the following: Rule 1200-8-25-.06(20) to allow the nursing home and the ACLF to share the activity area/day room and Rule 1200-8-25-.07(26) to share the living room and dining areas between the nursing home and ACLF. Mr. Chris Puri, Mr. John Sells and Mr. Larry Nelson representing Arbor Place were present.

Mr. Puri explained to the board that they were seeking various waivers. The specific waiver would involve the dining area and shared space to allow us to develop and complete the construction of a replacement facility for its current 25 bed nursing home. The new facility was

started and a certificate of need is approved. Both facilities would have licenses respectively as an assisted-care living facility and a nursing home. The facility will maintain separate staff for both the assisted care living facility and the nursing home. There will be a shared space within the facility; the dining room, social services area and kitchen.

Mr. John Sells, Owner and Mr. Larry Nelson, Architect were asked questions from the board members regarding the license concept and building situation. Several board members had questions about the intermingling of the two groups. Jere Younger, Acting Director, Health Care Facilities stated that he has actually contacted CMS to get their intake on the federal level of intermingling of two facility-type residents. Mr. Younger stated that there could be some federal implications which will set a precedent. Mr. Younger was waiting to hear back from CMS to answer this question.

Mr. Puri stressed to the board that this facility has sprinkler issues as well. The facility is not fully sprinklered and this is another reason they were trying to get this waiver. Mr. Larry Huckabee, Engineer from the Department stated if they drop the assisted care living area and build the nursing home the Department could review and hopefully approve their plan. Mr. Huckabee expressed that any institutional building has to be fully sprinklered. Mr. Gordon and Dr. Walker suggested to the board to table this whole matter until at least the next board meeting to get answers. The board made a suggestion that Arbor Place forward their plans for the nursing home and come back at the next meeting if they still wanted to pursue the assisted care living facility. The board felt they need clarification from CMS before going any further with this matter. The waiver request was denied at this time.

### **BAPTIST HOSPITAL OF COCKE COUNTY AND BAPTIST CONVALESCENT CENTER, NEWPORT**

Baptist Hospital of Cocke County is requesting a ninety (90) days extension waiver of Rule 1200-8-6-.04 requirement for a licensed nursing home administrator for Baptist Convalescent Center a fifty-six (56) bed nursing home facility. A six (6) months waiver was granted to Baptist Convalescent Center to operate without a licensed nursing home administrator which will expire August 7, 2007. Patricia Ketterman is the interim hospital administrator for Baptist Hospital of Cocke County and is in process in taking the nursing home administrator exam. Both levels of care facilities are located across the street from each other. Patricia Ketterman from Baptist Hospital of Cocke County/Baptist Convalescent Center is present.

Ms. Ketterman addressed the board regarding taking the nursing home administrator exam. Ms. Ketterman stated she has passed the exam and it will be anywhere from seven to 15 days before she will receive notification from the BENHA board.

Motion was made by Mr. Walton, seconded by Mr. Gordon to:

**GRANT A SIXTY (60) DAY WAIVER TO ALLOW THE FACILITY TO OPERATE WITHOUT A LICENSED NURSING HOME ADMINISTRATOR UNTIL A PERMANENT ADMINISTRATOR CAN BE HIRED.**

Motion carried by voice vote.

**ASBURY PLACE AT JOHNSON CITY, JOHNSON CITY**

This facility is requesting a four (4) month extension waiver to keep 84 of the 168 licensed beds in inactive status pending completion of construction of the partial replacement facility. An eighteen (18) month waiver was issued to this facility back in February 1, 2006 which will expire August 1, 2007. Mr. Jerry Taylor and Ms. Marge Shonnard representing Asbury Place at Johnson City were present.

Mr. Taylor addressed the board and explained that the replacement facility is very close to completion. They have an initial licensure survey tentatively scheduled for August 13<sup>th</sup>. The general contractor indicates everything to be completed and ready by August 31<sup>st</sup>. Mr. Taylor asked for an extension until the board meets again in November or December to make sure in case of any unexpected delays.

Motion was made by Dr. Staples, seconded by Dr. Carr to:

**GRANT A THREE (3) MONTH WAIVER EXTENSION TO ALLOW THE FACILITY TO PLACE 84 LICENSED BEDS IN INACTIVE STATUS PENDING CONSTRUCTION OF A PARTIAL REPLACEMENT FACILITY.**

Motion carried by voice vote.

**SHANNONDALE OF MARYVILLE, MARYVILLE**

This fifty-nine (59) bed assisted care living facility is requesting a waiver of Rule 1200-8-25-.07(1) Building Standards as it relates to NFPA 101, Life Safety Code, 2003 Edition, Section 33.3.2.2.2 regarding special key code pads on two doors on the 2<sup>nd</sup> floor exit into the stairways. This key code pad system is in violation of the above mentioned NFPA 101, Life Safety Code, 2003 Edition, Section 33.3.2.2.2. The key code pads are attached to and operate with the fire alarm panel and will disengage when the fire alarm is activated. Mr. Bill Thomas and Mr. David Maxwell representing Shannondale of Maryville were present.

Mr. Bill Thomas, President of the Presbyterian of Tennessee, which operates the Shannondale of Maryville facility stated to the board they had made a request to install a key pad system on the stairwells in the nursing home and assisted care living facility. Due to a recent survey, they were cited that this particular key pad system under the NFPA rules could not stay in place and have to be removed. It is a safety factor in our building. Shannondale is asking for a waiver to let the key pad system remain intact as part of the fire alarm system. When the fire alarm system is set off the key pad system automatically release which gives easy access directly out of the building when using the stairways.

Mr. Bill Harmon, Director of Engineers addressed the board and explained that in April of 2004 the facility did request this special locking arrangement which delays egress. This is the only type of special locking is allowed by the life safety code. The facility was cited for installation of a key pad in a building where you have to enter a code to get out. That particular type of locking is not permitted on this type of licensed (assisted care living) facility. There is new

technology; however, the codes the Department is presently under still do not recognize anything other than what we're presently using.

Motion was made by Mr. Gordon, seconded by Dr. Budd to:

**THE WAIVER REQUEST TO RULE 1200-8-25-.07(1) BUILDING STANDARDS THAT RELATES TO NFPA 101, LIFE SAFETY CODE 2003 EDITION, SECTION 33.3.2.2.2 REGARDING SPECIAL KEY CODE PAD WAS DENIED**

Motion carried by voice vote.

**BAPTIST MEMORIAL HOSPITAL, MEMPHIS AND BAPTIST MEMORIAL HOSPITAL FOR WOMEN, MEMPHIS-SATELLITE REQUEST**

Baptist Memorial Health Care Corporation is seeking a waiver for Baptist Memorial Hospital for Women a 140-bed hospital to become a satellite of Baptist Memorial Hospital a 706-bed hospital. Mr. Dan Elrod, Mr. Gregory Duckutt, and Mr. Arthur Maples representing the facility were present.

Mr. Gordon, board member recused himself from the discussion and the vote on this issue.

Mr. Duckutt explained to the board that Baptist Memorial Hospital for Women is a free-standing, separately licensed facility controlled and governed by Baptist Memorial Health Care Corporation, which is a not-for-profit corporation. They would like to merge Baptist Memorial Hospital for Women's license into Baptist Memorial Hospital, which is a 706-bed, separately licensed, independent facility. This merge will allow us to obtain greater operating efficiency as well as to better serve the public.

Motion was made by Mr. Weatherington, seconded by Dr. Budd to:

**GRANTED A WAIVER TO ALLOW BAPTIST MEMORIAL HOSPITAL FOR WOMEN, MEMPHIS TO BECOME A SATELLITE OF BAPTIST MEMORIAL HOSPITAL, MEMPHIS.**

Motion carried by voice vote.

**REGENCY RETIREMENT VILLAGE, MORRISTOWN**

This facility is seeking a waiver to allow the use of the current sprinkler system based on the new 2007 NFPA 13 Installation of Sprinkler Systems. The facility's sprinkler risers penetrate the 4 hour fire wall which is not allowed under the 2003 NFPA 101 Life Safety Code. The new 2007 building codes that the Board has not adopted yet do allow this penetration for the sprinkler risers. Mr. Randy Holcombe representing Regency Retirement Village was present.

Mr. Holcombe explained to the board that Regency Retirement Village was a residential home for the aged facility and when Mr. Holcombe and his two business partner purchased this facility they wanted to convert to an assisted care living facility and add more beds. When they submitted their sprinkler plan it was discussed that they had a four-hour fire walls with

penetration for the sprinkler risers going through those fire walls. This is not required for this licensed type facility. Mr. Holcombe stated he contacted engineers to get price quotes. Mr. Jaeger whose letter is attached for your viewing looked at the situation and saw that the 2007 codes do allow the penetration even though Tennessee is under the 1999 and about to adopt the 2003 codes. Mr. Holcombe explained to the board that if they can avoid spending for something that is now allowed under the 2007 regulations, we would really like to be able to do so.

Mr. Alan McCarthy, Engineer from the Department addressed the board to state that the Department concurs with the owner. This particular case NFPA 13, the newest edition became less restrictive versus the older edition that we were enforcing. We are in agreement with the 2007 edition.

Motion was made by Dr. Walker, seconded by Dr. Budd to:

**GRANT THE WAIVER TO ALLOW THE USE OF THE CURRENT SPRINKLER SYSTEM BASED ON THE NEW 2007 NFPA 13 INSTALLATION OF SPRINKLER SYSTEM.**

Motion carried by voice vote.

**CONSENT CALENDAR**

Motion was made by Mr. Weatherington, seconded by Mr. Walton to:

**APPROVE WAIVER REQUESTS ON THE CONSENT CALENDAR WITH THE EXCEPTION OF ARBOR PLACE OF PURYEAR.**

Motion carried by voice vote.

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

CORDOVA REHABILITATION AND NURSING CENTER, CORDOVA  
PRIMACY REHABILITATION AND HEALTHCARE CENTER, MEMPHIS

**THE FOLLOWING FACILITIES ARE REQUESTING APPROVAL TO PROVIDE ADULT DAY CARE SERVICES ACCORDANCE WITH BOARD POLICY 32-A:**

FORD ROAD CARE HOME, MEMPHIS  
SHELBY WOODS RESIDENTIAL HOME, MEMPHIS  
CUMMINGS FOSTER GROUP HOME, MEMPHIS

**THE FOLLOWING FACILITY IS REQUESTING APPROVAL TO PROVIDE SHARE SERVICES ACCORDANCE WITH BOARD POLICY 51:**

ARBOR PLACE OF PURYEAR, PURYEAR

With all business concluded, Dr. Arnold adjourned the meeting.

Respectfully submitted,

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Robert Gordon  
Board Secretary

RG/weh