

Arkansas Health Services Permit Commission
Permit of Approval Meeting
Conference Call
Mosaic Templars State Temple
906 Broadway, Suite 200
Little Rock, AR 72201
June 18, 2020

10:00 A.M.

AGENDA

Dial-in Number

1 (888) 636-3807 (Toll Free)

Conference code

544902

I. COMMISSION BUSINESS

- A. Call to Order
- B. Approval of Minutes
- C. Agency Report
 - 1. Agency Application Decisions March 2020 Cycle
 - 2. Legal Updates
 - 3. Other Business

II. GUEST SPEAKER

Dr. Patil, Medical Director, Infectious Disease Branch with the Department of Health will provide an update on the Coronavirus and the effects its having in long term care facilities.

III. EXTENSION REQUESTS

1. **Providence Assisted Living of Searcy, White Co., File# HSPA (1551)-** applicant is requesting their **second** six-month extension to obtain a signed construction contract. The applicant has an acceptable site plan for the addition provided by the architect contracted for this job. The Coronavirus has added a serious element of uncertainty into this project. The applicant is unable to determine at this time if they should proceed with all units, scale back or do the project at all. Before going to the high expense of a complete set of architectural drawings, they would like an extension until such time the marketplace will return to more normal conditions. In order to get accurate bids on the construction of this addition, the contractors will want a complete set of drawings.
2. **Shiloh Nursing & Rehabilitation, Benton Co., File# HSPA (1531)-** applicant is requesting their **third** six-month extension to complete their foundation. Shiloh offers the following to demonstrate “good cause” for extending the initial time to complete the foundation. The Permit Holder previously retained an architect and civil engineers to assist with the planning and development of this project. The architect and civil engineers are in ongoing discussions and planning with the City of Springdale to ensure that the appropriate steps are taken prior to attempting to annex the current property.

3. **Countryside of Harrison, Madison Co., File# HSPA (1530)**- applicant is requesting their **fourth** six-month extension to complete their foundation. The applicant states Countryside of Harrison is making progress. They have been working on moving dirt and the foundation since signing of contract. It has rained so much they have to let dry in between.
4. **Pinnacle Point at Bryant, Saline Co., File# HSPA (1520)**- applicant is requesting their **fourth** six-month extension to complete their foundation. The applicant states “At the last meeting, I informed the Commission of the issues surrounding the completion of a new road in exchange for a dedicated road running through the property which was discovered by the City of Bryant Planning Commission. The proposed new road involves a portion of some property that the Department of Human Services (DHS) owned. I have learned that DHS just recently signed the deed which will now allow the project to move forward, but will not allow enough time to meet the June 21st deadline.”
5. **The Arbors of Russellville, Pope Co., File# HSPA (1493)**- applicant is requesting their **fourth** six-month extension to obtain licensure. The applicant states they are in the process of getting their state inspection completed. At this point the fire inspection and mechanical inspections have been completed and the electrical inspection should be completed this week. Mr. Don Hughes is scheduled to be at the facility on Friday May 15, 2020 to complete his final inspection paperwork and submit to DHS. We are hopeful we have our license will be issued by May 22nd. I would suggest adding us to the June board meeting agenda just in case we do not receive our license by then.
6. **Beehive Homes of Central Arkansas, Pulaski Co. File # HSPA (1499) & (1529)**- applicant is requesting their **sixth**, six-month extension to complete the foundation. The applicant states the extension is needed due to funding limitations as a result of revenue decrease. The halt to elective medical procedures (per CDC with regards to COVID-19) has created more challenges to my ability to fund the foundation at this time. In addition, I am having to recalculate operation costs associated with potential implications of COVID-19. I have retained a consultant to quantify these additional expenses and will have those details to present to the committee at the upcoming meeting.
7. **Trinity Health and Rehab, Garland Co. File# HSPA (1481)**- applicant is requesting their **eighth** six-month extension request to obtain a construction contract. Trinity offers the following to demonstrate “good cause” for extending the time to complete the construction contract. The Trinity project purposes to replace a licensed, but closed facility, with a new one on the Belvedere campus. In order to replace the facility and provide the highest level of care to future residents, Trinity continues to work on a plan to utilize the campus effectively in order to create an inclusive campus setting. Additionally, Trinity notes that a delay in the implementation of the project will not affect the bed need or availability of skilled nursing beds in Garland county.
8. **Benton County Health & Rehab, Benton Co., File# HSPA (1380) & 1448)**- applicant is requesting their **twelfth** six-month extension to complete the foundation. Benton County Health and Rehab offers the following to demonstrate “good cause” for extending the initial time to complete the foundation. The property site originally had numerous buildings upon it, including houses, barns, and shops, which required demolition and initially delayed implementation of the engineering plan for the site. This work was completed, and plans submitted to the City of Rogers. The City of Rogers requires significant street improvements, including off site drainage management that will require cooperation of nearby landowners. To that end, the Permit Holder has engaged counsel who has been pursuing the necessary easements required to meet the City of Rogers demands. Counsel met with one neighboring landowner and was unable to secure agreement for giving an easement.

IV. DISCUSSION FOR COMMISSION

- 1. Discussion of the Health Services Permit Agency – Legislative Audit results for the two-year period ending June 30, 2019.**

V. OTHER BUSINESS

- 1. Letter dated 6/03/2020 from President, Sean Trumbo with BrightStar Care.**
- 2. Letter dated 6/03/2020 from President, Mike Scott with BrightStar Care.**

**ARKANSAS HEALTH SERVICES PERMIT COMMISSION MEETING
CONFERENCE CALL
MOSAIC TEMPLARS STATE TEMPLE
906 BROADWAY, SUITE 200
LITTLE ROCK, AR 72201
March 30, 2020**

10:00 A.M.

MINUTES

Dial in number: +1 (USA) 8886363807 (Toll Free)

Conference code: 544902

Presiding: Dr. Jack Robertson
Member Present: Mr. Murray Reagor
Mr. David Deaton
Mr. John Montgomery
Ms. Janie Pugsley
Ms. Donna Nelson-Lowe
Mr. Mark White

Member(s) Absent: Mr. Eric Bell
Dr. Jason Richey

Health Services
Agency Staff: Director Tracy Steele
Ms. Traci Harris
Ms. Jennifer Cooper
Ms. Rita Kone

Legal Counsel: Mr. Brad Nye

Guests: Via Conference Call

I. COMMISSION BUSINESS

Jack Robertson, Chairman, called the meeting to order at 10:00 a.m. Chairman Robertson then called for a motion to approve the minutes from the December 2019 meeting.

MINUTES: A motion was made by Mr. Deaton to approve the minutes of the December 2019 Commission meeting. The motion was seconded by Mr. Reagor. A voice vote was taken and the motion carried.

Director Tracy Steele reviewed Agency Application Decisions of the December Review Cycle.

LEGAL UPDATE

There is no legal update.

GUEST SPEAKER

Dr. Patil, Medical Director, Infectious Disease Branch with the Department of Health provided information on the Coronavirus and the precautions that are being taken in long term care facilities.

II. EXTENSION REQUESTS

Jack Robertson, Chairman, called for a batch approval on all extensions, items 1-8. He asked if anyone had questions concerning the extension requests. Mr. Mr. Reagor recused himself from all Items.

Motion: A motion was made by Mr. Deaton and seconded by Mr. Montgomery or a batch approval on all extension requests items 1-8. A voice vote was taken and the motion carried.

III. MOVEMENT OF BEDS

- 1. The Waters of Fort Smith, Sebastian Co.,** requested to move twelve (12) beds from Hot Springs Nursing and Rehabilitation a Waters Community to The Waters of Fort Smith. Ms. Noele Grinstead was present on the call and gave an update.

Motion: A motion was made by Mr. Montgomery and seconded by Mr. Reagor to grant the movement of twelve (12) beds from Hot Springs Nursing and Rehabilitation a Waters Community to The Waters of Fort Smith. A voice vote was taken and the motion carried.

2. **Innisfree Health and Rehab, LLC, Benton Co.**, requested an intercounty movement of nineteen (19) beds from Apple Creek Health & Rehab, LLC and five (5) beds from Siloam Healthcare, LLC for a total of twenty-four (24) beds to Innisfree Health and Rehab, LLC. Ms. Amy Wilbourn was present on the call and gave an update.

Motion: A motion was made by Mr. Montgomery and seconded by Mr. White to grant an intercounty movement of nineteen (19) beds from Apple Creek Health & Rehab, LLC and five (5) beds from Siloam Healthcare, LLC for a total of twenty-four (24) beds to Innisfree Health and Rehab, LLC. A voice vote was taken and the motion carried.

3. **Clarksville Nursing and Rehab, LLC, Johnson Co.**, requested an intercounty movement of seventeen (17) beds to be moved from Clarksville Nursing and Rehab, LLC in Johnson Co. to Millcreek Health and Rehab fka Fayetteville City Hospital and Geriatric Center in Washington Co. Ms. Amy Wilbourn was present on the call and gave an update.

Motion: A motion was made by Mr. Deaton and seconded by Mr. Montgomery to grant the movement of seventeen (17) beds to be moved from Clarksville Nursing and Rehab, LLC in Johnson Co. to Millcreek Health and Rehab fka Fayetteville City Hospital and Geriatric Center in Washington Co. A voice vote was taken and the motion carried.

IV. SITE LOCATION CHANGE

1. **Sycamore Properties, LLC d/b/a The Victorian Gardens, Baxter Co.**, requested a Site Location Change from the previous approval site of Drillers Road, Mountain Home, Arkansas to Jerry Baker Lane, Mountain Home, Baxter County, Arkansas. Mr. Lance Gross was present on the call and gave an update.

Motion: A motion was made by Mr. White and seconded by Mr. Montgomery to grant a Site Location Change from the previous approval site of Drillers Road, Mountain Home, Arkansas to Jerry Baker Lane, Mountain Home, Baxter County, Arkansas. A voice vote was taken and the motion carried.

V. OTHER BUSINESS

- 1. Review of the Health Services Permit Agency–Control Self-Assessment risks regarding the Health Services Permit Commission.**

Due to the postponement of the March 2020 Commission meeting, the agency submitted their Control Self-Assessment to the Commission members by email. Commission members responded back (One (1) verbal response from Commissioner Bell) to the agency that they had reviewed the agency plan and accepted it.

VI. APPEAL HEARING

- 1. Healing Waters Luxury Assisted Living Facility, Union Co. File# HSPA (1514)17 appealed the Commission’s decision to deny their extension request which required the agency to terminate the Permit of Approval for Healing Waters Luxury Assisted Living Facility, File# HSPA (1514) to be located in El Dorado, Arkansas, Union Co.**

Hearing Officer, Peggy Johnson, called the hearing to order at 10:33 a.m. with the following Commission members present:

Representing Healing Waters Luxury Assisted Living Facility- El Dorado (the appellant) was Connie Taylor, attorney with Healing Waters Luxury Assisted Living Facility; and representing the Agency was Brad Nye, attorney of the Arkansas Attorney General Office. Witnesses announced for all parties were sworn in, and following the testimony of the witnesses, the introduction of exhibits, the arguments of counsel, and discussion among the members of the Commission, the following motions were made:

Motion: A motion was made by Mr. Reagor and seconded by Mr. White to uphold the Agency’s decision and to approve Director Tracy Steele waiving the application fee if Healing Waters reapplies for beds. A roll call vote was taken and the motion carried.

The hearing was closed at 12:16 p.m.

There being no further business the meeting adjourned at 12:18 pm.

Motion: A motion was made by Mr. Montgomery and seconded by Mr. Reagor to adjourn the meeting. A voice vote was taken and the motion carried.

**AGENCY REPORT ON APPLICATION DECISIONS; APRIL 2020
EXPEDITED CYCLE**

APPROVALS

Nursing Facilities

Highland Healthcare and Rehabilitation Center File# HSPA (1570)20 was granted a Permit of Approval for the purpose of construction to overhaul and replace their HVAC system while improving and renovating the current facility located at 670 Rogers Road, Bella Vista, AR (Benton County). Projected capital expenditure is **\$3,832,074.39**.

AGENCY REPORT ON APPLICATION DECISIONS; MARCH 2020 CYCLE

APPROVALS

Assisted Living Facilities

Mission Ridge File# HSPA (1565)20 was granted a Permit of Approval for the purpose of constructing a new twenty-three (23) bed assisted living facility II (ALF II) to be located at 2027 Bridger Road in Jonesboro, Arkansas, Craighead County. Projected capital expenditure is **\$6,031,273.19**.

Methodist Village Assisted Living File# HSPA (1566)20 was granted a Permit of Approval for the purpose of adding twenty-six (26) Assisted Living Facility II beds to their existing forty-five (45) assisted living facility for a total of seventy-one (71) beds located at 7811 Euper Lane, Fort Smith, Arkansas, Sebastian County. Project capital expenditure is **\$0.00**.

Little Rock Senior Community, LLC File# HSPA (1567)20 was granted a Permit of Approval for the purpose of constructing a new seventy-four (74) bed Assisted Living Facility II to be located at the corner of Chenal Valley Drive and Rahling Road, Little Rock, Arkansas, Pulaski County. Project capital expenditure is **\$8,825,755.50**.

Nursing Facilities

Walnut Ridge Assets, LLC File# HSPA (1569)20 was granted a Permit of Approval for the purpose of undergoing an expansion of the facility in Walnut Ridge located at 1500 Main Street, Walnut Ridge, Arkansas, Lawrence County. Projected capital expenditure is **\$7,500,000.00**.

Innisfree Estates, LLC File# HSPA (1568)20 was granted a Permit of Approval for the purpose of undergoing an expansion of the facility located at 301 South 24th Street, Rogers, Arkansas, Benton County. Projected capital expenditure is **\$2,500,000.00**.

Legal Update
June 2020

No update.