

**Arkansas Health Services Permit Commission**  
**Permit of Approval Meeting**  
**Mosaic Templars Cultural Center- 3<sup>rd</sup> Floor Auditorium**  
**March 4, 2025**  
**10:00 A.M.**

**Minutes**

Presiding: Mr. Eric Bell

Members Present: Dr. Jack Robertson  
Mr. Murry Reagor  
Ms. Jamie Ewing (DHS designee)  
Mr. John Montgomery  
Mr. Haden Gilder  
Mr. David Deaton

Member(s) Absent: None

Health Services  
Agency Staff: Director Sandra Hollowell  
Ms. Traci Harris  
Ms. Jennifer Cooper

Legal Counsel: Sarah DeBusk-Griffith

Guests: Attendance Sheet attached

**I. COMMISSION BUSINESS**

Chairman Bell called the meeting to order at 10:01 a.m. After roll call, Chairman Bell called for a motion to approve the minutes from the December 19, 2024, meeting.

**MINUTES: A motion was made by Mr. Gilder to approve the minutes of the December 19, 2024, Commission meeting. The motion was seconded by Mr. Reagor. A voice vote was taken and the motion carried.**

Director Sandra Hollowell reviewed the Agency Application Decisions of the December Review Cycle. She also reviewed the three (3) month progress report that was received from a participant in the December Review Cycle

**LEGAL UPDATE**

**Sarah DeBusk- Griffith Attorneys General Office Liaison, updated the Commission on Step by Step, Inc. filing a petition for a Judicial Review (of the Commission decision to overturn the Agency decision to grant Step by Step a POA to provide Home Health services in Faulkner County) in the Circuit Court of Pulaski County. Ms. DeBusk- Griffith reported that Director Hollowell has been served by the petitioner. We are now in the briefing process and it will take some time.**

## II. EXTENSION REQUESTS

1. **Grand Village Health and Rehab., Washington Co. File# HSPA (1629)** - The applicant requested their **first** six-month extension to obtain the construction contract. Applicant states... After the original project was sent out for bid, the costs came in significantly higher than projected. As a result, we have been working closely with our architects and engineers to value-engineer the project while ensuring that it stays within budget and aligns with our original vision. The construction documents reflecting these adjustments are nearly complete but not yet finalized. Although this has been a necessary step, it has extended our original timeline. Chairman Bell recused himself from the discussion. Ms. Blakely Adams was present and gave an update.

**Motion: A motion was made by Mr. Deaton and seconded by Dr. Robertson to grant the first six month extension to obtain the construction contract. A voice vote was taken and the motion carried.**

2. **Legacy Village Memory Care, Baxter Co., File# HSPA (1630)** - The applicant requested their **first** six-month extension to obtain the construction contract. Applicant states... We are requesting this extension on the construction contract that was due by April 12, 2025. Due to scheduling delays with architects and engineers, we are unable to be under contract by April. Our team of architects and engineers are based in Little Rock which is also adding to the delays considering the driving distance to Mountain Home. That being said, progress has been made and we are 50% complete in the design phase and narrowing that down on a weekly basis. Due to these delays, we request to be on the agenda for this extension. Ms. April Spencer was present and gave an update.

**Motion: A motion was made by Mr. Montgomery and seconded by Mr. Gilder to grant the first six month extension to obtain the construction contract. A voice vote was taken and the motion carried.**

3. **Applewood Trail Health & Rehab., Craighead Co., File# HSPA (1579)** - The applicant requested their **eighth** six-month extension to obtain a construction contract. Applicant states... We previously provided an informal three-month update indicating that we had entered into a contract for our project site. However, the contract remains contingent on certain conditions being met—primarily, the issuance of a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA). To provide additional context, our site is part of a larger parcel that has been subdivided. The seller has performed necessary land work and reconfigured the parcel, which requires FEMA approval to update the official floodplain designation before the subdivision can be finalized. As federal regulations require any alterations to a floodplain to go through the LOMA process, we are currently awaiting FEMA's decision before the sale can proceed. Chairman Bell recused himself from the discussion. Ms. Blakely Adams was present and gave an update.

**Motion: A motion was made by Mr. Reagor and seconded by Dr. Robertson to grant the eighth six month extension to obtain the construction contract. A voice vote was taken and the motion carried.**

## III. MOVEMENT OF BEDS

1. **Greenhurst Nursing Center, Franklin Co.**, requested to transfer eleven (11) beds from the closed facility, Cedar Lodge Nursing Center ("Cedar Lodge"), in Phillips County, Arkansas, to their facility, located in Franklin County. Commissioner Montgomery recused himself from discussion and the vote. Ms. Amy Wilbourn was present and gave an update.

**Motion:** A motion was made by Mr. Reagor and seconded by Mr. Deaton to grant the transfer of the eleven (11) beds from the closed facility, Cedar Lodge Nursing Center (“Cedar Lodge”), in Phillips County, Arkansas, to their facility, located in Franklin County. A voice vote was taken, and the motion was carried.

#### IV. SITE LOCATION CHANGE

1. **Grand Oaks Assisted Living, Jefferson Co.**, requested a Site Location Change from the previous approval site of Hwy 270 & Sandy Acres Road, in White Hall, Arkansas to Hwy 270 & Erica Lane, White Hall, Jefferson County, Arkansas. Ms. April Spencer was present and gave an update.

**Motion:** A motion was made by Mr. Deaton and seconded by Mr. Gilder to grant a Site Location Change from the previous approval site of Hwy 270 & Sandy Acres Road, in White Hall, Arkansas to Hwy 270 & Erica Lane, White Hall, Jefferson County, Arkansas. A voice vote was taken and the motion carried.

#### V. APPEAL HEARINGS

1. **Home Care Association of Arkansas appealing the Agency’s decision to approve the 1<sup>st</sup> Choice Home Care, File# HSPA (1643)25 application to provide Home Health Services Class “B” License location to be determined, Arkansas, to serve Phillips County.**

Hearing Officer, Deborah Reagan called the hearing to order at 10:47 a.m. with the following Commission members present:

Representing **Home Care Association of Arkansas** (the appellant) was, Ms. Lynda Johnson, attorney with Friday, Elderidge & Clark; representing **1st Choice Home Care** (appellee) was, Ms. Makayla French; the Agency was, Sarah DeBusk-Griffith 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. Montgomery and seconded by Mr. Reagor with regards to the **Finding of Facts and Conclusions of Law that the 1<sup>st</sup> Choice Home Care application does not meet the criteria required by HSC Regulation 001, Sec. IV.A.3. that the project be economically feasible. The agency decision to approve the 1<sup>st</sup> Choice Home Care application to provide Class B Home Health services in Phillips County was overturned by the Commission. A roll call vote was taken and the motion carried.**

The hearing was closed at 12:37 p.m.

2. **Home Care Association of Arkansas appealing the Agency’s decision to approve the 1<sup>st</sup> Choice Home Care, File# HSPA (1644)25 application to provide Home Health Services Class “B” License location to be determined, Arkansas, to serve Union County.**

Hearing Officer, Deborah Reagan, called the hearing to order at 12:49 p.m. with the following Commission members present:

Representing **Home Care Association of Arkansas** (the appellant) was, Ms. Lynda Johnson, attorney with Friday, Elderidge & Clark; representing **1st Choice Home Care** (appellee) was, Ms. Makayla French; the Agency was, Sarah DeBusk-Griffith 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. Deaton with regards to the Finding of Facts and Conclusions of Law that the 1<sup>st</sup> Choice Home Care application does not meet the criteria required by HSC Regulation 001, Sec. IV.A.2. that the project be adequately staffed and operated. Nor does the 1<sup>st</sup> Choice Home Care application meet the criteria required by HSC Regulation 001, Sec. IV.A.3. that the project be economically feasible. The agency decision to approve the 1<sup>st</sup> Choice Home Care application to provide Class B Home Health services in Union County was overturned by the Commission. A roll call vote was taken and the motion carried.

The hearing was closed at 1:55 p.m.

3. **Arbor Hospice and Palliative Care, LLC appealing the Agency's decision to approve Odyssey Healthcare Operating A, LP (dba Gentiva), File# HSPA (1645)25 application to provide hospice services in Greene County from an office located at 915 N. Washington Street, Ste B1, Forrest City, Arkansas.**

Hearing Officer Deborah Reagan, called the hearing to order at 2:32 p.m. with the following Commission members present:

Representing **Arbor Hospice and Palliative Care, LLC** (the appellant) was Ms. Amy Wilbourn, attorney with Conner and Winters; representing **Odyssey Healthcare Operating A, LP (dba Gentiva)** (the appellee) was Ms. Amy Schoepel-Wilcox with Friday, Elderidge & Clark; and representing the Agency was, Sarah DeBusk-Griffith 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.

**After two (2) votes on a motion to approve the Agency's decision on the application from Odyssey Healthcare Operating A, LP (dba Gentiva) to provide hospice services in Greene County and not receiving enough votes (needing at least four (4) votes in the affirmative for the approval), the Commission failed to make a motion on the appealing of the Agency decision to approve the application from Odyssey Healthcare Operating A, LP (dba Gentiva). The Commission has fifteen (15) days from the close of the hearing to make render its final decision. Failure of the Commission to take a final action within this time period shall be considered a ratification of the Agency decision on the Permit of Approval and shall constitute the final decision of the Commission**

The hearing was closed at 3: 47 p.m.

There being no further business the meeting adjourned at 3:50 p.m.

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