

FOCUS OF COMPLAINT FILED WITH OFFICE OF TENNESSEE ATTORNEY GENERAL

The founders of Alive Hospice, together with five former Board chairs, filed an official complaint with the Tennessee Attorney General's office on May 4, 2023. At least forty-five (45) days prior to the sale of all or substantially all of the assets of a Tennessee non-profit, the non-profit must notify the Attorney General of the proposed sale and supply pertinent information to the Attorney General regarding the sale. The Attorney General's Office states that, it "will assess the information provided to make sure that non-profit assets are being protected consistent with Tennessee law." To date, the Attorney General's office states that Alive Hospice has not filed such notice.

Since the members of the Alive Hospice Board have been required to sign Non-Disclosure Agreements and because the CEO, Kimberley Goessele, and Board Chair, Vicki Estrin, refuse to confirm that Alive is not for sale to a for-profit company, it is the belief of the complainants that, in fact, Alive Hospice is being sold to a publicly traded, for-profit entity.

Among the factors to be considered by the Attorney General should be:

1. The Alive Hospice CEO, Kimberly Goessele, has stated that the non-profit is **not** in dire financial condition, thus raising the question of why the assets of a public benefit corporation are being sold;
2. Nashville's foundations and philanthropic community have not been approached to assist with any financial challenges Alive may be experiencing.
3. Alive Hospice has exclusively solicited bids from for-profit entities, thus focusing on maximizing sales price and not focusing on the public benefit. This is in contravention of the AG's instructions to "[s]eek as many purchasers as possible";
4. Patients in for-profit hospice receive worse care than patients in non-profit hospice. <https://www.rand.org/news/press/2023/02/27.html>
5. The sale of Alive's assets to a for-profit entity appears to be a first recourse and not a last recourse for Alive's leadership, thus thwarting the purpose of the Tennessee Nonprofit Corporation Act.

Alive Hospice is the third oldest hospice in the country, is the sole remaining non-profit hospice in Middle Tennessee, and is the only hospice in the region with in-patient beds for high acuity patients.