

BEFORE THE TENNESSEE HEALTH FACILITIES COMMISSION

IN THE MATTER OF:)
)
TENNESSEE HEALTH FACILITIES)
COMMISSION,)
)
 Petitioner) **APD Case No. 25.02-257170A**
)
v.)
)
WELLINGTON MANOR JACKSON,)
)
 Respondent.)
)

AGREED SETTLEMENT ORDER

The Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services (“Office”), and Respondent, Wellington Manor Jackson (Respondent), by and through its legal counsel, hereby stipulate and agree, subject to approval by the Tennessee Health Facilities Commission Executive Director or Designee, to the following:

I. AUTHORITY AND JURISDICTION

1. The Commission is empowered to license and regulate hospitals, recuperation centers, nursing homes, homes for the aged, residential HIV supportive living facilities, assisted-care living facilities, home care organizations, residential hospices, birthing centers, prescribed childcare centers, renal dialysis clinics, ambulatory surgical treatment centers, outpatient diagnostic centers, adult care homes, and traumatic brain injury residential home. T.C.A. § 68-11-202(a)(1).

2. **“Assisted-care living facility” (“ACLF”) means a facility, building, establishment, complex or distinct part thereof that accepts primarily aged persons for domiciliary care and services. T.C.A. § 68-11-201(4)(A) and Tenn. Comp. R. & Regs. 0720-26-.02(7).**
3. **“Primarily aged” means that a minimum of fifty-one percent (51%) of the population of the facility is at least sixty-two (62) years of age. Tenn. Comp. R. & Regs. 0720-26-.02(34).**
4. **The Commission has the authority to conduct reviews of facilities licensed under this part to determine compliance with fire and life safety code rules promulgated by the Commission. T.C.A. § 68-11-202(b)(1)(A).**
5. **The Commission shall conduct on-site inspections and investigations as may be necessary to safeguard and ensure at all times, the public’s health, safety, and welfare. T.C.A. § 68-11-210(c).**
6. **The executive director has the authority to suspend the admission of any new patients or residents to any facility or licensee in those cases where the executive director has a factual basis upon which to believe that the conditions in any such facility or licensee are, or are likely to be, detrimental to the health, safety, or welfare of a patient or resident. T.C.A. § 68-11-252(a).**
7. **The executive director may suspend admissions pending a prompt hearing before the commission or an administrative judge if the Commission cannot be convened promptly. T.C.A. § 68-11-252(b).**
8. **Any facility or licensee subject to a suspension of admissions by the executive director has the right to contest the factual or legal basis for a suspension of admission imposed against it through a prompt contested case hearing before the commission**

or an administrative judge if the Commission cannot be convened promptly. T.C.A. § 68-11-252(f).

9. All contested cases pursuant to subsection (f) must be conducted according to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3. T.C.A. § 68-11-252(g) and 2024 Public Chapter 932.
10. An order in all cases contesting a suspension of admissions must be issued within twenty (20) working days after the receipt of the trial transcript and proposed findings of fact and conclusions of law, regardless of whether the hearing is conducted before the board or an administrative judge. The order must determine whether the suspension of admissions was initially valid and whether conditions at the facility or licensee continue to be detrimental to the health, safety, or welfare of a patient or resident to justify the continuation of the suspension of admissions if not previously lifted. T.C.A. § 68-11-252(h).

II. STIPULATIONS OF FACTS

11. A complaint investigation survey was conducted on the premises of Respondent and completed on November 6, 2025, resulting in deficiencies cited which allegedly affect the health, safety and welfare of the residents at Wellington.
12. On December 1, 2025, the Executive Director of the Commission issued a Notice of Suspension of Admissions and Assessment of Civil Monetary Penalties to Respondent.
13. On December 11, 2025, Respondent filed a demand for a hearing in response to Notice of Suspension of Admission.

III. POSITION OF THE PARTIES

The Parties agree that if a hearing were held in this matter, each side is prepared to present the following evidence:

A. COMMISSION'S POSITION

14. Observations occurred at Wellington between October 28, 2025 and November 6, 2025.

B. WELLINGTON'S POSITION

15. Respondent was in compliance with all federal and state regulations at all pertinent times. No condition at Wellington was or was likely to be detrimental to the health, safety and welfare of any residents during the pertinent time periods.
16. As a result of the suspension of admissions, numerous residents who wanted to be cared for at Wellington had to be turned away resulting in financial losses.
17. In relation to Respondent's Counterclaim included in its Answer and Petition for Hearing and Incorporated Counterclaim, Wellington lost substantial revenue as a result of the suspension of admissions imposed by the Executive Director.

IV. STIPULATED GROUNDS FOR DISCIPLINE DISPOSITION

18. In order to avoid further litigation costs and to avoid further administrative action with respect to this cause, Petitioner agrees to dismiss its charges, immediately lift the suspension of admissions and remove the civil monetary penalties and Respondent agrees to dismiss its Counterclaim.

V. STIPULATED DISPOSITION

19. For the purpose of avoiding further administrative action with respect to this cause, the Commission and Respondent agree to the following settlement terms.
20. In order to avoid further administrative action with respect to this matter, Petitioner agrees to dismiss its charges, immediately lift the suspension of admissions and remove the civil monetary penalties and Respondent agrees to forego its Counterclaim. Respondent, therefore, agrees to waive recovery of any possible damages recoverable under § 68-11-252, or any other applicable law, in this matter.

21. Upon ratification, the parties agree to list this Agreed Settlement Order, including deficiencies and civil penalty, in place of the previously issued Executive Order, and this Agreed Settlement Order will replace the Statement of Deficiencies.
22. In addition to the foregoing, each party to this action hereto shall bear its own respective costs, expenses, and attorneys' fees with respect to the Appeal of the Suspension of Admissions and this Agreed Settlement Order. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

V. REPRESENTATIONS OF RESPONDENT

23. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.
24. Respondent agrees that no threats or promises of any kind have been made by the State or any agent or representative thereof, except such as is detailed herein.


APPROVED FOR ENTRY:


Wellington Manor Jackson


Printed Name of Authorized Representative

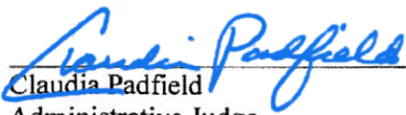
Signature of Authorized Representative
Respondent


Title of Authorized Representative


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Upon the agreement of the parties and the record as a whole, this **AGREED ORDER** was approved as a **FINAL ORDER** by the Executive Director or Designee and signed this 21st day of January, 2026.

ACCORDINGLY, IT IS ORDERED that the agreement of the parties does hereby become the Final Order.


Claudia Padfield
Administrative Judge
Administrative Procedures Division


Logan Grant, Executive Director
Tennessee Health Facilities Commission

CERTIFICATE OF FILING

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the _____ day of _____, 2026.

Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent’s counsel, Wellington Manor Jackson c/o Craig C. Conley, Esq., 165 Madison Avenue, Suite 2000, Memphis, Tennessee 38103, by delivering same in the United States regular mail and United States certified mail, numbers 7020 0640 0001 4807 2698 and 7020 0640 0001 4807 2704, return receipt requested, with sufficient postage thereon to reach its destination. Electronic copies were sent to: cconley@bakerdonelson.com.

This the 21st day of January, 2026.



Vishan Ramcharan, Esq.