

**STATE OF TENNESSEE
BEFORE THE HEALTH FACILITIES COMMISSION**

In The Matter of:)	
)	
The Arbors at Dogwood Pointe, Assisted Care Living Facility, License No. 39,)	
)	Case No. 2024034631
Respondent.)	
)	
Milan, Tennessee)	

CONSENT ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and The Arbors at Dogwood Pointe (“Respondent”) that the Commission adopt this Consent Order, the terms of which have been agreed upon by the parties, as signified by their signatures below.

I. 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 homes. T.C.A. § 68-11-202(a)(1).
2. The Commission has the authority to conduct reviews of all facilities licensed under this part in order to determine compliance with fire and life safety code rules as promulgated by the Commission. T.C.A. § 68-11-202(b)(1)(A).

3. "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).
4. "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).
5. An assisted-care living facility shall provide on site to its residents room and board and non-medical living assistance services appropriate to each resident's needs, such as assistance with bathing, dressing, grooming, preparation of meals and other activities of daily living. T.C.A. § 68-11-201(4)(B) and Tenn. Comp. R. & Regs. 0720-26-.02(2).
6. 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).
7. Upon a finding by the Commission that an ACLF has violated any provision of Tenn. Code Ann. §§ 68-11-201, et seq., or the rules promulgated pursuant thereto, action may be taken, upon proper notice to the licensee, to impose a civil penalty, deny, suspend, or revoke its license. T.C.A. § 68-11-207.

II. STIPULATIONS OF FACT

8. At all times pertinent hereto, Respondent, The Arbors at Dogwood Pointe, 2080 Craig Drive Milan, Tennessee 38358, was licensed by the Commission as an ACLF, having been granted license number 39 on July 15, 1998, which currently has an expiration date of April 29, 2025.
9. From September 10, 2024 through September 17, 2024, Commission surveyors conducted a licensure and complaint survey at Respondent's facility.

10. Respondent failed to provide safety measures to prevent falls for Residents #3 and #9.
11. Respondent failed to follow its "Fall Follow-Up Protocol" and "Incident/Accident Reporting Guideline" dated May 24, and 25, 2021, respectively, resulting in harm to residents #3 and #9 from multiple falls in the facility.
12. Resident #3 was noted in Respondent's Incident Note records to have fallen on the dates of November 26, 2023, December 28, 2023, February 19, 24, 25, 28, and 29, 2024, March 8, and 19, 2024, April 24, 2024, May 3, 2024, and June 6, 2024 without proper subsequent interventions to prevent falls by the Respondent.
13. Resident #9 was noted in Respondent's Incident Note records to have fallen on December 25, 2023, January 4, 2024, February 14, 22, and 28, 2024, March 24, 2024, April 2, 16, 30, 2024, May 3, 8, and 12, 2024, June 16, 18, and 30, 2024, July 3, 5, and 18, 2024, August 19 and 21, 2024, and September 2, 2024, without proper subsequent interventions to prevent falls by the Respondent.
14. On or about September 17, 2024, Respondent's Director of Nursing (DON) admitted that Residents #3 and #9 fell on the dates listed above.
15. On or about September 10, 2024, Respondent's Dietary Manager (DM) failed to calibrate the food temperature thermometer and failed to clean the thermometer in between checking the temperature of different foods.
16. On or about September 16, 2024, Respondent's DON confirmed that the thermometer should have been cleaned in between testing each food item.
17. Respondent failed to review or revise the Plan of Care (POC) for Residents #2, #3, #8, and #9.

18. Respondent failed to hold a Care Plan meeting that included the responsible party for each resident for Residents #1, #4, and #9.
19. Respondent was unable to produce documentation that the Care Plan for Resident #1 dated January 10, 2023, was acknowledged by the resident's family or responsible party.
20. Respondent was unable to produce documentation that the Plan of Care for Resident #2 was updated after the resident's condition changed on multiple dates.
21. Respondent was unable to produce documentation that the Plan of Care for Resident #3 was updated after the resident's condition changed on multiple dates.
22. Respondent was unable to produce documentation that a Plan of Care for Resident #4 was completed within five (5) days of admission and was acknowledged by the resident's family or responsible party.
23. Respondent was unable to produce documentation that the Plan of Care for Resident #8 was updated after the resident's condition changed on multiple dates.
24. Respondent was unable to produce documentation that a Plan of Care for Resident #9 was completed within five (5) days of admission and was acknowledged by the resident's family or responsible party.
25. Respondent was unable to produce documentation that the Plan of Care for Resident #9 was updated after the resident's condition changed on multiple dates.

III. GROUNDS FOR DISCIPLINE

The facts in Section II, *supra*, are sufficient to establish that grounds exist for the discipline of Respondent's ACLF license. Specifically, Respondent has violated the following statutes and/or rules, for which disciplinary action by the Commission is authorized.

26. The facts in paragraphs ten (10) through fourteen (14) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-. 07 (7)(a)(2) [Services Provided], the relevant portion of which reads as follows:

(7) An ACLF shall provide personal services as follows:

(a) Each ACLF shall provide each resident with at least the following personal services:

2. Safety when in the ACLF

27. The facts in paragraphs fifteen (15) and sixteen (16) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-. 07 (7)(c)(6) [Services Provided], the relevant portion of which reads as follows:

(7) An ACLF shall provide personal services as follows:

(c) Dietary services.

6. Employees shall wash and sanitize equipment, utensils and dishes after each use.

28. The facts in paragraphs seventeen (17) through twenty-five (25) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-. 12 (5)(a) [Resident Records], the relevant portion of which reads as follows:

(5) Plan of care.

(a) An ACLF shall develop a plan of care for each resident admitted to the ACLF with input and participation from the resident or the resident's legal representative, treating physician, or other licensed health care professionals or entity delivering patient services within five (5) days of admission. The plan of care shall be reviewed and/or

revised as changes in resident needs occur, but not less than semi-annually by the above-appropriate individuals.

IV. REPRESENTATIONS OF RESPONDENT

29. Respondent understands and admits the allegations, charges, and stipulations in this Order.
30. 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.
31. Respondent voluntarily waives these rights in order to avoid further administrative action.
32. Respondent agrees that presentation of this Order to the Commission and the Commission's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Commission or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.
33. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

34. Respondent also agrees that the Commission may issue this Order without further process. If the Commission rejects this Order for any reason, it will be of no force or effect for either party.
35. Respondent agrees that the facility has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as is detailed herein.

V. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

36. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **three thousand dollars (\$3,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-. 07 (7)(a)(2) [Services Provided] for failure to provide safety while in the ACLF.
37. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand dollars (\$1,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-. 07 (7)(c)(6) [Services Provided] for failure to properly sanitize kitchen equipment.
38. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **three thousand dollars (\$3,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-. 12 (5)(a) [Resident Records] for failure to update the residents' Plan of Care.
39. The total assessed CMP amount is **seven thousand dollars (\$7,000.00)**.
40. Payment shall be submitted to the following address within **thirty (30) calendar days** of the effective date of this Order.

**Tennessee Health Facilities Commission
Attention: Disciplinary Coordinator
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

**PLEASE DO NOT REMIT PAYMENT UNTIL THE CONSENT ORDER HAS
BEEN RATIFIED AND APPROVED BY THE COMMISSION**


41. Respondent shall be placed on probation and shall appear at all Commission meetings for a period not to exceed twelve (12) months from the effective date of this Order.
- a. At each appearance, the Respondent shall demonstrate and explain to the Commission how the facility is implementing the actions identified in its plan of correction.
 - b. Pursuant to T.C.A. § 68-11-207(e)(6), the Commission is authorized at any time during the probation to remove the probational status of the facility's license, based on information presented to it showing that the conditions identified by the Commission have been corrected and are reasonably likely to remain corrected.
 - c. The facility shall request an Order of Compliance from Commission staff at the end of its probationary period. If the facility is in compliance at that time, the Order of Compliance will be prepared by Commission staff and presented at the next regularly scheduled Commission meeting. The Commission shall make the final determination of whether to terminate the facility's probation.
42. Respondent shall provide monthly reports to the Commission by the 15th of each month. Each report shall contain a list of residents who have fallen, the interventions put in place to address the falls, and the date the Plan of Care was updated for each resident who fell.

43. Failure to comply with the terms of probation, or the accrual of additional same or similar deficiencies, may result in further disciplinary action including but limited to all remedies available under T.C.A. § 68-11-207 and Tenn. Comp. R. and Regs. 0720-26-.01 et seq.
44. 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.

APPROVED FOR ENTRY:

Bridgette Bodiford
The Arbors at Dogwood Pointe admin
License No. 39
Signature of Authorized Representative
Respondent


Bridgette Bodiford
Printed Name of Authorized Representative admin
administration
Title of Authorized Representative


Jeremy Gourley (BPR # 022812)
Senior Associate General Counsel
Health Facilities Commission
Office of Legal Services
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502 Deaderick Street
Nashville, Tennessee 37243
Office: (615) 741-2364
Fax: (615) 741-9884
Email: Jeremy.J.Gourley@tn.gov

Approval by the Commission

Upon the agreement of the parties, and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Health Facilities Commission at a public meeting of the Commission and signed this 26th day of March, 2025.

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

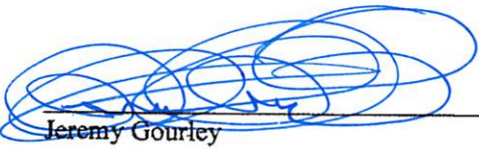


Chairperson
Health Facilities Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, The Arbors at Dogwood Pointe, c/o Administrator, Bridgette Bodiford, 2080 Craig Drive Milan, Tennessee 38358, and The Arbors at Dogwood Pointe, c/o Registered Agent, Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203-1312 by delivering same in the United States regular mail and United States certified mail, numbers **7020 0640 0001 4807 6788** and **7020 0640 0001 4807 6771**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: milan@americareusa.net.

This 26th day of March, 2025.



Jeremy Gourley
Senior Associate General Counsel