

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

In The Matter of:)	
)	
American House Bartlett,)	
Assisted Care Living Facility,)	
License No. 62,)	Case No. 2024043621
)	2025011791
Respondent.)	
)	
Bartlett, 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 American House Bartlett (“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, American House Bartlett, 3345 Kirby Whitten Road Bartlett, Tennessee 38134, was licensed by the Commission as an ACLF, having been granted license number 62 on October 14, 1999, which currently has an expiration date of June 10, 2025.

9. On or about December 10, 2024, and March 10-11, 2025, Commission surveyors conducted a Life Safety and Health Safety survey and complaint investigation, respectively, at Respondent's facility.
10. On or about December 10, 2024, a large stone rock was observed obstructing the opening of an egress door at Respondent's facility.
11. Respondent's facility staff were present when the stone was observed, and the Administrator confirmed the presence of the rock obstructing the door.
12. On or about December 10, 2024, a portable space heater was observed in a resident's room.
13. Respondent's facility staff were present when the heater was observed, and the Administrator confirmed the presence of the heater in the room.
14. Respondent was unable to produce documentation of having conducted fire drills for each work shift quarterly for the following time periods:
 - a. 2nd shift for the 1st quarter of 2024.
 - b. 2nd and 3rd shift for the 2nd quarter of 2024.
 - c. 1st , 2nd , and 3rd shift for the 3rd quarter of 2024.
15. Respondent was unable to produce documentation of having conducted fire drills during sleeping hours for the following time periods:
 - a. 1st quarter of 2024.
 - b. 2nd quarter of 2024.
16. On or about December 10, 2024, Respondent's facility staff were present when the fire drill records for the above periods were unable to be located, and the Administrator admitted that the fire drills were not conducted as required.

17. Respondent's Reportable Event Form and Progress Notes dated September 12, 2024, confirmed that Resident #2 eloped from the facility and was found several hundred yards away on the sidewalk next to a busy four-lane highway and in the rain.
18. On or around March 10, 2025, Respondent's Caregiver #1 confirmed that she and the Executive Director brought Resident #2 back to the facility.
19. On or around March 10, 2025, Resident #5 was observed walking by themselves down the sidewalk next to the busy four-lane highway with a walker. Upon notification, Respondent's Executive Director brought Resident #5 back to the facility.
20. On or around March 11, 2025, Respondent's Caregiver #1 admitted that staff should know where the residents are at all times.
21. On or around March 10, 2025, Respondent failed to ensure food safety by storing a carton eggs above ready to eat items, failing to properly label the carton with an expiration or open date.
22. Respondent's Dietary Manager confirmed that all food items should be labeled and dated when stored and should be stored in such a manner as to prevent possible contamination of food.
23. Respondent's Dining Services and Sanitation report dated May 13, 2024, confirmed that the deep fryer leaked oil onto the floor. On or around March 10, 2025, a large area of oil was found throughout multiple areas of the kitchen, including behind a gas stove and at the edge of the walk-in refrigerator.
24. On or around March 11, 2025, Respondent's Maintenance Director admitted that the oil/grease spillage should be cleaned immediately due to fall and fire risk. Respondent's

Dietary Manager confirmed the oil leak had been ongoing for some time, that it should have been repaired, and that the kitchen should be clean and sanitary.

25. On or around March 11, 2025, Respondent's Kitchen staff #1 failed to use proper sanitation practices when handling dirty dishes with gloves and then transitioning to handling food items and performing food preparation.
26. On or around March 11, 2025, Respondent's Executive Director admitted that staff should not double glove, that they should perform proper hand hygiene sanitation, and that the kitchen should be clean and sanitary.
27. On or around March 10, 2025, Respondent was unable to provide documentation to reflect that Resident #5 walked with their family inside and outside the facility.
28. Progress notes for Resident #6 dated July 4, 2024 confirmed that the resident had an event wherein they believed they had been assaulted by a vampire. Respondent's Service Plan dated August 5, 2024, contained no documentation of the Resident's hallucinations about vampires.
29. On or around March 10, 2025, Respondent's Caregiver #1 confirmed they provided assistance to Resident #6 with another hallucination event regarding vampires.
30. On or around March 11, 2025, Respondent's Director of Wellness confirmed that Resident's Service Plans/Plans of Care should be revised and updated with changes in the resident's condition.

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.

31. The facts in paragraphs ten (10) and eleven (11) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (2)(f) [Life Safety], the relevant portion of which reads as follows:

(2) An ACLF shall ensure fire protection for residents by doing at least the following:

(f) Keep corridors and exit doors clear of equipment, furniture and other obstacles at all times. Passage to exit doors leading to a safe area shall be clear at all times.

32. The facts in paragraphs twelve (12) and thirteen (13) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (2)(h) [Life Safety], the relevant portion of which reads as follows:

(2) An ACLF shall ensure fire protection for residents by doing at least the following:

(h) Prohibit open flame and portable space heaters.

33. The facts in paragraphs fourteen (14) and sixteen (16) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (3)(a) [Life Safety], the relevant portion of which reads as follows:

(3) An ACLF shall conduct fire drills in accordance with the following:

- (a) Fire drills shall be held for each ACLF work shift in each separate ACLF building at least quarterly.

34. The facts in paragraphs fifteen (15) and sixteen (16) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (3)(b) [Life Safety], the relevant portion of which reads as follows:

- (3) An ACLF shall conduct fire drills in accordance with the following:

- (b) There shall be one (1) fire drill per quarter during sleeping hours.

35. The facts in paragraphs seventeen (17) through nineteen (19) 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.

36. The facts in paragraphs seventeen (17) through twenty (20) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(3) [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:

- 3. Daily awareness of the individual's whereabouts.

37. The facts in paragraphs twenty-one (21) and twenty-two (22) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(4)(i) [Services Provided], the relevant portion of which reads as follows:

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

(c) Dietary services.

4. An ACLF shall:

(i) Provide at least three (3) meals constituting an acceptable and/or prescribed diet per day. There shall be no more than fourteen (14) hours between the evening and morning meals. All food served to the residents shall be of good quality and variety, sufficient quantity, attractive and at safe temperatures. Prepared foods shall be kept hot (140°F. or above) or cold (41°F. or less) as appropriate. The food must be adapted to the habits, preferences and physical abilities of the residents. Additional nourishment and/or snacks shall be provided to residents with special dietary needs or upon request.

38. The facts in paragraphs twenty-three (23) through twenty-six (26) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(5) [Services Provided], the relevant portion of which reads as follows:

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

(c) Dietary services.

39. The facts in paragraphs twenty-seven (27) through thirty (30) 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 I resident admitted to the ACLF with input and participation from the resident or the resident's I 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. STIPULATED DISPOSITION

40. For the purpose of avoiding further administrative action with respect to this cause, the Commission and Respondent agree to the following settlement terms.
41. Respondent understands the allegations, charges, and stipulations in this Order. Entry into this Consent Order by the Respondent does not constitute an accord on its part as to the accuracy of the Commission's findings and conclusions drawn therefrom.
42. 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.

43. 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.
44. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
45. 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.
46. 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:

47. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (2)(f) [Life Safety] for failure to keep corridors and exit doors clear of equipment, furniture and other obstacles at all times.

48. 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-.10 (2)(h) [Life Safety] for failure to prohibit portable space heaters.
49. 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-.10 (3)(a) [Life Safety] for failure to conduct fire drills for each ACLF work shift in each separate ACLF building at least quarterly.
50. 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-.10 (3)(b) [Life Safety] for failure to conduct one (1) fire drill per quarter during sleeping hours.
51. 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 0720-26-.07 (7)(a)(2) [Services Provided] for failure to provide safety while in the ACLF.
52. 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)(a)(3) [Services Provided] for failure to maintain awareness of an individual's whereabouts.
53. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand five hundred dollars (\$1,500.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(4)(i) [Services Provided] for failure to maintain proper food safety.

54. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand five hundred dollars (\$1,500.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(5) [Services Provided] for failure to maintain a clean and sanitary kitchen.
55. 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-.12 (5)(a) [Resident Records] for failure to maintain and update the Plan of Care for residents.
56. The total assessed CMP amount is **nine thousand five hundred dollars (\$9,500.00)**.
57. Payment shall be submitted to the following address within **sixty (60) calendar days** of the effective date of the Final 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

58. Respondent shall be **placed on probation** and shall appear at all Commission meetings for a **period of six (6) 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.

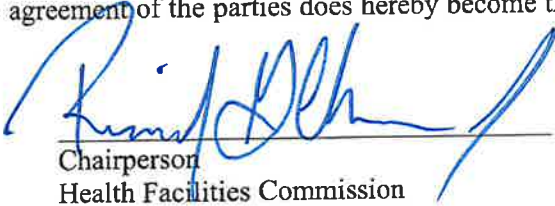
- c. The facility shall request an Order of Compliance from Commission staff at the end of its probationary period. If the facility is in compliance at that time, the Order of Compliance will be prepared by Commission staff and presented at the next regularly scheduled Commission meeting. The Commission shall make the final determination of whether to terminate the facility's probation.

59. Respondent shall provide proof to the Commission of current training of all staff on Respondent's elopement policy. Proof to be provided shall include attendance & materials used during training, and proof of having conducted elopement drills to practice Respondent's elopement policy. Proof must be submitted at the address in paragraph **fifty-seven (57)** above within **thirty (30) calendar days** of the effective date of the Final Order.
60. 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.

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 25th day of June, 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, American House Bartlett, c/o Jason Lundy, Esq., Ice Miller, 200 W. Madison Street Suite 3500, Chicago, Illinois 60606, via electronic mail to:
Jason.lundy@icemiller.com and bartlett@americanhouse.com.


This 25th day of June, 2025.

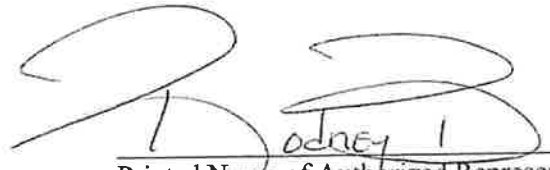



Jeremy Gourley

Senior Associate General Counsel

APPROVED FOR ENTRY:


Signature of Authorized Representative
American House Bartlett
License No. 62
Respondent


Printed Name of Authorized Representative
RODNEY I ALLEN
EXECUTIVE DIRECTOR
Title of Authorized Representative


Jeremy Gourley (BPR # 022812)
Senior Associate General Counsel
Health Facilities Commission
Office of Legal Services
Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243
Office: (615) 741-2364
Fax: (615) 741-9884
Email: Jeremy.J.Gourley@tn.gov