

BEFORE THE TENNESSEE BOARD
FOR LICENSING HEALTH CARE FACILITIES

IN THE MATTER OF:)
)
Autumn Hills Assisted Living)
1010 CAMILLA CALDWELL LANE)
Nashville, TN 37218)
)
License No. 00000079)

CONSENT ORDER

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (hereinafter "the Board") on the 7th day of June, 2017, pursuant to the request of the Tennessee Department of Health, by and through the Office of General Counsel, and **AUTUMN HILLS ASSISTED LIVING** (hereinafter "Respondent") that the Board adopt this Consent Order, the terms of which have been agreed upon by the parties, as signified by their signatures below.

Respondent, by signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review of this matter.

Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should the Consent Order not be ratified. Likewise, all matters, admissions, and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless

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independently entered into evidence or introduced as admissions.

JURISDICTION

The Board has the power 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 child care centers, renal dialysis clinics, ambulatory surgical treatment centers, outpatient diagnostic centers, adult care homes, and traumatic brain injury residential homes. Tenn. Code Ann. § 68-11-202. Further, TENN. CODE ANN. § 68-11-202(b)(1)(A) gives the Department of Health (“Department”) the authority to conduct reviews of assisted-care living facilities to determine compliance with fire and life safety code regulations promulgated by the Board.

Tenn. Code Ann. § 68-11-210 provides that the Department 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. The Board has the authority to suspend or revoke the license of any facility licensed under Tenn. Code Ann. § 68-11-201 *et. seq.* The Board may also place a facility on probation. Tenn. Code Ann. § 68-11-207(f)(2). If the Board determines during or at the end of the probation that the facility is not taking steps to correct non-compliance or otherwise not responding in good faith pursuant to the plan of correction, the board may take any additional action as authorized by law. Tenn. Code Ann. 68-11-207(f)(8).

The Board is also authorized to establish a system for assessing civil monetary penalties for assisted-care living facilities, adult care homes and traumatic brain injury residential homes that are in serious violation of state laws and regulations, resulting in endangerment to the health,

safety and welfare of residents. Tenn. Code Ann. § 68-11-213(i)(2) and Tenn. Comp. R. & Reg. 1200-08-25-.05(4),(5).

Upon a finding by the Board that an assisted-care living facility has violated any provision of the Health Facilities and Resources Act, Part 2 – Regulation of Health and Related Facilities 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. Tenn. Comp. R. & Reg. 1200-08-25-.05(4). The Board has established by rule a schedule designating the minimum and maximum civil penalties which may be assessed. Tenn. Code Ann. § 68-11-213(i)(2) and Tenn. Comp. R. & Reg. 1200-08-25-.05(4),(5)

Proceedings for disciplinary action against a facility are conducted in accordance with the Tennessee Administrative Procedures Act, Title 4, Chapter 5, of Tenn. Code Ann. Tenn. Comp. R. & Regs. 1200-08-25-.05(7). A Respondent in a disciplinary action is entitled to be represented by legal counsel, to personally appear before the Board, to present witnesses, to have subpoenas issued and to receive thirty (30) days' notice of the charges before being required to appear for a hearing. A Respondent who cannot afford legal counsel may be eligible for free or low-cost counsel. Tenn. Code Ann. § 4-5-101, *et seq.*

STIPULATIONS OF FACT

1. At all times pertinent hereto, Autumn Hills Assisted Living, 1010 CAMILLA CALDWELL LANE , Nashville, TN 37218 has been licensed as an Assisted-Care Living Facility by the Board, having been issued license number 00000079 on September 2, 1998. Respondent has an active license with an expiration date of May 24, 2017.
2. Life Safety surveys were conducted on or about May 10, 2016, with revisits on

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September 16, 2016, and November 22, 2016.

3. Life Safety surveyors found a damaged wall above the men's sitting area near the smoking room. Respondent facility has failed to repair the damaged wall.
4. The maintenance office and housekeeping closet doors do not have self-closure devices.
5. Surveyors also found that there was an improper pipe penetration above the 200 hall cross-corridor doors.
6. Further, the facility failed to provide documentation of semi-annual smoke detector testing.
7. The facility also failed to provide documentation of semi-annual hood suppression inspection for both 2015 and 2016.
8. The facility also failed to provide documentation of the four (4) year fire damper inspection.
9. Finally, surveyors found that the fire doors do not latch properly in the following locations:
 - a. Near room 402;
 - b. 600 hall fire doors; and
 - c. Near room 301.
10. To date, an acceptable plan of corrections has not been submitted to resolve these cited deficiencies.

GROUNDS FOR DISCIPLINE

The facts stated in the Stipulations of Fact section, *supra*, are sufficient to establish that grounds for the discipline of Respondent's Assisted-Care Living Facility license exist.

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Specifically, Respondent has violated the following statutes and/or rules, for which disciplinary action by the Board is authorized.

11. The facts stated in paragraph two (2) through ten (10) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.10(1)[LIFE SAFETY], the relevant portion of which reads as follows:

(1) The department will consider any ACLF that complies with the required applicable building and fire safety regulations at the time the Board adopts new codes or regulations, so long as such compliance is maintained (either with or without waivers of specific provisions) to be in compliance with the requirements of the new codes or regulations.

ORDER

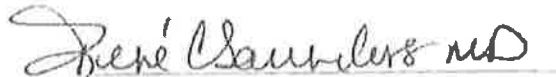
NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

12. Respondent's license to operate as an Assisted Care Living Facility shall be **placed on probation for no less than six (6) months**. During the period of probation, the Respondent shall submit an acceptable plan of correction.
13. Any serious violation affecting the health, safety, and welfare of residents within the facility shall result in a suspension of admissions pending a prompt hearing by the Board.
14. Upon ratification by the Board, the listing of the public discipline, including deficiencies and civil penalties on the Disciplinary Action Report pursuant to T.C.A. § 68-1-114.

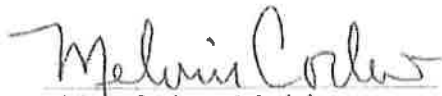
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Upon the agreement of the parties, this **CONSENT ORDER** is approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board for Licensing Health Care Facilities at a public meeting of the Board and signed this 7th day of June, 2017.

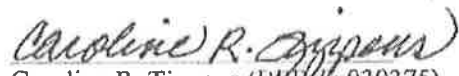
ACCORDINGLY, IT IS ORDERED that the agreement of the parties does hereby become the Final Order of the Board.


Chairperson
Board for Licensing Health Care Facilities

AGREED TO:


Melvin Corlew, Administrator
Autumn Hills Assisted Living
Respondent

April 17, 2017
Date


Caroline R. Tippens (BPL #: 030375)
Assistant General Counsel
Department of Health
665 Main Stream Dr., 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611

6/07/2017
Date

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CERTIFICATE OF SERVICE

A true and exact copy of this Consent Order is being served upon Respondent, Autumn Hills Assisted Living Facility, Melvin Corlew, Administrator, 1010 Camilla Caldwell Lane, Nashville, TN 37218, by delivering same in the United States mail, first class, with sufficient postage thereon to reach its destination.

This 8th day of June, 2017.


Caroline Tippens
Assistant General Counsel