

**STATE OF TENNESSEE  
HEALTH FACILITIES COMMISSION  
BEFORE THE BOARD FOR LICENSING HEALTH CARE FACILITIES**

<b>In The Matter of:</b>	)	
	)	
<b>American House Kingsport, Assisted Care Living Facility, License No. 121,</b>	)	<b>Case No. 2024005551</b>
	)	
<b>Respondent.</b>	)	
	)	
<b>Kingsport, Tennessee</b>	)	

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**CONSENT ORDER**

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This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (“Board”), pursuant to the request of the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and American House Kingsport (“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.

**I. JURISDICTION**

1. 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, prescribe 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. The Commission has the authority to conduct reviews of assisted care living facilities to determine compliance with fire and life safety code regulations promulgated by the Board. T.C.A. § 68-11-202(b)(1)(A).
3. An assisted care living facility (“ACLF”) is 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 at least 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. The ACLF 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 Board 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 Kingsport, 901 Teasel Road Kingsport, Tennessee 37660, was licensed by the Board as an ACLF, having been granted

license number 121 on June 15, 1999, which currently has an expiration date of July 7, 2024.

9. From on or about January 29, 2024, until February 1, 2024, a survey of the Respondent's facility was conducted.
10. The Respondent failed to provide a safe environment for three residents (#2, #3, #14) of 14 residents reviewed.
11. Resident #2 had a history of physically assaultive behaviors. Progress notes dated November 25, 2023, stated Resident #2 had screamed and physically threatened another resident on the Memory Care Unit. The Respondent failed to increase supervision or modify interventions on Resident #2's Care Plan.
12. On November 22, 2023, Resident #3 assaulted staff. The Director of Nursing (DON) implemented 30-minute checks for the remainder of the shift for that day.
13. On November 26, 2023, Resident #3 eloped from the facility but was intercepted by staff and then threatened to assault them. On multiple other dates, Resident #3 was noted to have thrown water, attempted to elope, and threatened and physically struck others in the facility. The Respondent failed to increase interventions or increase supervision in the Care Plan to prevent Resident #3's behaviors.
14. On or about January 31, 2024, the Memory Care Director admitted that the facility did not provide any increased supervision for Resident #3.
15. Resident #14 was verbally and physically aggressive with other residents and staff on multiple dates. Progress notes dated January 22, 2024, involved an altercation between Resident #14 and Resident #3.

16. On or about January 31, 2024, the facility administrator admitted the facility failed to provide protective care to Residents #2, #3, and #14.

### **III. GROUND FOR DISCIPLINE**

The facts in Section II 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 Board is authorized.

17. The facts in paragraphs nine (9) through sixteen (16) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(1), 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:

1. Protective care

### **IV. REPRESENTATIONS OF RESPONDENT**

18. Respondent understands and admits the allegations, charges, and stipulations in this Order.
19. 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.

20. Respondent agrees that presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board 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.
21. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
22. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.
23. 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:

24. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **three thousand (\$3,000.00) dollars**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(1) cited on February 1, 2024.
25. 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 BOARD**

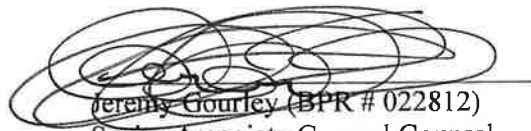
26. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

**APPROVED FOR ENTRY:**

  
American House Kingsport  
License No. 121  
Signature of Authorized Representative  
Respondent

  
Printed Name of Authorized Representative

  
Title of Authorized Representative

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

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**Approval by the Board**

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 Tennessee Board for Licensing Health Care Facilities at a public meeting of the Board and signed this 5<sup>th</sup> day of June, 2024.

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



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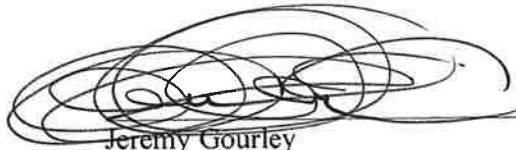
Chairperson  
Board for Licensing Health Care Facilities

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, American House Kingsport, c/o Administrator, Lisa Baker, 901 Teasel Road, Kingsport, Tennessee 37660, and American House Kingsport, c/o Registered Agent, EC OPCO Kingsport, LLC, c/o Lisa Baker 500 N. Hurstbourne Parkway, Suite 200, Louisville, Kentucky 40222 by delivering same in the United States regular mail and United States certified mail, numbers **7022 3330 0001 2193 9678** and **7022 3330 0001 2193 9807**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: [kingsport@americanhouse.com](mailto:kingsport@americanhouse.com).

This 5<sup>th</sup> day of June, 2024.



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Jeremy Gourley  
Senior Associate General Counsel