

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

In The Matter of:)	
)	
American House Johnson City,)	
Assisted Care Living Facility,)	
License No. 125,)	Case No. 2024031491
)	
Respondent.)	
)	
Johnson City, 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 Johnson City (“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 Johnson City, 406 E. Mountain View Road Johnson City, Tennessee 37601, was licensed by the Commission as an ACLF, having been granted license number 125 on May 24, 1999, which currently has an expiration date of June 10, 2025.
9. From August 23, 2024 through September 3, 2024, Commission surveyors conducted a complaint investigation on Respondent’s facility.

10. Respondent failed to follow its policies titled “Tobacco and Smoke Free Community” effective January 1, 2022, and “Medication Administration” revised August 1, 2022, resulting in an unsafe environment for all residents and harm to Resident #1.
11. Respondent’s Plan of Care for Resident #1 dated February 26, 2024, verified that Resident #1 used tobacco and could not self-administer medications.
12. Respondent’s Nursing Notes dated March 29, 2024, documented that Resident #1 fell on the facility’s concrete patio after going outside into wet grass to smoke. No interventions or changes were made to the resident’s Plan of Care regarding smoking or the fall.
13. Respondent’s Facility Incident Report, dated August 16, 2024, verified that the facility’s fire alarm sounded and indicated a fire in the room of Resident #1. Respondent’s Maintenance Director responded and observed red and blue flames and Resident #1 in a recliner with their lower extremities on fire. Resident #1 was known to have a lighter in their room and had recently been given an alcohol-based liniment by family to put on their legs.
14. On or about August 23, 2024, Licensed Practical Nurse (LPN) #4 confirmed that Resident #1 was allowed to keep their cigarettes and lighter in their room and their cigarette cartons were stored in the facility’s medication lock-up.
15. On or about August 23, 2024, Respondent’s Executive Director (ED) verified that Resident #1 suffered severe burns on their legs.
16. On or about August 26, 2024, LPNs #2 and #3, as well as Resident Assistant (RA)#1 admitted that Resident #1 was allowed to have their cigarettes and lighter in their possession and would frequently smoke unsupervised.

17. On or about August 26, 2024, ashtrays with cigarette butts were observed non the enclosed back porch of the facility. The ED admitted that the porch was a designated smoking area and that the facility had violated the smoking policy.
18. The ED further admitted that residents were allowed to smoke unsupervised, and that no assessment was performed on the residents to determine if they were safe to smoke.
19. The ED also admitted that Resident #1 did not have a physician's order for the alcohol liniment found in their room, and that the facility had violated its policy regarding medication storage.
20. Respondent failed to address fire hazards in its facility by failing to follow the smoking and medication storage policies in the "Resident Handbook", which forbids smoking on the campus of the facility and requires all medications to be kept securely at the nurse's station along with physician orders for the medication.
21. On or about August 28, 2024, the ED admitted that Resident #1 was being treated for severe burns and that the facility failed to provide a safe environment.
22. Respondent's Service Plan/Plan of Care for Resident #1 dated June 6, 2022, verified that no interventions or changes were made to address Resident #1 smoking or their inability to self-administer medications after the Resident was burned in the fire.

III. GROUNDS 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 Commission is authorized.

23. The facts in paragraphs ten (10) 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

24. The facts in paragraphs seventeen (17) through (21) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (2)(a) [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:

(a) Eliminate fire hazards.

25. The facts in paragraphs eleven (11) and twenty-three (23) 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. STIPULATED DISPOSITION

For the purpose of avoiding further administrative action with respect to this cause, the Commission and Respondent agree to the following settlement terms:

26. 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.
27. 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.
28. 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.
29. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

30. 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.
31. 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:

32. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **two thousand two hundred fifty dollars (\$2,250.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(2) [Services Provided] – Safety in the ACLF.
33. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **two thousand two hundred fifty dollars (\$2,250.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (2)(a) [Life Safety] – Eliminate Fire Hazards.
34. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **two thousand two hundred fifty dollars (\$2,250.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.12 (5)(a) [Resident Records] – Failure to revise Plan of Care.
35. The total assessed CMP amount is **six thousand seven hundred and fifty dollars (\$6,750.00)**.
36. 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

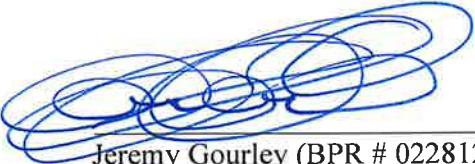
37. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition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

APPROVED FOR ENTRY:

Tammy Lewis
Signature of Authorized Representative
American House Johnson City
License No. 125
Respondent

Tammy Lewis
Printed Name of Authorized Representative

Executive Director
Title of Authorized Representative



Jeremy Gourley (BPR # 022812)
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Health Facilities Commission
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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 28th day of May, 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 Johnson City, c/o Jason Lundy, Esq., Ice Miller, 200 W. Madison Street Suite 3500, Chicago, Illinois 60606, via electronic mail to:

Jason.lundy@icemiller.com

This 28th day of May, 2025.



Jeremy Gourley

Senior Associate General Counsel