

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

In The Matter of:)	
)	
American House Murfreesboro)	
Assisted Care Living Facility)	
License No. 127,)	Case No. 2023007871
)	
Respondent.)	
)	
Murfreesboro, Tennessee)	

CONSENT ORDER

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 Murfreesboro (“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 Murfreesboro, 3211 Memorial Boulevard Murfreesboro, Tennessee 37129, was licensed by the Board as an ACLF, having

been granted license number 127 on March 12, 1999, which currently has an expiration date of May 6, 2024.

9. On or about February 22nd, 2022, the State surveyor reviewed the facility reported incident (FRI) report, FRI #202281717857, which was entered into the facility reporting system September 7th, 2022. The report revealed that on August 17th, 2022, at around 6:30 a.m., Resident #1 stated that they fell in their room while having a nightmare. The incident was unwitnessed by staff and the resident did not activate the call system but instead came to dining room bleeding. The nurse that responded and assessed Resident #1 sent them to the local hospital for treatment. The resident returned to the facility after their evaluation that same day, which found them to have a broken nose.
10. The State surveyor's review of a nurse note dated August 17th, 2022, at around 2:31 p.m., revealed the nurse was notified that the resident eloped from the facility and was next door at a church building. An individual from the church notified staff that one of the residents from the facility was at the church building. Resident Assistant #1 picked Resident #1 up in her car and brought the resident back to the facility. Resident #1 was unable to state why he left the facility.
11. During an interview with the State surveyor on or around February 21st, 2023, at about 10:09 a.m., the Executive Director stated Resident #1 had a fall but did not use his call button to alert anyone. The Executive Director stated, " ... [Resident #1] was sent out to the hospital for evaluation and I had a broken nose ... He returned the same day and seemed confused ... " The Executive Director stated, " ... [Resident #1] had been having some confusion, and they [staff] had talked with the family about placing him in memory care ... " The Executive Director stated Resident #1 followed a family member of another resident

out while they (family of another resident) were moving things out on Hall A (side door) ... A church member notified us that the resident was at the church next door ... " The Executive Director stated, "The doors all have keypads .. the residents are not supposed to have the code to the doors ... I'm not sure how they got it..."

12. The State surveyor's review of medical record for the resident revealed that Resident #1 's Plan of Care was not updated/revised after they had the fall and since eloping from the building.

III. GROUND FOR DISCIPLINE

The facts in the 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.

13. The facts in paragraphs nine (9) through twelve (12) are sufficient to constitute **two (2)** violations of Tenn. Comp. R. and Reg. 0720-26-.07(a)(1), the relevant portion of which reads as follows:

- (7) An ACLF shall provide each resident with at least the following personal services:

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

1. Protective care.

14. The facts in paragraphs nine (9) through twelve (12) are sufficient to constitute **one (1)** violation of Tenn. Comp. R. and Reg. 0720-26-.12(5)(a), 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

15. Respondent understands and admits the allegations, charges, and stipulations in this Order.
16. 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.
17. 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.

18. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
19. 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.
20. 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:

21. Respondent is hereby assessed one (1) collective Civil Monetary Penalty in the amount of **five-thousand dollars (\$5,000.00)** encompassing the fall, elopement and failure to update the plan of care. This CMP is issued for the deficiencies cited on February 22nd, 2023.
22. 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: Licensure and Regulation- Discipline
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

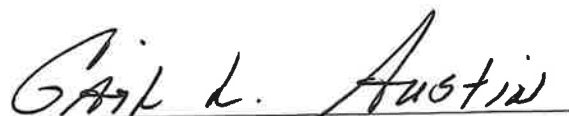
**PLEASE DO NOT REMIT PAYMENT UNTIL THE CONSENT
ORDER HAS BEEN RATIFIED AND APPROVED BY THE BOARD**

23. 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:



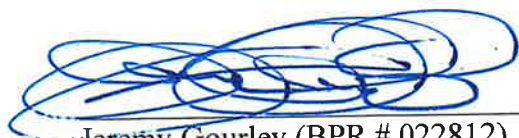
American House Murfreesboro
License No. 127
Signature of Authorized Representative
Respondent



Printed Name of Authorized Representative



Title of Authorized Representative

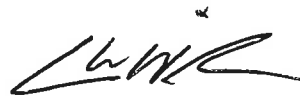


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Approval by the Board

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 30th day of August, 2023.

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, American House Murfreesboro, c/o Administrator, Gail Austin, 3211 Memorial Boulevard Murfreesboro, Tennessee 37129, and American House Murfreesboro, c/o Registered Agent, CT Corporation System, 300 Montvue Road Knoxville, Tennessee 37919-5546 by delivering same in the United States regular mail and United States certified mail, numbers **7022 3330 0001 2193 4864** and **7022 3330 0001 2193 4857**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: ASON.LUNDY@ICEMILLER.COM.

This 30th day of August, 2023



Jeremy Gourley
Senior Associate General Counsel