

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

In The Matter of:)	
)	
Signature Healthcare of Erin, Skilled Nursing Facility, License No. 133,)	Case No. 2023015631
)	
Respondent.)	
)	
Erin, 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 Signature Healthcare of Erin (“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 nursing homes to determine compliance with fire and life safety code regulations promulgated by the Board. T.C.A. § 68-11-202(b)(1)(A).
3. A “Nursing home” means any institution, place, building or agency represented and held out to the general public for the express or implied purpose of providing care for one (1) or more nonrelated persons who are not acutely ill, but who do require skilled nursing care and related medical services; and “Nursing Home” shall be restricted to facilities providing skilled nursing care and related medical services to individuals, beyond the basic provision of food, shelter and laundry, admitted because of illness, disease or physical infirmity for a period of not less than twenty-four (24) hours per day. T.C.A. § 68-11-201(31).
4. The Commission has the authority to conduct reviews of facilities licensed under this part to determine compliance with fire and life safety code regulations promulgated by the Board. T.C.A. § 68-11-202(b)(1)(A).
5. 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).
6. Upon a finding by the Board that a nursing home 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

7. At all times pertinent hereto, Respondent, Signature Healthcare of Erin, 278 Rocky Hollow Road Erin, Tennessee 37061-6053, was licensed by the Board as a nursing home, having

been granted license number 133 on July 1, 1992, which currently has an expiration date of June 15, 2024.

8. On or about May 1, 2023, the Respondent failed to implement policies to provide supervision to ensure a safe environment for residents with known history of substance abuse and drug seeking behaviors for 2 of 2 (Residents #4 and #7) sampled residents reviewed for substance abuse and drug seeking.
9. On February 15, 2023, Resident #4 was noted as having become lethargic, pupils were pinpoint, and not responding normally, an unlabeled bottle of pills was found in his sock. On March 10, 2023, Resident #4 became lethargic, gray in color, 69% (percent) oxygen saturation (amount of oxygen in the blood) and two doses of Narcan were administered before the resident became alert.
10. On or about January 28, 2023, Resident #7 handed a nurse a Tylenol ER [extended release - used to treat minor pain] pill that he got from his roommate [Resident #4]. Nursing staff educated the resident that he should not take any medications from his roommate, and the resident should let us know if he needs Tylenol and we will give him some for his pain ..." The Respondent found that Resident #7 is receiving and keeping medication received from Resident #4 in a drawer in their room.
11. On or about April 24, 2023, the Respondent's Director of Nursing (DON) admitted that Resident #7 had reported that Resident #4 tried to give him medication. The DON admitted that no investigation had been done and no statements from staff were obtained. When asked about the incident with Resident #4 on February 15, 2023, the DON admitted that the unknown medication was found in the Resident's sock and that no investigation was performed for the incident on March 10, 2023.

III. GROUNDS FOR DISCIPLINE

The facts in Section II are sufficient to establish that grounds exist for the discipline of Respondent’s nursing home license. Specifically, Respondent has violated the following statutes and/or rules, for which disciplinary action by the Board is authorized.

12. The facts in paragraphs eight (8) through eleven (11) are sufficient to constitute one (1) violation of Tenn. Comp. R. and Reg. 0720-18-.04(15), Administration, the relevant portion of which reads as follows:

(15) Each nursing home shall adopt safety policies for the protection of residents from accident and injury.

IV. REPRESENTATIONS OF RESPONDENT

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

14. 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.

15. 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.

16. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
17. 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.
18. 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:

19. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **three thousand dollars (\$3,000.00)** for violating Tenn. Comp. R. and Reg.0720-18-.04(15).
20. 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

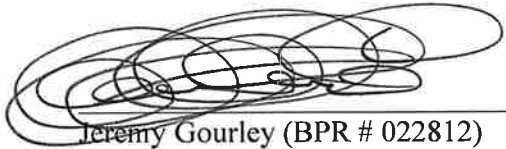
21. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to

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:

DocuSigned by:
Maria C. Doyle
D0552E39F262407...
Signature Healthcare of Erin
License No. 133
Signature of Authorized Representative
Respondent

Maria C. Doyle
Printed Name of Authorized Representative
General Counsel/CTO
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

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 5th day of June, 2024.

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

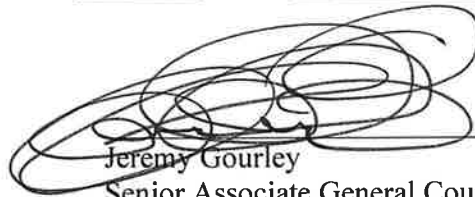


Chairperson
Board for Licensing Health Care Facilities

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Signature Healthcare of Erin, c/o Administrator, Tommy Scott Payne, 278 Rocky Hollow Road Erin, Tennessee 37061-6053, by delivering same in the United States regular mail and United States certified mail, number **7020 0640 0001 4807 1738**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: admin.erin@shccs.com.

This 5th day of June, 2024.



Jeremy Gourley
Senior Associate General Counsel