

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

In The Matter of:)	
)	
American House Lebanon,)	
Assisted Care Living Facility,)	
License No. 138,)	Case No. 2024022801
)	
Respondent.)	
)	
Lebanon, 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 Lebanon (“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 ACLK 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 Lebanon, 801 West Main Street Lebanon, Tennessee 37087, was licensed by the Commission as an ACLK, having been granted license number 138 on June 5, 2000, which currently has an expiration date of April 30, 2025.
9. On or about June 24, 2024, Commission surveyors conducted an annual survey at Respondent’s facility.

10. Respondent failed to prevent the admission and retention of residents #5 and #6 who did not meet the appropriate criteria required to reside in Respondent's ACLF.
11. Respondent's Plan of Care for Resident #5 verified that the resident required extensive assistance including two-person assistance with transfers.
12. Respondent's Plan of Care for Resident #6 verified that the resident required extensive assistance including two-person assistance with transfers.
13. On or about June 24, 2024, Respondent's Director of Nursing admitted during an interview that Residents #5 and #6 were unable to transfer independently and required two-person assist with transfers when they were admitted to the Respondent's facility.
14. On or about June 24, 2024, Respondent's Culinary Director admitted during an interview that the Respondent failed to maintain daily food temperature logs for the kitchen located in the Memory Care Unit for the entirety of 2023 and 2024.
15. On or about June 24, 2024, Respondent's Culinary Director admitted during an interview that the Respondent failed to maintain a forty-eight (48) hour supply of food and water in case of an emergency.
16. On or about June 24, 2024, Respondent's dishwasher failed to maintain proper operating temperature for washing and sanitization.
17. On or about June 24, 2024, Respondent's Culinary Director admitted during an interview that the Respondent's dishwasher was not working properly and failed to maintain proper temperatures.
18. On or about June 24, 2024, Respondent's kitchen in the assisted-living area of the facility was observed to be unsanitary. Debris and black residue were present on the floors. Dirty

buildup was found on baseboards, under the counter and sink, behind the stove, and black residue was observed on the floor beside the dishwasher.

19. On or about June 24, 2024, Respondent's Dietary Manager admitted during an interview that the Respondent's floors were dirty throughout the kitchen, under the counters and stove.
20. On or about June 24, 2024, Respondent's kitchen in the memory unit area area of the facility was observed to be unsanitary. Brownish-black residue was observed throughout the kitchen, along baseboards, under counters, and around the stove. Stove burners were observed with brown buildup and food debris present.
21. On or about June 24, 2024, Respondent's Culinary Director admitted during an interview that the Respondent's floor and stove in the memory unit were dirty and had not been cleaned in some time.

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.

22. The facts in paragraphs ten (10) through thirteen (13) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.05 (5) 213(i)(2) [Regulatory Standards], the relevant portion of which reads as follows:

- (5) Civil Penalties. The Board may, in a lawful proceeding respecting licensing (as defined in the Uniform Administrative Procedures Act), in addition to or in lieu of other lawful disciplinary action, assess civil penalties for violations of statutes, rules or orders enforceable by the Board I in accordance with the following schedule:

Violation	Penalty
T.C.A. § 68-11-213(i)(2)	\$0-\$3000

(Admission or Retention of Inappropriately Placed Resident.)

Each resident shall constitute a separate violation .)

In determining the amount of any civil penalty to be assessed pursuant to this rule the Board may consider such factors as the following:

- (a) Willfulness of the violation;
- (b) Repetitiveness of the violation;
- (c) Magnitude of the risk of harm caused by the violation.

23. The facts in paragraph fourteen (14) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(4)(i) [Services Provided], the relevant portion of which reads as follows:

(c) Dietary services.

4. An ACLF shall:

- (i) Provide at least three (3) meals constituting an acceptable and/or prescribed diet per day. There shall be no more than fourteen (14) hours between the evening and morning meals. All food served to the residents shall be of good quality and variety, sufficient quantity, attractive and at safe temperatures. Prepared foods shall be kept hot (140°F. or above) or cold (41°F. or less) as appropriate. The food must be adapted to the habits, preferences and physical abilities of the residents. Additional nourishment and/or snacks shall be provided to residents with special dietary needs or upon request.

24. The facts in paragraphs fifteen (15) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(4)(iii) [Services Provided], the relevant portion of which reads as follows:

(c) Dietary services.

4. An ACLF shall:

- (iii) Maintain and properly store a forty-eight (48) hour food supply at all times.

25. The facts in paragraphs sixteen (16) through seventeen (17) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(4)(iv) [Services Provided], the relevant portion of which reads as follows:

(7) An ACLF shall provide personal services as follows:

(c) Dietary services.

4. An ACLF shall:

(iv) Provide appropriate, properly-repaired equipment and utensils for cooking and serving food in sufficient quantity to serve all residents.

26. The facts in paragraphs eighteen (18) through twenty-one (21) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(5) [Services Provided], the relevant portion of which reads as follows:

(7) An ACLF shall provide personal services as follows:

(c) Dietary services.

5. An ACLF shall maintain a clean and sanitary kitchen.

IV. REPRESENTATIONS OF RESPONDENT

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

27. 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.

28. 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.

29. 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.
30. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
31. 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.
32. 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:

33. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand five hundred dollars (\$1,500.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.05 (5) 213(i)(2) [Regulatory Standards] for inappropriately placed residents.
34. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand, eight hundred seventy-five dollars (\$1,875.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(4)(i) [Services Provided] failure to maintain food temperature logs.
35. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand, eight hundred seventy-five dollars (\$1,875.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(4)(iii) [Services Provided] failure to maintain proper emergency supplies.
36. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand, eight hundred seventy-five dollars (\$1,875.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(4)(iv) [Services Provided] for failure to maintain dishwashing equipment.
37. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand, eight hundred seventy-five dollars (\$1,875.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(5) [Services Provided], for failure to maintain a clean and sanitary kitchen.
38. The total assessed CMP amount is **nine thousand dollars (\$9,000.00)**.
39. Payment shall be submitted to the following address within **sixty (60) 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**

40. 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:



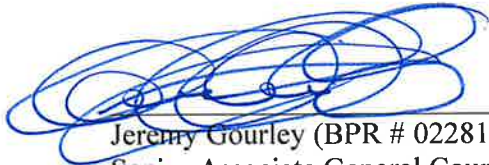
Signature of Authorized Representative
American House Lebanon
License No. 138
Respondent

Rachel Cherry

Printed Name of Authorized Representative

Executive Director

Title of Authorized Representative



Jeremy Gourley (BPR # 022812)
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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.

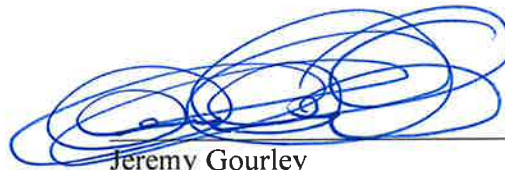


Chairperson
Health Facilities Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, American House Lebanon, c/o Administrator, Michael Tonietti, 801 West Main Street Lebanon, Tennessee 37087, and American House Lebanon, c/o Registered Agent, EC OPCO Lebanon TN, LLC, Owner, 500 N. Hurstbourne Parkway Suite 200, Louisville, Kentucky 40222 by delivering same in the United States regular mail and United States certified mail, numbers **7020 0640 0001 4807 2193** and **7020 0640 0001 4807 2209**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: JASON.LUNDY@ICEMILLER.COM.

This 28th day of May, 2025.



Jeremy Gourley
Senior Associate General Counsel