

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

IN THE MATTER OF:)	
)	
Serene Manor Medical Center,)	
Skilled Nursing Facility,)	
License No. 149,)	Case No.: 2024005161
)	
Respondent.)	
)	
970 Wray Street)	
Knoxville, TN 37917.)	

CONSENT ORDER

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (hereinafter “the Board”), pursuant to the request of the Health Facilities Commission, by and through the Office of Legal Services, and **Serene Manor Medical Center** (hereinafter “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 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).
5. 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, probate, suspend, or revoke its license. T.C.A. § 68-11-207.
6. In imposing the sanctions authorized in Tenn. Code Ann. § 68-11-207, the board may consider all factors that it deems relevant, including, but not limited to, the following:
 - a) The degree of sanctions necessary to ensure immediate and continuous compliance;
 - b) The character and degree of impact of the violation on the health, safety and welfare of the patients in the facility;

- c) The conduct of the facility against whom the notice of violation is issued in taking all feasible steps or procedures necessary or appropriate to comply or correct the violation; and
 - d) Any prior violations by the facility of statutes, regulations or orders of the board.
7. In addition to the authority to suspend or revoke the license of a nursing home, the board has the authority to place a nursing home on probation upon its determination that certain conditions have been met. If the board places a facility on probation, the must provide a detailed plan of correction those specific actions that, when followed, will correct the noncompliance identified by the board.
 8. In addition, the board may require any facility on probation to make reports to the board to explain to the board how the facility is implementing the actions identified in its plan of correction.
 9. Under T.C.A. § 4-5-320(c), the Board has the authority to summarily suspend a license if it finds that the public health, safety, or welfare imperatively requires emergency action.
 10. 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).
 11. Proceedings for disciplinary action against a facility are conducted in accordance with the Tennessee Administrative Procedures Act, Title 4, Chapter 5, of Tenn. Code Ann. and Tenn. Comp. R. & Regs. 0720-18-.03, *et seq.*

II. STIPULATIONS OF FACT

12. At all times pertinent hereto, **Serene Manor Medical Center** was licensed as a Nursing Home having been granted license number 149, on July 1, 1992, which currently has an expiration date of April 22, 2024.
13. On or about December 3, 2021, the Commissioner of the Tennessee Department of Health entered an order against the Respondent, assessing Type B Civil Monetary Penalties of one thousand, five-hundred dollars (\$1,500.00). The deficiencies in that instance included basic nursing services violations related to staffing shortages.
14. On or about June 10, 2022, the Commissioner of the Tennessee Department of Health entered a Commissioner Order suspending the admission of new residents based on a finding that conditions at the facility were, or were likely to be, detrimental to the health, safety, or welfare of the residents. The Commissioner Order also assessed five (5) Type A Civil Monetary Penalties of five thousand dollars (\$5,000.00) for a total of twenty-five thousand dollars (\$25,000.00). The deficiencies cited on that survey also included basic nursing services violations related to staffing shortages.
15. On or about January 18, 2024, a survey of the facility was completed, resulting in findings that the facility failed to maintain sufficient staffing levels, ultimately resulting in an elopement with significant harm to one resident. The ability for the Respondent to maintain proper staffing is a continuing issue. It was found on multiple occasions for there to be only one nurse and three (3) or fewer certified nursing assistants (“CNAs”) on the night shift providing care for all three (3) floors of the facility which housed up to seventy (70) residents. The facility has and continues to have difficulty recruiting

sufficient permanent employees to staff the facility despite several efforts to increase wages and recruiting efforts.

16. On or about December 21, 2023, Resident #1 eloped from the facility. He asked a CNA to let him out of the facility and the CNA unlocked two (2) points of egress and let him out. It was determined that the CNA let the resident out of the facility because the CNA did not recognize the resident as such, despite the fact that the resident was wearing a t-shirt and socks in the twenty-seven (27) degree Fahrenheit weather. A passerby found the resident unresponsive outside the facility and called emergency services. The resident was taken to the hospital approximately two (2) hours after leaving the facility, at which time he was hypothermic and had suffered multiple injuries. The facility was not aware that Resident #1 had exited the facility until being contacted by the hospital.
17. The Facility self-reported the December 21, 2023, elopement to the Commission.
18. The facility staff failed to follow proper procedures during this incident or during the facility's investigation of the incident.
 - (i) Just minutes after Resident #1 exited the facility, a staff member marked Resident #1 as "in bed" on a check-in sheet, despite the fact that the resident was outside at the time. Staff observed security video footage of the resident being let out by the CNA in question but did not preserve the video and could not provide it to surveyors.
 - (ii) Facility staff also failed to make electronic copies of their investigation reports, and the physical documentation could not be located when surveyors asked to review it. No excuse was given for the missing documentation.

III. GROUNDS FOR DISCIPLINE

The facts stated in the Stipulations of Fact Section II, *supra*, are sufficient to establish that grounds for the discipline of Respondent's Nursing Home license exist. Specifically, Respondent has violated the following statutes and/or rules, for which disciplinary action by the Board is authorized.

19. The facts in paragraphs thirteen (13) through eighteen (18) are sufficient to constitute a violation of Tenn. Comp. R. & Regs. 0720-18-.03 (1) Disciplinary Procedures - the relevant part of which reads as follows:

a. Violation of federal statutes or rules.

20. The facts stated in paragraphs thirteen (13) through eighteen (18) are sufficient to establish that Respondent has violated Tennessee Comp. R. and Reg. 0720-18-.06(1) – Performance Improvement, the relevant portion of which provides:

The nursing home shall an effective, facility-wide performance improvement program to evaluate resident care and performance of the organization. The performance improvement program must be ongoing and have a written plan of implementation which assures that all organized services related to resident care, including services furnished by a contractor, are evaluated; and must have an ongoing plan, consistent with available community and facility resources, to provide or make available services that meet the medically-related needs of its residents; and the facility must develop and implement plans for improvement to address deficiencies identified by the performance improvement program and must document the outcome of the remedial action.

21. The facts stated in paragraphs thirteen (13) through eighteen (18) are sufficient to establish that Respondent has violated Tennessee Comp. R. and Reg. 0720-18-.12(1)(g), the relevant portion of which provides:

The nursing home shall establish and implement written policies and procedures setting forth the rights of residents for the protection and preservation of dignity, individuality and, to the extent medically feasible, independence.

IV. REPRESENTATIONS OF RESPONDENT

22. Respondent understands and admits the allegations, charges, and stipulations in this Order.
23. 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.
24. 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.
25. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
26. 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.

27. 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.
28. Respondent, by signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review of this matter.

V. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

29. Respondent agrees to a voluntarily **SUSPENSION OF ADMISSIONS**, and Respondent will not accept any new residents as of the date this Order is agreed to by Respondent and the counsel for the Health Facilities Commission.
30. License number 149 for Serene Manor Medical Center is hereby placed on **PROBATION** for a period of at least **SIX (6)** months, or until its inactive status becomes effective, whichever occurs earlier.
31. Upon agreement to this Order by Respondent and the counsel for the Health Facilities Commission, Respondent agrees to a voluntary **CLOSURE OF THE FACILITY**. Respondent and the management of Serene Manor Medical Center agree to immediately commence a process to accomplish the orderly transfer of all residents to appropriate facilities within ninety (90) calendar days.
32. Respondent **SHALL** identify a designee in writing to the Commission and the designee shall participate in daily calls with Commission staff to facilitate safe relocation of all residents. The designee shall provide a resident roster to the Commission that list each

resident present at the time of the survey. The Commission will provide the designee a roster template to complete this requirement.

33. Respondent **SHALL** have a monitor, approved by the Health Facilities Commission, placed in the facility until each and every resident is transferred to an appropriate and licensed facility. The cost of the monitor shall be billed to the Respondent. In consideration of this cost to the Respondent, the assigned monitor shall make efficient and appropriate use of any time spent in the facility.
34. The Facility agrees to move as expeditiously as possible to arrange appropriate discharge for all residents; currently sixty-three (63) residents. The Facility agrees to the following targets for the discharge of residents beginning with the agreement to this Order by Respondent and the Health Facilities Commission: one-third of residents within the first 30 days, two-thirds of residents within sixty days, and all residents within ninety (90) calendar days. All residents must be transferred from Serene Manor Medical Center by May 24, 2024.
35. Respondent **SHALL** submit a final report to the Board's administrative staff detailing the safe placement of each resident currently residing in the facility.
36. The agreed closure of the facility shall be a condition of the probationary status imposed by this Order, as agreed to by Respondent and the Health Facilities Commission.
37. Respondent, Serene Manor Medical Center, agrees to immediately file notice requesting that its license be placed on **INACTIVE STATUS**, the effective date of such inactive status corresponding with the date that Respondent's facility discharges its last remaining resident ("Closure Date").

38. Upon approval of this Order by the Board, Respondent's license is hereby approved to be placed on **INACTIVE STATUS** for the period of one (1) calendar year from the Closure Date. If Respondent wishes to extend the period of inactive status beyond one calendar year, Respondent must petition the Board to extend its inactive status at a regularly scheduled Board meeting.
39. Respondent shall submit a plan of correction to the Commission as required by regulations.
40. HFC will not proceed with any further disciplinary action, absent new deficiencies identified and cited against the facility.
41. The Health Facilities Commission agrees that a change of ownership (CHOW) of the facility could/would be approved once the facility is back in substantial compliance, a completed CHOW application has been filed. HFC staff reserve the right to oppose a CHOW to any entity HFC believes is not qualified for ownership of a facility under state licensure laws or regulations.
42. The facility must be back fully in compliance with all state regulations prior to any CHOW being ratified.
43. The Board must ratify an Order of Compliance and find the facility in good standing prior to any Change of Ownership being ratified.
44. Any violation of this Order shall constitute grounds for the immediate revocation of the facility's licensure.
45. Upon ratification by the Board, the listing of the public discipline, including deficiencies, on the Facility Action and Abuse Report (FAAR).

APPROVED FOR ENTRY:

Nancy Bowman
Serene Manor Medical Center
SNF Lic. No. 149
Signature of Authorized Representative

Nancy Bowman
Printed Name of Authorized Representative

CEO
Title of Authorized Representative

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3/8/24
Date

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 8th day of March, 2024.

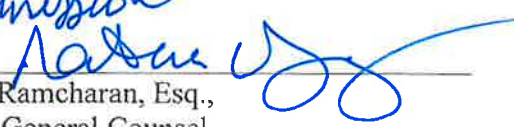
ACCORDINGLY, IT IS ORDERED that the agreement of the parties does hereby become the Final Order of the Board.

Boyd Meadows III
Chairperson
Board for Licensing Health Care Facilities

CERTIFICATE OF SERVICE

A true and exact copy of this Consent Order is being served upon Respondent, c/o Christopher C. Puri, 1221 Broadway, Suite 2400, Nashville, TN 37203, via United States Mail Certified Number **7022 3330 0001 2193 9449** by delivering same in the United States mail, first class, with sufficient postage thereon to reach its destination. An additional copy has been served via email to cpuri@bradley.com.

This 3rd day of March, 2024.

W/ permission


Vishan J. Ramcharan, Esq.,
Associate General Counsel