

process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

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.
8. The Commissioner may suspend admissions pending a prompt hearing before the Board, or an administrative judge if the Board cannot be convened promptly. (Tenn. Code Ann. 68-11-252(b).)
9. Pursuant to Tenn. Code Ann. § 68-11-252(c), the Commissioner shall initiate a suspension of admissions by delivering to the facility or licensee a notice stating the Commissioner's decision to suspend the admissions of new patients. The Commissioner's notice to suspend admissions must:
 - (1) Detail what conditions are considered detrimental to the health, safety, or welfare of the patients;
 - (2) Provide an explanation of the specific time frame when and conditions under which the facility or licensee can reasonably expect the suspension to be lifted; and
 - (3) Be received by the facility or licensee within ten (10) business days of the conclusion of the Department's survey.
10. The Commissioner is authorized, at any time prior to a hearing, based on information presented to the Commissioner showing that such conditions have been and will continue

to remain corrected, to revoke the suspension of admissions. Tenn. Code Ann. § 68-11-252(i).

11. During a suspension of admissions pursuant to § 68-11-252, the Commissioner shall appoint one (1) or more special monitor, and costs related to the special monitor(s) shall be recoverable in certain circumstances. Tenn. Code Ann. § 68-11-221.

II. STIPULATIONS OF FACT

12. At all times pertinent hereto, Respondent, Belvedere Commons of Franklin, 303 South Royal Oaks Blvd, Franklin, Tennessee 37064, was licensed by the Board as an ACLF, having been granted license number 157 on March 28, 2000, which currently has an expiration date of June 16, 2023.
13. On or about May 12th, 2022, Resident #1 was being transported to dialysis appointments in the assisted living community's van. During transport, the vehicle came to a stop and Resident #1's wheelchair rolled forward due to the front wheel locks not being engaged. As a result, Resident #1 hit the seat in front of the wheelchair and resulting in a laceration and bruising to their lower left leg.
14. A review of records for Residents #1, #2, #3, #4 revealed that the residents' Care Plans had not been reviewed/revised to reflect any changes in the residents' needs or condition. During an interview on October 11th, 2022, the interim Executive Director confirmed to the State surveyor that the care plans for these residents had not been updated and revised.

III. GROUNDS 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.

15. The facts in paragraph thirteen (13) are sufficient to constitute one (1) violation of Tenn. Comp. R. and Reg. 0720-26-.07(7)(a)(2), the relevant portion of which reads as follows:

(7) Each 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:

2. Safety when in the ACLF;

16. The facts in paragraph fourteen (14) 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. ORDER

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

- (16) Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one-thousand dollars (\$1,000.00)** for a violation of Tenn. Comp. R. and Reg.0720-26-.07(7)(a)(2). This CMP is issued for the deficiency cite on 10/11/2022.
- (17) Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one-thousand dollars (\$1,000.00)** for a violation of Tenn. Comp. R. and Reg.0720-26-.12(5)(a). This CMP is issued for the deficiency cite on 10/11/2022.
- (18) Payment in the **total amount of two-thousand dollars (\$2,000.00)** for all **penalties** shall be submitted to the following address withing **thirty (30) calendar days** of the effective date of this Order:

**Tennessee Health Facilities Commission
Attention: Licensure and Regulation
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

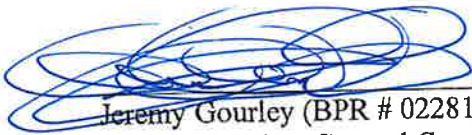
APPROVED FOR ENTRY:



Belvedere Commons of Franklin
License No. 157
Signature of Authorized Representative
Respondent


Printed Name of Authorized Representative


Title of Authorized Representative




Jeremy Gourley (BPR # 022812)
Senior Associate General Counsel
Health Facilities Commission
665 Mainstream Dr. 2nd Floor
Nashville, Tennessee 37243
Office: (615) 741-7221
Fax: (615) 741-7051

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 April, 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

