

**BEFORE THE TENNESSEE BOARD
FOR LICENSING HEALTH CARE FACILITIES**

IN THE MATTER OF:)

Adams Place)
1927 Memorial Boulevard)
Murfreesboro, Tennessee 37129)

License No. ACLF 00000169)

CONSENT ORDER

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (hereinafter "the Board") on the 8th day of February, 2018 pursuant to the request of the Tennessee Department of Health, by and through the Office of General Counsel, and **Adams Place** (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.

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.

Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should the Consent Order not be ratified. Likewise, all matters, admissions, and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless

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independently entered into evidence or introduced as admissions.

JURISDICTION

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, prescribed child care centers, renal dialysis clinics, ambulatory surgical treatment centers, outpatient diagnostic centers, adult care homes, and traumatic brain injury residential homes. Tenn. Code Ann. § 68-11-202. Further, TENN. CODE ANN. § 68-11-202(b)(1)(A) gives the Department the authority to conduct reviews of assisted-care living facilities to determine compliance with fire and life safety code regulations promulgated by the Board.

Tenn. Code Ann. § 68-11-210 provides that the Department 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. The Board has the authority to suspend or revoke the license of any facility licensed under Tenn. Code Ann. § 68-11-201 *et. seq.* The Board may also place a facility on probation. Tenn. Code Ann. § 68-11-207(f)(2). If the Board determines during or at the end of the probation that the facility is not taking steps to correct non-compliance or otherwise not responding in good faith pursuant to the plan of correction, the board may take any additional action as authorized by law. Tenn. Code Ann. 68-11-207(f)(8).

The Board is also authorized to establish a system for assessing civil monetary penalties for assisted-care living facilities, adult care homes and traumatic brain injury residential homes that are in serious violation of state laws and regulations, resulting in endangerment to the health,

safety and welfare of residents. Tenn. Code Ann. § 68-11-213(i)(2) and Tenn. Comp. R. & Reg. 1200-08-25-.05(4),(5).

Upon a finding by the Board that an assisted-care living facility has violated any provision of the Health Facilities and Resources Act, Part 2 – Regulation of Health and Related Facilities 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. Tenn. Comp. R. & Reg. 1200-08-25-.05(4). The Board has established by rule a schedule designating the minimum and maximum civil penalties which may be assessed. Tenn. Code Ann. § 68-11-213(i)(2) and Tenn. Comp. R. & Reg. 1200-08-25-.05(4),(5)

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. Tenn. Comp. R. & Regs. 1200-08-25-.05(7). A Respondent in a disciplinary action is entitled to be represented by legal counsel, to personally appear before the Board, to present witnesses, to have subpoenas issued and to receive thirty (30) days notice of the charges before being required to appear for a hearing. A Respondent who cannot afford legal counsel may be eligible for free or low-cost counsel. Tenn. Code Ann. § 4-5-101, *et seq.*

STIPULATIONS OF FACT

1. At all times pertinent hereto, Adams Place, 1927 Memorial Boulevard, Murfreesboro, Tennessee, has been licensed as an Assisted-Care Living Facility by the Board, having been issued license number 00000169 on July 1, 1999. Respondent has an active license with an expiration date of May 4, 2017.
2. On or about April 12, 2016, a licensure survey and a complaint survey were completed

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for your facility. During this survey, the surveyors observed serious violations of state laws and regulations resulting in endangerment to the health, safety and welfare of residents.

3. Respondent failed to provide services for a safe environment for two residents (#4 and #7) in that the facility staff did not follow the treating physician's orders for certain laboratory tests to be performed in order to monitor the coagulation (clotting factors) of the residents' blood; the facility staff did not note in the medical record whether the tests were performed nor did the facility note the results of any tests that were performed; and facility staff did not follow physician orders to withhold the administration of medications prescribed to thin the blood and reduce blood clots. The laboratory test results dictated what dosage, if any, of the aforementioned medication was necessary for residents #4 and #7.
4. Resident #4 experienced a loss in vision and consequently, the resident went to the emergency room on two occasions to address the vision issues. The Respondent's staff failed to document the resident's medical record to reflect the emergency room visits.
5. The Respondent's staff also failed to update Resident #4's plan of care after two consecutive hospital emergency room visits for loss of vision and failed to document the participation of family members in the plan of care.

GROUNDS FOR DISCIPLINE

The facts stated in the Stipulations of Fact section, *supra*, are sufficient to establish that grounds for the discipline of Respondent's Assisted-Care Living Facility license exist.

Specifically, Respondent has violated the following statutes and/or rules, for which disciplinary action by the Board is authorized.

6. The facts stated in paragraph three (3) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.07 [SERVICES PROVIDED], the relevant portion of which reads as follows:

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

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

2. Safety when in the ACLF;

7. The facts stated in paragraph four (4) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.12 [ADMISSIONS, DISCHARGES, AND TRANSFERS], the relevant portion of which reads as follows:

(3) Medical Record. An ACLF shall ensure that its employees develop and maintain a medical record for each resident who requires health care services at the ACLF regardless of whether such services are rendered by the ACLF or be arrangement with an outside source, which shall at a minimum include:

(g) Notes, including, but not limited to, observation notes, progress notes, and nursing notes.

8. The facts stated in paragraph five (5) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.12 [RESIDENT RECORDS], 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.

ORDER

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

9. The assessment of one (1) civil monetary penalty in the amount of five hundred dollars (\$500.00) for failure to provide for the safety of residents; one civil monetary penalty in the amount of two hundred fifty dollars (\$250.00) for failure to update a resident's medical record with documentation of two consecutive ER visits; and one civil monetary penalty in the amount of two hundred fifty dollars (\$250.00) for failure to update a resident's plan of care after two consecutive visits to the ER. The total assessment is one thousand dollars (\$1,000.00).

Payment shall be submitted to the following address within thirty (30) days of the effective date of this Order:


**Tennessee Department of Health
Division of Health Care Facilities
Attn: Eddie Stewart
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

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10. Upon ratification by the Board, the listing of the public discipline, including deficiencies and civil penalties on the Disciplinary Action Report pursuant to T.C.A. § 68-1-114.

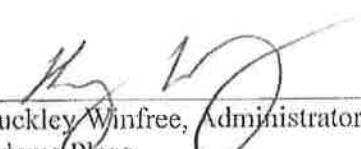
Upon the agreement of the parties, this **CONSENT ORDER** is approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board for Licensing Health Care Facilities at a public meeting of the Board and signed this 8th day of February, 2017.

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

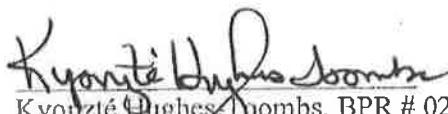

Chairperson
Board for Licensing Health Care Facilities

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AGREED TO:


Buckley Winfree, Administrator
Adams Place
Respondent

1/26/17
Date


Kyonzie Hughes Tombs, BPR # 023702
Deputy General Counsel
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

2/8/17
Date

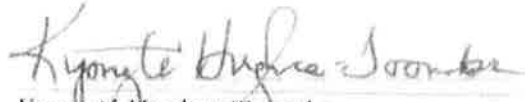
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Nashville, Tennessee 37243
(615) 741-1611

CERTIFICATE OF SERVICE

A true and exact copy of this Consent Order is being served upon Respondent, Buckley Winfree, Administrator, Adams Place, 1927 Memorial Boulevard, Murfreesboro, Tennessee 37129, by delivering same in the United States mail, first class, with sufficient postage thereon to reach its destination.

This 9th day of February, 2017.



Kyonzie Hughes-Toombs
Deputy General Counsel

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