

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

IN THE MATTER OF:)

Brookdale Goodlettsville)
3001 Business Park Circle)
Goodlettsville, TN 37072)

Case Number 201802106

License No. ACLF 00000178)

CONSENT ORDER

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (hereinafter "the Board") on the 5th day of September, 2018, pursuant to the request of the Tennessee Department of Health, by and through the Office of General Counsel, and **Brookdale Goodlettsville** (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 independently entered into evidence or introduced as admissions.

KE Initial

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, Brookdale Goodlettsville, located at 3001 Business Park Circle, Goodlettsville, TN 37072 has been licensed as an Assisted-Care Living Facility by the Board, having been issued license number **00000178** on September 13, 1999. Respondent has an active license with an expiration date of May 11, 2019.
2. On or about April 11, 2018, the Department conducted a complaint and health licensure survey at the Respondent facility.
3. Resident #5 was admitted to the facility in April 2017 with diagnoses including dementia

with behavioral disturbances, alcohol abuse, anorexia, and unsteadiness of gait.

4. On or about January 8, 2018, Resident #5 was found to have eloped from the facility. Resident #5 was found outside the community, wearing wet clothing, at approximately 3 A.M. Resident #5's clothing was changed, he was wrapped in blankets, and EMS was called to transport Resident #5 to the ER for evaluation. At the ER, Resident #5 was treated for lacerations to both knees.
5. Resident #1 was admitted to the facility in October 2017 with diagnoses including Alzheimer's disease, peripheral vascular disease, and osteoarthritis.
6. Resident #1 was admitted to hospice services in February 2018. A review of the care plan for Resident #1 revealed that the care plan had not been updated to include hospice services.
7. After being admitted to hospice care, the facility failed to update Resident #1's hospice care plan for emergency evacuation in case of fire or emergency. Interview with the Director of Clinical Services revealed that the facility failed to include emergency evacuation plans in case of a fire or emergency for Resident #1.
8. Resident #6 was admitted to the secured dementia unit at the facility in May 2017 with diagnoses of dementia.
9. On or about June 8, 2017, at approximately 7 P.M., Resident #6 exhibited confused and aggressive behavior.
10. On or about June 8, 2017, at approximately 9:30 P.M., Resident #6 was assaulted and punched in the face by Resident Care Assistant #1.
11. Medical records reveal that Resident #6 suffered a subtle nasal bone fracture and bruises to forearm, elbow, hand, lips, and his face.

12. Resident Care Aide #1 admitted her actions, but was suspended from the facility pending further investigation.

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.

13. The facts stated in paragraphs two (2) through four (4) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.07(7)(a)(2), 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.

14. The facts stated in paragraphs five (5) through seven (7) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.08(7)[Admissions, Discharges, and Transfers], the relevant portion of which reads as follows:

(7) An ACLF shall have documented plans and procedures to show evacuation of all residents.

15. The facts stated in paragraph six (6) and seven (7) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.12(5)(a)[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 healthcare 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.

16. The facts stated in paragraphs eight (8) through twelve (12) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.14(1)(b)[Resident Rights] the relevant portion of which reads as follows:

(1) An ACLF shall ensure at least the following rights for each resident:

(b) To be free from mental and physical abuse. Should this right be violated, the ACLF shall notify the department and the Tennessee Department of Human Services, Adult Protective Services, at 1-888-277-8366.

ORDER

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

7. The assessment of four (4) civil monetary penalties in the amount of five hundred dollars (\$500.00) each for a total assessment of two thousand dollars (\$2,000.00).


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 J. Stewart
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243


8. 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 5th day of September, 2018.


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

AGREED TO:


Kimbria Edmunds, Administrator
Dominion Senior Living of Sevierville, L.L.C.

7/24/18
Date

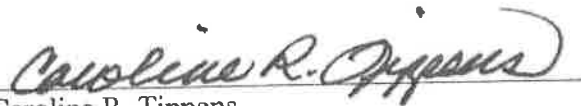

Caroline R. Tippens, BPR # 030375
Assistant General Counsel
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

9/5/2018
Date

CERTIFICATE OF SERVICE

A true and exact copy of this Consent Order is being served upon Respondent, Brookdale Goodlettsville, ATTN: Kimbria Edmunds, 3001 Business Park Circle, Goodlettsville, TN 37072 by delivering same in the United States mail, certified return receipt 70173380 0000 997B 0565 and via United States Postal Service first class, with sufficient postage thereon to reach its destination.

This 10th day of September, 2018.


Caroline R. Tippens
Assistant General Counsel