

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

IN THE MATTER OF:

**Chandler House
550 Deerview Way
Jefferson City, TN 37760**

License No. ACLF 00000185

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Case Number 2018006401

CONSENT ORDER

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (hereinafter "the Board") on the 15th day of March, 2018, pursuant to the request of the Tennessee Department of Health, by and through the Office of General Counsel, and **Chandler House** (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,

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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, Chandler House, located at 550 Deerview Way, Jefferson City, TN 37760, has been licensed as an Assisted-Care Living Facility by the Board, having been issued license number **00000185** on September 28, 2000. Respondent has an active license with an expiration date of April 30, 2018.
2. From on or about January 8, 2018 through January 11, 2018, the Department conducted a

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complaint and annual licensure survey at the Respondent facility.

3. The facility failed to administer or document the administration of insulin for Resident #5. Resident #5 was admitted to the facility in November 2017 with a diagnosis of diabetes. Medical record review revealed that Resident #5 was to have his blood sugar checked twice a day and insulin to be given on a sliding scale.
4. Review of Resident #5's medical record from March, April, May, June, and July 2017 revealed that both the blood sugar testing and administration of sliding scale insulin was documented inconsistently during the months of March, April, June, and July 2017.
5. Beginning in July 1, 2017, medical record review revealed that Resident #5's blood sugars were only checked once a day. Interview with the Director of Nursing confirmed that the facility had not received a physician's order to decrease blood sugar checks to once a day starting in July 2017.
6. When interviewed, the Director of Nursing confirmed that both blood sugars and sliding scale insulin had not been documented appropriately in Resident #5's medication administration records ("MARs"). The Director of Nursing also confirmed that inconsistent documentation of sliding scale insulin was in violation of the facility's policy on insulin administration.
7. Resident #8 was admitted to the facility in June 2017 with a diagnosis of Alzheimer's disease. Resident #8 was prescribed the following medications for 8:00 AM each day: divalproex 125 mg (anti-seizure medication); lorazepam 1 mg (anti-anxiety); quetiapine 50 mg (used to manage psychotic disorders). Resident #8 was also to receive the following medications at 9:00 AM: citalopram 20 mg (used to treat depression); donepezil 10 mg (used to improve cognitive function in Alzheimer's disease); memantine 10 mg (used to

treat moderate to severe Alzheimer's disease); and tramadol (used for pain).

8. The surveyor observed LPN #1 administer Resident #8 both the 8:00 AM and 9:00 AM medications at 11:30 AM on January 9, 2018 in the secured unit. LPN #1 confirmed that that both the 8:00 AM and 9:00 AM medications were administered to Resident #8 several hours past their scheduled administration time.
9. Resident #9 was admitted to the facility on February 25, 2017 with diagnoses of Alzheimer's disease, dementia, and congestive heart failure. Medical record review revealed that Resident #9 was to receive the following medications at 9:00 AM: carvedilol 3.125 mg (for congestive heart failure); meclizine 12.5 mg (for dizziness); midodrine HCL 5 mg (for low blood pressure); omeprazole DR 20 mg (for acid reflux); pravastatin 40 mg (for elevated cholesterol levels) and spironolactone 25 mg (diuretic).
10. On or about January 9, 2018, the surveyor observed LPN #1 administer Resident #9 his 9 AM medications at approximately 11:12 AM, two hours past the scheduled administration time.
11. The facility failed to administer medications according to the plan of care for Residents #8 and #9.
12. Interview with the Bridge to Recovery Director ("BRD") of the secured unit at the facility revealed that she was not a licensed nurse. However, the BRD identified herself as a med tech and confirmed that she administered medications, including controlled substances, to residents as needed on the secured unit when nursing staff were not available to do so.
13. Interview with a resident's family member on or about January 11, 2018 confirmed that the family member had observed the BRD was administering medications to residents in

the secured unit. Further, the family member reported concerns that an unlicensed person was administering medications to the Administrator.

14. The facility failed to ensure that medications were administered by licensed personnel in the secured unit of the facility.

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.

15. The facts stated in paragraph two (2) through fourteen (14) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.07(5)(b)[SERVICES PROVIDED], the relevant portion of which reads as follows:

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

- (b) Ensure that all drugs and biologicals shall be administered by a licensed professional operating within the scope of the professional license and according to the resident's plan of care.

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 one (1) civil monetary penalty in the amount of five hundred dollars (\$500.00) for a total assessment of five hundred dollars (\$500.00).

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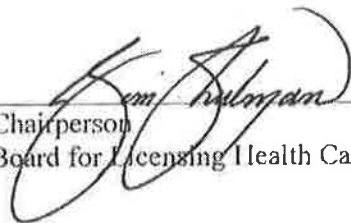
Payment shall be submitted to the following address within thirty (30) days of the effective date of this Order:

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

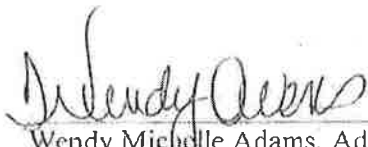
8. Upon ratification by the Board, the listing of the public discipline, including deficiencies and civil penalties on the Disciplinary Action Report pursuant to T.C.A. § 68-1-114.

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 15th day of March, 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:


Wendy Michelle Adams, Administrator
Chandler House
Respondent

2/20/18
Date

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Caroline R. Tippens

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

3/15/2018

Date

CERTIFICATE OF SERVICE

A true and exact copy of this Consent Order is being served upon Respondent, Kristy Ritch, Administrator, c/o Wendy Michelle Adams, Administrator of Chandler House, 550 Deerview Way, Jefferson City, TN 37760, by delivering same in the United States mail, certified return receipt *7016 1970 0001 1321 5787* and via United States Postal Service first class, with sufficient postage thereon to reach its destination.

This *16th* day of *March*, 2018.

Caroline R. Tippens

Caroline R. Tippens
Assistant General Counsel

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