

**STATE OF TENNESSEE
BEFORE THE HEALTH FACILITIES COMMISSION**

In The Matter of:)	
)	
Spring City Care and Rehabilitation Center,)	
Skilled Nursing Facility,)	
License No. 210,)	Case No. 2024009611
)	
Respondent.)	
)	
Spring City, Tennessee)	

CONSENT ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), pursuant to the request of the Office of Legal Services, and Spring City Care and Rehabilitation Center (“Respondent”) that the Commission 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 commission 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 commission. 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 has the authority to conduct reviews of facilities licensed under this part to determine compliance with fire and life safety code regulations promulgated by the commission. T.C.A. § 68-11-202(b)(1)(A).
5. 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).
6. Upon a finding by the commission 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, suspend, or revoke its license. T.C.A. § 68-11-207.

II. STIPULATIONS OF FACT

7. At all times pertinent hereto, Respondent, Spring City Care and Rehabilitation Center, 331 Hinch Street, Spring City, Tennessee 37381, was licensed by the Commission as a nursing home, having been granted license number 210 on July 1, 1992, which currently has an expiration date of March 2, 2025.

8. On or about February 27, 2024, Respondent failed to protect a resident's right to be free from abuse for 6 of 20 (Resident #23, #24, #7, #8, #10 and #11) residents reviewed for abuse.
9. On July 29, 2023, CNA #6 heard resident #23 screaming and when she arrived that she saw Resident #24 at the side of the bed with his pants down and his left hand between Resident #23's legs.
10. Resident #24 was known to have cognitive impairment and inappropriate sexual behaviors.
11. Respondent's facility investigation report for Resident #7 and Resident #8, dated August 2, 2023, revealed that both residents had a verbal altercation, which escalated into a physical altercation.
12. Resident #8 was known to have delusions and thought that Resident #7 was attacking a small child when they struck Resident #7. Resident #7 responded by grabbing the thumb of Resident #8.
13. The altercation between Resident #7 and #8 was confirmed by surveyors during interviews with the Respondent's Director of Nursing (DON) on or about January 30, 2024.
14. A police report dated July 7, 2023, documented a physical altercation between Resident #10 and Resident #11. Further review showed that Resident #10 had entered the room of Resident #11, and that Resident #11 had grabbed the arm of Resident #10 and tore the flesh, causing a bleeding wound.
15. On or about January 30, 2024, the Respondent's DON admitted that the incident involving Resident #10 and #11 had occurred but was not reported as abuse.
16. Respondent failed to follow physician orders for medication administration for 1 resident (#18) of 3 residents reviewed for medication administration.

17. Physician Admission Orders dated March, 3, 2023 showed that Resident #18 was to receive several medications at different times throughout the day.
18. On or around January 18, 2024, the Resident's spouse, when they came for their morning visit, stated that Resident #18 had not had their medicine and was physically shaking.
19. On or around February 7, 2024, the Respondent's DON admitted that Resident #18 had not been administered their medications as ordered.
20. Respondent failed to report an allegation of sexual abuse within the required 2-hour timeframe for 1 resident (#21) of 8 allegations of abuse reviewed for reporting.
21. Respondent's facility investigation interview dated October 5, 2023, found that Resident #21 had been allegedly raped by an unknown male.
22. On or around January 29, 2024, Respondent's Social Services Director stated that Resident #21 had reported that a male CNA staff member was the perpetrator, and that the incident was reported to the Behavioral Nurse Practitioner, who did not report it as required.
23. On or around February 12, 2024, Respondent's Administrator denied that sexual abuse had occurred based on their internal investigation but admitted that the Behavioral Nurse Practitioner did not report the allegation, nor did she follow facility policy, in the mandated time frame.

III. GROUNDS FOR DISCIPLINE

The facts in Section II are sufficient to establish that grounds exist for the discipline of Respondent's nursing home license. Specifically, Respondent has violated the following statutes and/or rules, for which disciplinary action by the Commission is authorized.

24. The facts in paragraphs eight (8) through fifteen (15) are sufficient to constitute one (1) violation of Tenn. Comp. R. and Reg. 0720-18-.01(1) Definitions, the relevant portion of which reads as follows:

(1) Abuse. The willful infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.

25. The facts in paragraphs sixteen (16) through nineteen (19) are sufficient to constitute one (1) violation of Tenn. Comp. R. and Reg. 0720-18-.06(4)(m) Basic Services, the relevant portion of which reads as follows:

(4) Nursing Services.

(m) Medications, treatments, and diet shall be carried out as prescribed to safeguard the resident, to minimize discomfort and to attain the physician ' s objective.

26. The facts in paragraphs twenty (20) through twenty (23) are sufficient to constitute one (1) violation of Tenn. Comp. R. and Reg. 0720-18-.12(1)(g) Resident Rights, the relevant portion of which reads as follows:

(1) 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. Residents and their families or other representatives shall be fully informed, and documentation shall be maintained in the resident's file of the following rights:

(g) To be free from mental and physical abuse.

Should this right be violated, the facility must notify the department within five (5) working days. The Tennessee Department of Human Services, Adult Protective Services shall be notified immediately as required in T.C.A. §71-6-103;

IV. REPRESENTATIONS OF RESPONDENT

27. Respondent understands and admits the allegations, charges, and stipulations in this Order.
28. 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.
29. Respondent agrees that presentation of this Order to the Commission and the Commission's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Commission 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.

30. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
31. Respondent also agrees that the Commission may issue this Order without further process. If the Commission rejects this Order for any reason, it will be of no force or effect for either party.
32. 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.

V. ORDER

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

33. Respondent is hereby assessed one (1) Type B Civil Monetary Penalty in the amount of **one thousand, five hundred dollars (\$1,500.00)** for violating Tenn. Comp. R. and Reg.0720-18-.01(1).
34. Respondent is hereby assessed one (1) Type B Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)** for violating Tenn. Comp. R. and Reg.0720-18-.04(15).
35. If within the next twelve (12) months the following violations are found, Respondent will be **assessed** TYPE C Civil Monetary Penalties:
 - a. Tenn. Comp. R. and Reg. 0720-18-.12(1)(g) Resident Rights
 - b. The assessment of such penalties will result in monetary fines from two hundred fifty (\$250.00) dollars up to four hundred (\$400.00) dollars per violation.
36. Payment shall be submitted to the following address within **thirty (30) calendar days** of the effective date of this Order.

**Tennessee Health Facilities Commission
Attention: Disciplinary Coordinator
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

**PLEASE DO NOT REMIT PAYMENT UNTIL THE CONSENT
ORDER HAS BEEN RATIFIED AND APPROVED BY THE
COMMISSION**

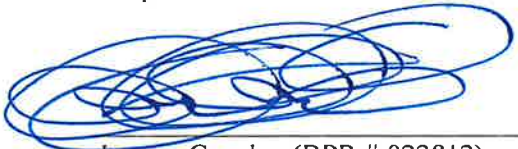
37. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

APPROVED FOR ENTRY:

By Maria Doyle
Spring City Care and Rehabilitation Center
License No. 210
Signature of Authorized Representative
Respondent

Maria Doyle
Printed Name of Authorized Representative

General Counsel/CTO
Title of Authorized Representative



Jeremy Gourley (BPR # 022812)
Senior Associate General Counsel
Health Facilities Commission
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502 Deaderick Street
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Approval by the Commission

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 Health Facilities Commission at a public meeting of the Commission and signed this 28 day of August, 2024.

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


Chairperson
Tennessee Health Facilities Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Spring City Care and Rehabilitation Center, c/o Administrator, Tommie Sue Owens, 331 Hinch Street, Spring City, Tennessee 37381, and Spring City Care and Rehabilitation Center, c/o Registered Agent, LP Spring City, LLC, 12201 Bluegrass Parkway Louisville, Kentucky 40299 by delivering same in the United States regular mail and United States certified mail, numbers **7020 0640 0001 4807 0366** and **7020 0640 0001 4807 0373**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: SHC-Licensure@signaturehealthcarellc.com.

This 28th day of August, 2024.


Jeremy Garrity
Senior Associate General Counsel