

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

In The Matter of:)	
)	
Smoky Mountain Post-Acute & Rehab Ctr.)	BY ORDER OF THE EXECUTIVE
415 Cole Drive)	DIRECTOR
Pigeon Forge, TN 37863)	
)	
S.N.F. License #228)	

**NOTICE OF SUSPENSION OF ADMISSIONS AND
ASSESSMENT OF TYPE A CIVIL MONETARY PENALTY**

On January 9, 2023, through January 18, 2023, the Health Facilities Commission (hereinafter “Commission”) survey team conducted complaint survey at Smoky Mountain Post-Acute & Rehabilitation Center in Pigeon Forge, Tennessee (hereinafter “Smoky Mountain”), pursuant to Tenn. Code Ann. (“T.C.A.”) § 68-11-210. The investigation was completed on January 25, 2023.

The investigation and survey revealed violations of licensure statutes and regulations that are considered detrimental to the health, safety, or welfare of the residents.

Pursuant to T.C.A. § 68-11-252(a), whenever the Executive Director determines that conditions in a nursing home are, or are likely to be, detrimental to the health, safety, or welfare of the residents, the Executive Director shall have the authority to suspend new admissions of residents to the facility, pending a prompt hearing.

Pursuant to T.C.A. § 68-11-801, the Executive Director has the authority to impose civil monetary penalties upon deficient nursing homes. Further, pursuant to T.C.A. § 68-11-802, the Executive Director has the authority to impose a Type A Civil Monetary Penalty upon a nursing home when the penalty assessment is accompanied by an Order suspending admissions pursuant to T.C.A. § 68-11-252(a).

Based upon the surveyors’ findings and recommendations, the Executive Director has exercised the authority to suspend admissions to the facility, effective January 28, 2023, at 5:00 p.m. Further, the Executive Director has concluded that a Type A Civil Monetary Penalty should be imposed upon this facility.

The facility was orally advised and provided written notification of the possible imposition of a Type A Civil Monetary Penalty when surveyors exited the facility on January 18, 2023 and by letter from the Executive Director dated January 27, 2023 in conjunction with the Executive Director's notification of the Suspension of Admissions imposed upon the facility, appended hereto as Attachment 1.

FACTS

A detailed statement describing the findings of the survey with particularity and citing the law with specificity, pertaining to the Suspension of Admissions and the assessment of a Type A Civil Monetary Penalty, is appended hereto as Attachment 2 and incorporated by reference herein. Attachment 2 is the licensure "Statement of Deficiencies" compiled by the surveyors upon completion of the survey.

SUSPENSION OF ADMISSIONS AND ASSESSMENT OF TYPE A CIVIL MONETARY PENALTY

Therefore, pursuant to T.C.A. §§ 68-11-252, 68-11-801, and 68-11-813, and based upon the aforementioned facts as incorporated by reference herein, the Executive Director has ordered that the admission of new residents at Smoky Mountain Post-Acute and Rehab Center be **suspended, effective on January 28, 2023, at 5:00 p.m. C.T.** Pursuant to T.C.A. §§ 68-11-802(a) and 68-11-811, the Executive Director hereby assesses three (3) Type A civil monetary penalties of **five thousand dollars (\$5,000) each, for a total assessment of fifteen thousand dollars (\$15,000)**, against Smoky Mountain Post-Acute and Rehabilitation Center.

The violations which the Executive Director considers to be detrimental to the health, safety, or welfare of the residents are the serious violations of Tenn. Comp. Rules & Regs. 0720-18-.03(1)(a) [formerly cited as 1200-08-06-.03(1)(a)] Disciplinary Procedures; Tenn. Comp. Rules & Regs. 0720-18-.05(8) [formerly cited as 1200-08-06-.05(8)] Admissions, Discharges, and Transfers; and Tenn. Comp. Rules & Regs. 0720-18-.06(4)(c)12 [formerly cited as 1200-08-06-.06(4)(c)12] Basic Services, [Nursing Services].

In order for this Suspension of Admissions to be lifted, the cited conditions must be corrected so as to remove the detriment to the health, safety, or welfare of the residents, as verified by a follow-up survey of the facility conducted by the Commission.

Pursuant to T.C.A. § 68-11-221, which provides that whenever admissions at a health care facility are suspended under the authority of T.C.A. § 68-11-252, the Executive Director shall appoint one or more special monitors if the deficiencies threaten serious bodily harm to the residents at the facility, the Executive Director hereby **appoints a monitor or monitors** to be present in the facility for a **minimum of twenty (20) hours per week** in order to observe the operation of the facility and to submit written reports on the operations of the facility to the Commission. The monitor(s) shall have the power to observe and review all of the facility's operations with attention to those aspects for which the Suspension of Admissions was imposed. The facility shall be liable for the cost of the special monitor(s) until it is determined by the Commission that all the deficiencies which caused the appointment of the monitor(s) have been corrected.

The facility's attention is directed to the statement of its rights in this matter, appended hereto as Attachment 3.

The facility is hereby ordered to post a copy of this Notice and Order upon the public entrance doors of the facility and prominently display it there for so long as it remains effective. During the Suspension of Admissions, the facility shall inform any person who enquires about the admission of a new resident of the provisions of the order and make a copy of the order available.

This Suspension of Admissions became effective at 5:00 p.m. C.T. on January 28, 2023, and continues as effective.

This assessment of three Type A Civil Monetary Penalties in the amount of five thousand dollars (\$5,000) each, for a total assessment of fifteen thousand dollars (\$15,000), shall go into effect on the 27th day of January, 2023.

Entered this 27th day of January, 2023.

Logan Grant

Logan Grant
Executive Director
Health Facilities Commission

xc: Secretary of State – Administrative Procedures Division
Caroline R. Tippens, Director of Licensure & Regulation
Health Facilities Commission East Tennessee Regional Office

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Smoky Mountain Post-Acute and Rehab Center, c/o Debra Morgan, 415 Cole Drive, Pigeon Forge, Tennessee 37838, by delivering same in the United States regular mail and United States certified mail, number **7012 2210 0002 7444 1113**, return receipt requested, with sufficient postage thereon to reach its destination. A copy was served via electronic mail to: bfestinger@everviewgroup.com

This 27th day of January, 2023.

Logan Grant

Logan Grant
Executive Director
Health Facilities Commission