

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

<b>In The Matter of:</b>	)	
	)	
<b>Erwin Health Care Center,</b>	)	
<b>Skilled Nursing Facility,</b>	)	
<b>License No. 274,</b>	)	<b>Case No. 2024019751</b>
	)	
<b>Respondent.</b>	)	
	)	
<b>Erwin, Tennessee</b>	)	

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**CONSENT ORDER**

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This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and Erwin Health Care 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 is empowered 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 childcare centers, renal dialysis clinics, ambulatory surgical treatment centers, outpatient diagnostic centers, adult care homes, and traumatic brain injury residential homes. T.C.A. § 68-11-202(a)(1).
2. The Commission has the authority to conduct reviews of all facilities licensed under this part in order to determine compliance with fire and life safety code rules as promulgated by the Commission. T.C.A. § 68-11-202(b)(1)(A).

3. “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(37)(A)(B).
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, Erwin Health Care Center, 100 Stalling Lane Erwin, Tennessee 37650, was licensed by the Commission as a nursing home, having been granted license number 274 on July 1, 1992, which currently has an expiration date of July 8, 2025.

8. On or about May 1, 2024, through May 17, 2024, Commission surveyors conducted an investigation survey.
9. Respondent failed to follow its undated policy titled "Policy and Procedure for Restraints and Safety Devices", which requires the use of the least restrictive method, or restraint device, for the least amount of time, and failed to attempt a lesser restrictive device or eliminate the restraint devices for residents #13, #18, #21, and #9 at its facility.
10. Respondent's medical records for Resident #13 required no more than thirty (30) days of restraints per physician's order dated November 15, 2022.
11. Respondent's restraint review form dated May 17, 2023, verified that Resident #13 was still being restrained. Restraints were not discontinued by Respondent until June 6, 2023.
12. Respondent's restraint review form dated January 17, 2024, verified that Resident #21 was placed in restraints that same day and was still in restraints April 9, 2024.
13. Respondent's restraint review form dated September 8, 2023, verified that Resident #18 was placed in restraints that same day and was still in restraints September 8, 2023.
14. Physician Orders for Resident #9 verified a belt restraint was to be utilized on the resident from July 28, 2023, through August 28, 2023, and that a vest restraint was to be used in bed with observation and release requirements every two hours.
15. Respondent failed to follow the physician's orders for Resident #9 regarding restraint usage.
16. Respondent's restraint review form dated August 28, 2023 verified that Resident #9 was to continue in restraints per the facility leadership team in contradiction to the physician's orders.

17. On or about May 7, 2024, Respondent's Director of Rehabilitation admitted that the Respondent did not have less restrictive methods of restraint at their facility and confirmed that the methods used primarily included the self-release belt and the vest restraint.
18. Respondent's Director of Nursing admitted that restraints continued to be used on Residents #13, #9, #18, and #21 for safety and admitted that the Respondent facility failed to recognize and use the least restrictive interventions or restraint devices for the least amount of time.

### **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.

19. The facts in paragraphs nine (9) through seventeen (17) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-18-.06(4)(x) [Basic Services], the relevant portion of which reads as follows:

(4) Nursing Services.

- (x) Restraints may be applied or administered to residents only on the signed order of a physician. The signed physician's order must be for a specified and limited period of time and must document the necessity of the restraint. There shall be no standing orders for restraints.

### **IV.   REPRESENTATIONS OF RESPONDENT**

20. Respondent understands and admits the allegations, charges, and stipulations in this Order.

21. 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.
22. 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.
23. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
24. 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.
25. 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:

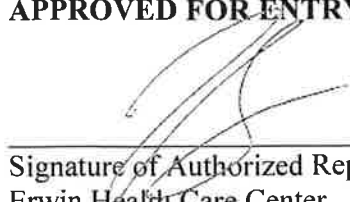
26. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **seven hundred and fifty dollars (\$750.00)** for violating Tenn. Comp. R. and Regs. 0720-18-.06(4)(x) [Basic Services].
27. The total assessed CMP amount is **seven hundred and fifty dollars (\$750.00)**.
28. Payment 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**

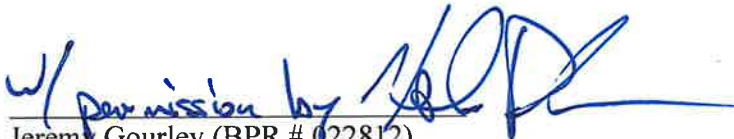

**PLEASE DO NOT REMIT PAYMENT UNTIL THE CONSENT ORDER HAS BEEN RATIFIED AND APPROVED BY THE COMMISSION**

29. 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:**

  
\_\_\_\_\_  
Signature of Authorized Representative  
Erwin Health Care Center  
License No. 274UB3UH12...  
Respondent

Jason Bennett  
Printed Name of Authorized Representative  
  
CEO/Administrator  
Title of Authorized Representative

  
w/ permission by   
Jeremy Gourley (BPR # 022812)  
Senior Associate General Counsel  
Health Facilities Commission  
Office of Legal Services  
Andrew Jackson Building, 9<sup>th</sup> Floor  
502 Deaderick Street  
Nashville, Tennessee 37243  
Office: (615) 741-2364  
Fax: (615) 741-9884  
Email: Jeremy.J.Gourley@tn.gov

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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 Health Facilities Commission at a public meeting of the Commission and signed this 22<sup>nd</sup> day of October, 2025.

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


  
\_\_\_\_\_  
Chairperson  
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, Erwin Health Care Center, c/o Administrator, Jason Bennett/Erwin Health Care Associates, LP, 100 Stalling Lane Erwin, Tennessee 37650, and Erwin Health Care Center, c/o Registered Agent, Keith Bailey, 4145 Forest Glen Drive, Knoxville, Tennessee, 37919 by delivering same in the United States regular mail and United States certified mail, numbers **7020 0640 0001 4807 1554** and **7020 0640 0001 4807 1547**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to:

[admin@erwinhealthcare.com](mailto:admin@erwinhealthcare.com).

This 22<sup>ND</sup> day of October, 2025.

with permission by   
Jeremy Gourley  
Senior Associate General Counsel