



process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

## **I. JURISDICTION**

1. 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, 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 assisted care living facilities to determine compliance with fire and life safety code regulations promulgated by the Board. T.C.A. § 68-11-202(b)(1)(A).
3. An assisted care living facility (“ACLF”) is a facility, building, establishment, complex or distinct part thereof that accepts primarily aged persons for domiciliary care and services. T.C.A. § 68-11-201(4)(A) and Tenn. Comp. R. & Regs. 0720-26-.02(7).
4. “Primarily aged” means at least fifty-one percent (51%) of the population of the facility is at least sixty-two (62) years of age. Tenn. Comp. R. & Regs. 0720-26-.02(34).
5. The ACLF shall provide on-site to its residents’ room and board and non-medical living assistance services appropriate to each resident’s needs, such as assistance with bathing, dressing, grooming, preparation of meals and other activities of daily living. T.C.A. § 68-11-201(4)(B) and Tenn. Comp. R. & Regs. 0720-26-.02(2).

6. 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).
7. Upon a finding by the Board that an ACLF 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.
8. The Commissioner may suspend admissions pending a prompt hearing before the Board, or an administrative judge if the Board cannot be convened promptly. (Tenn. Code Ann. 68-11-252(b).)
9. Pursuant to Tenn. Code Ann. § 68-11-252(c), the Commissioner shall initiate a suspension of admissions by delivering to the facility or licensee a notice stating the Commissioner's decision to suspend the admissions of new patients. The Commissioner's notice to suspend admissions must:
  - (1) Detail what conditions are considered detrimental to the health, safety, or welfare of the patients;
  - (2) Provide an explanation of the specific time frame when and conditions under which the facility or licensee can reasonably expect the suspension to be lifted; and
  - (3) Be received by the facility or licensee within ten (10) business days of the conclusion of the Department's survey.
10. The Commissioner is authorized, at any time prior to a hearing, based on information presented to the Commissioner showing that such conditions have been and will continue

to remain corrected, to revoke the suspension of admissions. Tenn. Code Ann. § 68-11-252(i).

11. During a suspension of admissions pursuant to § 68-11-252, the Commissioner shall appoint one (1) or more special monitor, and costs related to the special monitor(s) shall be recoverable in certain circumstances. Tenn. Code Ann. § 68-11-221.

## **II. STIPULATIONS OF FACT**

12. At all times pertinent hereto, Respondent, Keestone Senior Community, 322 Kennedy Street, Lawrenceburg, Tennessee 38464, was licensed by the Board as an ACLF, having been granted license number 295 on July 1, 2008, which currently has an expiration date of June 4, 2023.
13. On or about September 7<sup>th</sup>, 2021, Resident #1 left the facility some time before 4:15 p.m. without signing out and without knowledge by the staff. Resident #1 was not located until 10:00 a.m. on September 8<sup>th</sup>, 2021, by the local police department approximately ten (10) miles away from the facility in a ditch with abrasions, superficial wounds and dehydration.
14. On or about September 15-16<sup>th</sup>, 2021, a review of Resident #1's admission record was performed. During this review it was discovered that there was no documentation that the admission agreement was signed and dated by the resident or their representative upon admission to the facility.
15. On or about September 15<sup>th</sup>-16<sup>th</sup>, 2021, a review of Resident #1's admission record was performed. During this review it was discovered that there was no documentation that a written assessment was completed for the resident by direct care staff within seventy-two (72) hours of admission to the facility. This was confirmed during an interview by the

Surveyor with the owner of the facility on September 15<sup>th</sup>, 2021, around 10:15 a.m. that morning.

16. After the elopement of Resident #1 on September 7<sup>th</sup>, 2021, it was discovered by the State surveyor, during a review of the resident's records, that the individual care plan for Resident #1 had not been updated following the elopement.

### **III. GROUNDS FOR DISCIPLINE**

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

17. The facts in paragraph thirteen (13) are sufficient to constitute two (2) violations of Tenn. Comp. R. and Regs. 0720-26-.07(7)(a)(2)(3), the relevant portion of which reads as follows:

(7) An ACLF shall provide each resident with at least the following personal services:

(a) Each ACLF shall provide each resident with at least the following personal services:

2. Safety when in the ACLF.
3. Daily awareness of the individual's whereabouts.

18. The facts in paragraphs fourteen (14) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.12(2)(f), the relevant portion of which reads as follows:

(2) Personal record. An ACLF shall ensure that the resident's personal record includes at a minimum the following:

(f) A copy of the admission agreement that is signed and dated by the resident.

19. The facts in paragraphs fifteen (15) are sufficient to constitute a violation of Tenn. Comp. R. and Regs.0720-26-.12(4), the relevant portion of which reads as follows:

(4) An ACLF shall complete a written assessment of the resident to be conducted by a direct care staff member within a time-period determined by the ACLF, but no later than seventy-two (72) hours after admission.

20. The facts in paragraphs fifteen (16) are sufficient to constitute a violation of Tenn. Comp. R. and Regs.0720-26-.12(5)(a), the relevant portion of which reads as follows:

(5)(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 health care 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.

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

21. Respondent understands and admits the allegations, charges, and stipulations in this Order.
22. 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.
23. Respondent agrees that presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board 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.
24. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
25. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.

26. 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:

- (1) Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **two-thousand dollars** (~~\$2,000.00~~). This CMP is issued for the deficiency of failure to provide safety for the resident cited on September 16<sup>th</sup>, 2021.   
 \$1,500.00 WK JS
- (2) Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **two-thousand dollars** (~~\$2,000.00~~). This CMP is issued for the deficiency of failure to maintain whereabouts of the resident cited on September 16<sup>th</sup>, 2021.   
 \$1,000.00 WK JS
- (3) Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **ZERO dollars (\$0.00)** for failure to obtain the signature of the resident upon admission cited on September 16<sup>th</sup>, 2021.
- (4) Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five-hundred dollars** (~~\$500.00~~). This CMP is issued for the deficiency cited for failure to complete a written assessment within seventy-two (72) hours of the resident's admission to the facility cited on September 16<sup>th</sup>, 2021.   
 250.00 WK JS
- (5) Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five-hundred dollars** (~~\$500.00~~). This CMP is issued for the deficiency cited for failure to complete a plan of care within five days (5) of the resident's   
 250.00 WK JS



admission to the facility and failure to revise the same cited on September 16<sup>th</sup>, 2021.

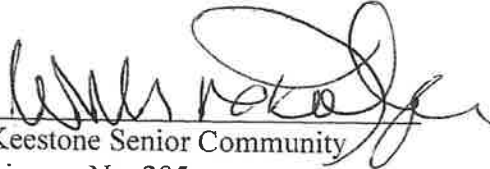
27. Payment shall be submitted to the following address within thirty (30) calendar days of the effective date of this Order.

Tennessee Health Facilities Commission  
Attention: Licensure and Regulation  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243

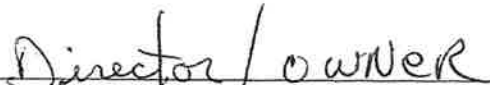
**PLEASE DO NOT REMIT PAYMENT UNTIL THE CONSENT  
ORDER HAS BEEN RATIFIED AND APPROVED BY THE BOARD**

APPROVED FOR ENTRY:

Please initial all pages.

  
Keystone Senior Community  
License No. 295  
Signature of Authorized Representative  
Respondent

  
Printed Name of Authorized Representative

  
Title of Authorized Representative

  
Jeremy Gourley (BPR # 022812)  
Senior Associate General Counsel  
Health Facilities Commission  
665 Mainstream Dr. 2<sup>nd</sup> Floor  
Nashville, Tennessee 37243  
Office: (615) 741-7221  
Fax: (615) 741-7051

**THIS ORDER IS NOT VALID AND BINDING UNTIL SIGNED BY THE BOARD**

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### Approval by the Board

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 Board for Licensing Health Care Facilities at a public meeting of the Board and signed this 5<sup>th</sup> day of April, 2023

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

  
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Chairperson  
Board for Licensing Health Care Facilities

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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Keestone Senior Community, c/o Administrator, c/o Melanie Layne Staggs, 322 Kennedy Street, Lawrenceburg, Tennessee 38464, and Keestone Senior Community, c/o Registered Agent, William A. Keelon, Jr., 322 Kennedy Street, Lawrenceburg, Tennessee 38464-2122 by delivering same in the United States regular mail and United States certified mail, numbers **7021 2720 0000 2319 2044** and **7021 2720 0000 2319 2068**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: [mstagg@keestoneseniorcommunity.com](mailto:mstagg@keestoneseniorcommunity.com).

This 5<sup>th</sup> day of April, 2023.

  
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Jeremy Gourley  
Senior Associate General Counsel