

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

In The Matter of:)	
)	
McArthur Manor Assisted Living, Assisted Care Living Facility, License No. 303,)	
)	Case No. 2024034391
)	
Respondent.)	
)	
Manchester, Tennessee)	

CONSENT ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and McArthur Manor Assisted Living (“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. “Assisted-care living facility” (“ACLF”) means 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 that a minimum of 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. An assisted-care living facility 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 Commission 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.

II. STIPULATIONS OF FACT

8. At all times pertinent hereto, Respondent, McArthur Manor Assisted Living, 119 Bryan Avenue Manchester, Tennessee 37355, was licensed by the Commission as an ACLF, having been granted license number 303 on April 21, 2009, which currently has an expiration date of April 4, 2025.
9. From September 23, 2024, to September 25, 2024, Commission surveyors conducted a licensure and complaint survey at Respondent’s facility.

10. Respondent's medical records dated July 8-10, 2024, for Resident #5 confirmed that the resident was a smoker.
11. Resident #5's Plan of Care dated July 10, 2024, failed to include documentation of the resident's smoking, or how the resident's needs would be accommodated.
12. On or about September 24, 2024, the Respondent's Director of Nursing (DON) admitted that the Respondent failed to document the resident's smoking, or how the resident's needs would be accommodated.
13. Respondent failed to update the Plan of Care for Residents #3, #6, and #7 to include fire evacuation plans for each resident.
14. Resident #3's Plan of Care dated September 12, 2024, confirmed that the resident requires two-person assistance to transfer from bed to wheelchair.
15. On or about September 24, 2024, Certified Nurse Aide (CNA) #A confirmed that no wheelchair was kept in the Resident #3's room because the Resident #3 was bedbound, hospice, and required increased staff for transfer.
16. Resident #6's Plan of Care dated April 22, 2024, confirmed that the resident was bedbound, hospice, required two-person transfer, and was unable to self-propel. No evacuation plan for Resident #6 was found in the Plan of Care.
17. Resident #7's Plan of Care dated April 14, 2024, confirmed that the resident was bedbound, hospice, required two-person transfer, and was dependent on staff for all mobility. No evacuation plan for Resident #7 was found in the Plan of Care.
18. On or about September 25, 2024, Respondent's Executive Director admitted that the Respondent failed to include evacuation plans in the Plan of Care for the above residents.

III. GROUNDS FOR DISCIPLINE

The facts in 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 Commission is authorized.

19. The facts in paragraphs ten (10) through twelve (12) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 0720-26-.12 (5)(a) [Resident Records], the relevant portion of which reads as follows:

(5) Plan of care.

(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.

20. The facts in paragraphs thirteen (13) through eighteen (18) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 0720-26-.12 (5)(b)(1) [Resident Records], the relevant portion of which reads as follows:

(b) The plan of care shall describe:

1. The needs of the resident, including the activities of daily living and medical services for which the resident requires assistance, i.e., what assistance/care, how much, who will provide the assistance/care, how often, and when.

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 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.
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 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.

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:

27. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of one thousand five hundred dollars (**\$1,500.00**). This CMP is issued for a violation of Tenn. Comp. R. and Reg.0720-26-.12 (5)(a) [Resident Records] for failure to update the Plan of Care to accommodate resident needs.
28. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of one thousand five hundred dollars (**\$1,500.00**). This CMP is issued for a violation of Tenn. Comp. R. and Reg.0720-26-.12 (5)(b)(1) [Resident Records] for failure to include evacuation plans in the resident's Plan of Care.
29. The total assessed CMP amount is **three thousand dollars (\$3,000.00)**.
30. Payment shall be submitted to the following address within **thirty (30) calendar days** of the effective date of this Order.

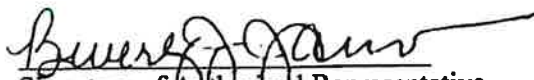
**Tennessee Health Facilities Commission
Attention: Disciplinary Coordinator
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

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

31. 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
McArthur Manor Assisted Living
License No. 303
Respondent

Beverly Janco

Printed Name of Authorized Representative

CEO

Title of Authorized Representative



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

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 23rd day of April, 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, McArthur Manor Assisted Living, c/o Executive Director, Deanna Reed, 119 Bryan Avenue Manchester, Tennessee 37355, and McArthur Manor Assisted Living, c/o Registered Agent, Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203-1312 by delivering same in the United States regular mail and United States certified mail, numbers 7020 0640 0001 4807 5088 and 7020 0640 0001 4807 5095, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: deanna.reed@navionsl.com and mcarthurmanorgeneral@navionsl.com.

This 23rd day of April, 2025.


Jeremy Gourley

Senior Associate General Counsel