

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

**In The Matter of:** )  
 )  
**Millington Healthcare Center** )  
**Nursing Home** )  
**License No. 316,** )  
 )  
**Respondent.** )  
 )  
**Millington, Tennessee** )

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

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The investigation and survey, with an exit date of March 27, 2025, 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.

Based upon the surveyors' findings and recommendations, the Executive Director has exercised the authority to **suspend admissions** to the facility, effective April 10, 2023, at 5:00 p.m. C.T. Further, the Executive Director has concluded that **five (5) Type A Civil Monetary Penalties** should be imposed upon this facility.

**I. PARTIES**

1. The Tennessee Health Facilities Commission ("Commission") has the authority 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.

2. For the purposes of this action, the address for the Executive Director and Commission is Tennessee Health Facilities Commission, Office of Legal Services, 665 Mainstream Drive, Second Floor, Nashville, Tennessee 37243.
3. At all times pertinent hereto, Respondent, Millington Healthcare Center, was licensed by the Commission as a Skilled Nursing Facility in the State of Tennessee, having been granted license number 316 on July 1, 1992, which currently has an expiration date of April 21, 2026.

## **II. JURISDICTION**

4. 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).
5. 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).

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. The executive director has the authority to suspend the admission of any new patients or residents to any facility or licensee in those cases where the executive director has a factual basis upon which to believe that the conditions in any such facility or licensee are, or are likely to be, detrimental to the health, safety, or welfare of a patient or resident. T.C.A. § 68-11-252(a).
8. For the purposes of this section, "facility or licensee" means any entity licensed under this part. The executive director **may suspend admissions** pending a prompt hearing before the Commission, or an administrative judge if the Commission cannot be convened promptly. T.C.A. § 68-11-252(b).
9. An order in all cases contesting a suspension of admissions shall be issued within ten (10) business days after the hearing contesting the suspension of admissions, regardless of whether the hearing is conducted before the Commission or an administrative judge. The order **must determine** whether the suspension of admissions was **initially valid** and whether conditions at the facility or licensee continue to be detrimental to the health, safety, or welfare of a patient or resident to justify the continuation of the suspension of admissions if not previously lifted. T.C.A. § 68-11-252(h).
10. For any suspension of admissions of a nursing home under this section that is accompanied by a civil penalty under part 8 of this chapter, part 8 of this chapter shall control to the extent there is a conflict. T.C.A. § 68-11-252(n).

11. The executive director of the health facilities commission **shall** assess Type A civil penalties in the executive director's order suspending the admission of any new patients to the nursing home, as provided in § 68-11-252. T.C.A. § 68-11-813.
12. The executive director of the health facilities commission has the authority to impose civil monetary penalties upon deficient nursing homes, as defined by § 68-11-201, under the circumstances provided in this part. T.C.A. § 68-11-801(a).
13. In addition to the civil monetary penalties specifically enumerated in this part, the executive director has the authority to impose civil monetary penalties in such amount, scope, manner and circumstances as required by the federal Nursing Home Reform Act of 1987. T.C.A. § 68-11-801(b).
14. The executive director has the authority to promulgate rules and regulations to impose the civil monetary penalties described in subsection (b). T.C.A. § 68-11-801(c).
15. Type A civil monetary penalties may be imposed whenever the executive director of the health facilities commission finds the conditions in a nursing home are, or are likely to be, detrimental to the health, safety or welfare of the patients, and the executive director has accompanied this finding by ordering the nursing home to suspend the admission of any new patients, as provided by § 68-11-802(a).
16. Type A civil penalties may be assessed in the amount of not less than one thousand five hundred dollars (\$1,500.00) and not more than seven thousand five hundred dollars (\$7,500.00). T.C.A. § 68-11-811(a).
17. **Within ten (10) days of receiving the executive director's order** to suspend admissions, any facility or licensee for which admissions have been suspended pursuant to this section **shall submit a corrective action plan** to the commission delineating the measures to be

taken to address violations and associated time frames. If it is deemed by the commission to be necessary to ensure the health, safety, and welfare of patients or residents, the executive director may require any facility or licensee for which admissions have been suspended to take all necessary actions to correct violations immediately. The commission **may also set a lesser time frame than ten (10) days** for the facility or licensee to submit a corrective action plan when it deems necessary to ensure the health, safety, and welfare of residents.

18. Should any nursing home exercise its right to a hearing in contest of both the assessment of a type A civil penalty and the suspension of admissions, the matters **shall be consolidated for hearing before an administrative judge** and, should reconsideration of the administrative judge's initial order be requested by either party pursuant to § 4-5-317, the matters may be separated with the Commission reviewing the suspension of admissions and the civil penalty being reviewed as provided in §§ 68-11-811 — 68-11-820. T.C.A. § 68-11-813(c).
19. Upon hearing a case or reviewing an initial order, the administrative judge, if sitting alone during a hearing, **shall have the power** to determine whether the imposition of any civil monetary penalty was proper and lawful, and, if so, whether the amount of the penalty was authorized by law and justified by the facts of the matter. T.C.A. § 68-11-820(a).
20. The administrative judge, when sitting alone, **may** find that no penalty should have been assessed; and, if so, the case shall be dismissed and the penalty abated. T.C.A. § 68-11-820(b).
21. Pursuant to T.C.A. § 68-11-820(c), when it finds that a civil penalty was properly assessed for a violation specified in §§ 68-11-801 — 68-11-805, the administrative judge, when

sitting alone, **may** uphold the amount originally imposed, correct the amount of the assessment to conform with the law, or reduce the amount of the penalty, but the amount **may be reduced only after** considering the following factors:

- (1) Those set forth in § 68-11-207(c);
- (2) Whether the nursing home had recognized the violation, had voluntarily notified the health facilities commission prior to any inspection, and had documented the correction of the violation within five (5) working days after the inspection;
- (3) Whether the violation was an unintended and temporary consequence typical of the on-going operation of a health care facility, which had minimal impact upon the care of the patients; and
- (4) Whether the nursing home has a dispute, made in good faith and not solely for the purposes of delay, regarding the health facilities commission executive director's legal authority to impose an assessment.

22. All contested cases shall be conducted according to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3. The hearing shall be conducted within thirty (30) days of the nursing home's demand, and an order shall be issued within ten (10) working days after the hearing. T.C.A. § 68-11-817.
23. In accordance with Public Chapter 1119 (2022), all rule citations cited as 1200-08-06, shall now be referenced as 0720-18.

### III. FACTS

24. A complaint survey was conducted on the premises of the facility and the survey team exited on March 27, 2025, resulting in deficiencies cited which affect the health, safety, and welfare of the residents within the nursing home.
25. Respondent's Administration failed to identify drug diversion of controlled substances by a staff nurse that occurred for approximately five (5) years, failed to ensure competent nursing staff, and failed to ensure appropriate management of pharmaceuticals.
26. Respondent's medication records confirmed that Schedule II, III, and IV controlled substances were diverted for twelve (12) of twelve (12) residents reviewed.
27. Respondent's Administration failed to ensure the facility had an effective pain management system for Residents #9 and #17 with significant pain that was detrimental to their health and safety.
28. Respondent's Administration failed to ensure Resident #17 was free of accidents when on or around March 10, 2025, the resident sustained an unwitnessed fall and was found on the floor by the bed. Resident #17 suffered a severe head injury from the fall.
29. Resident #17 exhibited pain from March 7, 2025, through March 10, 2025 from a recent amputation that was not controlled in the facility.
30. On or about February 21, 2025, Resident #9 sustained an unwitnessed fall in the facility and exhibited pain from a fractured femur that was not controlled in the facility for approximately six (6) hours.
31. Respondent was unable to produce documentation showing that medication for pain was provided for Resident #9.

32. Respondent from March 7, 2025 through March 10, 2025 failed to provide appropriate pain relief for Resident #17 in contradiction with the resident's physician's orders. Resident #17 was noted to have been trembling with pain during this period.
33. From on or around March 7, 2025, through March 10, 2025, Resident #17 exhibited behaviors of climbing out of their bed. Respondent failed to adopt interventions to prevent these behaviors.
34. Respondent's records confirmed that on or around October 5, 2025, Resident #5 eloped from Respondent's facility and was missing for approximately ten (10) minutes. Resident #5 was located at a nearby pharmacy. Respondent was unable to provide documentation of interventions made to prevent Resident #5 from future elopements.
35. Respondent failed to ensure nursing staff followed guidelines for documentation of controlled substances on two (2) of three (3) med carts, failed to ensure the controlled substance counts were accurate, failed to document medications were administered as scheduled, and failed to appropriately assess, monitor, and control cognitively impaired residents pain levels for Residents #6, #7, #8, #9, #13, #16, #17, #24, #27, #29, #31, #32, #33, #34, #35, #36, #37, #38, #41, and #42.
36. On or around March 4, 2025, Respondent's nurses failed to follow Respondent's protocol for drug documentation for two (2) out of three (3) medication carts. Respondent's records confirmed that both nurses were educated in proper protocol in October of 2024.
37. Respondent's medication administration logs confirmed that Respondent's nurses failed to properly administer and document medications for Residents #6, #9, #16, #24, #37, and #38.

38. Respondent's Licensed Practical Nurse (LPN) #1 was identified by local law enforcement in a case involving drug diversion that began in 2019 at Respondent's facility and continued through October 2024. Subsequently, LPN #1, was arrested on drug charges and the facility was notified of LPN #1's arrest. Respondent was unaware of the ongoing drug diversion until they were notified by the authorities in October of 2024.
39. Local law enforcement confirmed that Schedule II drugs were diverted for three (3) of twelve (12) residents sampled. 704.5 total pills were found by law enforcement in LPN #1's car and 1,225 pills in their home, for a total of 1,929.5 pills seized.
40. The Federal Drug Enforcement Agency (DEA) served a search warrant on Respondent's facility on October 21, 2024 in relation to the above charges against LPN #1. Respondent developed a plan to address the drug diversion, but failed to fully implement the corrective plan, as medications were not being reconciled in accordance with the plan.
41. On April 9, 2025, the Executive Director of the Health Facilities Commission issued the ten (10) day Notice Letter, and it is hereby incorporated in its entirety by reference and attached hereto as Attachment 1.

#### **IV. CAUSE OF ACTION**

The facts stated in the Section III, *supra*, are sufficient to establish that grounds for the Suspension of Admissions and issuance of Civil Monetary Penalties by the Executive Director against Respondent's Nursing Home license. Specifically, Respondent has violated the following statutes and/or rules, for which executive action is authorized:

42. The facts stated in paragraphs twenty-five (25) through thirty-one (31) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Regs. 0720-18-.04(1) [Administration], the relevant portion of which reads as follows:

(1) ...The administrator shall assure the provision of appropriate fiscal resources and personnel required to meet the needs of the residents.

43. The facts stated in paragraphs thirty-two (32) through thirty-four (34) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Regs. 0720-18-.04(15) [Administration], the relevant portion of which reads as follows:

(15) Each nursing home shall adopt safety policies for the protection of residents from accident and injury.

44. The facts stated in paragraph thirty-five (35) through thirty-seven (37) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Regs. 0720-18-.06(4)(g) [Basic Services], the relevant portion of which reads as follows:

(4) Nursing Services

(g) A registered nurse must assign the nursing care of each resident to other nursing personnel in accordance with the resident's needs and the specialized qualifications and competence of the nursing staff available.

45. The facts stated in paragraph twenty-five (25), twenty-six (26), and thirty-eight (38) through forty (40) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Regs. 0720-18-.06(6)(d) [Basic Services], the relevant portion of which reads as follows:

(6) Pharmaceutical Services

(d) Every nursing home shall comply with all state and federal regulations governing Schedule II drugs.

46. The facts stated in paragraphs twenty-seven (27) through thirty-three (33) and thirty-five through thirty-seven (37) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Regs. 0720-18-.12(1)(x) [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:

(x) To have appropriate assessment and management of pain;

## V. ORDER

47. Pursuant to T.C.A. § 68-11-252(a), and based upon the aforementioned facts as incorporated by reference herein, the Executive Director has ordered that the admission of new residents at Millington Healthcare Center be suspended, **effective on the April 10, 2025 at 5:00 p.m. C.T.**

48. Pursuant to T.C.A. § 68-11-802, the Executive Director hereby assesses five (5) Type A Civil Monetary Penalties, as follows:

- a. For violation of Tenn. Comp. R. and Regs. 0720-18-.04(1) [Administration], a Civil Monetary Penalty in the amount of **two thousand five hundred dollars (\$2,500)**.
- b. For violation of Tenn. Comp. R. and Regs. 0720-18-.04(15) [Administration], a Civil Monetary Penalty in the amount of **five thousand dollars (\$5,000)**.
- c. For violation of Tenn. Comp. R. and Regs. 0720-18-.06(4)(g) [Nursing Services], a Civil Monetary Penalty in the amount of **two thousand five hundred dollars (\$2,500)**.
- d. For violation of Tenn. Comp. R. and Regs. 0720-18-.06(6)(d) [Nursing Services], a Civil Monetary Penalty in the amount of **two thousand five hundred dollars (\$2,500)**.
- e. For violation of Tenn. Comp. R. and Regs. 0720-18-.12(1)(x) [Resident Rights], a Civil Monetary Penalty in the amount of **five thousand dollars (\$5,000)**.
- f. The **total assessment of seventeen thousand five hundred dollars (\$17,500)**.

49. 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. § 68-11-207, 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.

50. The facility is hereby ordered to post a copy of this 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.
51. 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.

## **VI. NOTICE OF RIGHTS**

The Commission hereby gives notice to the Respondent of the following rights:

52. In accordance with 2022 Public Chapter 1119, the Health Facilities Commission assumed jurisdiction over the Board for Licensing Health Care Facilities. Because of this suspension of admissions, this nursing home has the right to a prompt hearing before the Health Facilities Commission. If the Commission cannot convene promptly, this hearing may be held before an administrative judge. If the facility disagrees with this decision and requests such a hearing, the Commission or Administrative Judge would then have the authority to continue, revoke or modify the suspension of admissions; to revoke, suspend or condition the license held by the facility, and to enter such other orders as deemed necessary. Tenn. Code Ann. (“T.C.A.”) § 68-11-207, T.C.A. § 68-11-813.

53. Health Facilities Commission authority is granted under 2022 Public Chapter 1119. Because a Type A civil monetary penalty has been assessed, this nursing home has either the right to contest this action or pay the assessment. TCA § 68-11-816 provides:

- a. Five (5) working days after the nursing home’s actual receipt of...the Executive Director’s Order suspending admissions to the nursing home and assessing a type A penalty, the nursing home shall either pay the penalty assessed or file with the Administrative Procedures Division of the Secretary of State and with the Commission an answer, demanding a contested case hearing. Should the nursing home fail to answer or to demand a hearing within five (5) working days of its actual receipt of the department’s notice, it (the nursing home) shall be deemed to have waived its right to a hearing, to have admitted the allegations of the assessment, and the civil penalty assessed shall then be due and payable. Should the nursing home pay the penalty assessed on or before the day upon which the answer is due, the amount of the penalty shall be reduced by ten percent (10%).

54. Unless the nursing home contests the assessment, the civil penalty should be made payable in the form of a certified check or money order, to the “Treasurer, State of Tennessee.” The payment shall be mailed or delivered to the following address:

**Disciplinary Coordinator  
Health Facilities Commission  
665 Mainstream Drive, 2nd Floor  
Nashville, Tennessee 37243**

55. The nursing home may demand a hearing upon the suspension of admissions (without contesting the civil penalty), or upon the assessment of the civil penalty (without contesting the suspension of admissions) or upon both actions. Should the nursing home demand a hearing on both the assessment of a Type A civil penalty and the suspension of admissions,

the matters shall be consolidated for hearing before an administrative judge and, should reconsideration of the administrative judge's initial order be requested by either party, the matters would then be separated with the Health Facilities Commission reviewing the suspension of admissions and the Panel of Health Facilities Commission reviewing the assessment of the civil penalty. T.C.A. § 68-11-813.

56. Should the facility wish to demand a hearing, the demand and a copy of the demand should be mailed respectively to the following addresses:

- a. Caroline Tippens, Director  
Health Facilities Commission  
665 Mainstream Drive, 2<sup>nd</sup> Floor  
Nashville, Tennessee 37243
- b. Administrative Procedures Division  
Office of the Secretary of State  
William Snodgrass TN Tower, 8<sup>th</sup> Floor  
312 Eighth Avenue North  
Nashville, Tennessee 37243
- c. Health Facilities Commission  
Office of Legal Services  
Andrew Jackson Building, 9<sup>th</sup> Floor  
502 Deaderick Street  
Nashville, Tennessee 37243

57. Hearings requested shall be conducted as a contested case proceeding as provided by the Administrative Procedures Act, T.C.A. §§ 4-5-301, et. seq., and by and by Tenn. Comp. R. & Regs. 1360-4-.01 et. seq. Any such hearing shall be conducted within thirty (30) days of the receipt of the nursing home's demand and an Order shall be issued within ten (10) working days after the hearing. T.C.A. § 68-11-817.

58. In any contested case proceeding, the facility may be represented by a duly authorized representative or, at the facility's expense, by legal counsel.

Entered this 9th day of April, 2025.

*Logan Grant/JC*

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Logan Grant  
Executive Director  
Health Facilities Commission

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

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Millington Healthcare Center, c/o Administrator, 5081 Easley Street, Millington, Tennessee, 38053 and C T Corporation System, 300 Mont Vue Road, Knoxville, Tennessee, 37919-5546 by delivering same in the United States regular mail and United States certified mail, numbers **9589 0710 5270 0005 1099 58**, and **9589 0710 5270 0005 1099 65**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: [felicia.speaks@millingtonhc.com](mailto:felicia.speaks@millingtonhc.com)

This the 9th day of April, 2025.

*Logan Grant/JC*

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Logan Grant  
Executive Director  
Health Facilities Commission