

**STATE OF TENNESSEE
HEALTH FACILITIES COMMISSION
BEFORE THE BOARD FOR LICENSING HEALTH CARE FACILITIES**

IN THE MATTER OF:)
)
BROOKDALE DOGWOOD CREEK,)
A.C.L.F. LICENSE NO. 352) **CASE NO. 202201502**
RESPONDENT)
)
GERMANTOWN, TENNESSEE)

CONSENT ORDER

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (“Board”), pursuant to the request of the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and **BROOKDALE DOGWOOD CREEK** (“Respondent”) that the Board adopt this Consent Order, the terms of which have been agreed upon by the parties, as signified by their signatures below.

Respondent, by signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review of this matter.

Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should the Consent Order not be ratified. Likewise, all matters, admissions, and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

I. JURISDICTION

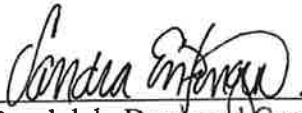
1. The Board has the power to license and regulate hospitals, recuperation centers, nursing homes, homes for the aged, residential HIV supportive living facilities, assisted care living facilities, home care organizations, residential hospices, birthing centers, prescribe childcare centers, renal dialysis 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. 1200-08-25-.02(7).
4. “Primarily aged persons” 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. 1200-08-25-.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. 1200-08-25-.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.

II. STIPULATIONS OF FACT

8. At all times pertinent hereto, Respondent, Brookdale Dogwood Creek, 8199 Poplar Avenue, Germantown, Tennessee 38138, was licensed by the Board as an ACLF, having been granted license number 352 on July 10, 2013, which currently has an expiration date of July 10, 2023.
9. On or about March 30, 2022, an annual licensure survey of the facility was conducted. Multiple deficiencies were cited, including failure to maintain food to be served to residents at appropriate temperatures.
10. On or about May 25, 2022, an onsite revisit survey of the facility was conducted. While most deficiencies cited on the annual licensure survey were corrected, the facility still failed to maintain food to be served to residents at appropriate temperatures. A “salad reach-in cooler” was broken and was maintaining an internal temperature of fifty-one (51) degrees Fahrenheit instead of the required forty-one (41) degrees Fahrenheit or lower. Facility staff, including the Dining Service Director and Executive chef were aware of the broken cooler at the time of this revisit survey.
11. On or about August 1, 2022, an onsite revisit survey of the facility was conducted. The facility had corrected the aforementioned deficiency and was deemed to be in compliance with all regulatory requirements.

APPROVED FOR ENTRY:



08/24/2022
Brookdale Dogwood Creek
ACLF Lic. No. 352
Sandra Enfinger, Administrator
Respondent


Vishan J. Ramcharan (BPR # 034403)
Associate General Counsel
Health Facilities Commission
665 Mainstream Dr. 2nd Floor
Nashville, Tennessee 37243
(615) 741-7221

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 22ND day of November, 2022.

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


Chairperson
Board for Licensing Health Care Facilities

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Brookdale Dogwood Creek, c/o Sandra Enfinger, 8199 Poplar Avenue, Germantown, Tennessee 38138, by delivering same in the United States regular mail and United States certified mail, number **7021 2720 0000 2319 2266**, return receipt requested, with sufficient postage thereon to reach its destination.

This 22nd day of November, 2022.



Vishan J. Ramcharan (BPR # 034403)
Associate General Counsel
Health Facilities Commission
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Nashville, Tennessee 37243
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