

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

<b>In The Matter of:</b>	)	
	)	
<b>Nashville Center for Rehabilitation and Healing, LLC</b>	)	
<b>Skilled Nursing Facility</b>	)	
<b>License No. 394,</b>	)	<b>Case No. 2023012131, 2023014491</b>
	)	
<b>Respondent.</b>	)	
	)	
<b>Nashville, Tennessee</b>	)	

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**CONSENT ORDER**

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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 Nashville Center for Rehabilitation and Healing, LLC (“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.

**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 nursing homes to determine compliance with fire and life safety code regulations promulgated by the Board. T.C.A. § 68-11-202(b)(1)(A).
3. 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).
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 Board. 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 Board 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, Nashville Center for Rehabilitation and Healing, LLC, 832 Wedgewood Avenue Nashville, Tennessee 37203, was licensed by the Board as

a nursing home, having been granted license number 394 on January 17, 2013, which currently has an expiration date of January 17, 2024.

8. On or about April 26, 2023, the State surveyor observed multiple instances of renovation repairs being performed. Upon further inspection, it was revealed that ceiling tiles were missing in the bathroom across from elevator 1 in the basement, and the facility was storing large amounts of combustible materials in the 500 corridor movie theatre (more than 680 square feet) without prior approval of the change of use from the Health Facilities Commission. Further, ceiling tiles were missing in the 1st floor therapy gym therapists' office, and the ceiling had been patched in a resident's room but a new hole was in the ceiling over their bed.
9. The Maintenance Director was present when the above deficiencies were identified and all were acknowledged to the State surveyor during the exit conference that same day.

### **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 Board is authorized.

10. The facts in paragraphs eight (8) through nine (9) are sufficient to constitute **one (1)** collective violation of Tenn. Comp. R. and Reg. 0720-18-.08 (1) Building Standards
  - (1) A nursing home shall construct, arrange, and maintain the condition of the physical plant and the overall nursing home environment in such a manner that the safety and well-being of the residents are assured.

#### IV. REPRESENTATIONS OF RESPONDENT

11. Respondent understands and admits the allegations, charges, and stipulations in this Order.
12. 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.
13. 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.
14. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
15. 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.

16. 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:

17. Respondent is hereby assessed one (1) collective Civil Monetary Penalty in the amount of **three-thousand dollars (\$3,000.00)** for violating Tenn. Comp. R. and Reg. 0720-18-.08 (1) - Building Standards.
18. 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- Discipline  
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**

19. 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:**



Nashville Center for Rehabilitation  
and Healing, LLC License No. 394  
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  
Jeremy.J.Gourley@tn.gov

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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 7<sup>th</sup> day of February, ~~2023~~ 2024<sup>th</sup>

**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, Nashville Center for Rehabilitation and Healing, LLC, c/o Administrator, Roger Peden, 832 Wedgewood Avenue Nashville, Tennessee 37203, and Nashville Center for Rehabilitation and Healing, LLC, c/o Registered Agent, Corporate Creations Network, Inc., 205 Powell Place, Brentwood, Tennessee 37027-7522 by delivering same in the United States regular mail and United States certified mail, numbers 7022 3330 0001 2193 7667 and 7022 3330 0001 2193 7674, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: [rpeden@nashvillecenterrehab.com](mailto:rpeden@nashvillecenterrehab.com).

This 7<sup>th</sup> day of February, 2023.

  
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Jeremy Gourley  
Senior Associate General Counsel