

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

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|---|---|----------------------------|
| In The Matter of: |) | |
| |) | |
| Life Care Center of Blount County, |) | |
| Skilled Nursing Facility, |) | |
| License No. 408, |) | Case No. 2024025591 |
| |) | |
| Respondent. |) | |
| |) | |
| Louisville, 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 Life Care Center of Blount County (“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. “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(37)(A)(B).
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 Commission. 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 Commission 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, Life Care Center of Blount County, 1965 Stewart Lane Louisville, Tennessee 37777, was licensed by the Commission as a nursing home, having been granted license number 408 on November 16, 2015, which currently has an expiration date of November 15, 2024.

8. On or about July 7, 2024, through July 10, 2024, Commission surveyors conducted a complaint survey of Respondent's facility.
9. Respondent's comprehensive Care Plan for Resident #15, dated August 9, 2023, confirmed that the Resident #15 was at risk for displaying inappropriate behaviors.
10. On or about August 21, 2023, Respondent's Event and Progress Notes verified that Resident #14 while sleeping was touched inappropriately by Resident #15.
11. Respondent's facility investigation report dated August 21, 2023, confirmed that Resident #15 was found by facility staff standing beside the bed of Resident #14. Resident #15 was observed by staff to be disrobing and pulling the sheets back on the bed of Resident #14.
12. On or about August 21, 2023, Respondent's Hospitality Aide (HA) admitted during the Respondent's investigation that Resident #15 had removed their pants and brief and was attempting to remove the brief of Resident #14 when the HA discovered the incident and was able to intervene by removing Resident #15 from the room.
13. On or about July 10, 2023, Respondent's Executive Director (ED) admitted that a staff member observed Resident #15 with their brief off and attempting to remove the cover off of Resident #14.
14. Respondent's ED further admitted that the incident between Resident #14 and #15 constituted the potential for abuse.

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 Commission is authorized.

15. The facts in paragraphs nine (9) through fourteen (14) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-18-.12(1)(g) [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.

IV. REPRESENTATIONS OF RESPONDENT

16. Respondent understands and admits the allegations, charges, and stipulations in this Order.

17. 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.

18. 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.

19. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
20. 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.
21. 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:

22. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand five hundred dollars (\$1,500.00)** for violating 0720-18-.12(1)(g) [Resident Rights].
23. Respondent **will provide** training to staff regarding its abuse policy and ways to prevent future abuse of residents. Proof of the training must be submitted to the Commission within thirty (30) calendar days of the effective date of this Order.
24. Respondent **will provide** to the Commission a written explanation addressing changes to the Plan of Care and increased supervision for residents with incidents of abuse. The written explanation must be submitted to the Commission within thirty (30) calendar days of the effective date of this Order.
25. The total assessed CMP amount is **one thousand five hundred dollars (\$1,500.00)**.


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

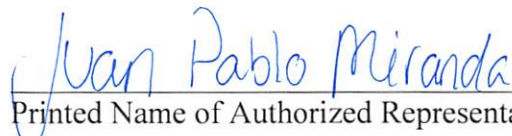
**Tennessee Health Facilities Commission
Attention: Disciplinary Coordinator
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**


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


27. 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
Life Care Center of Blount County
License No. 408
Respondent


Printed Name of Authorized Representative


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 11th day of December, 2024.

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, Life Care Center of Blount County, c/o Administrator, Juan Miranda, 1965 Stewart Lane Louisville, Tennessee 37777, and Life Care Center of Blount County, c/o Registered Agent, Forrest L. Preston, 3570 Keith Street NW, Cleveland, Tennessee 37312-4309 by delivering same in the United States regular mail and United States certified mail, numbers **7020 0640 0001 4807 2117** and **7020 0640 0001 4807 2124**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: Juan_Miranda@LCCA.com.

This 11 day of Dec., 2024



Jeremy Gourley

Senior Associate General Counsel