

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

In The Matter of:)
)
Hickory Hills Alzheimer's Special Care Center)
Assisted Care Living Facility)
License No. 432,)
)
Respondent.)
)
Hendersonville, Tennessee)

**Case Nos. 2021028411,
2022027501**

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 Hickory Hills Alzheimer's Special Care Center ("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. 0720-26-.02(7) [formerly cited as 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. 0720-26-.02(34) [formerly cited as 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. 0720-26-.02(2) [formerly cited as 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, Hickory Hills Alzheimer's Special Care Center, 162 Indian Lake Boulevard, Hendersonville, Tennessee 37075-6203, was licensed by the Board as an ACLF, having been granted license number 432 on August 18, 2016, which currently has an expiration date of August 17, 2023.
9. On or about October 11, 2021, an annual licensure survey of Hickory Hills Alzheimer's Special Care Center was completed. Based on review of facility records and interviews with staff, it was determined that one resident was admitted to the facility without being able to transfer independently.
10. On or about December 1, 2020, Resident #4 was admitted to the facility. The following day the facility created an Admitting Care Plan for Resident #4 which documented the resident's inability to transfer independently.

11. On or about October 11, 2021, the facility's Executive Director stated to a state surveyor that the facility was aware, at the time of admission, that Resident #4 could not transfer independently.
12. On or about October 4, 2022, an annual licensure survey of the facility was completed. Based on review of facility records and interviews with staff, it was determined that two (2) residents were admitted to the facility without being able to transfer independently, and two (2) admission assessments were not completed in a timely manner, and two (2) admission plans of care were not completed in a timely manner or were not completed at all.
13. On or about February 3, 2022, the facility created an initial assessment summary for Resident #4 (different Resident #4 than referenced previously) revealing that the resident could not transfer independently.
14. On or about May 3, 2022, the facility created an initial assessment summary revealing that Resident #5 could not transfer independently.
15. The facility's Director of Nursing stated to a state surveyor that the facility was aware, at the time of their admissions, that Resident #4 and Resident #5 could not transfer independently.
16. Admissions assessments for Resident #3 and Resident #4 were not completed within seventy-two (72) of admission. Resident #3 was admitted to the facility on December 15, 2021, and their admission assessment was not completed until September 12, 2022. Resident #4 was admitted to the facility on January 31, 2022, and their admission assessment was not completed until September 28, 2022.

17. Plans of care for Resident #1 and Resident #4 were not completed at all or were not completed in a timely manner. Resident #1 was admitted to the facility on September 7, 2021, but the facility never completed a plan of care. Resident #4 was admitted to the facility on January 31, 2022, but their plan of care was not completed until February 9, 2022.

III. GROUNDS FOR DISCIPLINE

The facts in the 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 Board is authorized.

18. The facts in paragraphs nine (9) through fifteen (15) are sufficient to constitute three (3) violations of Tenn. Comp. R. and Reg.0720-26-.05(5) [formerly cited as 1200-08-25-.05(5)], the relevant portion of which reads as follows:

The Board may...assess civil penalties for violations of statutes, rules or orders enforceable by the Board in accordance with the following schedule:

...

T.C.A. § 68-11-213(i)(2) \$0-\$3000
(Admission or Retention of Inappropriately Placed Resident.)
Each resident shall constitute a separate violation.)

19. The facts in paragraph sixteen (16) are sufficient to constitute a violation of Tenn. Comp. R. and Reg.0720-26-.12(4) [formerly cited as 1200-08-25-.12(4)], the relevant portion of which reads as follows:

An ACLF shall complete a written assessment of the resident to be conducted by a direct care staff member within a time-period determined by the ACLF, but no later than seventy-two (72) hours after admission.

20. The facts in paragraph seventeen (17) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 0720-26-.12(5)(a) [formerly cited as 1200-08-25-.12(5)(a)], the relevant portion of which reads as follows:

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.

IV. ORDER


NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

21. After final Board approval of this order, Respondent, or an authorized representative, shall appear in person at the next scheduled Board meeting to explain the facility's process for screening residents for appropriate placement.
22. Respondent is hereby assessed three (3) Civil Monetary Penalties in the amount of **two-thousand dollars (\$2,000.00) each, for a total of six-thousand dollars (\$6,000.00)**, for the violations referenced in paragraph eighteen (18).
23. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one-thousand five hundred dollars (\$1,500.00)** for the violation referenced in paragraph nineteen (19).
24. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one-thousand five hundred dollars (\$1,500.00)** for the violation referenced in paragraph twenty (20).


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

**Tennessee Health Facilities Commission
Attention: Licensure and Regulation
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

APPROVED FOR ENTRY:



Hickory Hills Alzheimer's Special Care Center
License No. 432
Signature of Authorized Representative
Respondent



Vishan J. Ramcharan (BPR # 034403)
Associate General Counsel
Health Facilities Commission
665 Mainstream Dr. 2nd Floor
Nashville, Tennessee 37243
Office: (615) 741-7221
Fax: (615) 741-7051

Carl F. Cottrill

Printed Name of Authorized Representative

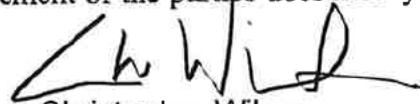
Administrator

Title of Authorized Representative

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 2nd day of February, 2023.

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



Christopher Wilson

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, Hickory Hills Alzheimer's Special Care Center, c/o Administrator, Abra Kent, 162 Indian Lake Boulevard, Hendersonville, Tennessee 37075-6203, and Hickory Hills Alzheimer's Special Care Center, c/o Registered Agent, by delivering same in the United States regular mail and United States certified mail, numbers **7021 2720 0000 2319 2228** and **7021 2720 0000 2319 2235**, return receipts requested, with sufficient postage thereon to reach its destination.

This 3rd day of February, 2023.



Vishan J. Ramcharan
Associate General Counsel