

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

IN THE MATTER OF:)
)
ALEXANDER GUEST HOUSE)
A.C.L.F. LICENSE NO. 444) **DOCKET NO. 25.05-236668A**
RESPONDENT)
)
OAK RIDGE, TENNESSEE)

AGREED 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 **Alexander Guest House** (“Respondent”) that the Board adopt this Agreed Order, the terms of which have been agreed upon by the parties, as signified by their signatures below.

Respondent, by signature to this Agreed 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 Agreed 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 Agreed 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 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” means that a minimum of 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, Alexander Guest House, was licensed by the Board as an assisted care living facility, having been granted license number 00000444 on November 16, 2015, which currently has an expiration date of November 15, 2022.
9. On or about February 9, 2022, an on-site complaint survey was conducted at the facility which revealed at least one (1) regulatory violation.
10. Based on review of medical records, a facility incident report and interview, it was determined that Respondent failed to provide daily awareness of an individual's whereabouts for one (1) resident reviewed in the facility's Memory Care Unit. Specifically, a resident eloped from the facility and wandered around outside until the resident was found by the police about a block away from the facility.
11. Respondent subsequently submitted a Plan of Corrections (hereinafter "POC") to the Office of Health Care Facilities on or about March 11, 2022.
12. On or about March 23, 2022, an onsite revisit survey was conducted at the facility. The surveyor alleged as a result of the onsite revisit that Respondent had not implemented its POC.

13. Respondent contends that it could not implement its POC as submitted because it could not find a way to do so while still having two forms of egress, which is required by regulations.
14. On or about April 13, 2022, a second onsite revisit survey of the facility was conducted. Respondent corrected the aforementioned deficiencies and was deemed to be in compliance with all regulatory requirements.

III. GROUND 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.

15. The facts in paragraphs ten (10) and thirteen (13) are sufficient to constitute violations of Tenn. Comp. R. and Reg. 0720-26-.07(7)(a)3 [formerly cited as 1200-08-25-.07(7)(a)3], the relevant portion of which reads as follows:
 - (7) An ACLF shall provide personal services as follows:
 - (a) Each ACLF shall provide each resident with at least the following personal services:
 3. Daily awareness of the individual's whereabouts.

IV. ORDER

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

16. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)**.
17. 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
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243

APPROVED FOR ENTRY:



Alexander Guest House
ACLF Lic. No. 444
Authorized Representative
Respondent



Printed Name of Authorized Representative

MANAGER

Title of Authorized Representative



Vishan J. Ramcharan (BPR # 034403)
Associate General Counsel
Health Facilities Commission
Andrew Jackson State Office Bldg., 9th Floor
502 Deaderick Street,
Nashville, TN 37243
(615) 734-1140

Approval by the Board

Upon the agreement of the parties and the record as a whole, this **AGREED 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 3rd day of April, 2024.

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, Alexander Guest House, c/o Amy Duncan, 83 Kentucky Avenue, Oak Ridge, Tennessee 37830, by delivering same in the United States regular mail and United States certified mail, number **7021 2720 0000 2319 2488**, return receipt requested, with sufficient postage thereon to reach its destination.

This 3rd day of April, 2024.



Vishan J. Ramcharan
Associate General Counsel

TN SOS-APD Wed, Apr 03, 2024 02:30 PM : 6 of 6 pages filed