

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

In The Matter of:)	
)	
Clarendale at Bellevue Place)	
Assisted Care Living Facility)	
License No. 491,)	Case No. 2022030191
)	
Respondent.)	
)	
Nashville, 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 Clarendale at Bellevue Place (“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).
4. “Primarily aged” 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).
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).

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.
8. The Commissioner may suspend admissions pending a prompt hearing before the Board, or an administrative judge if the Board cannot be convened promptly. (Tenn. Code Ann. 68-11-252(b).)
9. Pursuant to Tenn. Code Ann. § 68-11-252(c), the Commissioner shall initiate a suspension of admissions by delivering to the facility or licensee a notice stating the Commissioner's decision to suspend the admissions of new patients. The Commissioner's notice to suspend admissions must:
 - (1) Detail what conditions are considered detrimental to the health, safety, or welfare of the patients;
 - (2) Provide an explanation of the specific time frame when and conditions under which the facility or licensee can reasonably expect the suspension to be lifted; and
 - (3) Be received by the facility or licensee within ten (10) business days of the conclusion of the Department's survey.
10. The Commissioner is authorized, at any time prior to a hearing, based on information presented to the Commissioner showing that such conditions have been and will continue

to remain corrected, to revoke the suspension of admissions. Tenn. Code Ann. § 68-11-252(i).

11. During a suspension of admissions pursuant to § 68-11-252, the Commissioner shall appoint one (1) or more special monitor, and costs related to the special monitor(s) shall be recoverable in certain circumstances. Tenn. Code Ann. § 68-11-221.

II. STIPULATIONS OF FACT

12. At all times pertinent hereto, Respondent, Clarendale at Bellevue Place, 7632 Highway 70 South, Nashville, Tennessee 37221, was licensed by the Board as an ACLF, having been granted license number 491 on March 13, 2020, which currently has an expiration date of March 12, 2023.
13. On or about May 1st, 2021, around 7:21 p.m., video footage shows Resident #25 exiting Clarendale at Bellevue Place through an unsecured and unmonitored door. Resident #25 was not in their room or on the secure unit when staff made their rounds around 8:00 p.m. Resident #25 was not located by staff until around 8:44 p.m. on May 1, 2021.
14. On or about April 17th, 2021, around 6:16 p.m., video footage shows Resident #25 walk to the front of the secure unit and out of the camera's view. At around 6:19 p.m. Resident #25 was observed walking towards the exit to the back parking lot and leaving view of the camera. Resident #25 was located by a family member nearly four (4) miles from the facility and across a four-lane highway. At around 9:01 p.m. Resident #25 was observed on video entering Clarendale at Bellevue Place with a family member and the Executive Director.

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 thirteen (13) through fourteen (14) are sufficient to constitute a violation of Tenn. Comp. R. and Reg.0720-26-.06(1)(b)(3) [formerly cited as 1200-08-25-.06(1)(b)(3)]the relevant portion of which reads as follows:

(1) Each ACLF shall meet the following staffing and procedural standards:

(b) Policies and Procedures:

3. An ACLF shall develop a written policy, plan or procedure concerning a subject and adhere to its provisions whenever required to do so by these rules. A licensee that violates its own policy established as required by these rules and regulations also violates the rules and regulations establishing the requirement.

(16) The facts in paragraphs thirteen (13) through fourteen (14) are sufficient to constitute a violation of Tenn. Comp. R. and Reg.0720-26-.07(7)(a)(2-3) [formerly cited as 1200-08-25-.07(7)(a)(2-3)]the relevant portion of which reads as follows:

(7) An ACLF shall provide each resident with at least the following personal services:

(a) Each ACLF shall provide each resident with at least the following personal services:

2. Safety when in the ACLF;
3. Daily awareness of the individual's whereabouts.

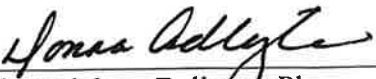
IV. ORDER

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)**. This CMP is issued for the deficiency cite on May 13th, 2021.
- (17) Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five-hundred dollars (\$500.00)**. This CMP is issued for deficiency cited on May 13th, 2021.
- (18) 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:


Clarendale at Bellevue Place
License No. 491
Signature of Authorized Representative
Respondent

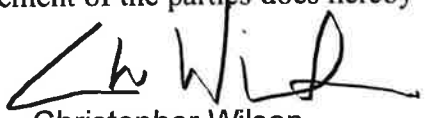
Donna Adlington
Printed Name of Authorized Representative
Administrator
Title of Authorized Representative


Jeremy Gourley (BPR # 022812)
Senior Associate General Counsel
Health Facilities Commission
665 Mainstream Dr. 2nd Floor
Nashville, Tennessee 37243
Office: (615) 741-7221
Fax: (615) 741-7051

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, Clarendale at Bellevue Place, c/o Administrator, Donna Adington, 7632 Highway 70 South, Nashville, Tennessee 37221, and Clarendale at Bellevue Place, c/o Registered Agent, , 992 Davidson Drive, Suite B, Nashville, Tennessee 37205-1051 by delivering same in the United States regular mail and United States certified mail, numbers **7020 3160 0000 8969 8612** and **7020 2720 0000 2319 1856**, return receipts requested, with sufficient postage thereon to reach its destination.

This 3rd day of February, 2023.



Jeremy Gourley
Senior Associate General Counsel