

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

IN THE MATTER OF:)	
)	
THE VILLAGE OF MURFREESBORO,)	CASE NOS. 202200876,
A.C.L.F. LIC. NO. 498,)	202200851
RESPONDENT.)	
)	
MURFREESBORO, 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 **THE VILLAGE OF MURFREESBORO** (“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. 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. 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. 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, The Village of Murfreesboro, 2550 Willowoak Trail, Murfreesboro, Tennessee 37129, was licensed by the Board as an ACLF, having been granted license number 498 on April 17, 2018, which currently has an expiration date of April 16, 2023.
9. A complaint investigation was conducted by the Tennessee Department of Health (“Department”) on or about February 9, 2022, resulting in deficiencies cited which affect the health, safety, and welfare of the residents within the ACLF. A facility employee posted at least two (2) videos of Resident #1 and Resident #2 to a social media platform. The videos were recorded without permission from the residents, clearly showed the identities of the residents and were insulting in nature.
10. A life safety code survey was conducted by the Tennessee Department of Health (“Department”) on or about March 16, 2022, resulting in deficiencies cited which affect the health, safety, and welfare of the residents within the ACLF. Multiple required fire drills were not being performed, weekly generator inspections were not documented, testing for emergency lights and emergency exit signs were not documented, a required smoke sensitivity test was not documented, sprinkler inspections were not documented, and the facility failed to enact acceptable disaster preparedness training and documentation.

11. As a result of the deficiencies cited in paragraphs nine (9) and ten (10) above, The Villiage of Murfreesboro was found to be not in substantial compliance with the requirements of the Tennessee Rules and Regulations 1200-08-25-.07 (7)(a)1, 1200-08-25-.10 (3)(a), 1200-08-25-.10 (3)(b), 1200-08-25-.10 (8)(a), 1200-08-25-.14 (1)(a), 1200-08-25-.16 (2), and 1200-08-25-.16 (4), Standards for Assisted-Care Living Facilities.
12. As of August 16, 2022, the Department and the Commission sent a combined four (4) requests for The Village of Murfreesboro to submit a Plan of Correction regarding the deficiencies sited on the February 9, 2022, survey. The facility has not provided a Plan of Corrections.
13. As of August 16, 2022, the Department and the Commission sent a combined two (2) requests for The Village of Murfreesboro to submit a Plan of Correction regarding the deficiencies sited on the March 16, 2022, survey. The facility has not provided a Plan of Corrections.

III. GROUNDS FOR DISCIPLINE

The facts in 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.

14. The facts in paragraph nine (9) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 1200-08-25-.07 (7)(a)1, the relevant portion of which reads as follows:

Each ACLF shall provide each resident with at least the following personal services [which includes] protective care.
15. The facts in paragraph nine (9) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 1200-08-25-.14 (1)(a), the relevant portion of which reads as follows:

An ACLF shall ensure at least the following rights for each resident [including the right] to be afforded privacy in treatment and personal care.

16. The facts in paragraph ten (10) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. , 1200-08-25-.10 (3)(a), the relevant portion of which reads as follows:

An ACLF shall conduct fire drills in accordance with the following[.] Fire drills shall be held for each ACLF work shift in each separate ACLF building at least quarterly.

17. The facts in paragraph paragraphs ten (10) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 1200-08-25-.10 (3)(b), the relevant portion of which reads as follows:

An ACLF shall conduct fire drills in accordance with the following [.] There shall be one (1) fire drill per quarter during sleeping hours.

18. The facts in paragraphs ten (10) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 1200-08-25-.10 (8)(a), the relevant portion of which reads as follows:

An ACLF shall ensure that [t]he ACLF maintains all safety equipment in good repair and in a safe operating condition.

19. The facts in paragraph ten (10) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 1200-08-25-.16 (2), the relevant portion of which reads as follows:

An ACLF shall comply with the following: (a) Maintain a detailed log with staff signatures designating training each employee receives regarding disaster preparedness; (b) Train all employees annually as required in the plans listed above and keep each employee informed with respect to the employee's duties under the plans; (c) Exercise each of the plans listed above annually

20. The facts in paragraph ten (10) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 1200-08-25-.16 (4), the relevant portion of which reads as follows:

ACLFs which elect to have an emergency generator shall ensure that the generator is designed to meet the ACLF's HVAC and essential needs and shall have a minimum of twenty-four (24) hours of fuel designed to operate at its rated load. This requirement shall be coordinated with the Disaster Preparedness Plan or with the local resources. (a) All generators shall be exercised for thirty (30) minutes each month under full load, including automatic and manual transfer of equipment. (b) The emergency generator shall be

operated at the existing connected load and not on dual power. The ACLF shall maintain a monthly log and have trained staff familiar with the generator's operation.

IV. ORDER

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

21. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **four thousand dollars (\$4,000)**. 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**

22. Respondent, or Respondent's Authorized Representative, shall be present at the Commission meeting occurring on October 5, 2022, to address concerns regarding Respondent's failure to respond to requests for Plans of Correction.

APPROVED FOR ENTRY:



The Village of Murfreesboro
ACLF Lic. No. 498
Signature of Authorized Representative
Respondent



Vishan J. Ramcharan (BPR # 034403)
Associate General Counsel
Health Facilities Commission
665 Mainstream Dr. 2nd Floor
Nashville, Tennessee 37243
(615) 934-1140



Printed Name of Authorized Representative



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 22ND day of November, 2022.

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, Village of Murfreesboro, c/o Jenene Jones, 2550 Willowoak Trail Murfreesboro, Tennessee 37129 , by delivering same in the United States regular mail and United States certified mail, number 7022 3330 0001 2193 4161, return receipt requested, with sufficient postage thereon to reach its destination.

This, 21st day of April, 2023.



Vishan J. Ramcharan (BPR # 034403)
Associate General Counsel
Health Facilities Commission
665 Mainstream Dr. 2nd Floor
Nashville, Tennessee 37243
(615) 934-1140