

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

**IN THE MATTER OF:** )  
 )  
**SOUTH HIGH SENIOR LIVING** )  
**ASSISTED CARE LIVING FACILITY** )  
**LICENSE NO. 514,** ) **CASE NO. 2022030361**  
 )  
**RESPONDENT.** )  
 )  
**KNOXVILLE, TENNESSEE** )

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**CONSENT ORDER**

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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 South High Senior Living ("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, South High Senior Living, 835 Tipton Avenue, Knoxville, Tennessee 37920, was licensed by the Board as an ACLF, having been granted license number 514 on July 8, 2020, which currently has an expiration date of July 7, 2023.
9. On or about April 8, 2022, prior to Resident #3 moving into South High Senior Living, the resident's family communicated to the facility that the family would continue administering the resident's medications. The family also requested the resident's care plan be adjusted to reflect that the facility should not administer the resident's medications.
10. Later review showed that on or about April 14, 2022, the facility completed an assessment showing that the resident's medications would be managed by "staff/family."
11. On or about April 15, 2022, Resident #3 was admitted to the facility.

12. On or about April 24, 2022, the resident's family notified the facility administrator that nurses were administering the resident's medication in error as the family had been administering the resident's medication since the resident's admission to the facility.
13. Facility nurses continued to administer the resident's medications on April 25, 2022, and April 26, 2022, despite the administrator being made aware of the medication administration error on April 24, 2022.
14. Resident #3 received double doses of multiple medications for eleven (11) days, from April 16, 20022, through April 26, 2022. There is no documentation indicating that Resident #3 suffered substantial harm from the extra doses of medication.
15. On or about October 24, 2020, Resident #6 was admitted to South High Senior Living. The resident's medications were administered by the facility.
16. On or about June 2, 2022, Resident #6, who is cognitively impaired, drank some of another resident's drink which had medications mixed in the liquid. Resident #6 was not prescribed the medications in the liquid. There is no documentation indicating that Resident #6 suffered substantial harm from the unprescribed medication.
17. Later review showed that a facility nurse pre-mixed the other resident's medications in the liquid that Resident #6 drank.

### **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 fourteen (14) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 0720-26-.07(5)(b) [formerly cited as 1200-08-25-.07(5)(b)], the relevant portion of which reads as follows:

[An ACLF shall] ensure that all drugs and biologicals shall be administered by a licensed or certified health care professional operating within the scope of the professional license or certification and according to the resident's plan of care.

19. The facts in paragraphs fifteen (15) through seventeen (17) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 0720-26-.07(5)(e) [formerly cited as 1200-08-25-.07(5)(e)], the relevant portion of which reads as follows:

[An ACLF shall] ensure that facility staff shall not repackage medication and shall not administer medication from repackaging.

#### IV. ORDER

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

20. Respondent shall provide training on medication administration to all appropriate facility personnel and shall provide documentation verifying such training to the Commission within thirty (30) days of Board Approval of this order.
21. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **two thousand dollars (\$2,000.00)** for the violation referenced in paragraph eighteen (18).
22. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand dollars (\$1,000.00)** for the violation referenced in paragraph nineteen (19).
23. 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

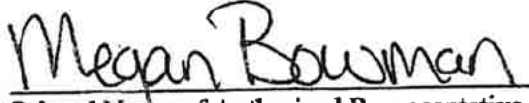
APPROVED FOR ENTRY:



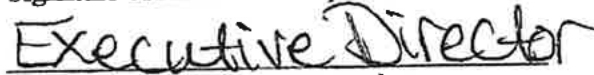
South High Senior Living  
License No. 514  
Respondent



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



Printed Name of Authorized Representative  
Signature of Authorized Representative



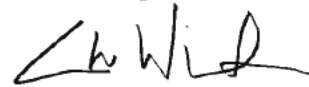
Title of Authorized Representative

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**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 2<sup>nd</sup> 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, South High Senior Living, c/o Administrator, c/o Megan Bowman, 835 Tipton Avenue, Knoxville, Tennessee 37920, and South High Senior Living, c/o Registered Agent, Stephen R. Wise, 625 S Gay Street, Suite 160, Knoxville, Tennessee 37902-1643 by delivering same in the United States regular mail and United States certified mail, numbers 7021 2720 0000 2319 0521 and 7021 2720 0000 2319 0484, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: southhighed@isllc.com.

This 3<sup>rd</sup> day of February, 2023.

  
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Vishan J. Ramcharan  
Associate General Counsel