

**STATE OF TENNESSEE
BEFORE THE HEALTH FACILITIES COMMISSION**

In The Matter of:	)	
	)	
Asbury Place at Steadman Hill,	)	
Assisted Care Living Facility,	)	
License No. 33,	)	Case No. 2024031501
	)	
Respondent.	)	
	)	
Kingsport, Tennessee	)	

CONSENT ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and Asbury Place at Steadman Hill (“Respondent”) that the Commission adopt this Consent Order, the terms of which have been agreed upon by the parties, as signified by their signatures below.

I. JURISDICTION

1. The Commission is empowered 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, prescribed childcare centers, renal dialysis clinics, ambulatory surgical treatment centers, outpatient diagnostic centers, adult care homes, and traumatic brain injury residential homes. T.C.A. § 68-11-202(a)(1).
2. The Commission has the authority to conduct reviews of all facilities licensed under this part in order to determine compliance with fire and life safety code rules as promulgated by the Commission. T.C.A. § 68-11-202(b)(1)(A).

3. “Assisted-care living facility” (“ACLF”) means 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 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).
5. An assisted-care living facility 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 Commission 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, Asbury Place at Steadman Hill, 1300 Bloomingdale Pike, Kingsport, Tennessee 37660, was licensed by the Commission as an ACLF, having been granted license number 33 on July 9, 1998, which currently has an expiration date of September 30, 2025.
9. From August 26, 2024, through August 29, 2024, Commission surveyors conducted a survey at Respondent’s facility.

10. Respondent's Incident Report dated November 5, 2022, verified that Resident #8 went to the room of Resident #9 and climbed into their bed. Upon return, Resident #9 climbed on top of Resident #8 pinning them by their wrists to the bed.
11. On or about August 8, 2024, Respondent's Certified Nursing Assistant (CNA) "F" confirmed that they heard yelling coming from the room of Resident #9 on the date of the incident and found Resident #9 holding Resident #8 down on the bed.
12. On or about August 8, 2024, Respondent's Licensed Practical Nurse (LPN) "C" confirmed that Resident #9 was known for being physically abusive to staff and had difficulty calming down.
13. On or about August 28, 2024, Respondent's Nursing Supervisor and Executive Director admitted that the Respondent failed to provide Protective Care to Resident #8.
14. Resident #7's Medical Record dated January 21, 2023, through February 21, 2023, verified that Resident #7 received blood thinners.
15. Respondent's Facility Incident Report dated February 21, 2023, confirmed that at 6:50 a.m. Resident #7 fell out of their bed after depressing their call light, hit their head, and suffered external bleeding. Resident #7 fell out of bed again at approximately 2:30 p.m. and was complaining of their head hurting when staff arrived.
16. On or about August 27, 2024, Respondent's Nursing Supervisor and Executive Director admitted that the Respondent's facility failed to provide safety for Resident #7.
17. Respondent's Incident Report dated November 30, 2023, verified that CNA "A" noticed Resident #6 was outside the building alone. Resident #6 was then brought back inside the facility by staff.

18. Resident #6's Care Plan confirmed that Resident #6 was outside the building alone for an unknown amount of time, and that since the elopement, the resident's family had requested 1:1 observation due to the elopement risk.
19. Respondent placed keypad locks on the exit doors after the elopement by Resident #6.
20. On or about August 27, 2024, Respondent's Executive Director admitted that the Respondent's facility failed to maintain awareness of the whereabouts of Resident #6.
21. On or about August 26, 2024, a portable space heater was observed in Respondent's kitchen when the Administrator was present.
22. On or about August 26, 2024, Respondent's Maintenance Director and Executive Director admitted that the space heater was in the Respondent's kitchen.

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 Commission is authorized.

23. The facts in paragraphs ten (10) through thirteen (13) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(1) [Services Provided], 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:

1. Protective care.

24. The facts in paragraphs fourteen (14) through sixteen (16) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(2) [Services Provided], 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:

2. Safety when in the ACLF.

25. The facts in paragraphs seventeen (17) through twenty (20) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(3) [Services Provided], 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.

26. The facts in paragraphs twenty-one and twenty-two are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (2)(h) [Life Safety], the relevant portion of which reads as follows:

(2) An ACLF shall ensure fire protection for residents by doing at least the following:

(h) Prohibit open flame and portable space heaters.

IV. REPRESENTATIONS OF RESPONDENT

27. Respondent understands and admits the allegations, charges, and stipulations in this Order.

28. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.
29. Respondent agrees that presentation of this Order to the Commission and the Commission's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Commission or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.
30. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
31. Respondent also agrees that the Commission may issue this Order without further process. If the Commission rejects this Order for any reason, it will be of no force or effect for either party.
32. Respondent agrees that the facility has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as is detailed herein.

V. ORDER

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

33. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **two thousand dollars (\$2,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(1) [Services Provided] – Protective Care.
34. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **three thousand dollars (\$3,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(2) [Services Provided] – Safety while in the ACLF.
35. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand dollars (\$1,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(3) [Services Provided] – Maintaining awareness of whereabouts.
36. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **two thousand dollars (\$2,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (2)(h) [Life Safety] – Prohibit open flame and space heaters.
37. The total assessed CMP amount is **eight thousand dollars (\$8,000.00)**.
38. 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: Disciplinary Coordinator
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

**PLEASE DO NOT REMIT PAYMENT UNTIL THE CONSENT ORDER HAS
BEEN RATIFIED AND APPROVED BY THE COMMISSION**

39. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

APPROVED FOR ENTRY:



Asbury Place at Steadman Hill
Authorized Representative
License No. 33
Signature of Authorized Representative
Respondent

Andrew Joseph

Printed Name of

General Counsel

Title of Authorized Representative



Jeremy Gourley (BPR # 022812)
Senior Associate General Counsel
Health Facilities Commission
Office of Legal Services
Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243
Office: (615) 741-2364
Fax: (615) 741-9884
Email: Jeremy.J.Gourley@tn.gov

Approval by the Commission

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 Health Facilities Commission at a public meeting of the Commission and signed this 11th day of December, 2024.

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


Chairperson
Health Facilities Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Asbury Place at Steadman Hill, c/o Administrator, Angela Beth Freeman, 1300 Bloomingdale Pike, Kingsport, Tennessee 37660, and Asbury Place at Steadman Hill, c/o Registered Agent, Registered Agents, Inc., 116 Agnes Rd, Suite 200, Knoxville, Tennessee 37919, by delivering same in the United States regular mail and United States certified mail, numbers **7020 0640 0001 4807 5552** and **7020 0640 0001 4807 5569**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: BFreeman@steadmanhillassistedliving.com.

This 11 day of Dec., 2024


Jeremy Gourley
Senior Associate General Counsel