

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

In The Matter of:	)
	)
Wellington Manor Jackson	)
Assisted Care Living Facility	)
License No. 36,	)
	)
Respondent.	)
	)
Jackson, Tennessee	)

**NOTICE OF SUSPENSION OF ADMISSIONS AND
ASSESSMENT OF TYPE A CIVIL MONETARY PENALTIES**

The revisit survey, with a completion date of May 12, 2025, revealed continued violations of licensure statutes and regulations that are considered **detrimental to the health, safety, or welfare of the residents**. Pursuant to T.C.A. § 68-11-252(a), whenever the Executive Director determines that conditions in a facility are, or are likely to be, detrimental to the health, safety, or welfare of the residents, the Executive Director shall have the authority to suspend new admissions of residents to the facility, pending a prompt hearing.

Based upon the surveyors' findings and recommendations, the Executive Director has exercised the authority to **suspend admissions** to the facility, effective May 16, 2025, at 5:00 p.m. C.T. Further, the Executive Director has concluded that **four (4) Type A Civil Monetary Penalties** should be imposed upon this facility.

I. PARTIES

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. For the purposes of this action, the address for the Executive Director and Commission is Tennessee Health Facilities Commission, Office of Legal Services, Andrew Jackson Building, 9th Floor, 502 Deaderick Street, Nashville, Tennessee 37243.
3. At all times pertinent hereto, Respondent, Wellington Manor Jackson, was licensed by the Commission as an Assisted Care Living Facility in the State of Tennessee, having been granted license number 36 on July 28, 1998, which expired on May 10, 2025, and is currently in the sixty (60) day renewal grace period.

II. JURISDICTION

4. “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).
5. “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).
6. 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).
7. The Commission shall conduct such 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).

8. The executive director has the authority to suspend the admission of any new patients or residents to any facility or licensee in those cases where the executive director has a factual basis upon which to believe that the conditions in any such facility or licensee are, or are likely to be, detrimental to the health, safety, or welfare of a patient or resident. For the purposes of this section, “facility or licensee” means any entity licensed under this part. T.C.A. § 68-11-252(a).
9. The executive director **may suspend admissions** pending a prompt hearing before the commission or an administrative judge if the Commission cannot be convened promptly. T.C.A. § 68-11-252(b).
10. Any facility or licensee subject to a suspension of admissions by the executive director has the right to contest the factual or legal basis for a suspension of admission imposed against it through a prompt contested case hearing before the commission, or an administrative judge if the commission cannot be convened promptly. T.C.A. § 68-11-252(f).
11. All contested cases pursuant to subsection (f) must be conducted according to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3, and must be **heard within thirty (30) calendar days** of the health facilities commission's **filing of a notice of hearing**, unless otherwise agreed to by both parties. T.C.A. § 68-11-252(g) and 2024 Public Chapter 932.
12. An order in all cases contesting a suspension of admissions must be issued within **twenty (20) working days** after the **receipt of the trial transcript and proposed findings of fact and conclusions of law**, regardless of whether the hearing is conducted before the board or an administrative judge. The order must determine whether the suspension of admissions was **initially valid** and whether conditions at the facility or licensee **continue to be detrimental** to the health, safety, or welfare

of a patient or resident to justify the continuation of the suspension of admissions if not previously lifted. T.C.A. § 68-11-252(h).

13. **Within ten (10) days of receiving the executive director's order** to suspend admissions, any facility or licensee for which admissions have been suspended pursuant to this section **shall submit a corrective action plan** to the commission delineating the measures to be taken to address violations and associated time frames. If it is deemed by the commission to be necessary to ensure the health, safety, and welfare of patients or residents, the executive director may require any facility or licensee for which admissions have been suspended to take all necessary actions to correct violations immediately. The commission **may also set a lesser time frame than ten (10) days** for the facility or licensee to submit a corrective action plan when it deems necessary to ensure the health, safety, and welfare of residents. T.C.A. § 68-11-252(j).

III. FACTS

14. A revisit survey was conducted on the premises of the facility and the survey was completed on May 12, 2025, resulting in deficiencies cited which affect the health, safety, and welfare, of the residents within the facility.
15. The facility submitted a Plan of Correction (POC) with a completion date of March 19, 2025.
16. The Respondent failed to ensure a sufficient number of employees were available to meet residents' needs and prevent Resident #1 from eloping and being found approximately a mile from the facility on a six (6) lane highway. Resident #1 was located by the Sheriff's Department.
17. Respondent's administration failed to ensure vendor and contractor invoices were properly paid, which resulted in suspended services due to non-payment. The

interruptions to the following services occurred: heating, cooling, refrigeration, cleaning supplies, commercial dishwashing supplies, and food distribution.

18. Respondent's administration failure to ensure vendor and contractor invoices are properly paid may result in interruption of the following services due to non-payment: drywall, senior resources, phone systems, lawncare, cleaning, maintenance and fire systems, disability support, and other electronic systems.
19. Respondent failed to provide safety measures to ensure Resident #1 did not leave the facility without the knowledge or supervision of staff. The Executive Director was aware a secure gate's latch was broken, which allowed the gate to remain open.
20. Respondent failed to fully implement its POC, and failed to revise the plan of care, as residents' needs changed.
21. On May 16, 2025, the Executive Director of the Health Facilities Commission issued the ten (10) day Notice Letter, and it is hereby incorporated in its entirety by reference and attached hereto as Attachment 1.

IV. CAUSE OF ACTION

The facts stated in the Section III, *supra*, are sufficient to establish that grounds for the Suspension of Admissions and issuance of Civil Monetary Penalty(ies) by the Executive Director against Respondent's ACLF license. Specifically, Respondent has violated the following statutes and/or rules, for which executive action is authorized:

22. The facts stated in paragraph sixteen (16) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Reg. 0720-26-.06(1)(a)(3).

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

(a) Staffing Requirements:

3. An ACLF shall have an identified responsible attendant who is alert and awake at all times and a sufficient number of employees to meet the residents' needs, including medical services as prescribed. The

responsible attendant and direct care staff must be at least eighteen (18) years of age and capable of complying with statutes and rules governing ACLFs.

23. The facts stated in paragraphs seventeen (17) and eighteen (18) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Reg. 0720-26-.06(1)(b)(2).

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

(b) Policies and Procedures:

2. An ACLF shall develop and implement an effective facility-wide performance improvement plan that addresses plans for improvement for self-identified deficiencies and documents the outcome of remedial action.

24. The facts stated in paragraph nineteen (19) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Reg. 0720-26-.07(7)(a)(2).

(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 stated in paragraph twenty (20) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Reg. 0720-26-.12(5)(a).

(5) Plan of care.

(a) An ACLF shall develop a plan of care for each resident admitted to the ACLF with input and participation from the resident or the resident ' s legal representative, treating physician, or other licensed health care professionals or entity delivering patient services within five (5) days of admission. The plan of care shall be reviewed and/or revised as changes in resident needs occur, but not less than semi-annually by the above-appropriate individuals.

V. ORDER

26. Pursuant to T.C.A. § 68-11-252(a) and, based upon the aforementioned facts as incorporated by reference herein, the Executive Director has ordered that the admission of new residents at Wellington Manor Jackson be **suspended, effective on the May 16, 2025, at 5:00 p.m. C.T.**
27. Pursuant to T.C.A. § 68-11-213(i)(2), the Executive Director hereby assesses four (4) Type A Civil Monetary Penalties, as follows:
- a. For violation of Tenn. Comp. R. and Reg. 0720-26-.06(1)(a)(3), a Civil Monetary Penalty in the amount of fifteen hundred dollars (\$1,500.00).
 - b. For violation of Tenn. Comp. R. and Reg. 0720-26-.06(1)(b)(2), a Civil Monetary Penalty in the amount of fifteen hundred dollars (\$1,500.00).
 - c. For violation of Tenn. Comp. R. and Reg. 0720-26-.07(7)(a)(2), a Civil Monetary Penalty in the amount of fifteen hundred dollars (\$1,500.00).
 - d. For violation of Tenn. Comp. R. and Reg. 0720-26-.12(5)(a), a Civil Monetary Penalty in the amount of fifteen hundred dollars (\$1,500.00).
 - e. The **total Civil Monetary Penalty assessment of six thousand dollars (\$6,000.00).**
28. Pursuant to T.C.A. § 68-11-221, which provides that during a suspension of admissions pursuant to § 68-11-252, the executive director **shall** appoint one (1) or more special monitors, if the deficiency **threatens serious** bodily harm to the patients or residents of the facility. The executive director **may** appoint a special monitor or monitors at any other time, if the executive director has reason to believe that deficiencies exist in a facility that are **detrimental** to the direct care of the patients or residents. Whenever the appointment of monitors is utilized pursuant to this section, the executive director shall appoint a sufficient number of monitors to ensure their presence in the facility for a **minimum of twenty (20) hours per week.**

The monitors shall observe the operation of the facility, and shall submit written reports periodically to the executive director on the operation of the facility. Persons appointed as monitors shall be duly qualified to discharge their responsibilities. While employed as monitors, they **shall represent the commission** with the power to observe and review all of the facility's operation, with attention to those aspects for which the suspension of admission was imposed. When appointment of a monitor or monitors is mandated by this section, the **facility shall be liable for the costs** of the special monitors, until it has been determined that the deficiencies have been corrected.

29. The facility is hereby **ordered to post a copy of this Order** upon the public entrance doors of the facility and prominently display it there for so long as it remains effective. During the Suspension of Admissions, the facility shall inform any person who enquires about the admission of a new resident of the provisions of the order and make a copy of the order available.
30. The facility is hereby **ordered submit a corrective action plan (CAP)** to the commission delineating the measures to be taken to address violations and associated time frames. The CAP must be submitted **within ten (10) days of receipt of this order**, or May 26, 2025.
31. In order for this Suspension of Admissions to be lifted, the cited conditions must be corrected so as to remove the detriment to the health, safety, or welfare of the residents, as verified by a follow-up survey of the facility conducted by the Commission.

VI. NOTICE OF RIGHTS

The Commission hereby gives notice to the Respondent of the following rights:

32. Within ten (10) days after the facility's actual receipt of the Health Facilities Commission Executive Director's Order suspending admissions and assessing a civil monetary penalty, the assisted care living facility **shall either pay the penalty assessed or file with the Health Facilities Commission an answer, demanding a contested case hearing.** T.C.A. § 68-11-252.
33. Unless the facility contests the assessment, the civil penalty should be made payable in the form of a certified check or money order, to the “Treasurer, State of Tennessee.” The payment shall be mailed or delivered to the following address:
- Courtney Lilly, Disciplinary Coordinator
Health Facilities Commission
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
34. Should the facility wish to demand a hearing, the demand shall be mailed to the following address:
- Health Facilities Commission
Office of Legal Services- Deputy General Counsel
Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243
35. Hearings requested shall be conducted as a contested case proceeding as provided by the Administrative Procedures Act, T.C.A. §§ 4-5-301, et. seq., and by and by Tenn. Comp. R. & Regs. 1360-4-.01 et. seq. Any such hearing shall be conducted within thirty (30) calendar days of the health facilities commission's filing of a notice of hearing, unless otherwise agreed to by both parties. T.C.A. § 68-11-252(g).
36. In any contested case proceeding, the facility may be represented by a duly authorized representative or, at the facility’s expense, by legal counsel.

Entered this 15th day of May, 2025.



Logan Grant
Executive Director
Health Facilities Commission

xc: Caroline R. Tippens, Director of Licensure & Regulation
Ann R. Reed, Deputy Director of Licensure & Regulation
Health Facilities Commission West Tennessee Regional Office
Health Facilities Commission, Office of Legal Services

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Wellington Manor Jackson, c/o Administrator, Mackenzie Wierzbicki, via electronic mail to: Mackenzie.Wierzbicki@WellingtonManorJackson.com and sswint@mainstayfinancial.com. A hard copy was sent via regular mail to 911 Old Humboldt Road, Jackson, Tennessee.

This the 15th day of May 2025.



Logan Grant
Executive Director
Health Facilities Commission