

**STATE OF TENNESSEE
HEALTH FACILITIES COMMISSION**

In The Matter of:	)	
	)	
Morningside of Springfield,	)	
Assisted Care Living Facility,	)	
License No. 51,	)	Case No. 2024033101
	)	
Respondent.	)	
	)	
Springfield, Tennessee	)	

CONTINGENT CHANGE OF OWNERSHIP ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and Morningside of Springfield (“Respondent”) that the Commission adopt this Contingent Change of Ownership Order, the terms of which have been agreed upon by the parties, as signified by their signatures below.

Respondent, by signature to this Contingent Change of Ownership 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 Contingent Change of Ownership Order by the Commission for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Commission or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should the Contingent Change of Ownership 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 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. Any person, partnership, association, corporation, any state, county or local governmental unit, or any division, department, board or agency of the governmental unit, in order to lawfully establish, conduct, operate or maintain a hospital, recuperation center, nursing home, home for the aged, residential HIV supportive living facility, assisted-care living

facility, home care organization, residential hospice, birthing center, prescribed child care center, renal dialysis clinic, outpatient diagnostic center, ambulatory surgical treatment center, adult care home or traumatic brain injury residential homes in this state, shall obtain a license from the commission, upon the approval and recommendation of the Commission in the following manner:

(1) The applicant shall submit an application on a form to be prepared by the commission with the approval of the Commission, showing that the applicant is of **reputable and responsible character and able to comply with the minimum standards** for a facility and with rules and regulations lawfully promulgated under this part. The application shall contain the following additional information:

(A) The name or names of the applicant or applicants;

(B) The type of institution to be operated;

(C) The location of the institution;

(D) The name of the person or persons to be in charge of the institution or, for adult care home applicants, the name of the resident manager, if applicable;

(E) A certification that the applicant has implemented a policy of informing its employees of their obligations under § 71-6-103 to report incidents of abuse or neglect;

(F) If an application for a nursing home license, a list of all nursing homes that the applicant, or any person or entity holding a majority legal or equitable interest in the applicant, owns or operates and, if the applicant has not operated a nursing home in this state for a continuous period of twenty-four (24) months preceding the application, the information specified in § 68-11-804(c)(1) for each such nursing home located outside this state; and

(G) Such other information as the commission, with the approval of the Commission, may require.

T.C.A. § 68-11-206(a)(1).

7. 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).
8. 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

9. At all times pertinent hereto, Respondent, Morningside of Springfield, 205 Westgate Drive Springfield, Tennessee 37172, was licensed by the Commission as an Assisted Care Living Facility, having been granted License Number 51 on August 24, 1998, which currently has an expiration date of May 5, 2026.
10. On or about September 12, 2024, a survey of the facility was completed resulting in deficiencies being cited for failure to properly store medications, failure to properly dispose of medications, failure to provide safety to residents in the facility, and failure to properly develop resident plans of care.
11. On or about April 27, 2024, while being assisted by facility staff, Resident #1 suffered a fall with injury during a facility fire drill.
12. On or about September 5, 2024, a facility medication cart was left unlocked and unattended with unsecured/unlabeled medications left on top of the cart.
13. On or about September 4, 2024, and September 6, 2024, two (2) facility medication carts were found to contain several medications that had been dispensed over one (1) year prior.
14. The facility failed to properly develop plans of care for Residents #3, 4, and 7.

III. GROUND FOR CONDITIONS

The facts in the Stipulations of Fact section are sufficient to establish that Respondent has violated the following statutes and/or rules, for which disciplinary action by the Commission is authorized.

15. The facts stated in paragraph eleven (11) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Reg. 0720-26-.07(7)(a)(2), the relevant portion of which provides:

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

2. Safety when in the ACLF

16. The facts stated in paragraph twelve (12) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Reg. 0720-26-.07(5)(d), the relevant portion of which provides:

(5) Resident medication. An ACLF shall:

...
(d) Store all medications via a locked or closed container and/or room which includes, but is not limited to, some type of box, piece of furniture, an individual resident room, and/or a designated room within the facility which maintains resident medications out of the sight of other residents.

17. The facts stated in paragraph thirteen (13) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Reg. 0720-26-.07(6)(g), the relevant portion of which provides:

(6) An ACLF shall dispose of medications as follows:

...
(g) The ACLF's medication disposal policy shall also address the disposal of scheduled drugs, non-scheduled drugs, and devices that are misbranded, expired, deteriorated, not kept under proper conditions, and kept in containers with illegible or missing labels.

18. The facts stated in paragraph fourteen (14) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. and Reg. 0720-26-.12(5)(a), the relevant portion of which provides:

(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.

IV. REPRESENTATIONS OF RESPONDENT

19. Respondent understands and admits the allegations, charges, and stipulations in this Order.
20. 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.
21. 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.

22. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
23. 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.
24. 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.
25. Respondent, by signature to this Contingent Change of Ownership Order, waives the right to a contested case hearing and any and all rights to judicial review of this matter.

V. ORDER

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

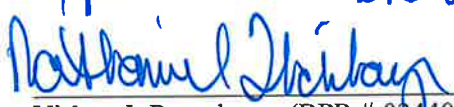
26. The Change of Ownership Application for License No. 51 to operate as an Assisted Care Living Facility in the State of Tennessee is hereby **GRANTED subject to the contingencies outlined in this section.**
27. Failure to comply with each contingency listed in Section V, **within thirty (30) days of the effective date of this order, will result in DENIAL** of the facility's Change of Ownership (CHOW) application.
28. Respondent is hereby assessed and shall pay a Civil Monetary Penalty ("CMP") in the amount of **two thousand dollars (\$2,000.00)** for the violation(s) identified in paragraph eighteen (15), above.

29. Respondent is hereby assessed and shall pay a Civil Monetary Penalty ("CMP") in the amount of **five-hundred dollars (\$500.00)** for the violation(s) identified in paragraph sixteen (16), above.
30. Respondent is hereby assessed and shall pay a Civil Monetary Penalty ("CMP") in the amount of **one thousand dollars (\$1,000.00)** for the violation(s) identified in paragraph seventeen (17), above.
31. Respondent is hereby assessed and shall pay a Civil Monetary Penalty ("CMP") in the amount of **seven-hundred and fifty dollars (\$750.00)** for the violation(s) identified in paragraph eighteen (18), above.
32. The total amount of all Civil Monetary Penalties imposed is **four thousand, two-hundred and fifty dollars (\$4,250.00)**.
33. Respondent must pay any outstanding Civil Monetary Penalties within **thirty (30) days of ratification of this Order**. Payment shall be submitted to the following address:
- Tennessee Health Facilities Commission
Attention: Disciplinary Coordinator
Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243**
34. Each condition of this Order 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.
35. The effective date of the CHOW shall be the date that all outstanding monies are paid following ratification of this order.

APPROVED FOR ENTRY:


Signature of Authorized Representative
Morningside of Springfield
License No. 51
Respondent

Jeffrey C. Leer
Printed Name of Authorized Representative
President and CEO
Title of Authorized Representative

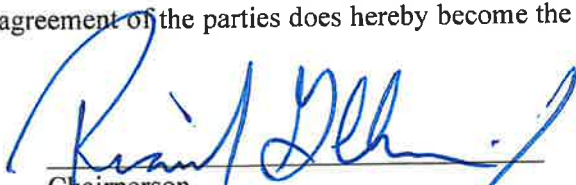
W/ permission BPR 034233


Vishan J. Ramcharan (BPR # 034403)
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Fax: (615) 741-9884
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Approval by the Commission

Upon the agreement of the parties, this **CONTINGENT CHANGE OF OWNERSHIP ORDER** is approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Health Facilities Commission at a public meeting of the Commission and signed this 25th day of February, 202 6.

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, Morningside of Springfield, c/o Administrator, Shannon Williams, 205 Westgate Drive Springfield, Tennessee 37172, and Morningside of Springfield, c/o Registered Agent, Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203-1312 by delivering same in the United States regular mail and United States certified mail, numbers **7020 0640 0001 4807 9185** and **7020 0640 0001 4807 9192**, return receipts requested, with sufficient postage thereon to reach its destination. Copies were sent via electronic mail to: licensing@5ssl.COM and andreab@tutera.com.

This 25th day of February, 2026
w/ permission
Nathan J. Ramcharan BPR 034283
Vishan J. Ramcharan
Senior Associate General Counsel