

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).
4. "Primarily aged" 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).
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).
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, J.B. Knowles Home Assisted Living, 1010 Camilla Caldwell Lane, Nashville, Tennessee 37218, was licensed by the Board as an

ACLF, having been granted license number 79 on September 2, 1998, which currently has an expiration date of May 24, 2023.

9. On or about December 6th, 2022, a state surveyor made an unannounced visit to the Respondent's facility and reviewed the medical records for Resident #1 and found that multiple medications prescribed to the resident had not been given as ordered by the provider and Resident #1's plan of care. This occurred on numerous dates before the State surveyor's visit.
10. The surveyor found similar violations of patient safety for Resident #2, including documentation that medication was noted as being given to this resident when the resident was not physically present to receive the medication.
11. Similar findings were made by the surveyor for Resident #3 detailing multiple missed medications. A note by the surveyor is that the medications, which were not dispensed properly and were recorded incorrectly, were medications primarily for pain management and neuropathic pain.
12. During an interview, on or around December 6th, 2022, with the state surveyor, the Director of Nursing (DON) for the Respondent's facility confirmed medication errors had been made for Residents #1, 2, and 3, and that she did not know why the medications were not given. In the case of Resident #1, the nurses did not pay attention to the narcotic sheet. The surveyor noted that this resulted in Resident #1's medication being given in excess of what the plan of care allowed.

III. GROUND 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.

13. The facts in paragraphs nine (9) through twelve (12) are sufficient to constitute **three (3) violations** of Tenn. Comp. R. and Reg. 0720-26-.07(5)(a) (formerly 1200-08-25-.07(5)(a)) the relevant portion of which reads as follows:

- (5) Resident medication. An ACLF shall:
 - (a) Ensure that medication shall be self-administered in accordance with each resident's plan of care.

14. The facts in nine (9) and ten (10) are sufficient to constitute **one (1) violation** of Tenn. Comp. R. and Reg. 0720-26-.07(7)(a)(2) (formerly 1200-08-25-.07(7)(a)(2)) 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.

IV. REPRESENTATIONS OF RESPONDENT

15. Respondent understands and admits the allegations, charges, and stipulations in this Order.
16. 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.**

17. Respondent agrees that presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board 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.
18. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
19. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.
20. 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:

21. Respondent is hereby assessed **three (3)** Civil Monetary Penalty in the amount of **three-thousand dollars (\$3,000.00)**. This CMP is issued for the deficiencies cited on December 6th, 2022, for failure to follow the Plan of Care for three (3) residents over multiple dates.

For a total Civil Monetary Penalty of **nine-thousand dollars (\$9,000.00)** for these deficiencies.

22. Respondent is hereby assessed **one (1)** Civil Monetary Penalty in the amount of **three-thousand dollars (\$3,000.00)**. This CMP is issued for deficiency cited on December 6th, 2022, for failure to provide safety for the Residents at the Respondent's facility.
23. **The total of all Civil Monetary Penalties in this Order are assessed at twelve thousand dollars (\$12,000.00).**
24. Payment shall be submitted to the following address within **sixty (60) calendar days** of the effective date of this Order.

**Tennessee Health Facilities Commission
Attention: Licensure and Regulation- Discipline
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

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

25. 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:

Please initial all pages.



J.B. Knowles Home Assisted Living

License No. 79

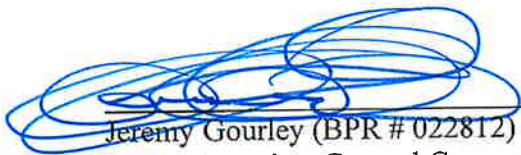
Signature of Authorized Representative
Respondent



Printed Name of Authorized Representative



Title of Authorized Representative



Jeremy Gourley (BPR # 022812)

Senior Associate General Counsel

Health Facilities Commission

665 Mainstream Dr. 2nd Floor

Nashville, Tennessee 37243

Office: (615) 741-7221

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Jeremy.J.Gourley@tn.gov

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 6th day of June, 2023.

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

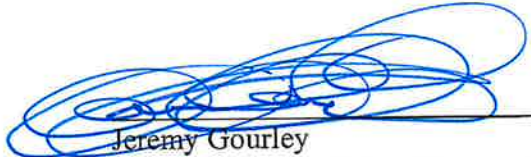


Chairperson
Board for Licensing Health Care Facilities

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, J.B. Knowles Home Assisted Living, c/o Administrator, Deborah Neal, 1010 Camilla Caldwell Lane, Nashville, Tennessee 37218, by delivering same in the United States regular mail and United States certified mail, number **7022 3330 0001 2193 4253**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: kendall@anthem-care.com.

This 6th day of June, 2023



Jeremy Gourley
Senior Associate General Counsel