

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

In The Matter of:

**Deane Hill Place
Assisted Care Living Facility
License No. 88,**

Respondent.

Knoxville, Tennessee

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**Case Nos. 2023016901
2022009441**

CONSENT ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), pursuant to the request of the Office of Legal Services, and Deane Hill Place (“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 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 Commission. 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 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. ALLEGATIONS OF FACT

8. At all times pertinent hereto, Respondent, Deane Hill Place, 401 Catherine Mcauley Way Knoxville, Tennessee 37919 (the “Facility”), was licensed by the Board as an ACLF, having been granted license number 88 on September 25, 1998, which currently has an expiration date of May 22, 2024.

9. At all times pertinent to the alleged noncompliance set forth in this order, the Facility was operated by, and the Facility license was held by, Knoxville BG Opco, LLC. The licensee had appointed Enlivant as the manager of the Facility.
10. On or about May 11, 2023, a survey of the Facility was completed, resulting in findings that the Facility failed to provide protective care for two (2) residents, failed to maintain daily whereabouts for one resident, failed to ensure food was served at appropriate temperatures, failed to maintain a clean and sanitary kitchen, failed to properly maintain nursing notes, and failed to properly update plans of care for six (6) residents.
11. On or about February 9, 2023, Facility staff failed to intervene after observing Resident #7 and Resident #22 arguing with raised voices. Shortly afterward, Resident #22 struck Resident #7 in the face. The Facility failed to update the plans of care for both residents following this incident.
12. On or about December 27, 2022, a memory care patient, Resident #8, was able to open an exterior door after pushing on it for fifteen (15) seconds. Shortly after exiting the Facility, Resident #8 fell causing injury. The Facility failed to update the resident's plan of care following this incident.
13. On or about October 1, 2022, the Facility was notified by emergency services (EMS, Fire Department, and Police) that a resident, Resident #2, had eloped from the Facility. Until that time, the Facility was unaware that the resident was missing.
14. On or about May 9, 2023, surveyors observed Facility staff preparing food for service to residents that fell outside of the proscribed temperature ranges. The temperature of a prepared bowl of coleslaw was 51.2 degrees Fahrenheit. The acceptable temperature for cold foods is 41 degrees Fahrenheit or below. The temperature of cooked hamburger patties

was 98 degrees Fahrenheit. The acceptable temperature for hot foods is 140 degrees Fahrenheit or above.

15. On or about April 13, 2023, the Facility failed to keep current nursing notes for Resident #4.
16. On or about March 27, 2023, Resident #5 returned to the Facility after a lengthy hospital stay but the Facility failed to update his plan of care accordingly.
17. On or about March 30, 2023, the United States District Court for the District of Columbia entered an order appointing a receiver over numerous properties, including the Facility. The order was entered in response to Fannie Mae's Emergency Application for Appointment of Receiver (the "Application") to facilitate the transition of ownership and operations of the various facilities subject to that proceeding. Fannie Mae sought the appointment of a receiver to enter upon and take exclusive power, authority, and control over the assets, management, operations, maintenance, leasing, repair, and preservation of the Facility, both real and personal, because of a series of significant financial defaults against the defendants in that proceeding, styled Fannie Mae (Plaintiff) v. Amelia Aid Propco LLC, et al. (Defendants) and assigned the identifier Civil Action No. 1:23-cv-00862-JMC.
18. The current licensee of the Facility, Knoxville AL/MC, LLC (New Operator) and the current manager of the Facility, TerraBella Senior Living, LLC, (New Manager) are completely unrelated entities to the Amelia Aid Propco who were defendants in the action filed by Fannie Mae to transfer control of operations to a receiver, and subsequently a new operator.

19. On February 22, 2204, the Tennessee Health Facilities Commission staff approved a change of ownership application transferring the license to New Operator.
20. New Operator and New Manager were not in control of the Facility during dates of the non-compliance alleged in this Section II.

III. GROUND 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.

21. The facts in paragraphs ten (10) through twelve (12) are sufficient to constitute violations of Tenn. Comp. R. and Reg.0720-26-.07(7)(a)1, [formerly cited as 1200-08-25-.07(7)(a)1, the relevant portion of which reads as follows:

(1) An ACLF shall provide each resident with at least the following personal services:

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

1. Protective care.

22. The facts in paragraph thirteen (13) are sufficient to constitute violations of Tenn. Comp. R. and Reg.0720-26-.07(7)(a)3, [formerly cited as 1200-08-25-.07(7)(a)3, the relevant portion of which reads as follows:

(7) An ACLF shall provide each resident with at least the following personal services:

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

...

3. Daily awareness of the individual's whereabouts.

23. The facts in paragraph fourteen (14) are sufficient to constitute violations of Tenn. Comp. R. and Reg.0720-26-.07(7)(c)4, [formerly cited as 1200-08-25-.07(7)(c)4, the relevant portion of which reads as follows:

(7) An ACLF shall provide each resident with at least the following personal services:

(c) Dietary services.

(4) An ACLF shall:

(i) Provide at least three (3) meals constituting an acceptable and/or prescribed diet per day. There shall be no more than fourteen (14) hours between the evening and morning meals. All food served to the residents shall be of good quality and variety, sufficient quantity, attractive and at safe temperatures. Prepared foods shall be kept hot (140°F. or above) or cold (41°F. or less) as appropriate. The food must be adapted to the habits, preferences and physical abilities of the residents. Additional nourishment and/or snacks shall be provided to residents with special dietary needs or upon request.

24. The facts in paragraph fifteen (15) are sufficient to constitute violations of Tenn. Comp. R. and Reg.0720-26-.12(3)(g), [formerly cited as 1200-08-25-.12(3)(g), the relevant portion of which reads as follows:

(3) Medical record. An ACLF shall ensure that its employees develop and maintain a medical record for each resident who requires health care services at the ACLF regardless of whether such services are rendered by the ACLF or by arrangement with an outside source, which shall include at a minimum:

(g) Notes, including, but not limited to, observation notes, progress notes, and nursing notes.

25. The facts in paragraph sixteen (16) are sufficient to constitute violations of Tenn. Comp. R. and Reg.0720-26-.12(5)(a), [formerly cited as 1200-08-25-.12(5)(a), the relevant portion of which reads as follows:

(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.

IV. REPRESENTATIONS OF RESPONDENT

26. Respondent understands allegations contained within this Order. By entering in the Agreement, Knoxville AL/MC, LLC does not concede to, admit, or adopt, and expressly denies any and all allegations made by the Health Facilities Commission concerning the findings of non-compliance. This Agreement contains a compromise of claims asserted by the HFC and execution of this Agreement does not constitute any acknowledgment or admission of liability or wrongdoing by Knoxville AL/MC, LLC any regard.
27. 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.
28. 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..

29. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
30. 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.
31. 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:

32. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand dollars (\$1,000.00)**. This CMP is issued for the deficiencies cited in paragraph twenty one (21) of this order (failure to provide protective care).
33. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand dollars (\$1,000.00)**. This CMP is issued for the deficiency cited in paragraph twenty two (22) of this order (elopement).
34. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)**. This CMP is issued for the deficiencies cited in paragraph twenty three (23) of this order (inappropriate food temperatures).

35. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)**. This CMP is issued for the deficiency cited in paragraph twenty five (25) of this order (insufficient nursing notes).
36. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)**. This CMP is issued for the deficiencies cited in paragraph twenty six (26) of this order (failure to update plans of care).
37. Respondent agrees to as part of the conditions of this order to submit to the Board four (4) quarterly reports during calendar year 2025. Each report will update the Board on the Facility's current compliance status with the Tennessee rules for Assisted Care Living Facilities, and provide the results of any surveys done at the Facility.
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 BOARD**

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:

Amanda Gilliam

Deane Hill Place

License No. 88

Signature of Authorized Representative
Respondent



Vishan J. Ramcharan (BPR # 034403)

Associate General Counsel

Health Facilities Commission

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Email: vishan.j.ramcharan@tn.gov

Amanda Gilliam

Printed Name of Authorized Representative

Regional Director of Operations

Title of Authorized Representative

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 11th day of December, 2024.

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

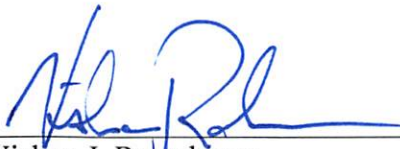


Chairperson
Board for Licensing Health Care Facilities

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Deane Hill Place, c/o Christopher Puri, Esquire, Bradley Arant Boult Cummings, LLP, One 22 One, 1221 Broadway, Suite 2400, Nashville, Tennessee 37203, by delivering same in the United States regular mail and United States certified mail, number **7022 3330 0001 2193 9616**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: cpuri@bradley.com.

This 11th day of December, 2024.



Vishan J. Rancharan
Associate General Counsel