

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.
8. The Commissioner may suspend admissions pending a prompt hearing before the Board, or an administrative judge if the Board cannot be convened promptly. (Tenn. Code Ann. 68-11-252(b).)

initial

9. Pursuant to Tenn. Code Ann. § 68-11-252(c), the Commissioner shall initiate a suspension of admissions by delivering to the facility or licensee a notice stating the Commissioner's decision to suspend the admissions of new patients. The Commissioner's notice to suspend admissions must:
- (1) Detail what conditions are considered detrimental to the health, safety, or welfare of the patients;
 - (2) Provide an explanation of the specific time frame when and conditions under which the facility or licensee can reasonably expect the suspension to be lifted; and
 - (3) Be received by the facility or licensee within ten (10) business days of the conclusion of the Department's survey.
10. The Commissioner is authorized, at any time prior to a hearing, based on information presented to the Commissioner showing that such conditions have been and will continue to remain corrected, to revoke the suspension of admissions. Tenn. Code Ann. § 68-11-252(i).
11. During a suspension of admissions pursuant to § 68-11-252, the Commissioner shall appoint one (1) or more special monitor, and costs related to the special monitor(s) shall be recoverable in certain circumstances. Tenn. Code Ann. § 68-11-221.

II. STIPULATIONS OF FACT

12. At all times pertinent hereto, Respondent, Navion BKE Bellevue, LLC, 8118-B Sawyer Brown Road, Nashville, Tennessee 37221, was licensed by the Board as an ACLF, having been granted license number 196 on October 9, 2002, which currently has an expiration date of October 5, 2023.

13. On or about May of 2022, Resident #4 was admitted to the Respondent's facility. After reviewing the medical record, the State surveyor concluded that Resident #4 did not meet the definition of an Assisted Care Living Facility resident (Tenn. Comp. R. and Reg. 0720-26-.02(9)) due to the level of care required and the resident's continuing deterioration. Resident #4 required assistance with dressing, toileting, and transferring. Resident #4 was not on Hospice care at the time of the survey.
14. During a review of the facility medical records for Resident #4, it was discovered by State surveyors that the facility did not have a physician's order for the medical lift that was used with Resident #4 and that the Care plan was undated. These facts were confirmed by the surveyor in an interview with the Regional Director of Clinical Services for the facility on or around November 1st, 2022, around 5:38 p.m.

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.

15. The facts in paragraph thirteen (13) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 0720-26-.05(5) the relevant portion of which reads as follows:

- (5) Civil Penalties. The Board may, in a lawful proceeding respecting licensing (as defined in the Uniform Administrative Procedures Act), in addition to or in lieu of other lawful disciplinary action, assess civil penalties for violations of statutes, rules or orders enforceable by the Board in accordance with the following schedule:

T.C.A. § 68-11-213(i)(2)

\$0-\$3000

(Admission or Retention of Inappropriately Placed Resident.)

Each resident shall constitute a separate violation.

16. The facts in paragraph fourteen (14) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 0720-26-.12(3)(c) 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:

(c) Orders and recommendations for all medication, medical/and other care, services, procedures, and diet from physicians or other authorized healthcare providers, which shall be completed prior to, or at the time of admission, and subsequently, as warranted. Verbal orders received shall include the time of receipt of the order, description of the order, and identification of the individual receiving the order;

IV. REPRESENTATIONS OF RESPONDENT

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

18. 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.
19. 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.
20. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
21. 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.
22. 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.

 Initial

V. ORDER

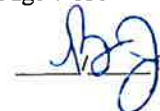
NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

1. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **three-thousand dollars (\$3,000.00)**. This CMP is issued for the deficiency cite on November 1st, 2022.
2. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one-thousand dollars (\$1,000.00)**. This CMP is issued for deficiency cited on November 1st, 2022.
3. 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: 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**

4. 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.

 initial

APPROVED FOR ENTRY:

Please initial all pages.



Navion BKE Bellevue, LLC

License No. 196

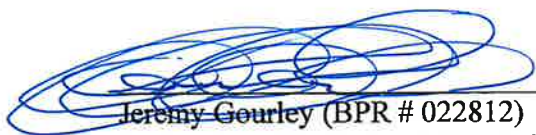
Signature of Authorized Representative
Respondent

Beverly Janco

Printed Name of Authorized Representative

Chief Operating Officer

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

Fax: (615) 741-7051

THIS ORDER IS NOT VALID AND BINDING UNTIL SIGNED BY THE BOARD

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 5th day of

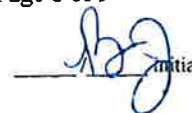
April, 2025

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



Chairperson

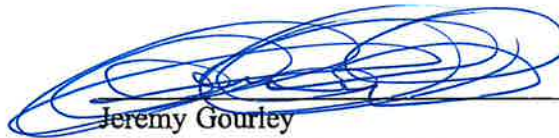
Board for Licensing Health Care Facilities

 initial

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Navion BKE Bellevue, LLC, c/o Administrator, Amanda Gilliam, 8118-B Sawyer Brown Road, Nashville, Tennessee 37221, and Navion BKE Bellevue, LLC, 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 **7021 2720 0000 2319 0637** and **7021 2720 0000 2319 0620**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: julis.steingass@navionsl.com.

This _____ day of _____, 202__.



Jeremy Gourley
Senior Associate General Counsel



Initial