

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

In The Matter of:

**Lincoln Manor,
an Inspirit Senior Living Community,
Assisted Care Living Facility,
License No. 215,**

Respondent.

Fayetteville, Tennessee

Case No. 2024016111

CONSENT ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and Lincoln Manor, an Inspirit Senior Living Community (“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 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. 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. STIPULATIONS OF FACT

8. At all times pertinent hereto, Respondent, Lincoln Manor, an Inspirit Senior Living Community, 115 Medical Center Boulevard Fayetteville, Tennessee 37334, was licensed by the Commission as an ACLF, having been granted license number 215 on April 16, 2001, which currently has an expiration date of May 26, 2025.
9. From on or about April 22, 2024, through April 23, 2024, Commission surveyors conducted a survey investigation at Respondent’s facility.

10. Respondent failed to ensure that Licensed Practical Nurse (LPN #1) had an updated nursing license and allowed LPN #1 to continue to work and administer medications to residents after her license had expired.
11. Respondent's nursing schedule records verified that LPN #1 administered medications to residents on five (5) days during December, 2023, five (5) days during January, 2024, three (3) days during February, 2024, and twelve (12) days during March, 2024.
12. On or about April 22, 2024, Respondent's Executive Director (ED) admitted that LPN #1's nursing license had expired November 30, 2023, and that they were not aware of the license expiration until being questioned.
13. Respondent's ED further admitted that LPN#1 worked and administered medications to residents on the prior above listed dates.
14. On or about April 22, 2024, Respondent's kitchen was found to have brown residue on and around the baseboards, floor, and under counter areas. Black residue was found on kitchen walls, dishwasher, and above the stainless food preparation counter.
15. On or about April 22, 2024, Respondent's ED admitted that the kitchen did in fact have brown and black residue on its surfaces as described above.
16. Resident #1's medical record verified that Respondent failed to update the Plan of Care on or about March 7, 2024, to include urinary catheter care.
17. On or about April 22, 2024, Respondent's ED admitted that the Plan of Care for Resident #1 was not updated to include urinary catheter care.

III. GROUND'S FOR DISCIPLINE

The facts in Section II, *supra*, 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.

18. The facts in paragraphs nine (9) through thirteen (13) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07(5)(b) [Services-Provided], the relevant portion of which reads as follows:

(5) Resident medication. An ACLF shall:

(b) Ensure that all drugs and biologicals shall be administered by a licensed or certified health care professional operating within the scope of the professional license or certification and according to the resident 's plan of care.

19. The facts in paragraphs fourteen (14) and fifteen (15) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07(7)(c)(5) [Services Provided], the relevant portion of which reads as follows:

(7) An ACLF shall provide personal services as follows:

(c) Dietary services.

5. An ACLF shall maintain a clean and sanitary kitchen.

20. The facts in paragraphs sixteen (16) through seventeen (17) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.12 (5)(a) [Resident Records], 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

21. Respondent understands and admits the allegations, charges, and stipulations in this Order.
22. 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.
23. 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.
24. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

25. 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.
26. 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:

27. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand dollars (\$1,000.00)** for violating Tenn. Comp. R. and Regs. 0720-26-.07(5)(b) [Services-Provided] for failure to ensure medication is administered by a properly licensed professional.
28. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)** for violating Tenn. Comp. R. and Regs. 0720-26-.07(7)(c)(5) [Services Provided] for failure to maintain a clean and sanitary kitchen.
29. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand five hundred dollars (\$1,500.00)** for violating Tenn. Comp. R. and Regs. 0720-26-.12 (5)(a) [Resident Records] for failure to update the Plan of Care.
30. The total assessed CMP amount is **three thousand dollars (\$3,000.00)**.
31. 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 COMMISSION**

32. 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:



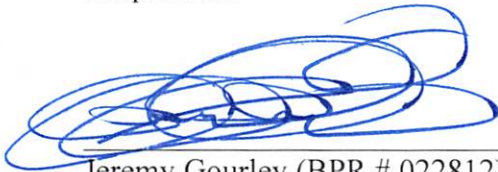
Signature of Authorized Representative
Lincoln Manor,
an Inspirit Senior Living Community
License No. 215
Respondent

Alyssa Shields

Printed Name of Authorized Representative

Executive Director

Title of Authorized Representative

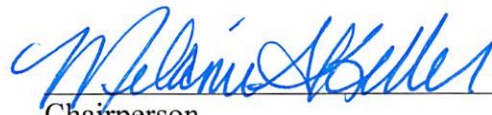


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Approval by the Commission

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 Health Facilities Commission at a public meeting of the Commission and signed this 11th day of December, 2024.

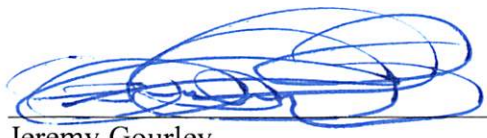
ACCORDINGLY, IT IS ORDERED that the agreement of the parties does hereby become the Final Order of the Commission.


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, Lincoln Manor, an Inspirit Senior Living Community, c/o Administrator, Alyssa Shields, 115 Medical Center Boulevard Fayetteville, Tennessee 37334, and Lincoln Manor, an Inspirit Senior Living Community, c/o Registered Agent, Cogency Global, Inc., 992 Davidson Drive, Suite B, Nashville, Tennessee 37205-1051, by delivering same in the United States regular mail and United States certified mail, numbers **7020 0640 0001 4807 2018** and **7020 0640 0001 4807 2025**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: alyssa.shields@vivasl.com.

This 11 day of Dec., 2024.


Jeremy Gourley
Senior Associate General Counsel