

BEFORE THE TENNESSEE HEALTH FACILITIES COMMISSION

In The Matter of:

**TENNESSEE HEALTH FACILITIES
COMMISSION.**

Petitioner,

v.

**SIGNAL MOUNTAIN SENIOR LIVING
(F/K/A THE TERRACE AT MOUNTAIN
CREEK) – ACLF LICENSE NO. 257,**

Respondent,

APD Case No. 25.05-245690A

AGREED ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and Signal Mountain Senior Living (f/k/a The Terrace At Mountain Creek) (“Respondent”) that the Commission adopt this Agreed 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. STIPULATIONS OF FACT

8. At all times pertinent hereto, Respondent, Signal Mountain Senior Living (f/k/a The Terrace At Mountain Creek), 1005 Mountain Creek Road Chattanooga, Tennessee 37405, was licensed by the Commission as an ACLF, having been granted license number 257 on July 22, 2004, which currently has an expiration date of September 3, 2023.
9. On or about March 20th, 2023, around 11:28 p.m. the State surveyor observed that the Respondent failed to evacuate eleven (11) of sixty-nine (69) residents within 13 minutes or less to a designated holding area for the following. Eight (8) of the eleven (11) residents refused to participate during the fire safety evacuation drill. Three (3) residents did not evacuate within the required time during the fire drill on March 20, 2023.
10. The surveyor contends that the three (3) residents did not evacuate within thirteen minutes due to the residents requiring assistance.
11. The Facility contends that two (2) of the three (3) residents noted above were on hospice and in the process of actively dying, and those residents passed away within one month of the March 2023 survey.
12. After conducting a records review on or about March 20th, 2023, the State surveyor discovered that the facility had conducted fire drills, but Respondent was able to produce records demonstrating that it had conducted a fire drill “during sleeping hours” for the first, second, and third quarters of 2022. For purposes of the cited regulation, are in policy of the Health Facilities Commission defines sleeping hours as from 8:00 p.m. – 6 a.m.; however, those hours are not set forth in the applicable assisted care living regulations.
13. Based on a review of residents’ medical records and interviews with Respondent’s staff and administration, the State surveyor found that the Respondent failed to update the care

plans for two (2) residents (Resident #1 and Resident #2) when there had been a significant change in their condition.

14. During a medical record review for Resident #1 the State surveyor found that the "resident occasionally seeks assistance with escort and mobility" and "Resident requires verbal assistance to evacuate community in the event of an emergency". The surveyor's observation of Resident #1 on or about March 20th, 2023, around 11:30 p.m. during the fire drill, showed that Resident #1 was unable to get out of their bed and required two-person assistance to transfer into a wheelchair. The surveyor found no documentation regarding a change in condition for Resident #1 or changes to the care plan based on the resident's decrease in mobility and ability to evacuate the facility in case of emergency.
15. During a medical record review for Resident #2 the State surveyor found that the "Resident requires physical assistance to evacuate community in the event of an emergency". There was no mobility category on the care plan. The surveyor observed on March 21st, 2023, around 12:40 a.m. that Resident #2 slept on the floor on a mattress because the resident would fall out of the bed. Resident #2 was unable to stand up from the mattress on the floor. An attempt by two staff members to assist Resident #2 up and into a wheelchair was unsuccessful due to requiring more staff for assistance. The surveyor alleges that she found no documentation of when Resident #2 was determined to require more assistance with mobility, and why the facility failed to update the care plan after a significant change in condition for the residents in question.

III. GROUNDS FOR DISCIPLINE

The facts in Section II would be sufficient to establish that grounds exist for the discipline of Respondent's ACLF license, if proven through an administrative hearing. Specifically,

Respondent would be found to have violated the following statutes and/or rules, for which disciplinary action by the Commission is authorized.

16. The facts in paragraph nine (9) are sufficient to constitute one (1) violation of Tenn. Comp. R. and Reg.0720-26-.08 (8) Admissions, Discharges, and Transfers, the relevant portion of which reads as follows:

(8) An ACLF may not retain a resident who cannot evacuate within thirteen (13) minutes unless the ACLF complies with Chapter 19 of the 2006 edition of the NFPA Life Safety Code, and the Institutional Unrestrained Occupancy of the 2006 edition of the International Building Code.

17. The facts in paragraph ten (10) are sufficient to constitute three (3) violations of Tenn. Comp. R. and Reg.0720-26-.10(3)(b) Life Safety, the relevant portion of which reads as follows:

(3) An ACLF shall conduct fire drills in accordance with the following:

(b) There shall be one (1) fire drill per quarter during sleeping hours.

18. The facts in paragraphs eleven (11) through thirteen (13) are sufficient to constitute one (1) violation of Tenn. Comp. R. and Reg.0720-26-25-.12(5)(a) Plan of Care, 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

19. Respondent does not admit or concede the facts set forth by the Commission in Section II above. However, Respondent, for the sole purpose of avoiding an administrative hearing adjudicating this cause, does acknowledge that the Commission has evidence which, at a hearing, could be sufficient to establish that grounds exist for the discipline of Respondent's ACLF license. Specifically, Respondent agrees the stipulated disposition of this matter based on the Commission's position that it has violated the following regulations, for which disciplinary action by the Commission is authorized.
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.

V. ORDER

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

25. 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 cite on or about March 21st, 2023, for failure to evacuate residents in the time required by law.
26. Respondent is hereby assessed **three (3) Civil Monetary Penalty** in the amount of **seven hundred and fifty dollars (\$750.00) EACH**. These three (3) CMPs are issued for the deficiency cited on or about March 21st, 2023, for failure to perform one fire drill during sleeping hours each quarter of the year.
27. Respondent is hereby assessed **one (1) collective Civil Monetary Penalty** in the amount of **one-thousand dollars (\$1,000.00)**. This CMP is issued for the deficiency cite on or about March 21st, 2023, for failure to revise the Plan of Care for two (2) residents.
28. The sum total of all Civil Monetary Penalties listed above comes to **four thousand two hundred and fifty dollars (\$4,250.00)**.

29. 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 AGREED

ORDER HAS BEEN RATIFIED AND APPROVED BY THE BOARD

30. 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:



Signal Mountain Senior Living
(f/k/a The Terrace At Mountain Creek)
License No. 257
Respondent



Printed Name of Authorized Representative



Title of Authorized Representative



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Respondent's Counsel

Approval by the Commission

Upon the agreement of the parties and the record as a whole, this **AGREED ORDER** was 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 24th day of September, 2025.

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


Chairperson
Tennessee 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, Signal Mountain Senior Living (f/k/a The Terrace At Mountain Creek), c/o Christopher Puri, Esq., Bradley Arant Boult Cummings, LLP. A copy was sent via electronic mail to: cpuri@bradley.com.

This 24th day of September, 2025.


Jeremy Gourley
Senior Associate General Counsel