

STATE OF TENNESSEE
HEALTH FACILITIES COMMISSION
BEFORE THE EXECUTIVE DIRECTOR

In The Matter of:	)
	)
Royal Retreat	)
Assisted Care Living Facility	)
License No. 279,	)
	)
Respondent.	)
	)
Memphis, Tennessee	)

NOTICE OF SUSPENSION OF ADMISSIONS AND
ASSESSMENT OF TYPE A CIVIL MONETARY PENALTIES

The investigation and survey, with an exit date of March 26, 2025, revealed violations of licensure statutes and regulations that are considered **detrimental to the health, safety, or welfare of the residents**. Pursuant to T.C.A. § 68-11-252(a), whenever the Executive Director determines that conditions in an Assisted Care Living Facility (ACLF) are, or are likely to be, detrimental to the health, safety, or welfare of the residents, the Executive Director shall have the authority to suspend new admissions of residents to the facility, pending a prompt hearing.

Based upon the surveyors' findings and recommendations, the Executive Director has exercised the authority to **suspend admissions** to the facility, effective April 3rd, 2023, at 5:00 p.m. C.T. Further, the Executive Director has concluded that **four (4) Type A Civil Monetary Penalties** should be imposed upon this facility.

I. PARTIES

1. The Board for Licensing Health Care Facilities (“Board”) has the authority 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.
2. For the purposes of this action, the address for the Executive Director and Commission is Tennessee Health Facilities Commission, Office of Legal Services, 665 Mainstream Drive, Second Floor, Nashville, Tennessee 37243.
3. At all times pertinent hereto, Respondent, Royal Retreat, was licensed by the Board as an Assisted Care Living Facility in the State of Tennessee, having been granted license number 279 on June 1, 2006, which currently has an expiration date of May 29, 2025.

II. JURISDICTION

4. “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).
5. “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).

6. The Commission has the authority to conduct reviews of facilities licensed under this part to determine compliance with fire and life safety code regulations promulgated by the Board. T.C.A. § 68-11-202(b)(1)(A).
7. 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).
8. The executive director has the authority to suspend the admission of any new patients or residents to any facility or licensee in those cases where the executive director has a factual basis upon which to believe that the conditions in any such facility or licensee are, or are likely to be, detrimental to the health, safety, or welfare of a patient or resident. T.C.A. § 68-11-252(a).
9. For the purposes of this section, "facility or licensee" means any entity licensed under this part. The executive director **may suspend admissions** pending a prompt hearing before the commission, or an administrative judge if the commission cannot be convened promptly. T.C.A. § 68-11-252(b).
10. Any facility or licensee subject to a suspension of admissions by the executive director has the right to contest the factual or legal basis for a suspension of admission imposed against it through a prompt contested case hearing before the commission, or an administrative judge if the commission cannot be convened promptly. T.C.A. § 68-11-252(f).
11. All contested cases pursuant to subsection (f) must be conducted according to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3, and must be **heard within thirty (30) calendar days** of the health facilities commission's **filing of a notice of hearing**, unless otherwise agreed to by both parties. T.C.A. § 68-11-252(g) and 2024 Public Chapter 932.

12. An order in all cases contesting a suspension of admissions must be issued within **twenty (20) working days after the receipt of the trial transcript and proposed findings of fact and conclusions of law**, regardless of whether the hearing is conducted before the commission or an administrative judge. The order must determine whether the suspension of admissions was **initially valid** and whether conditions at the facility or licensee **continue to be detrimental to the health, safety, or welfare** of a patient or resident to justify the continuation of the suspension of admissions **if not previously lifted**. T.C.A. § 68-11-252(h) and 2024 Public Chapter 932.
13. **Within ten (10) days of receiving the executive director's order** to suspend admissions, any facility or licensee for which admissions have been suspended pursuant to this section **shall submit a corrective action plan** to the commission delineating the measures to be taken to address violations and associated time frames. If it is deemed by the commission to be necessary to ensure the health, safety, and welfare of patients or residents, the executive director may require any facility or licensee for which admissions have been suspended to take all necessary actions to correct violations immediately. The commission **may also set a lesser time frame than ten (10) days** for the facility or licensee to submit a corrective action plan when it deems necessary to ensure the health, safety, and welfare of residents.
14. 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.
15. In accordance with Public Chapter 1119 (2022), all rule citations cited as 1200-08-25, shall now be referenced as 0720-26.

III. FACTS

16. A complaint and revisit survey were conducted on the premises of the Respondent's facility and the survey team exited on March 26, 2025, resulting in deficiencies cited which affect the health, safety, and welfare, of the residents within the ACLF. A copy of the State Statement of Deficiencies was mailed to the Respondent on March 26, 2025.
17. The facility was cited with several deficiencies, to include deficiencies that are a danger to the health, safety, and welfare of residents.
18. Respondent's medical and medication administration records dated February, 2025, through March, 2025, confirmed that Respondent failed to provide proper staffing causing residents to suffer in pain. Residents #5, #9, and #12 complained of pain on the night shift. Respondent did not have a nurse available on multiple night shifts to assess the Residents' pain or administer pain medications. Respondent allowed the residents to suffer without pain medications until the next morning.
19. From on or around September, 2024, through March, 2025, Respondent failed to provide protective care for Residents #1, #2, #3, and #4, allowing residents to elope from the facility without staff knowledge. Respondent had been previously cited for this deficiency in prior surveys.
20. Respondent failed to implement interventions before or after the elopements to prevent further instances of residents eloping.
21. Resident #1 eloped from Respondent's facility multiple times from December, 2024, through March, 2025, without staff knowledge. Respondent put no interventions in place to prevent the Resident from eloping. No documentation was provided to show that Resident #1 was monitored for 4 1/2 hours after the initial elopement.

22. On or around February 21, 2025, Resident #3 eloped without staff knowledge. The noted temperature was approximately 34 degrees outside. Resident #3 was estimated to have been outside for approximately twenty (20) minutes before being found by family.
23. On or around February 28, 2025, Resident #4 eloped without staff knowledge. The temperature was noted to be approximately 30 degrees outside. Resident was found attempting to cross the street by himself. The Resident had been hit by a car during a past elopement.
24. Residents #6, #7, and #8 suffered falls in the Respondent's facility. No interventions were implemented by the Respondent to prevent falls before or after the incidents. Resident #8 was noted in Respondent's records to have fallen more than once, which lead to death from their injuries. Respondent had been previously cited for this deficiency in prior surveys.
25. Respondent failed to conduct care plan meetings with the resident/resident's representative and review and/or revise the plan of care as changes in the residents' needs occurred to prevent elopement and prevent falls. Respondent was unable to produce documentation to show that the Plan of Care for residents noted, *supra*, had been revised as required. Respondent had been previously cited for this deficiency in prior surveys.
26. On April 2, 2025, the Executive Director of the Health Facilities Commission issued the eight (8) day Notice Letter, and it is hereby incorporated in its entirety by reference and attached hereto as **Attachment 1**.

IV. CAUSE OF ACTION

The facts stated in the Section III, *supra*, are sufficient to establish that grounds for the Suspension of Admissions and issuance of Civil Monetary Penalty(ies) by the Executive Director against Respondent's Assisted Care Living Facility. Specifically, Respondent has violated the following statutes and/or rules, for which executive action is authorized:

27. The facts stated in paragraph eighteen (18) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. & Regs. 0720-26-.06(1)(a)(4) [Administration]. The relevant portion on which reads as follows:

(1) Each ACLF shall meet the following staffing and procedural standards:

(a) Staffing Requirements:

4. An ACLF shall have a licensed nurse available as needed.

28. The facts stated in paragraphs nineteen (19) through twenty-three (23) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. & Regs. 0720-26-.07(7)(a)(1) [Services Provided], 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:

1. Protective care

29. The facts stated in paragraphs twenty (20) through twenty-four (24) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. & Regs. 0720-26-.07(7)(a)(2) [Services Provided], 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

30. The facts stated in paragraph twenty-five (25) are sufficient to establish that Respondent has violated the provisions of Tenn. Comp. R. & 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.

V. ORDER

31. Pursuant to T.C.A. § 68-11-252(a), and based upon the aforementioned facts as incorporated by reference herein, the Executive Director has ordered that the admission of new residents at Royal Retreat **be suspended, effective on April 3, 2025, at 5:00 p.m. C.S.T.**

32. Pursuant to T.C.A. § 68-11-802, the Executive Director hereby assesses **four (4) Type A Civil Monetary Penalties**, as follows:

- a. For the violation of Tenn. Comp. R. & Regs. 0720-26-.06(1)(a)(4) [Administration], a Civil Monetary Penalty in the amount of **three thousand dollars (\$3,000)**.
 - b. For the violation of Tenn. Comp. R. & Regs. 0720-26-.07(7)(a)(1) [Services Provided], a Civil Monetary Penalty in the amount of **three thousand dollars (\$3,000)**.
 - c. For the violation of Tenn. Comp. R. & Regs. 0720-26-.07(7)(a)(2) [Services Provided], a Civil Monetary Penalty in the amount of amount of **three thousand dollars (\$3,000)**.
 - d. For the violation of Tenn. Comp. R. & Regs. 0720-26-.12 (5)(a) [Resident Records], a Civil Monetary Penalty in the amount of amount of **three thousand dollars (\$3,000)**.
33. The total of all assessed Civil Monetary Penalties is **twelve thousand dollars (\$12,000)**.
34. Pursuant to T.C.A. § 68-11-221, which provides that whenever admissions at a health care facility are suspended under the authority of T.C.A. § 68-11-207, the Executive Director shall appoint one or more special monitors if the deficiencies threaten serious bodily harm to the residents at the facility, the Executive Director hereby appoints a monitor or monitors to be present in the facility for a minimum of twenty (20) hours per week in order to observe the operation of the facility and to submit written reports on the operations of the facility to the Commission. The monitor(s) shall have the power to observe and review all of the facility's operations with attention to those aspects for which the Suspension of Admissions was imposed. The facility shall be liable for the cost of the special monitor(s) until it is determined by

the Commission that all the deficiencies which caused the appointment of the monitor(s) have been corrected.

35. **The facility is hereby ordered to post a copy of this Order upon the public entrance doors of the facility and prominently display it there for so long as it remains effective.** During the Suspension of Admissions, the facility shall inform any person who enquires about the admission of a new resident of the provisions of the order and make a copy of the order available.
36. In order for this Suspension of Admissions to be lifted, the cited conditions must be corrected so as to remove the detriment to the health, safety, or welfare of the residents, as verified by a follow-up survey of the facility conducted by the Commission.

VI. NOTICE OF RIGHTS

The Commission hereby gives notice to the Respondent of the following rights:

37. In accordance with 2023 Public Chapter 466, the Health Facilities Commission assumed jurisdiction over licensing Health Care Facilities. Because of this suspension of admissions, this facility has the right to a prompt hearing before the Health Facilities Commission. If the Commission cannot convene promptly, this hearing may be held before an administrative judge. If the facility disagrees with this decision and requests such a hearing, the Commission or Administrative Judge would then have the authority to continue, revoke or modify the suspension of admissions; to revoke, suspend or condition the license held by the facility, and to enter such other orders as deemed necessary. Tenn. Code Ann. (“T.C.A.”) §§ 68-11-207 and 252.

38. Unless the licensee contests the assessment, the civil penalty should be made payable in the form of a certified check or money order, to the “Treasurer, State of Tennessee.” The payment shall be mailed or delivered to the following address:

Disciplinary Coordinator
Health Facilities Commission
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243

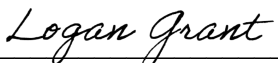
39. Should the facility wish to demand a hearing, the demand and a copy of the demand should be mailed respectively to the following addresses:

a. Caroline Tippens, Director of Licensure and Regulation
Health Facilities Commission
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243

b. Health Facilities Commission
Office of Legal Services
502 Deaderick Street, 9th Floor
Nashville, Tennessee 37243

40. Hearings requested shall be conducted as a contested case proceeding as provided by the Administrative Procedures Act, T.C.A. §§ 4-5-301, et. seq., and by and by Tenn. Comp. R. & Regs. 1360-4-.01 et. seq. Any such hearing shall be conducted within **thirty (30) days of the filing of the notice of charges** and an Order shall be issued within **twenty (20) working days after the receipt of the trial transcript and proposed** findings of fact and conclusions of law. T.C.A. § 68-11-252 and 2024 Public Chapter 932.

Entered this 2nd day of April, 2025.



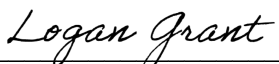
Logan Grant
Executive Director
Health Facilities Commission

xc: Secretary of State – Administrative Procedures Division
Caroline R. Tippens, Director of Licensure & Regulation
Health Facilities Commission West Tennessee Regional Office
Health Facilities Commission, Office of Legal Services

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Royal Retreat, c/o Administrator, Manivannan (Mike) Sivalingam, 6551 Knight Arnold Road Memphis, Tennessee 38115, and Royal Retreat, c/o Registered Agent, Republic Registered Agent, LLC, 4015 Travis Drive, Suite 211, Nashville, Tennessee 37211-3742 by delivering same in the United States regular mail and United States certified mail, numbers **9589 0710 5270 0005 1099 41**, and **9589 0710 5270 0005 1099 89**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: info@royalretreatmemphis.com.

This the 2nd day of April, 2025.



Logan Grant
Executive Director
Health Facilities Commission