

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

**IN THE MATTER OF:**

**ALEXIAN VILLAGE OF TENNESSEE  
ASSISTED CARE LIVING FACILITY  
LICENSE NO. 387**

**RESPONDENT**

**SIGNAL MOUNTAIN, TENNESSEE**

)  
)  
)  
) **CASE NO. 2022024491**  
)  
)  
)  
)

---

**CONSENT ORDER**

---

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities ("Board"), pursuant to the request of the Tennessee Health Facilities Commission ("Commission"), by and through the Office of Legal Services, and Alexian Village of Tennessee ("Respondent") that the Board adopt this Consent Order, the terms of which have been agreed upon by the parties, as signified by their signatures below.

Respondent, by signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review of this matter.

Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should the Consent Order not be ratified. Likewise, all matters, admissions, and statements disclosed or exchanged during the attempted ratification

process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

## **I. JURISDICTION**

1. The Board 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 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) [formerly cited as 1200-08-25-.02(7)].
4. "Primarily aged persons" 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) [formerly cited as 1200-08-25-.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) [formerly cited as 1200-08-25-.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.

## II. STIPULATIONS OF FACT

8. At all times pertinent hereto, Respondent, Alexian Village of Tennessee, 622 Alexian Way, Signal Mountain, Tennessee 37377, was licensed by the Board as an ACLF, having been granted license number 387 on September 30, 2014, which currently has an expiration date of September 29, 2023.
9. On or about August 15, 2022, a complaint investigation was conducted at Alexian Village of Tennessee. Review of facility documentation revealed that a resident, Resident #8, had harmed three (3) residents since being admitted to the facility in November of 2020.
10. Facility incident reports provided that Resident #8 cut another resident's hair with a pair of scissors on or about March 19, 2021.
11. Facility incident reports provided that Resident #8 threw a glass of tea in the face of another resident on or about March 19, 2022.

12. Facility incident reports provided that Resident #8 pushed their walker into another resident, causing a skin tear to the other resident, on or about September 11, 2022.
13. Further review of facility documentation provided that the facility failed to follow its own stated policy for the handling of residents causing harm to each other on each of the three (3) aforementioned incidents.

### **III. GROUND'S 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.

14. The facts in paragraphs ten (10) through twelve (12) are sufficient to constitute three (3) violations of Tenn. Comp. R. and Reg. 0720-26-.07(7)(a)2 [formerly cited as 1200-08-25-.07(7)(a)2], 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:

...

2. Safety when in the ACLF[.]

15. The facts in paragraphs thirteen (13) are sufficient to constitute three (3) violations of Tenn. Comp. R. and Reg. 0720-26-.06(1)(b)3 [formerly cited as 1200-08-25-.06(1)(b)3], the relevant portion of which reads as follows:

An ACLF shall develop a written policy, plan or procedure concerning a subject and adhere to its provision whenever required to do so by these rules. A licensee that violates its own policy established as required by these rules and regulation also violates the rules and regulations establishing the requirement.

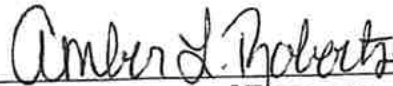
#### IV. ORDER

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

16. 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 three (3) violations of Tenn. Comp. R. and Reg. 0720-26-.07(7)(a)2 [formerly cited as 1200-08-25-.07(7)(a)2] identified in paragraphs ten (10) through twelve (12).
17. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)**. This CMP is issued for the violation of Tenn. Comp. R. and Reg. 0720-26-.06(1)(b)3 [formerly cited as 1200-08-25-.06(1)(b)3] identified in paragraph thirteen (13).
18. Payment shall be submitted to the following address withing **thirty (30) calendar days** of the effective date of this Order.

**Tennessee Health Facilities Commission  
Attention: Licensure and Regulation  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243**

**APPROVED FOR ENTRY:**

  
Alexian Village of Tennessee  
License No. 387  
Signature of Authorized Representative  
Respondent

Amber L. Roberts  
Printed Name of Authorized Representative

Director  
Title of Authorized Representative

  
Vishan J. Ramcharan (BPR # 034403)  
Associate General Counsel  
Health Facilities Commission  
665 Mainstream Dr. 2<sup>nd</sup> Floor  
Nashville, Tennessee 37243  
Office: (615) 741-7221  
Fax: (615) 741-7051

---

**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 2nd day of February, 2023.

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

  
Christopher Wilson  
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, Alexian Village of Tennessee, c/o Amber L. Roberts, Administrator, by delivering same in the United States regular mail and United States certified mail, **7021 2720 0000 2319 0446**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: amber.roberts2@ascension.org.

This 3 day of February, 2023.

  
\_\_\_\_\_  
Vishan J. Ramcharan  
Associate General Counsel