STATE OF TENNESSEE
BEFORE THE HEALTH FACILITIES COMMISSION

In The Matter of:	)	
	)	
Canterfield of Oak Ridge,	)	
Assisted Care Living Facility,	)	
License No. 399,	)	**Case No. 2024037051**
	)	
Respondent.	)	
	)	
Oak Ridge, Tennessee	)	

CONSENT ORDER

This matter came to be heard before the Tennessee Health Facilities Commission ("Commission"), by and through the Office of Legal Services, and Canterfield of Oak Ridge ("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, Canterfield of Oak Ridge, 200 Bus Terminal Road Oak Ridge, Tennessee 37830, was licensed by the Commission as an ACLF, having been granted license number 399 on September 30, 2013, which currently has an expiration date of September 30, 2025.

9. On or about October 14, 2024, Commission surveyors conducted a Life Safety survey at Respondent's facility.

10. On or about October 14, 2024, portable space heaters were observed in use in one (1) patient room and in the facility beauty salon.

11. Respondent's Maintenance Director was present when the heaters were observed, and the heaters were confirmed to be in use by the Executive Director.

12. Respondent was unable to produce documentation of having conducted fire drills for each work shift quarterly for the following time periods:

    a. 1st shift for the 1st quarter of 2023.

    b. 3rd shift for the 2nd quarter of 2023.

    c. 2nd shift for the 4th quarter of 2023.

    d. 2nd shift for the 2nd quarter of 2024.

    e. 2nd and 3rd shift for the 3rd quarter of 2024.

13. Respondent was unable to produce documentation of having conducted fire drills during sleeping hours for the following time periods:

    a. 2nd quarter of 2023.

    b. 3rd quarter of 2024.

14. On or about October 14, 2024, Respondent's Maintenance Director and Executive Director admitted that the fire drills were not conducted as required.

III. GROUNDS 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.

15. The facts in paragraphs ten (10) and eleven (11) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (2)(h) [Life Safety], the relevant portion of which reads as follows:

> (2) An ACLF shall ensure fire protection for residents by doing at least the following:
>
> (h) Prohibit open flame and portable space heaters.

16. The facts in paragraphs twelve (12) and fourteen (14) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (3)(a) [Life Safety], the relevant portion of which reads as follows:

> (3) An ACLF shall conduct fire drills in accordance with the following:
>
> (a) Fire drills shall be held for each ACLF work shift in each separate ACLF building at least quarterly.

17. The facts in paragraphs thirteen (13) and fourteen (14) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 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.

IV. REPRESENTATIONS OF RESPONDENT

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

19. 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.

20. 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.

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

22. 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.

23. 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:

24. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand dollars ($1,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (2)(h) [Life Safety] for failure to prohibit portable space heaters.

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 a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (3)(a) [Life Safety] for failure to conduct fire drills for each ACLF work shift in each separate ACLF building at least quarterly.

26. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand dollars ($1,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (3)(b) [Life Safety] for failure to conduct one (1) fire drill per quarter during sleeping hours.

27. Respondent must submit proof to the Commission at the address below of conducting fire drills for a period of one (1) year from the effective date of this Order.

28. The total assessed CMP amount is **three thousand dollars ($3,000.00)**.

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: 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

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:

Signature of Authorized Representative
Canterfield of Oak Ridge
License No. 399
Respondent

Cynthia Fisher
Printed Name of Authorized Representative

Executive Director
Title of Authorized Representative

Jeremy Gourley (BPR # 022812)
Senior Associate General Counsel
Health Facilities Commission
Office of Legal Services
Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243
Office: (615) 741-2364
Fax: (615) 741-9884
Email: Jeremy.J.Gourley@tn.gov

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 26th day of March, 2025.

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, Canterfield of Oak Ridge, c/o Administrator, Cynthia Fisher, 200 Bus Terminal Road Oak Ridge, Tennessee 37830, by delivering same in the United States regular mail and United States certified mail, numbers **7022 3330 0001 2193 9784,** return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: cynthia@canterfieldofoakridge.com.

This 26th day of March, 2025.

Jeremy Gourley
Senior Associate General Counsel