

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

In The Matter of:	)	
	)	
Hickory Hills Alzheimer's Special Care Center	)	
Assisted Care Living Facility	)	
License No. 432,	)	Case No. 2023011811
	)	
Respondent.	)	
	)	
Hendersonville, Tennessee	)	

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 Hickory Hills Alzheimer's Special Care Center ("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.

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).
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 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, Hickory Hills Alzheimer's Special Care Center, 162 Indian Lake Boulevard, Hendersonville, Tennessee 37075-6203, was licensed by the

Board as an ACLF, having been granted license number 432 on August 18, 2016, which currently has an expiration date of August 17, 2024.

9. On or about March 22, 2023, a complaint survey of the facility was conducted, resulting in findings that the facility failed to ensure that a resident's medication was properly administered, failed to provide protective care for one resident, and failure to have a Physician Order for Scope of Treatment ("POST") form or Advance Directives for one resident, resulting in not intervening when a crisis arose.
10. On or about February 6, 2021, Resident #7 was admitted to the facility. At that time, it was noted in the resident's plan of care that they needed assistance for medication administration. On or about May 3, 2022, inhalation treatments for Resident #7 were increased by their physician from three (3) times per day to four (4) times per day. The facility failed to administer the additional daily dose from August 2022, until the resident's discharge from the facility in February 2023.
11. Resident #6 moved into the facility on or about August 8, 2022, at which time the resident was assessed as an elopement risk with exit seeking behaviors. On or about August 11, 2022, Resident #6 eloped from the facility. The door alarm sounded, and staff immediately began searching for the resident. The resident was ultimately returned to the facility by local law enforcement after wandering across a four (4) lane road in front of the facility.
12. On or about October 7, 2022, Resident #13 was admitted to the facility. Review of the facility's medical records revealed no POST form for the resident. When the resident subsequently suffered a change in condition, Emergency Medical Services was called and the resident was transported to the hospital due to the lack of a POST form in the patient's

file. Based on other available, conflicting information, cardio-pulmonary resuscitation was not conducted by hospital staff resulting in the resident's passing.

III. GROUND FOR DISCIPLINE

The facts in 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.

13. The facts in paragraphs nine (9) and ten (10) are sufficient to constitute violations of Tenn. Comp. R. and Reg. 0720-26-.07(5)(a), the relevant portion of which reads as follows:

(5) Resident medication. An ACLF shall:

- (a) Ensure that medication shall be self-administered in accordance with resident's plan of care[.]

14. The facts in paragraphs nine (9) and eleven (11) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 0720-26-.07(7)(a)1, 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:

1. Protective care[.]

15. The facts in paragraphs nine (9) and twelve (12) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 0720-26-.07(7)(a)4, 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:

4. The ability and readiness to intervene if crises arise[.]

IV. REPRESENTATIONS OF RESPONDENT

16. Respondent understands and admits the allegations, charges, and stipulations in this Order.
17. 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.
18. Respondent agrees that presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board 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.
19. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
20. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.

21. 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:

22. Respondent shall be **placed on probation** for a period not to exceed **six (6) months** from the effective date of this Order and **shall appear at a minimum of one (1) Board/Commission meeting** during the probationary period.
- a. At that meeting the Respondent shall demonstrate and explain to the board how the facility is implementing the actions identified in its plan of correction.
 - b. Pursuant to T.C.A. § 68-11-207(e)(6), the board is authorized at any time during the probation to remove the probational status of the facility's license, based on information presented to it showing that the conditions identified by the board have been corrected and are reasonably likely to remain corrected.
23. 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 referenced in paragraph thirteen (13) above.
24. 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 deficiency referenced in paragraph fourteen (14) above.
25. 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 deficiency referenced in paragraph fifteen (15) above.

26. Payment shall be submitted to the following address within thirty (30) calendar days of the effective date of this Order.

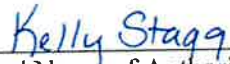
Tennessee Health Facilities Commission
Attention: Disciplinary Coordinator
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243

**PLEASE DO NOT REMIT PAYMENT UNTIL THE CONSENT
ORDER HAS BEEN RATIFIED AND APPROVED BY THE BOARD**

27. 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:


Hickory Hills Alzheimer's Special Care Center
License No. 432
Signature of Authorized Representative
Respondent


Printed Name of Authorized Representative


Title of Authorized Representative


Vishan J. Ramcharan (BPR # 034403)
Associate General Counsel
Health Facilities Commission
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Nashville, Tennessee 37243
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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 5th day of June, 2024.

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



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, Hickory Hills Alzheimer's Special Care Center, c/o Kelly Stagg, 162 Indian Lake Boulevard, Hendersonville, Tennessee 37075-6203, by delivering same in the United States regular mail and United States certified mail, number **7022 3330 0001 2193 4482**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: ~~hickoryhills-adm@icaseniorliving.com~~.

Kelly. Stagg@SincerisL.com

This 5th day of June, 2024.



Vishan J. Ramcharan
Associate General Counsel