

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

IN THE MATTER OF:

**HARMONY AT MT. JULIET
ASSISTED CARE LIVING FACILITY
LICENSE NO. 501,**

RESPONDENT.

MT. JULIET, TENNESSEE

CASE NO. 2022030561

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 Harmony At Mt. Juliet ("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, Harmony At Mt. Juliet, 103 Belinda Parkway, Mt. Juliet, Tennessee 37122, was licensed by the Board as an ACLF, having been granted license number 501 on April 1, 2021, which currently has an expiration date of March 31, 2023.
9. On or about October 27, 2022, a complaint investigation was completed at Harmony at Mt. Juliet. Following review of facility records and interviews with facility staff it was determined that a resident had eloped from the facility for approximately thirty (30) minutes.
10. On or about August 14, 2022, Resident #1 was admitted to the facility with diagnoses including Alzheimer's Disease.

11. On or about September 1, 2022, Resident #1 exited the facility through a side door and walked to a neighboring subdivision. Law enforcement was notified by a resident of the subdivision and the resident was returned to the facility unharmed.

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.

12. The facts in paragraphs nine (9) through eleven (11) are sufficient to constitute a violation 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:

- (a) Each ACLF shall provide each resident with at least the following personal services:

...

2. Safety when in the ACLF[.]

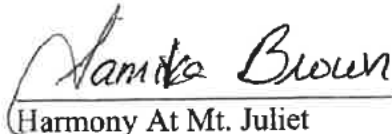
IV. ORDER

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

13. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand, five hundred dollars (\$1,500.00)** for the violation identified in paragraph twelve (12).
14. 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:


Harmony At Mt. Juliet

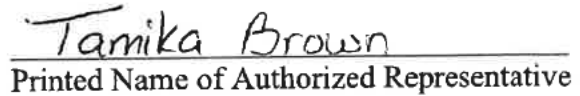
License No. 501

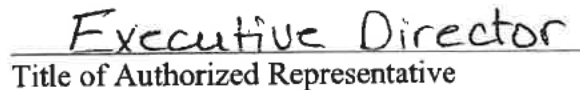
Signature of Authorized Representative
Respondent



Vishan J. Ramcharan (BPR # 034403)

Associate General Counsel
Health Facilities Commission
665 Mainstream Dr. 2nd Floor
Nashville, Tennessee 37243
Office: (615) 741-7221
Fax: (615) 741-7051

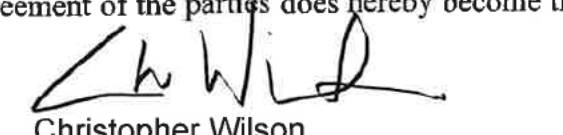

Printed Name of Authorized Representative


Title of Authorized Representative

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, Harmony At Mt. Juliet, c/o Administrator, Tamika Brown, 103 Belinda Parkway, Mt. Juliet, Tennessee 37122, and Harmony At Mt. Juliet, c/o Registered Agent, Paracorp Incorporated, 992 Davidson Drive, Suite B, Nashville, Tennessee 37205-1051 by delivering same in the United States regular mail and United States certified mail, numbers **7021 2720 0000 2319 2181** and **7021 2720 0000 2319 2198**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: tbrown@harmonyatmtjuliet.com.

This 3rd day of February, 2023.



Vishan J. Ramcharan
Associate General Counsel