

**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,	)	Case No. 2023014331
	)	
Respondent.	)	
	)	
Mt. Juliet, 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 Harmony At Mt. Juliet ("Respondent") that the Board adopt this Consent Order, the terms of which have been agreed upon by the parties and recommended by the Screening Panel, 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, 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, 2024.

9. On or about May 2, 2023, a survey of the facility was completed, resulting in findings that one resident was not an appropriate candidate for admission to the facility.
10. On or about January 31, 2023, Resident #4 was admitted to the facility. The facility completed an Admitting Plan of Care for Resident #4, noting that the resident required extensive hands-on assistance with transfers, bathing, and toileting. The facility further noted that the resident required this extensive assistance due primarily to behavior, failure to participate, rather than lack of physical ability.
11. Resident #1 suffers advanced dementia and because of this resides on the secure unit of the facility. On or about April 13, 2023, Resident #1's son reported concerns to the Administrator regarding vague statements made by his mother, including a statement about an unidentified "older man with keys" who "takes her things." Respondent completed an investigation as did the Mt. Juliet police, Adult Protective Services, and the Tennessee Bureau of Investigation. All found no wrongdoing. Resident #1 was examined at Vanderbilt and a Sexual Assault Nurse Exam was completed and the results were negative for any signs of assault or male D.N.A. and no evidence was found to substantiate any wrongdoing. After presenting the findings from the detailed investigation to an independent case reviewer who found no violation of the regulations, a case review team who also found no violation of the regulations, and the Board for Licensing Health Care Facilities, the Board concludes that the Respondent complied with Comp. R. and Reg. 1200-08-25-.06 (1)(b)3 and Comp. R. and Reg. 1200-08-25-.07 (7)(a)(1) with regard to its investigation of the statements alleged to have been made by Resident #1 and there is

insufficient evidence to support of violation of the regulations as cited in the Statement of Deficiencies, the Statement of Deficiencies will be amended to remove Tag D 609 and Tag D 719.

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) and ten (10) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 0720-26-.05(5) [formerly cited as 1200-08-25-.05(5)], the relevant portion of which reads as follows:

The Board may...assess civil penalties for violations of statutes, rules or orders enforceable by the Board in accordance with the following schedule:

...	
T.C.A. § 68-11-213(i)(2)	\$0-\$3000
(Admission or Retention of Inappropriately Placed Resident.)	
Each resident shall constitute a separate violation.)	

[THIS SECTION INTENTIONALLY LEFT BLANK]

IV. REPRESENTATIONS OF RESPONDENT

13. Respondent understands and admits the allegations, charges, and stipulations in this Order.
14. 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.
15. 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.
16. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
17. 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.
18. 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:

19. Upon ratification, the parties agree that this Consent Order will be considered incorporated into the Statement of Deficiencies from the survey ending May 2, 2023
20. 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 eleven (11) of this order.
21. 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: Licensure and Regulation- Discipline
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

22. 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:



Harmony At Mt. Juliet
License No. 501
Signature of Authorized Representative
Respondent

Christy Tosh Crider

Printed Name of Authorized Representative

Counsel for Harmony at Mt. Juliet

Title of Authorized Representative



Vishan J. Ramcharan (BPR # 034403)
Associate General Counsel
Health Facilities Commission
665 Mainstream Dr. 2nd Floor
Nashville, Tennessee 37243
Office: (615) 741-7221
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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, Harmony At Mt. Juliet, c/o Christy Tosh Crider, Esq., 1600 West End Avenue, Suite 2000, Nashville, Tennessee 37203 and Craig C. Conley, Esq., 165 Madison Avenue, Suite 2000, Memphis, Tennessee 38103 by delivering same in the United States regular mail and United States certified mail, numbers 7022 3330 0001 2193 4468 and 7022 3330 0001 2193 5052, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: ccrider@bakerdonelson.com and cconley@bakerdonelson.com.

This 5th day of June, 2024.



Vishan J. Ramcharan
Associate General Counsel