

**STATE OF TENNESSEE
BEFORE THE HEALTH FACILITIES COMMISSION**

In The Matter of:	)	
	)	
The Lantern at Morning Pointe of Franklin,	)	
Assisted Care Living Facility,	)	
License No. 502,	)	Case Nos. 2024008961
	)	2024016381
Respondent.	)	
	)	
Franklin, 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 The Lantern at Morning Pointe of Franklin ("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, The Lantern at Morning Pointe of Franklin, 1015 Generations Way, Franklin, Tennessee 37064, was licensed by the Commission as an ACLF, having been granted license number 502 on July 9, 2018, which currently has an expiration date of July 8, 2025.
9. From on or about February 21, 2024, through February 26, 2024, Commission surveyors conducted a complaint survey at Respondent’s Alzheimer’s/Memory Care facility.

10. Respondent failed to provide protective care for Resident #3 by failing to evaluate the resident's known wandering and elopement risk.
11. Respondent's Interdisciplinary Team notes dated January 22, 2024, verified that Resident #3 had not been evaluated for placement in the Memory Care Unit.
12. Respondent's Fall Risk Assessment dated February 5, 2024, confirmed Resident #3 was always disoriented, ambulatory, and lacked safety awareness.
13. Respondent failed to provide safety for Resident #3 by failing to secure the facility, prevent the elopement, and maintain awareness on the whereabouts of Resident #3.
14. Resident #3 exited Respondent's facility on or about February 6, 2024, around 9:50 p.m. and was not noticed missing by staff until they were returned to Respondent's facility.
15. Resident #3 was located at the Respondent's Assisted Care Living Facility (ACLF) facility next door after about fifteen minutes had passed from the Resident's elopement.
16. Resident #3 appeared disoriented, confused, and without a coat when located by Respondent's ACLF staff.
17. Resident Assistant (RA) #1 rang Respondent's doorbell to return Resident #3, and no one answered. RA #1 then called the telephone number on the door to get the Respondent's staff to respond.
18. The temperature at the time of Resident #3's elopement was approximately forty (40) degrees Fahrenheit.
19. Respondent's Nursing notes dated February 6, 2024, documented that Resident #3 was outside unattended for approximately fifteen (15) minutes.

20. On or about February 21, 2024, RA#1 confirmed that they had taken Resident #3 back to the Respondent's Alzheimer's/Memory facility from the Respondent's other ACLF next door.
21. Respondent's facility is in very close proximity to two (2) major, multi-lane highways, thereby posing a risk of harm for Resident #3.
22. Resident #1's progress notes dated February 18, 2024, noted that Resident #1 was observed to be self-propelling in a wheelchair to the exit doors and attempting to open them.
23. Respondent failed to provide documentation to show that the Plan of Care for Resident #1 had been updated with interventions regarding Resident #1's exit seeking behavior.
24. Resident #2's progress notes dated February 11, 2024, noted that Resident #2 was observed to have partially opened the exit doors and attempting to leave but was stopped by staff.
25. Respondent failed to provide documentation to show that the Plan of Care for Resident #2 had been updated with interventions regarding Resident #2's exit seeking behavior.
26. Respondent's investigation report dated February 6, 2024, confirmed that Resident #3 had eloped on February 6, 2024.
27. Respondent failed to provide documentation to show that the Plan of Care for Resident #3 had been updated with interventions regarding Resident #3's exit seeking behavior after the elopement.
28. Respondent failed to review or revise the Plan of Care for Resident #3 until February 16, 2024.
29. On or about February 26, 2024, Respondent's Executive Director admitted the Plan of Care should be reviewed and revised when a resident's condition changed.

30. On or about April 25, 2024, a subsequent complaint survey and revisit was performed by Commission surveyors. New deficiencies were found in violation of the Respondent's Plan of Correction (POC).
31. Respondent was required under the terms of their Plan of Correction from the survey dated February 26, 2024, to provide elopement prevention training.
32. Respondent failed to provide training on elopement to three (3) employees, who were Resident Assistants and rendered care to residents daily, thereby endangering residents.
33. On or about April 25, 2024, the Business Office Manager admitted that the Respondent had not trained all of the employees.
34. Respondent failed to ensure that the Plan of Care for each resident is completed and signed by staff and the resident's family representative within five (5) days of admission.
35. Respondent failed to obtain a signature by staff or family representative for the Plan of Care for Residents #1 and #2.
36. On or about April 25, 2024, Respondent's Interim Executive Director admitted that the Plan of Care for Residents #1 and #2 should have been signed.

III. GROUND 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.

37. The facts in paragraphs ten (10) through twenty-one (21) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(1) [Services Provided], the relevant portion of which reads as follows:

(7) An ACLF shall provide personal services as follows:

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

1. Protective care

38. The facts in paragraphs ten (10) through twenty-one (21) and thirty (30) through thirty-three (33) are sufficient to constitute two (2) violations of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(2) [Services Provided], the relevant portion of which reads as follows:

(7) An ACLF shall provide personal services as follows:

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

2. Safety when in the ACLF

39. The facts in paragraphs thirteen (13) through twenty (20) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(a)(3) [Services Provided], the relevant portion of which reads as follows:

(7) An ACLF shall provide personal services as follows:

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

3. Daily awareness of the individual's whereabouts

40. The facts in paragraphs twenty-two (22) through twenty-nine (29) and thirty-four (34) through thirty-six (36) are sufficient to constitute two (2) violations of Tenn. Comp. R. and Regs. 0720-26-.12 (5)(a) [Resident Records], the relevant portion of which reads as follows:

(5) Plan of care.

- (a) An ACLF shall develop a plan of care for each resident admitted to the ACLF with input and participation from the resident or the resident's legal representative, treating physician, or other licensed health care professionals or entity delivering patient services within five (5) days of admission. The plan of care shall be reviewed and/or revised as changes in resident needs occur, but not less than semi-annually by the above-appropriate individuals.

IV. REPRESENTATIONS OF RESPONDENT

41. Respondent understands and admits the allegations, charges, and stipulations in this Order.
42. 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.
43. 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.

44. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
45. 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.
46. 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:

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

47. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five-hundred dollars (\$500.00)**. This CMP is issued for the deficiency cited on February 26, 2024, for a violation of Tenn. Comp. R. and Reg. 0720-26-.07 (7)(a)(1).
48. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five-hundred dollars (\$500.00)**. This CMP is issued for the deficiency cited on February 26, 2024, for a violation of Tenn. Comp. R. and Reg. 0720-26-.07 (7)(a)(2).
49. 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 cited on April 25, 2024, for a violation of Tenn. Comp. R. and Reg. 0720-26-.07 (7)(a)(2).

50. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)**. This CMP is issued for the deficiency cited on February 26, 2024, for a violation of Tenn. Comp. R. and Reg.0720-26-.07 (7)(a)(3).
51. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)**. This CMP is issued for the deficiency cited on February 26, 2024, for a violation of Tenn. Comp. R. and Reg.0720-26-.12 (5)(a).
52. 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 cited on April 25, 2024, for a violation of Tenn. Comp. R. and Reg.0720-26-.12 (5)(a).
53. The total for all above Civil Monetary Penalties is **four thousand dollars (\$4,000.00)**.
54. 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**

55. 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:



The Lantern at Morning Pointe of Franklin
License No. 502
Signature of Authorized Representative
Respondent

Robert C. Pollard III
Printed Name of Authorized Representative

Senior Vice President of Operations
Title of Authorized Representative

W/permission

Jeremy Gourley

BPR 024233

Jeremy Gourley (BPR # 022812)
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Health Facilities Commission
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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 25th day of September, 2024.

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, The Lantern at Morning Pointe of Franklin, c/o Administrator, Lori Domer, 1015 Generations Way Franklin, Tennessee 37064, and The Lantern at Morning Pointe of Franklin, c/o Registered Agent, Franklin Tn Alzheimer's Investors, LLC, 6020 Arbury Way, P.O. Box 813 Ooltewah, Tennessee 37363 by delivering same in the United States regular mail and United States certified mail, numbers **7015 3010 0001 8347 5397** and **7007 1490 0004 1087 4497**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: franklntn-lan-ed@morningpointe.com.

This 25th day of September, 2024.

w/ permission

Jeremy Gourley
Jeremy Gourley
Senior Associate General Counsel

Blk 034233