

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

IN THE MATTER OF:	)	
	)	
TREE OF LIFE RESIDENTIAL CARE,	)	CASE NO. 202201332
A.C.L.F. LIC. NO. 522,	)	
RESPONDENT	)	
	)	
TRACY CITY, 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 **TREE OF LIFE RESIDENTIAL CARE** ("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. 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. 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. 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, Tree of Life Residential Care ("Tree of Life"), 293 King Road, Tracy City, Tennessee 37387, was licensed by the Board as an ACLF, having been granted license number 522 on December 6, 2019, which currently has an expiration date of December 5, 2022.
9. On or about April 25, 2022, a health licensure survey of the facility was conducted. Upon review of the facility's medical records and interviews with facility staff, it was determined that the Tree of Life failed to ensure unlicensed staff did not administer insulin to two (2) residents, failed to document observation notes for one (1) resident, and failed to complete required written assessments of three (3) residents.
10. On or about April 18, 2022, an unlicensed caregiver administered ten (10) times the prescribed dosage of Humulin R insulin to Resident #1, who has diagnoses including Diabetes Mellitus and End Stage Renal Failure. The facility administrator and the patient's physician were immediately notified, and Resident #1 was transferred to the hospital emergency room. Resident #1 required treatment for hypoglycemia in the intensive care unit.
11. Resident #1 indicated to the surveyor that caregivers, confirmed by the surveyor to be unlicensed, regularly filled syringes with medication for the patient to self-inject.

12. Upon the surveyor's review of facility medical records for Resident #1, it was also determined that Tree of Life failed, on multiple occasions, to properly document observation notes for Resident #1. The undocumented incidents included failure to document one instance where Resident #1 returned from dialysis treatment and was unsteady on their feet, multiple instances of Resident #1 refusing dialysis treatment because they were not feeling well, and the aforementioned instance of Resident #1 receiving the incorrect dosage of Humulin R insulin from an unlicensed caregiver.
13. Resident #2 has a diagnosis including Insulin Dependent Diabetes Mellitus. Resident #2 indicated to the surveyor that caregivers, confirmed by the surveyor to be unlicensed, "sometimes" administer the patient's insulin.
14. Upon the surveyor's review of facility medical records, it was determined that Tree of Life failed to complete required written assessments of residents upon admission. The surveyor reviewed the medical records of three (3) residents, none of which included the required written assessments. The facility Administrator indicated to the surveyor that the facility did not complete written assessments upon admission.
15. On or about June 15, 2022, an on-site revisit survey was conducted. Tree of Life had corrected the aforementioned deficiencies and was deemed to be in compliance with all regulatory requirements.

III. GROUND FOR DISCIPLINE

The facts in the Section II are sufficient to establish that grounds for the discipline of Respondent's ACLF license exist. Specifically, Respondent has violated the following statutes and/or rules, for which disciplinary action by the Board is authorized.

16. The facts in paragraphs ten (10), eleven (11) and thirteen (13) are sufficient to constitute violations of Tenn. Comp. R. and Reg. 1200-08-25-.07 (5)(b), the relevant portion of which reads as follows:

An ACLF shall ensure that all drugs and biologicals shall be administered by a licensed or certified health care professional operating within the scope of the professional license or certification and according to the resident's plan of care.

17. The facts in paragraph twelve (12) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 1200-08-25-.12 (3)(g):

An ACLF shall ensure that its employees develop and maintain a medical record for each resident who requires health care services at the ACLF regardless of whether such services are rendered by the ACLF or by arrangement with an outside source, which shall include at a minimum . . . [n]otes, including, but not limited to, observation notes, progress notes, and nursing notes[.]

18. The facts in paragraph fourteen (14) are sufficient to constitute a violation of Tenn. Comp. R. and Reg. 1200-08-25-.12 (4):

An ACLF shall complete a written assessment of the resident to be conducted by a direct care staff member within a time-period determined by the ACLF, but no later than seventy-two (72) hours after admission.

ORDER

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

19. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand dollars (\$1,000)**. This CMP is issued for the violations in paragraphs ten (10), eleven (11), and thirteen (13).
20. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand dollars (\$1,000)**. This CMP is issued for the violation in paragraph twelve (12).

21. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand dollars (\$1,000)**. This CMP is issued for the violation in paragraph fourteen (14).
22. Payment shall be submitted to the following address withing **six (6) months** 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:

Hollie Bailey 11/15/22
Tree of Life Residential Care
ACLF Lic. No. 522
Respondent

Hollie Bailey
Printed Name of Authorized Representative

Administrator
Title of Authorized Representative

Vishan J. Ramcharan
Vishan J. Ramcharan (BPR # 034403)
Associate General Counsel
Health Facilities Commission
665 Mainstream Dr. 2nd Floor
Nashville, TN 37243
(615) 934-1140

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 22nd day of November, 2022.

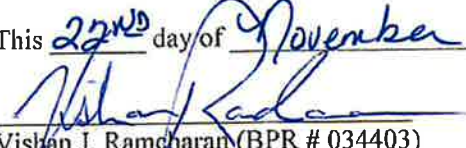
ACCORDINGLY, IT IS ORDERED that the agreement of the parties does hereby become the Final Order of the Board.


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 Tree of Life Residential Care c/o Hollie Nicole Bailey, 293 King Road, Tracy City, Tennessee 37387, by delivering same in the United States regular mail and United States certified mail, number **7019 1120 0001 3065 6150**, return receipt requested, with sufficient postage thereon to reach its destination.

This 22nd day of November, 2022.


Vishan J. Ramcharan (BPR # 034403)
Associate General Counsel
Health Facilities Commission
665 Mainstream Dr. 2nd Floor
Nashville, Tennessee 37243
(615) 934-1140