

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

IN THE MATTER OF:

**THE TERRACE AT MOUNTAIN CREEK,
A.C.L.F. LIC. NO. 257,
RESPONDENT**

CHATTANOOGA, TENNESSEE

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CASE NO. 202201729

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 **THE TERRACE AT MOUNTAIN CREEK** ("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, The Terrace at Mountain Creek ("The Terrace"), 1005 Mountain Creek Road, Chattanooga, Tennessee 37405, was licensed by the Board as an ACLF, having been granted license number 257 on July 22, 2004, which currently has an expiration date of September 3, 2022.
9. On or about May 17, 2022, a Licensed Practical Nurse ("LPN") #1 at The Terrace prepared medications for two (2) residents. LPN #1 administered the cup of medications intended for Resident #1 to Resident #2. Subsequently, Resident #2 was monitored and checked every thirty (30) minutes for seventy-two (72) hours. Resident #2 suffered adverse reactions of light headedness and weakness.
10. LPN #1 made a medication administration error that was inconsistent with the Plan of Care for Resident #2.
11. As a result of the deficiencies cited above, The Terrace at Mountain Creek was found to be not in substantial compliance with the requirements of the Tennessee Rules and Regulations 1200-08-25-.07 (5)(b).

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. 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.

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 dollars (\$1,000)**. 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:



The Terrace at Mountain Creek
ACLF Lic. No. 3257
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
665 Mainstream Dr. 2nd Floor
Nashville, Tennessee 37243
(615) 741-7221

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, The Terrace at Mountain Creek, c/o Katrina Adams, 1005 Mountain Creek Road, Chattanooga, Tennessee 37405, by delivering same in the United States regular mail and United States certified mail, number **7021 2720 0000 2319 2501**, 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) 741-7221