



**STATE OF TENNESSEE
DEPARTMENT OF HEALTH**
ANDREW JOHNSON TOWER, 5TH FLOOR
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243

BILL LEE
GOVERNOR

LISA PIERCEY, MD, MBA, FAAP
COMMISSIONER

October 26, 2020

Ms. Patti Jo Fitz
Commonwealth Senior Living at Oak Ridge
360 Laboratory Road
Oak Ridge, TN 37830

Dear Ms. Fitz:

On September 28, 2020 thru October 6, 2020, surveyor(s) for the Department of Health conducted a complaint survey at your Assisted Living Facility pursuant to T.C.A. § 68-11-210. Upon exiting the facility on October 6, 2020, the surveyor(s) notified you or your representative of the possibility of the issuance of a Suspension of Admissions due to deficient practices and conditions in the facility which were, or were likely to be, detrimental to the health, safety, or welfare of the residents. T.C.A. § 68-11-252.

As Commissioner of the Tennessee Department of Health, I therefore suspend the admission of new residents to the facility pursuant to T.C.A. §§ 68-11-252(a) due to those investigative findings cited above, effective October 26, 2020.

As Commissioner of the Tennessee Department of Health, I find, based upon the investigation and survey report that the conditions at **Commonwealth Senior Living at Oak Ridge** are, or are likely to be, detrimental to the health, safety, or welfare of the residents due to violations of the following standards: Administration [Policies and Procedures]; Services Provided [Protective Care]; and Reports. For the specific findings, please refer to the facility's statement of deficiencies. Therefore, I am suspending the admission of new residents to the facility and imposing Civil Monetary Penalties in the amount of twelve thousand dollars (\$12,000.00) as provided by T.C.A. §68-11-252(a).

The Suspension of Admissions shall be effective at 5:00 p.m., this 27th day of October 2020. This facility is hereby ordered to post a copy of this letter where it may be plainly seen by those entering the facility and to make a copy of this letter available for anyone requesting a copy.

Attached is a statement of your rights in this matter.

Sincerely,

A handwritten signature in black ink that reads "Lisa Piercey" followed by a stylized flourish.

Lisa Piercey, MD, MBA, FAAP
Commissioner

LP

Attachment

xc: Secretary of State – Administrative Procedures Division
Health Care Facilities Central Office
Health Care Facilities Regional Office

IN THE MATTER OF:

License No. 14

BY ORDER OF THE COMMISSIONER

The facility was orally advised and provided written notification by letter from the Commissioner dated October 26, 2020 of the Suspension of Admissions imposed upon the facility, appended hereto as Attachment 1.

FACTS

A detailed statement describing the findings of the survey with particularity and citing the law with specificity, pertaining to the Suspension of Admissions, is appended hereto as Attachment 2 and incorporated by reference herein. Attachment 2 is the licensure “Statement of Deficiencies” compiled by the surveyors upon completion of the survey.

SUSPENSION OF ADMISSIONS AND CIVIL MONETARY PENALTY

Therefore, pursuant to T.C.A. §68-11-252(a) and based upon the aforementioned facts and incorporated by reference herein, the Commissioner has ordered that the admission of new residents at COMMONWEALTH be suspended, effective on the October 27, 2020, at 5:00 p.m. The Commissioner hereby assesses a Civil Monetary Penalty in the amount of twelve thousand dollars (\$12,000.00) against **COMMONWEALTH**.

The violations which the Commissioner considers to be detrimental to the health, safety, or welfare of the residents are the serious violations of Services Provided [Protective Care]; Administration [Policies and Procedures]; and Reports.

In order for this Suspension of Admissions to be lifted, the cited conditions must be corrected so as to remove the detriment to the health, safety, or welfare of the residents, as verified by a follow-up survey of the facility conducted by the Department.

Pursuant to T.C.A. § 68-11-221, which provides that whenever admissions at a health care facility are suspended under the authority of T.C.A. § 68-11-252, the Commissioner shall appoint one or more special monitors if the deficiencies threaten serious bodily harm to the residents at the facility, the Commissioner hereby appoints a monitor or monitors to be present in the facility for a minimum of twenty (20) hours per week in order to observe the operation of the facility and to submit written reports on the operations of the facility to the Department. The monitor(s) shall have the power to observe and review all of the facility’s operations with attention to those aspects for which the Suspension of Admissions was imposed. The facility shall be liable for

the cost of the special monitor(s) until it is determined by the Department that all the deficiencies which caused the appointment of the monitor(s) have been corrected.

The facility's attention is directed to the statement of its rights in this matter, appended hereto as Attachment 3.

The facility is hereby ordered to post a copy of this Notice and Order upon the public entrance doors of the facility and prominently display it there for so long as it remains effective. During the Suspension of Admissions, the facility shall inform any person who inquires about the admission of a new resident of the provisions of the order and make a copy of the order available.

This Suspension of Admissions became effective at 5:00 p.m. on October 27, 2020 and continues as effective.

Entered this 26th of October 2020.



Lisa Piercey, MD, MBA, FAAP
Commissioner

NOTICE OF RIGHTS

Because of this suspension of admissions, this assisted care living facility has the right to a prompt hearing before the Tennessee Board for Licensing Health Care Facilities. If the Board cannot convene promptly, this hearing may be held before an administrative judge. If the facility disagrees with this decision and requests such a hearing, the Board or Administrative Judge would then have the authority to continue, revoke or modify the suspension of admissions; to revoke, suspend or condition the license held by the facility, and to enter such other orders as deemed necessary. T.C.A. 68-11-276.

The assisted care living facility may demand a hearing upon the suspension of admissions. Should the assisted living facility demand a hearing on the suspension of admissions, the matter shall be for hearing before an administrative judge and, should reconsideration of the administrative judge's initial order be requested by either party, the matters would then be separated with the Board for Licensing Health Care Facilities reviewing the suspension of admissions. T.C.A. 68-11-276.

Should the facility wish to demand a hearing, the demand and a copy of the demand should be mailed respectively to the following addresses:

Vincent Davis, Director,
Office of Health Care Facilities
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, TN 37243

Administrative Procedures Division
Office of the Secretary of State
William Snodgrass TN Tower, 8th Fl.
312 Eighth Avenue North
Nashville, TN 37243

Caroline Tippens, AGC
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, TN 37243

Hearings requested shall be conducted as a contested case proceeding as provided by the Administrative Procedures Act, TCA §§ 4-5-301, et. seq., and by Rule Chapter 1360-1-7, Uniform Rules for Hearing Contested Cases Before State Administrative Agencies. Any such hearing shall be conducted within thirty (30) days of the receipt of the nursing home's demand and an order shall be issued within ten (10) working days after the hearing. TCA § 68-11-276.

In any contested case proceeding, the facility may be represented by a duly authorized representative or, at the facility's expense, by legal counsel.