

**BEFORE THE TENNESSEE BOARD
FOR LICENSING HEALTH CARE FACILITIES**

IN THE MATTER OF:

Broadmore Assisted Living
826 Meadow View Road
Bristol, TN 37620

License No. ACLF 00000119

)
)
)
)
)
)
)

Case Number 201901942

CONSENT ORDER

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (hereinafter "the Board") on the 5th day of June, 2019, pursuant to the request of the Tennessee Department of Health, by and through the Office of General Counsel, and **BROADMORE ASSISTED LIVING** (hereinafter "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

 Initial

independently entered into evidence or introduced as admissions

JURISDICTION

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, prescribed child care centers, renal dialysis clinics, ambulatory surgical treatment centers, outpatient diagnostic centers, adult care homes, and traumatic brain injury residential homes. Tenn. Code Ann. § 68-11-202. Further, TENN. CODE ANN. § 68-11-202(b)(1)(A) gives the Department the authority to conduct reviews of assisted-care living facilities to determine compliance with fire and life safety code regulations promulgated by the Board.

Tenn. Code Ann. § 68-11-210 provides that the Department 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. The Board has the authority to suspend or revoke the license of any facility licensed under Tenn. Code Ann. § 68-11-201 *et. seq.* The Board may also place a facility on probation. Tenn. Code Ann. § 68-11-207(f)(2). If the Board determines during or at the end of the probation that the facility is not taking steps to correct non-compliance or otherwise not responding in good faith pursuant to the plan of correction, the board may take any additional action as authorized by law. Tenn. Code Ann. 68-11-207(f)(8).

The Board is also authorized to establish a system for assessing civil monetary penalties for assisted-care living facilities, adult care homes and traumatic brain injury residential homes that are in serious violation of state laws and regulations, resulting in endangerment to the health.

AP Initial

safety and welfare of residents. Tenn. Code Ann. § 68-11-213(i)(2) and Tenn. Comp. R. & Reg. 1200-08-25-.05(4),(5).

Upon a finding by the Board that an assisted-care living facility has violated any provision of the Health Facilities and Resources Act, Part 2 – Regulation of Health and Related Facilities 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. Tenn. Comp. R. & Reg. 1200-08-25-.05(4). The Board has established by rule a schedule designating the minimum and maximum civil penalties which may be assessed. Tenn. Code Ann. § 68-11-213(i)(2) and Tenn. Comp. R. & Reg. 1200-08-25-.05(4),(5)

Proceedings for disciplinary action against a facility are conducted in accordance with the Tennessee Administrative Procedures Act, Title 4, Chapter 5, of Tenn. Code Ann. Tenn. Comp. R. & Regs. 1200-08-25-.05(7). A Respondent in a disciplinary action is entitled to be represented by legal counsel, to personally appear before the Board, to present witnesses, to have subpoenas issued and to receive thirty (30) days' notice of the charges before being required to appear for a hearing. A Respondent who cannot afford legal counsel may be eligible for free or low-cost counsel. Tenn. Code Ann. § 4-5-101, *et seq.*

STIPULATIONS OF FACT

- 1 At all times pertinent hereto, **BROADMORE ASSISTED LIVING**, located at 826 Meadow View Road, Bristol, TN 37620, has been licensed as an Assisted-Care Living Facility by the Board, having been issued license number 00000119 on February 3, 1999 Respondent has an active license with an expiration date of July 27, 2019
- 2 From on or about March 4, 2019 through March 6, 2019 and March 18, 2019 through

AP Initial

March 19, 2019, the Department conducted investigation into four (4) complaints at the Respondent facility.

3. Resident #3 was admitted to the facility in December 2018 with diagnoses of dementia with behavioral disturbances, hypertension, and hypothyroidism. Upon admission, the facility documented that Resident #3 had exit seeking behaviors and was combative.
4. From December 29, 2018 through February 21, 2019, staff documented that Resident #3 exhibited exit seeking behaviors on at least eleven (11) occasions.
5. Resident #3's Plan of Care was last updated on February 21, 2019 and noted that Resident #3 was to be monitored for safety to ensure Resident #3 did not wander outside of the facility.
6. The memory care unit where Resident #3 resides has two exit doors with a fifteen second egress that exit onto the sidewalk. The facility does not have any fence or enclosure.
7. On or about February 22, 2019, Resident #3 eloped from the Memory Care exit door. Staff heard the door alarm sound and Resident #3 was quickly found on the property.
8. On or about March 12, 2019, Resident #3 again eloped from the facility at approximately 9:20 A.M. Resident #3 was found at approximately 12:20 PM at a vacant home near the facility. Resident #3 had fallen down an embankment and had multiple cuts, scrapes, and abrasions.
9. Resident #3 had eloped from the facility twice in approximately two weeks.
10. Since her elopement on March 12, 2019, Resident #3 continues to attempt to elope from the facility. The facility was attempting to monitor Resident #3 more closely. However, the facility failed to make changes to the door alarms to prevent Resident #3's elopement.

AP Initial

GROUNDS FOR DISCIPLINE

The facts stated in the Stipulations of Fact section, *supra*, are sufficient to establish that grounds for the discipline of Respondent's Assisted-Care Living Facility license exist. Specifically, Respondent has violated the following statutes and/or rules, for which disciplinary action by the Board is authorized.

11. The facts stated in paragraph two (2) through eight (8) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.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.

ORDER

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

12. The assessment of one (1) civil monetary penalty in the amount of five hundred dollars (\$500.00) for a total assessment of five hundred dollars (\$500.00).

 Initial

Payment shall be submitted to the following address within thirty (30) days of the effective date of this Order:

**Tennessee Department of Health
Division of Health Care Facilities
Attn: Eddie J. Stewart
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

13. 8. Upon ratification by the Board, the listing of the public discipline, including deficiencies and civil penalties on the Disciplinary Action Report pursuant to T.C.A. § 68-1-114.

Upon the agreement of the parties, this **CONSENT ORDER** is 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, 2019.

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

AP Initial

AGREED TO:

Anita R. Plaster
Anita R. Plaster, Administrator
Broadmore Assisted Living
Respondent

6/5/19
Date

Caroline Tippens
Caroline R. Tippens, BPR # 030375
Assistant General Counsel
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

6/5/2019
Date

CERTIFICATE OF SERVICE

A true and exact copy of this Consent Order is being served upon Respondent, Broadmore Assisted Living, by and through its Administrator, c/o Anita R. Plaster, 826 Meadowview Road, Bristol, TN 37620 and SSA Bristol ALF, LLC, 1201 Pacific Avenue, Suite 450, Tacoma, WA 98402 by delivering same in the United States mail, certified return receipt 7018 2290 0001 1403 1900 and 7018 2290 0001 1403 1917 via United States Postal Service first class, with sufficient postage thereon to reach its destination.

This 6th day of June 2019

Caroline Tippens
Caroline R. Tippens
Assistant General Counsel

AP Initial