

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

IN THE MATTER OF:

**Cades Center of Humboldt
1632 Highway 45 West By-Pass N.
Humboldt, TN 38343**

License No. ACLF 00000397

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Case Number #: 201901584

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 **Cades Center of Humboldt** (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 independently entered into evidence or introduced as admissions.

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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, 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, Cades Center of Humboldt has been licensed as an Assisted-Care Living Facility by the Board, having been issued license number **00000397** on August 27, 2014. Respondent has an active license with an expiration date of August 27, 2019.
2. On or about March 12, 2019, surveyors conducted an annual survey at Respondent facility.
3. The registered dietician for the facility had not signed off on the facility's dietary manual

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or menus since September 2018. The facility failed to ensure that the registered dietitian was monitoring the facility's dietary services quarterly, per facility policy.

4. Resident #1 was admitted to the facility in August 2017. Resident #1 had diagnoses of depression, anxiety, and dementia.
5. Resident #1's file did not contain any documentation of a written assessment within seventy-two (72) hours of admission.
6. Resident #1's plan of care was created in August 2017, and was updated in December 2018, August 2018, and February 2019. There was no documentation that Resident #1 and/or the resident's legal representative had been involved in the development or implementation of Resident #1's plan of care.
7. Resident #2 was admitted to the facility in August 2016. Resident #2 was diagnosed with dementia.
8. Resident #2's plan of care was generated in August 2016 and updated in February 2018 and February 2019. Resident #2's file did not contain any documentation of a written assessment within seventy-two (72) hours of admission.
9. There was no documentation that Resident #2 and/or the resident's legal representative had been involved in the development or implementation of Resident #2's plan of care.
10. Resident #3 was admitted to the facility in December 2018. Resident #3 had diagnoses of hypertension, osteoarthritis, and vision impairment.
11. The facility provided surveyors with a care plan dated January 2019 for Resident #3. However, the plan of care did not contain any information on advanced directives, plans, or goals.
12. Resident #3's file did not contain any documentation of a written assessment within

seventy-two (72) hours of admission.

13. Further, the facility could not provide documentation that Resident #3 and/or the resident's legal representative had been involved in the development or implementation of Resident #3's plan of care.
14. Resident #4 was admitted to the facility in March 2018. Resident #4 had diagnoses of hypertension, muscle weakness, depression, anxiety, COPD, and osteoarthritis.
15. One plan of care dated September 2018 was found for Resident #4. Resident #4's file did not contain any documentation of a written assessment within seventy-two (72) hours of admission.
16. The facility could not provide any documentation that Resident #4 and/or the resident's legal representative had been involved in the development or implementation of Resident #4's plan of care.
17. During the exit interview, the Administrator verified that the assessments for Residents #1-4 had not been completed within seventy-two (72) hours after admission to ensure the facility could meet the needs of the resident and use the assessment to develop the residents' plans of care.
18. The facility failed to ensure that Residents #1-4 and/or the residents' legal representative had been involved with the development and updates to their respective plans of care.

GROUND 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

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action by the Board is authorized.

19. The facts stated in paragraph three (3) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.07(7)(c)(1)[SERVICES PROVIDED], the relevant portion of which reads as follows:

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

(c) Dietary services.

- (1) An ACLF shall have organized dietary services that are directed and staffed by adequate qualified personnel. An ACLF may contract with an outside food management company if the company has a dietitian who serves the ACLF on a full-time, part-time, or consultant basis, and if the company maintains at least the minimum standards specified in this section while providing for constant liaison with the ACLF for recommendations on dietetic policies affecting resident treatment.

20. The facts stated in paragraph three (3) through eighteen (18) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.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.

21. The facts stated in paragraph three (3) through eighteen (18) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-.07(7)(c)(1)[SERVICES PROVIDED], the relevant portion of which reads as follows:

ORDER

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

22. The assessment of three (3) civil monetary penalties in the amount of five hundred dollars (\$500.00) each for a total assessment of one thousand five hundred dollars (\$1,500.00) in civil monetary penalties.
23. 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**

24. 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

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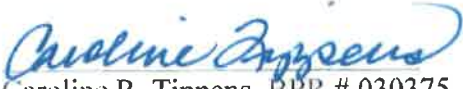
AGREED TO:



Kristie Lamar Holland, Administrator
Cades Center of Humboldt
Respondent

4.15.2019

Date



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, Cades Center of Humboldt by and through its Administrator, Kristie Lamar Holland, 1632 Highway 45 West Bypass N, Humboldt, TN 38343 and at Cades Center, INC, 300 Hopper Road, Lexington, TN 38351 by delivering same in the United States mail certified mailing #s 7018 2290 00011403 1924 & 7018 2290 00011403 1931 and also via USPS first class, with sufficient postage thereon to reach its destination.

This _____ day of June, 2019.



Caroline R. Tippens
Assistant General Counsel

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