

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

IN THE MATTER OF:

**The Lodge at Natchez Trace
8207 Highway 100
Nashville, TN 37221**

License No. ACLF 00000367

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Case Number #: 201903603

CONSENT ORDER

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (hereinafter "the Board") on the 2nd day of October, 2019, pursuant to the request of the Tennessee Department of Health, by and through the Office of General Counsel, and **The Lodge at Natchez Trace** (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).



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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, **The Lodge at Natchez Trace**, 8207 Highway 100, Nashville, TN 37221 has been licensed as an Assisted-Care Living Facility by the Board, having been issued license number **00000367** on January 1, 2014. Respondent has an active license with an expiration date of January 1, 2020.
2. On or about July 10, 2019, surveyors conducted an annual and complaint survey at Respondent facility.
3. Resident #1 was admitted to the facility in January 2017 with diagnoses of COPD,



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dementia, hypertension, and coronary artery disease. A review of Resident #1's file revealed that Resident #1's Admission Care Plan had not been developed on admission. Resident #1's Care Plan was also not updated on a semi-annual basis.

4. Resident #2 was admitted to the facility in February 1, 2014 with diagnoses of hypertension, congestive heart failure, and atrial fibrillation. Resident #2's care plan was not developed upon admission. Resident #2's care plan was also not updated on a semi-annual basis, as required.
5. Resident #4 was admitted to the facility in May 2015 with diagnoses of dementia, asthma, and lung mass. Resident #4's care plan was not developed upon admission. Resident #4's care plan was also not updated on a semi-annual basis, as required.
6. Resident #5 was admitted to the facility in March 2018 with diagnoses of diabetic neuropathy, hypertension, and hyperlipidemia. Resident #5's care plan was not developed upon admission. Resident #5's care plan was also not updated on a semi-annual basis, as required.
7. Resident #19 was admitted to the facility in March 2018 with diagnoses of multiple sclerosis. Resident #19's care plan was also not updated on a semi-annual basis, as required.
8. Resident #20 was admitted to the facility in July 2017 with a diagnoses of hypertension, anemia, hypothyroidism, GERD, osteoporosis, and hyperlipidemia. Resident #20's care plan was also not updated on a semi-annual basis, as required.
9. Resident #21 was admitted to the facility in December 2015 with diagnoses of altered mental status, atrial fibrillation, and urinary tract infection. Resident #21's care plan was not developed upon admission. Resident #21's care plan was also not updated on a semi-

annual basis, as required.

10. Resident #22 was admitted to the facility in April 2017 with diagnoses of dementia, insomnia, back pain, hypertension, and throat/neck cancer. Resident #22's care plan was also not updated on a semi-annual basis, as required.
11. Resident #24 was admitted to the facility in May 2014 with diagnoses of dementia, diabetes, and hyponatremia. Resident #24's care plan was also not updated on a semi-annual basis, as required.
12. The facility failed to develop and implement a Care Plan for Residents #1, #2, #4, #5, and #21 within five (5) days of admissions. The facility failed to update care plans for Residents #1, #2, #4, #5, #19, #20, #21, #22, and #24 on a semi-annual basis.

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.

13. The facts stated in paragraph three (3) through twelve (12) 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.

ORDER

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

14. The assessment of one (1) civil monetary penalty in the amount of five hundred dollars (\$500.00). 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**

15. 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 3rd day of October, 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

AGREED TO:



Matthew Ray File, Administrator
The Lodge at Natchez Trace
Respondent

8/27/19

Date



Caroline R. Tippens, BPR # 030675
Assistant General Counsel
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

10.02.2019

Date

CERTIFICATE OF SERVICE

A true and exact copy of this Consent Order is being served upon Respondent, The Lodge at Natchez Trace, by and through its Administrator, Matthew Ray File, 8207 Highway 100, Nashville, TN 37221 and at HSMTN/THE LODGE OPERATING COMPANY, 8207 HIGHWAY 100, Nashville, TN 37221 by delivering same in the United States mail certified mailing #s 7018 2290 0001 1403 6394 & 7018 2290 0001 1403 6400 and also via USPS first class, with sufficient postage thereon to reach its destination.

This 3rd day of October, 2019.



Caroline R. Tippens
Assistant General Counsel

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