

BEFORE THE TENNESSEE BOARD
FOR LICENSING HEALTH CARE FACILITIES

IN THE MATTER OF:

Deane Hill Place
401 Catherine Meauley Way
Knoxville, TN 37919

Case Number: 2020012111

License No. ACLF 00000088

CONSENT ORDER

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (hereinafter "the Board") on the 7th day of April, 2021, pursuant to the request of the Tennessee Department of Health, by and through the Office of General Counsel, and **Deane Hill Place** (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.

 Initial

JURISDICTION

The Board has the power to provide and regulate hospitals, recuperation centers, nursing homes, homes for the aged, assisted living facilities, assisted care living facilities, home care organizations, residents, daycares, boarding centers, prescribed child care centers, renal dialysis clinics, orthopedic 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 licensees operating facilities, including nursing and traumatic brain injury residential homes, that are in serious violation of state and federal regulations, resulting in endangerment to the health, safety and well-being of residents. Tenn. Code Ann. § 68-11-213(d)(2) and Tenn. Comp. R. & Reg. § 0600-05-02002.

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(1)(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, Deane Hill Place, located at 401 Catherine McAuley Way, Knoxville, TN 379191 has been licensed as an Assisted-Care Living Facility by the Board, having been issued license number 00000088 on September 25, 1998. Respondent has an active license with an expiration date of May 22, 2020. From February 25, 2020 through February 26, 2020, an annual health licensure survey and an investigation into three (3) complaints were conducted at Respondent facility. Resident #1 was admitted to the facility in October 2019 with diagnoses of dementia.

Initial

Resident #1 was placed in the memory care unit of the facility. An assessment of Resident #1 documented the resident was incontinent, wandered, and was resisting to activities of daily living, including grooming, bathing, and dressing.

In November 2019, Resident #1 slapped another resident on the arm. Resident #1 was ejected and the facility documented that the resident would be monitored.

In December 2019, Resident #1 aggressively threw female Resident #2 to the floor. Resident #2 experienced injuries to her face and hip as a result of this incident and was sent to the local emergency room.

Resident #1 was transferred to a behavioral health facility on or about December 15, 2019 for assessment. He returned to the facility on or about December 27, 2019.

A physician's order found in the file dated December 28, 2019 revealed that concerns that Resident #1 had increased agitation and was extremely combative. A physician ordered Ativan (.5 milligrams) to be administered by mouth every four (4) hours, as needed.

On or about December 29, 2019, the facility administered Ativan to Resident #1 as he was showing increased agitation and combative behavior.

A physician's note dated January 3, 2020 revealed that Resident #1 continued to be very agitated and combative with staff and residents. Resident #1's Ativan was discontinued and instead he was ordered Vantol two milligrams (2 mg) to be administered by mouth three (3) times a day, as needed, for agitation.

On or about January 9, 2020, nursing staff documented that Resident #1 struck another female resident on the back of her head.

On or about January 13, 2020, nursing staff documented that Resident #1 appeared agitated and

- attempted to touch inappropriately.
12. On or about January 17, 2020, Resident #1 fondled staff. Nursing staff reported this to the nurse practitioner who ordered Depo Provera to be administered by injection every three (3) months to decrease Resident #1's sexual behaviors.
 13. On or about January 19, 2020, staff documented again that Resident #1 attempted to fondle staff and made inappropriate sexual remarks.
 14. On or about January 21, 2020, staff documented that Resident #1 had struck his roommate in the nose and forehead. Resident #1's roommate had abrasions to his nose and between his eyebrows.
 15. On or about January 22, 2020, nursing staff documented that Resident #1 continued to inappropriately touch staff. Resident #1 was agitated and frequently wandered. Staff documented that Resident #1 was showing signs of increased behaviors.
 16. Later that day, Resident #1 was transferred to a behavioral health facility.
 17. From December 27, 2019 through January 22, 2020, Resident #1 exhibited behaviors which placed other residents residing in the secure unit in danger of harm, during which time, the facility failed to discharge Resident #1.
 18. The facility also failed to revise the Plan of Care to address Resident #1's increasingly aggressive behaviors.

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

admission, discharge, and transfers.

19. The facts stated in paragraphs three (3) through seventeen (17) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-25-06(1)(b) [Admissions, Discharges, and Transfers] the relevant portion of which reads as follows:

(1) An ACLF shall not admit or permit the continued stay of any ACLF resident who has any of the following conditions:

(d) Exhibits verbal or physical aggressive behavior which poses an imminent physical threat to self or others, based on behavior, not diagnoses.

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.

ORDER

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

Respondent

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21. The assessment of two (2) civil monetary penalties in the amount of one thousand dollars each for a total assessment of two thousand dollars (\$2,000.00) in civil monetary penalties.

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

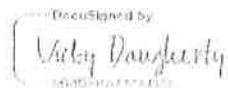
Tennessee Department of Health
Division of Health Care Facilities
Attn: Eddie J. Stewart
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243

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 7th day of April, 2020. **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:

DocuSigned by


Vicky Jo Daugherty, Administrator
Deane Hill Place

2/10/2021

Date

Initial

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Kyante Hughes Doonb

4/7/2021

Date

Deputy

~~Caroline R. Tippetts~~ BPR # ~~770155~~ 023702
General Counsel
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243
(615) 741-1611

CERTIFICATE OF SERVICE

A true and exact copy of this Consent Order is being served upon Respondent, Deane Hill Place, ATTN: Kevin Michael Potts, at 401 Catherine Meauley Way, Knoxville, TN 37919 and Knoxville BG OPCO LLC, 330 N. Wabash Ave., Suite 3700, Chicago, IL 60611, by delivering same in the United States mail, certified return receipts numbers 7020 2450 0000 1109 0500 and 7020 2450 0000 1109 0517 and via United States Postal Service first class, with sufficient postage thereon to reach its destination.

This 26th day of April

2021.

Kyante Hughes Doonb

~~Caroline R. Tippetts~~

~~Deputy General Counsel~~

Deputy