

**STATE OF TENNESSEE
DEPARTMENT OF HEALTH
DIVISION OF HEALTH CARE FACILITIES**

IN THE MATTER OF:)
)
The Terrace at Mountain Creek)
1005 Mountain Creek Road)
Chattanooga, TN)
)
License No. ACLF 00000257)

ORDER OF COMPLIANCE

This cause came on to be heard on the 3rd day of June, 2020, upon the Petition for Order of Compliance filed by Petitioner, The Terrace at Mountain Creek, pursuant to an Agreed Order issued by the Board on 2nd day of October, 2019 which contained the following terms:

1. Respondent's license to operate as an Assisted Care Living Facility shall be placed on probation for no less than six (6) months and up to one (1) calendar year. The facility may make a request to have their probationary status lifted, in writing, when the facility can prove compliance all terms of this Order. In order to do so, the facility must show that all deficiencies are corrected and no new deficiencies have been cited. The request to lift probation must be heard at the Board's regularly scheduled Board meeting.
2. Within ten (10) days of the ratification of the Board's Order, the Respondent shall submit a completed Plan of Correction for approval.

3. Respondent hereby agrees to remain under the Board's assessed Suspension of Admissions until the facility's Plan of Correction is accepted and all deficiencies have been corrected.
4. The Department of Health agrees to resurvey the facility for correction of the underlying conditions and that the facility or licensee complies with the conditions for the suspension to be lifted as set forth in the commissioner's order as provided by T.C.A. §68-11-252(k), unless otherwise waived by Respondent.
5. As part of its corrective action, Respondent must do each of the following:
 - a. Respondent must provide training to all staff on medication administration procedures; and
 - b. Respondent must provide training to all staff on fire safety evacuation procedures; and
 - c. Respondent conduct and document fire drills for each shift every quarter as well as a fire drill during sleeping hours as required.
 - d. Respondent must provide documentation that all training and fire drills have been completed to the Board in its progress report during the Board's regularly scheduled meetings.
6. Respondent, through its controlling entity Kayne Anderson, voluntarily agrees to identify, in consultation with the Tennessee Department of Health, a new manager for the facility to replace Discovery Senior Living, the current manager in place from September 1, 2017 to present. Respondent agrees this new management will replace the current manager

and operate the Facility no later than ninety (90) days after the effective date of this order. Kayne Anderson agrees to maintain a representative at the Facility for at least 20 hours per week until a new manager is in place to oversee the operation of the management of the Facility.

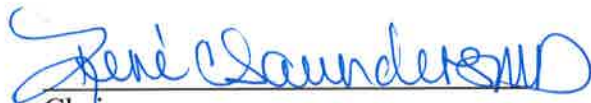
7. Upon Respondent identifying and putting in place a new manager replacing the current manager (Discovery Senior Living), it may petition the Board to have its probationary status lifted by submitting a petition in written form to be considered at next regularly scheduled Board meeting.
8. Respondent will remit payment of the penalties by the Commissioner's Suspension of Admissions Order dated September 30, 2019, which imposed twelve (12) civil monetary penalties [eight (8) civil monetary penalties of three thousand dollars (\$3,000.00) each for the eight (8) inappropriate residents and four (4) civil monetary penalties of five hundred dollars (\$500.00) each for failure to ensure all medications were administered, maintain a medical record, follow the plan of care, and provide personal services] for a total amount of twenty six thousand dollars (\$26,000.00). The facility also agrees to pay three (3) civil monetary penalties in the amount of one thousand dollars (\$1,000.00) each for the failure to properly evacuate residents and conduct fire drills. As such, the total assessment of civil monetary penalties will be twenty-nine thousand dollars (\$29,000.00). The Payment shall be submitted to the following address within thirty (30) days of the effective date of this Order.

9. A representative of the Respondent shall appear at the October 2019, February 2020, June 2020, and October 2020 Board of Licensing for Healthcare Facilities' Board meetings and provide an update to the Board regarding whether or not the cited deficiencies have been corrected. Respondent must show adherence to the Plan of Correction and that any outstanding deficiencies from the August 2018, August 2019, and September 2019 surveys have been corrected. Upon completion, Respondent shall also provide to the Board evidence of the aforementioned training in medication administration, fire evacuation procedures, completion of fire drills, and staffing ratios. Failure to conduct the aforementioned training and provide documentation to the Board are violations of the Board's Order.
10. Respondent agrees to pay costs for all revisit surveys incurred by the Department after September 4, 2019. The Department will prepare an assessment of cost in this matter. Such costs shall not exceed ten thousand dollars (\$10,000.00). The facility may pay this amount in installment payments. A payment plan may be set up by contacting Eddie J. Stewart, at the address listed above.

Based on the proof provided by the Petitioner, the Board finds that Petitioner has satisfactorily complied with the requirements of the October 2019 Agreed Order and probation of Petitioner's license shall be lifted.

Therefore, it is **ORDERED** that the probation of Petitioner's license is hereby lifted and Petitioner's license is returned to an unencumbered status.

So **ORDERED** this the 3 day of June, 2020.



Chair

Board of Licensing for Health Care Facilities

Prepared for Entry:



Caroline R. Tippens, Esq. (BPR # 030375)

Senior Associate General Counsel

Tennessee Department of Health

Office of General Counsel

665 Mainstream Drive, Second Floor

Nashville, Tennessee 37243

CERTIFICATE OF SERVICE

A true and exact copy of this Consent Order is being served upon Respondent, The Terrace of Mountain Creek, by and through its Counsel, Christopher C. Puri, Counsel, Bradley Arant Boult Cummings, LLP, 1600 Division Street, Suite 700, Nashville, TN 37203 by delivering same in the United States mail, certified return receipt _____ and via United States Postal Service first class, with sufficient postage thereon to reach its destination.

This _____ day of June, 2020.



Caroline R. Tippens

Senior Associate General Counsel