



STATE OF TENNESSEE
DEPARTMENT OF HEALTH
ANDREW JOHNSON TOWER, 5TH FLOOR
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243

BILL LEE
GOVERNOR

LISA PIERCEY, MD, MBA, FAAP
COMMISSIONER

February 1, 2021

Mr. Uche Felix Ekwuazi, Administrator
Azalea Trace Assisted Living
4107 Gallatin Road
Nashville, TN 37216

Dear Mr. Ekwuazi:

From on January 4, 2021 through January 6, 2021, surveyor(s) for the Department of Health conducted a complaint survey at your assisted living facility pursuant to T.C.A. § 68-11-210. Upon exiting the facility on January 6, 2021, the surveyor(s) notified you or your representative of the possibility of the issuance of a Suspension of Admissions due to deficient practices and conditions in the facility which were, or were likely to be, detrimental to the health, safety, or welfare of the residents. T.C.A. § 68-11-252. A statement of deficiencies was sent to the facility on or about January 21, 2021.

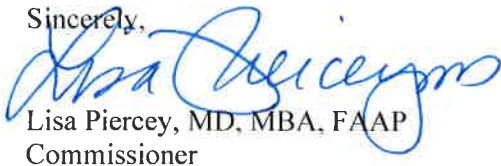
As Commissioner of the Tennessee Department of Health, I therefore suspend the admission of new residents to the facility pursuant to T.C.A. §§ 68-11-252(a) due to those investigative findings cited above, effective February 2, 2021.

As Commissioner of the Tennessee Department of Health, I find, based upon the investigation and survey report that the conditions at **Azalea Trace Assisted Living** are, or are likely to be, detrimental to the health, safety, or welfare of the residents due to violations of the following standards: Services Provided [Protective Care], [Dietary Services], [Resident Medication], [Safety Within the ACLF]; Administration [Policies & Procedures]; Life Safety [Smoking]; and Reports. For the specific findings, please refer to the facility's statement of deficiencies. Therefore, I am suspending the admission of new residents to the facility and imposing Civil Monetary Penalties in the amount of sixteen thousand dollars (\$16,000.00) as provided by T.C.A. § 68-11-252(a).

The Suspension of Admissions shall be effective at 5:00 p.m., this 2nd day of February 2021. This facility is hereby ordered to post a copy of this letter where it may be plainly seen by those entering the facility and to make a copy of this letter available for anyone requesting a copy.

Attached is a statement of your rights in this matter.

Sincerely,



Lisa Piercey, MD, MBA, FAAP
Commissioner

LP
Attachment

xc: Secretary of State – Administrative Procedures Division
Health Care Facilities Central Office
Health Care Facilities Regional Office

The facility was orally advised and provided written notification by letter from the Commissioner dated February 1, 2021 of the Suspension of Admissions imposed upon the facility, appended hereto as Attachment 1.

FACTS

A detailed statement describing the findings of the survey with particularity and citing the law with specificity, pertaining to the Suspension of Admissions, is appended hereto as Attachment 2 and incorporated by reference herein. Attachment 2 is the licensure “Statement of Deficiencies” compiled by the surveyors upon completion of the survey.

SUSPENSION OF ADMISSIONS AND CIVIL MONETARY PENALTY

Therefore, pursuant to T.C.A. §68-11-252(a) and based upon the aforementioned facts and incorporated by reference herein, the Commissioner has ordered that the admission of new residents at AZALEA TRACE be suspended, effective on the February 2, 2021 at 5:00 p.m. The Commissioner hereby assesses a Civil Monetary Penalty in the amount of sixteen thousand (\$16,000.00) dollars against **AZALEA TRACE**.

The violations which the Commissioner considers to be detrimental to the health, safety, or welfare of the residents are the serious violations of: Services Provided [Protective Care], [Dietary Services], [Resident Medication], [Safety Within the ACLF]; Administration [Policies & Procedures]; Life Safety [Smoking]; and Reports.

In order for this Suspension of Admissions to be lifted, the cited conditions must be corrected so as to remove the detriment to the health, safety, or welfare of the residents, as verified by a follow-up survey of the facility conducted by the Department.

Pursuant to T.C.A. § 68-11-221, which provides that whenever admissions at a health care facility are suspended under the authority of T.C.A. § 68-11-252, the Commissioner shall appoint one or more special monitors if the deficiencies threaten serious bodily harm to the residents at the facility, the Commissioner hereby appoints a monitor or monitors to be present in the facility

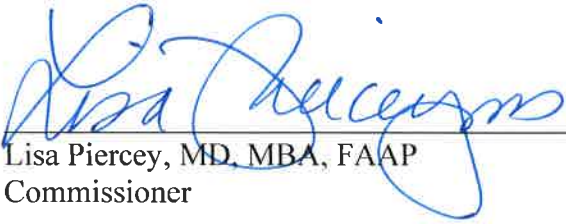
for a minimum of twenty (20) hours per week in order to observe the operation of the facility and to submit written reports on the operations of the facility to the Department. The monitor(s) shall have the power to observe and review all of the facility's operations with attention to those aspects for which the Suspension of Admissions was imposed. The facility shall be liable for the cost of the special monitor(s) until it is determined by the Department that all the deficiencies which caused the appointment of the monitor(s) have been corrected.

The facility's attention is directed to the statement of its rights in this matter, appended hereto as Attachment 3.

The facility is hereby ordered to post a copy of this Notice and Order upon the public entrance doors of the facility and prominently display it there for so long as it remains effective. During the Suspension of Admissions, the facility shall inform any person who inquires about the admission of a new resident of the provisions of the order and make a copy of the order available.

This Suspension of Admissions became effective at 5:00 p.m. on February 2, 2021 and continues as effective.

Entered this 1st of February 2021.



Lisa Piercey, MD, MBA, FAAP
Commissioner

NOTICE OF RIGHTS

Because of this suspension of admissions, this assisted care living facility has the right to a prompt hearing before the Tennessee Board for Licensing Health Care Facilities. If the Board cannot convene promptly, this hearing may be held before an administrative judge. If the facility disagrees with this decision and requests such a hearing, the Board or Administrative Judge would then have the authority to continue, revoke or modify the suspension of admissions; to revoke, suspend or condition the license held by the facility, and to enter such other orders as deemed necessary. T.C.A. § 68-11-252

The assisted care living facility may demand a hearing upon the suspension of admissions. Should the assisted living facility demand a hearing on the suspension of admissions, the matter shall be for hearing before an administrative judge and, should reconsideration of the administrative judge's initial order be requested by either party, the matters would then be separated with the Board for Licensing Health Care Facilities reviewing the suspension of admissions. T.C.A. § 68-11-252.

Should the facility wish to demand a hearing, the demand and a copy of the demand should be mailed respectively to the following addresses:

Vincent Davis, Director,
Office of Health Care Facilities
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, TN 37243

Administrative Procedures Division
Office of the Secretary of State
William Snodgrass TN Tower, 8th Fl.
312 Eighth Avenue North
Nashville, TN 37243

Caroline Tippens, SAGC
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, TN 37243

Hearings requested shall be conducted as a contested case proceeding as provided by the Administrative Procedures Act, TCA §§ 4-5-301, et. seq., and by Rule Chapter 1360-1-7, Uniform Rules for Hearing Contested Cases Before State Administrative Agencies. Any such hearing shall be conducted within thirty (30) days of the receipt of the nursing home's demand and an order shall be issued within ten (10) working days after the hearing. T.C.A. § 68-11-252

In any contested case proceeding, the facility may be represented by a duly authorized representative or, at the facility's expense, by legal counsel.