

BEFORE THE COMMISSIONER OF THE TENNESSEE DEPARTMENT OF HEALTH

IN THE MATTER OF:

**THE TERRACE AT MOUNTAIN CREEK
1005 MOUNTAIN CREEK
CHATTANOOGA, TN 37405**

License No. 257

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BY ORDER OF THE COMMISSIONER

NOTICE OF SUSPENSION OF ADMISSIONS

On August 5, 2019 through August 12, 2019, a Department of Health (hereinafter "Department") survey team conducted a revisit complaint survey at **THE TERRACE AT MOUNTAIN CREEK** in Chattanooga, Tennessee (hereinafter "**THE TERRACE**"), pursuant to T.C.A. § 68-11-210. The investigation was completed on September 4, 2019.

The investigation and survey revealed violations of licensure statutes and regulations that are considered detrimental to the health, safety, or welfare of the residents.

Pursuant to T.C.A. §68-11-252(a), whenever the Commissioner of the Department of Health (hereinafter "Commissioner") determines that conditions in the assisted living are, or are likely to be, detrimental to the health, safety, or welfare of the residents, the Commissioner shall have the authority to suspend new admissions of residents to the facility, pending a prompt hearing.

Based upon the surveyors' findings and recommendations, the Commissioner has exercised the authority to suspend admissions to the facility, effective September 5, 2019, at 5:00 p.m.

The facility was orally advised and provided written notification and by letter from the Commissioner dated September 4, 2019 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 and the assessment of a Civil Monetary Penalty, 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 ASSESSMENT OF A 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 **THE TERRACE** be suspended, effective on September 5, 2019, at 5:00p.m. The Commissioner hereby assesses twelve 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) against **THE TERRACE**.

The violations which the Commissioner considers to be detrimental to the health, safety, or welfare of the residents are the serious violations of the following standards: Regulatory Standards [Civil Penalties]; Services Provided [Residents Medication]; Services Provided [Personal Services] Admissions, Discharges and Transfers [Aggressive Residents]; Resident Records [Medical Record]; and Resident Records [Plan of Care].

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. This shall include the immediate and safe discharge from the facility of eight (8) inappropriately placed residents as noted in the Regulatory Standards and Admissions, Discharges and Transfers cited conditions.

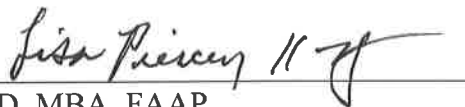
Pursuant to T.C.A. §68-11-221, which provides that whenever admissions at a health care facility are suspended under the authority of T.C.A. §68-11-252, the Commissioner shall appoint one or more special monitors if the deficiencies threaten serious bodily harm to the residents at the facility, the Commissioner 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 September 5, 2019, and continues as effective.

Entered this 4th of September 2019.



Lisa Piercey, MD, MBA, FAAP
Commissioner