

**STATE OF TENNESSEE
BEFORE THE HEALTH FACILITIES COMMISSION**

In The Matter of:	)	
	)	
Great Southern Senior Living, LLC,	)	
Home For the Aged,	)	
License No. 634,	)	Case No. 2024027431
	)	
Respondent.	)	
	)	
Cordova, Tennessee	)	

CONSENT ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and Great Southern Senior Living, LLC (“Respondent”) that the Commission 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 Commission for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Commission 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 evidence or introduced as admissions.

I. JURISDICTION

1. The Commission is empowered 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 childcare centers, renal dialysis clinics, ambulatory surgical treatment centers, outpatient diagnostic centers, adult care homes, and traumatic brain injury residential homes. T.C.A. § 68-11-202(a)(1).
2. Upon a finding by the Commission that a residential home for the aged has violated any provision of the Commission's rules, action may be taken, upon proper notice to the licensees, to impose a civil penalty and/or deny, suspend, or revoke its license. Tenn. Comp. R. & Reg. 0720-21-.03. The Commission has the authority to suspend or revoke the license of any facility licensed under T.C.A. § 68-11-201.
3. The Commission has the authority to conduct reviews of all facilities licensed under this part in order to determine compliance with fire and life safety code rules as promulgated by the Commission. T.C.A. § 68-11-202(b)(1)(A).
4. The Commission 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. T.C.A. § 68-11-210(c).
5. A Residential Home for the Aged is authorized to administer medications to residents **only if it employs or contracts with** a physician, nurse, or physician assistant to administer medications to residents. T.C.A. § 68-11-201(19)(C).

6. “Activities of Daily Living” (ADL’s) means those personal functional activities which indicate an individual’s independence in eating, dressing, personal hygiene, bathing, toileting, and moving from one place to another. Tenn. Comp. R. & Regs. 0720-21-.01(2).
7. “Ambulatory resident” means a resident who is physically and mentally capable under emergency conditions of finding a way to safety without physical assistance from another person. An ambulatory resident may use a cane, wheelchair or other supportive device and may require verbal prompting. Tenn. Comp. R. & Regs. 0720-21-.01(7).
8. “Holding Out to the Public” means advertising or soliciting the public through the use of personal, telephone, mail or other forms of communication to provide information about services provided by the facility. Tenn. Comp. R. & Regs. 0720-21-.01(26).
9. “Home for the Aged” means a home represented and held out to the general public as a home which accepts primarily aged persons for relatively permanent, domiciliary care, with primarily being defined as 51% or more of the population of the home for the aged. It provides room, board and personal services to four (4) or more nonrelated persons. The term home includes any building or part thereof which provides services as defined in these rules. T.C.A. § 68-11-201(19)(A) and Tenn. Comp. R. & Regs. 0720-21-.01(27).
10. “Home for the Aged Resident” means a person who is ambulatory and who requires permanent, domiciliary care but will be transferred to a licensed hospital, a licensed assisted living facility, or a licensed nursing home when health care services are needed that must be provided in those other facilities. Tenn. Comp. R. & Regs. 0720-21-.01(28).
11. “Personal Services” means those services that are rendered to residents who need supervision or assistance in activities of daily living. Personal services must include protective care of the resident, responsibility for the safety of the resident when in the

facility, daily awareness of the resident's whereabouts and the ability and readiness to intervene if crises arise. Personal services do not include nursing or medical care. Tenn. Comp. R. & Regs. 0720-21-.01(38).

12. An assisted-care living facility shall provide on-site to its residents room and board and non-medical living assistance services appropriate to each resident's needs, such as assistance with bathing, dressing, grooming, preparation of meals and other activities of daily living. T.C.A. § 68-11-201(4)(B) and Tenn. Comp. R. & Regs. 0720-26-.02(2).
13. Upon a finding by the Commission that an RHA has violated any provision of Tenn. Code Ann. §§ 68-11-201, et seq., 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. T.C.A. § 68-11-207. Tenn. Comp. R. & Regs. 0720-21-.03 et seq.

II. STIPULATIONS OF FACT

14. At all times pertinent hereto, Respondent, Great Southern Senior Living, LLC, 1869 Pisgah Road Cordova, Tennessee 38016, was licensed by the Commission as a Residential Home for the Aged, having been granted license 634 on December 1, 2022, which currently has an expiration date of November 30, 2024.
15. On or about July 8, 2024, Commission surveyors conducted a life safety survey at Respondent's facility.
16. Respondent had previously requested and submitted plans to the Commission increasing Respondent's overall capacity from eight (8) licensed beds to ten (10) beds.
17. Respondent's conversion of existing rooms to add space for the requested beds was not complete at the time of survey and Respondent had moved residents from existing rooms to areas that were not approved for occupancy by the Commission.

18. Respondent used and housed residents in unapproved areas for between seven and eight weeks without a proper occupancy permit.
19. On or about July 8, 2024, during an interview, Respondent's Administrator admitted that the renovations had not been completed and that residents were housed in unapproved areas.

III. GROUND FOR DISCIPLINE

The facts in Section II are sufficient to establish that grounds exist for the discipline of Respondent's RHA license. Specifically, Respondent has violated the following statutes and/or rules, for which disciplinary action by the Commission is authorized.

20. The facts in paragraphs sixteen (16) through nineteen (19) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-21-.07(5) [Building Standards], the relevant portion of which reads as follows:

- (5) No new RHA shall be constructed, nor shall major alterations be made to an existing RHA without prior written approval of the department, and unless in accordance with plans and specifications approved in advance by the department. Before any new RHA is licensed or before any alteration or expansion of a licensed RHA can be approved, the applicant must furnish two (2) complete sets of plans and specifications to the department, together with fees and other information as required. Plans and specifications for new construction and major renovations, other than minor alterations not affecting fire and life safety or functional issues, shall be prepared by or under the direction of a licensed architect and/or a licensed engineer and in accordance with the rules of the Board of Architectural and Engineering Examiners.

IV. REPRESENTATIONS OF RESPONDENT

21. Respondent understands and admits the allegations, charges, and stipulations in this Order.

22. Respondent understands the rights found in the Code, Rules, and the Uniform Administrative Procedures Act, TENN. CODE ANN. §§ 4-5-101 thru 4-5-404, including the right to a hearing, the right to appear personally and by legal counsel, the right to confront and to cross-examine witnesses who would testify against Respondent, the right to testify and to present evidence on Respondent's own behalf, as well as to the issuance of subpoenas to compel the attendance of witnesses and the production of documents, as well as the right to appeal for judicial review. Respondent voluntarily waives these rights in order to avoid further administrative action.
23. Respondent agrees that presentation of this Order to the Commission and the Commission's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Commission or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.
24. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
25. Respondent also agrees that the Commission may issue this Order without further process. If the Commission rejects this Order for any reason, it will be of no force or effect for either party.
26. Respondent agrees that the facility has not received any threats or promises of any kind by the State or any agent or representative thereof, except such as is detailed herein.

V. ORDER

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

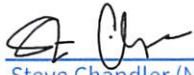
27. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **three thousand five hundred dollars (\$3,500.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-21-.07(5) [Building Standards], constituting a total of three (3) weeks of use of areas not approved for occupancy and in consideration of Respondent's prior disciplinary history with the Commission which led to the issuance of a conditional licensure order.
28. The total assessed CMP amount is **three thousand five hundred dollars (\$3,500.00)**.
29. Payment shall be submitted to the following address within **thirty (30) calendar days** of the effective date of this Order.

**Tennessee Health Facilities Commission
Attention: Disciplinary Coordinator
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

**PLEASE DO NOT REMIT PAYMENT UNTIL THE CONSENT ORDER HAS
BEEN RATIFIED AND APPROVED BY THE COMMISSION**

30. Each condition of discipline herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

APPROVED FOR ENTRY:



Steve Chandler (Nov 8, 2024 21:51 EST)

Signature of Authorized Representative
Great Southern Senior Living, LLC
License No. 634
Respondent

Steve Chandler

Printed Name of Authorized Representative

CEO

Title of Authorized Representative



Jeremy Gourley (BPR # 022812)
Senior Associate General Counsel
Health Facilities Commission
Office of Legal Services
Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243
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Approval by the Commission

Upon the agreement of the parties, and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Health Facilities Commission at a public meeting of the Commission and signed this 11th day of December, 2024.

ACCORDINGLY, IT IS ORDERED that the agreement of the parties does hereby become the Final Order of the Commission.



Chairperson
Health Facilities Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Great Southern Senior Living, LLC, c/o Administrator, Steve Chandler, 1869 Pisgah Road Cordova, Tennessee 38016, and Great Southern Senior Living, LLC, c/o Registered Agent, Northwest Registered Agent, Inc., 116 Agnes Road, Suite 200, Knoxville, Tennessee 37919 by delivering same in the United States regular mail and United States certified mail, numbers **7020 0640 0001 4807 2155** and **7020 0640 0001 4807 2162**, return receipt requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: contact@greatsouthernseniorliving.com.

This 11 day of Dec., 2024



Jeremy Gourley
Senior Associate General Counsel