

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

In The Matter of:	)	
	)	
Remember Me Senior Care At Wind Creek,	)	
Assisted Care Living Facility,	)	
License No. 515,	)	Case No. 2023039511
	)	
Respondent.	)	
	)	
Cleveland, 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 Remember Me Senior Care At Wind Creek (“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.

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. 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).

3. “Assisted-care living facility” (“ACLF”) means a facility, building, establishment, complex or distinct part thereof that accepts primarily aged persons for domiciliary care and services. T.C.A. § 68-11-201(4)(A) and Tenn. Comp. R. & Regs. 0720-26-.02(7).
4. “Primarily aged” means that a minimum of fifty-one percent (51%) of the population of the facility is at least sixty-two (62) years of age. Tenn. Comp. R. & Regs. 0720-26-.02(34).
5. 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).
6. 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).
7. Upon a finding by the Commission that an ACLF 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.

II. STIPULATIONS OF FACT

8. At all times pertinent hereto, Respondent, Remember Me Senior Care At Wind Creek, 120 King Den Drive Cleveland, Tennessee 37312, was licensed by the Commission as an ACLF, having been granted license number 515 on December 6, 2021, which currently has an expiration date of December 5, 2024.
9. On or about October 31, 2023, a survey of the facility was conducted, resulting in findings that the facility failed to maintain a clean and sanitary kitchen, failed to conduct multiple

required fire drills during third shift, and failed to conduct multiple required fire drills during sleeping hours.

10. On October 30, 2023, several refrigerated food items were found opened and undated in the facility's kitchen, including fruits, vegetables, condiments, juice, bread, and meat.
11. The facility failed to conduct fire drills during third shift for the second and fourth quarters of 2022, as well as the second and third quarters of 2023.
12. The facility failed to conduct fire drills during sleeping hours for the second and third quarters of 2022, as well as the second and fourth quarters of 2023.

III. GROUNDS FOR DISCIPLINE

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

13. The facts in paragraphs nine (9) and ten (10) are sufficient to constitute violations of Tenn. Comp. R. and Reg. 0720-26-.07(7)(c)(5), the relevant portion of which reads as follows:

An ACLF shall maintain a clean and sanitary kitchen.

14. The facts in paragraphs nine (9) and eleven (11) are sufficient to constitute violations of Tenn. Comp. R. and Reg. 0720-26-.10(3)(a), the relevant portion of which reads as follows:

Fire drills shall be held for each ACLF work shift in each separate ACLF building at least quarterly[.]

15. The facts in paragraphs nine (9) and twelve (12) are sufficient to constitute violations of Tenn. Comp. R. and Reg. 0720-26-.10(3)(b), the relevant portion of which reads as follows:

There shall be one (1) fire drill per quarter during sleeping hours[.]

IV. REPRESENTATIONS OF RESPONDENT

16. Respondent understands and admits the allegations, charges, and stipulations in this Order.
17. 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.
18. Respondent voluntarily waives these rights in order to avoid further administrative action.
19. 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.
20. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

21. 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.
22. 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:

23. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five-hundred dollars (\$500.00)** for the deficiencies identified in paragraph thirteen (13) above.
24. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **three-thousand dollars (\$3,000.00)** for the deficiencies identified in paragraph fourteen (14) above.
25. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **three-thousand dollars (\$3,000.00)** for the deficiencies identified in paragraph fifteen (15) above.
26. The total assessed CMP amount is **six thousand five hundred dollars (\$6,500)**. 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**

27. Respondent shall be **placed on probation for a period not to exceed six (6) months** from the effective date of this Order and **shall appear at a minimum of one (1) Commission meeting** during probation.
- a. At the appearance, the Respondent shall demonstrate and explain to the Commission how the facility is implementing the actions identified in its plan of correction.
 - b. Pursuant to T.C.A. § 68-11-207(e)(6), the Commission is authorized at any time during the probation to remove the probational status of the facility's license, based on information presented to it showing that the conditions identified by the Commission have been corrected and are reasonably likely to remain corrected.
 - c. The facility shall request an Order of Compliance from Commission staff at the end of its probationary period. If the facility is in compliance at that time, the Order of Compliance will be prepared by Commission staff and presented at the next regularly scheduled Commission meeting. The Commission shall make the final determination of whether to terminate the facility's probation.
28. 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.

[THIS SECTION INTENTIONALLY LEFT BLANK]

APPROVED FOR ENTRY:

Ashley Howard
Remember Me Senior Care At Wind Creek
License No. 515
Signature of Authorized Representative
Respondent

Ashley Howard
Printed Name of Authorized Representative

Administrator
Title of Authorized Representative

Vishan J. Ramcharan
Vishan J. Ramcharan (BPR # 034403)
Associate General Counsel
Health Facilities Commission
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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.

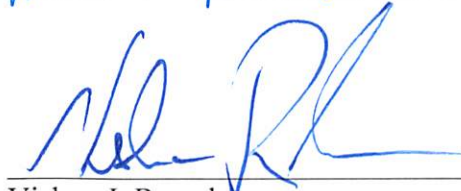
ACCORDINGLY, IT IS ORDERED that the agreement of the parties does hereby become the Final Order of the Commission.

Melanie Skiller
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, Remember Me Senior Care At Wind Creek, c/o Administrator, Ashley Howard/Remember Me Senior Care, LLC, 120 King Den Drive Cleveland, Tennessee 37312, by delivering same in the United States regular mail and United States certified mail, number 7020 0640 0001 4807 2087, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: asneed@remembermesc.com.

This 11th day of December, 2024.



Vishan J. Ramcharan
Associate General Counsel