

**BEFORE THE TENNESSEE BOARD
FOR LICENSING HEALTH CARE FACILITIES**

IN THE MATTER OF:

**Autumn Ridge Manor, LLC.
1815 Old County House Road
White Bluff, TN 37187**

License No. 00000053

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Case No: 2017031251

CONSENT ORDER

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (hereinafter "the Board") on the 4th day of October, 2017, pursuant to the request of the Tennessee Department of Health, by and through the Office of General Counsel, and **Autumn Ridge Manor, LLC** (hereinafter "Respondent") that the Board 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 Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board 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 into evidence or introduced as admissions.



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JURISDICTION

The Board has the power 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 child care centers, renal dialysis clinics, ambulatory surgical treatment centers, outpatient diagnostic centers, adult care homes, and traumatic brain injury residential homes. Tenn. Code Ann. § 68-11-202. Further, TENN. CODE ANN. § 68-11-202(b)(1)(A) gives the Department of Health ("Department") the authority to conduct reviews of assisted-care living facilities to determine compliance with fire and life safety code regulations promulgated by the Board.

Tenn. Code Ann. § 68-11-210 provides that the Department 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. The Board has the authority to suspend or revoke the license of any facility licensed under Tenn. Code Ann. § 68-11-201 *et. seq.* The Board may also place a facility on probation. Tenn. Code Ann. § 68-11-207(f)(2). If the Board determines during or at the end of the probation that the facility is not taking steps to correct non-compliance or otherwise not responding in good faith pursuant to the plan of correction, the board may take any additional action as authorized by law. Tenn. Code Ann. 68-11-207(f)(8).

The Board is also authorized to establish a system for assessing civil monetary penalties for assisted-care living facilities, adult care homes and traumatic brain injury residential homes that are in serious violation of state laws and regulations, resulting in endangerment to the health, safety and welfare of residents. Tenn. Code Ann. § 68-11-213(i)(2) and Tenn. Comp. R. & Reg. 1200-08-11 *et. seq.*



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Upon a finding by the Board that an assisted-care living facility has violated any provision of the Health Facilities and Resources Act, Part 2 – Regulation of Health and Related Facilities 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. Tenn. Comp. R. & Reg. 1200-08-11-.03. The Board has established by rule a schedule designating the minimum and maximum civil penalties which may be assessed. Tenn. Code Ann. § 68-11-213(i)(2) and Tenn. Comp. R. & Reg. 1200-08-11-.03.

Proceedings for disciplinary action against a facility are conducted in accordance with the Tennessee Administrative Procedures Act, Title 4, Chapter 5, of Tenn. Code Ann. Tenn. Comp. R. & Regs. 1200-08-11-.03. A Respondent in a disciplinary action is entitled to be represented by legal counsel, to personally appear before the Board, to present witnesses, to have subpoenas issued and to receive thirty (30) days' notice of the charges before being required to appear for a hearing. A Respondent who cannot afford legal counsel may be eligible for free or low-cost counsel. Tenn. Code Ann. § 4-5-101, *et seq.*

STIPULATIONS OF FACT

1. At all times pertinent hereto, **Autumn Ridge Manor, LLC**, 1815 Old County House Rd, White Bluff, TN 37187 has been licensed as a residential home for the aged ("RHA") by the Board, having been issued license number 00000053 on December 16, 1996. Respondent has an active license with an expiration date of June 14, 2018.
2. A life safety revisit survey was performed on January 27, 2017
3. Observation revealed that the floor was damaged inside the shower room located near the basement entrance. As a result, the facility was cited for failure to construct, arrange, and

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maintain the physical condition of the facility in such a manner that the safety and well-being of the patient are assured.

4. Further observation revealed that the emergency lighting was not functioning properly in the corridor near the kitchen and women's bathroom and in the basement stairwell. Corridors shall be lighted at all times, to a minimum of one foot candle.
5. Observation revealed that the side exit off the dining room was partially blocked by a storage shelf. The facility was cited for failure to keep corridors and exit doors clear of equipment, furniture, and other obstacles at all times.
6. The wall finishes throughout the entire facility were constructed out of wood paneling. The facility failed to provide any documentation showing that the paneling was treated with fire resistant coatings. As such, the facility was cited for having combustible finishes and furnishings within the facility.
7. Observation also revealed that the fire extinguisher inside the basement had not been inspected since April 2016.
8. Observation revealed that the facility failed to provide documentation for the required monthly thirty (30) second test and annual ninety (90) minute emergency light tests. Further document review revealed that the facility failed to provide the documentation for the required semi-annual fire alarm inspection. As a result of the failure to conduct both the fire extinguisher and fire alarm tests, the facility failed to maintain all safety equipment in good repair and safe operating condition.
9. Since being cited for these deficiencies in January 2017, the facility has failed to submit an adequate Plan of Corrections.

GROUNDS FOR DISCIPLINE

The facts stated in the Stipulations of Fact section, *supra*, are sufficient to establish that grounds for the discipline of Respondent's Residential Home for the Aged license exist. Specifically, Respondent has violated the following statutes and/or rules, for which disciplinary action by the Board is authorized.

10. The facts stated in paragraph three (3) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-11-.07(1)[Building Standards], the relevant portion of which reads as follows:
 - (1) An RHA shall construct, arrange, and maintain the condition of the physical plant and the overall RHA environment in such a manner that the safety and well-being of the patients are assured.
11. The facts stated in paragraph four (4) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-11-.08(6)[Life Safety], the relevant portion of which reads as follows:
 - (6) Corridors shall be lighted at all times, to a minimum of one foot candle.
12. The facts stated in paragraph five (5) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-11-.08(8)[Life Safety], the relevant portion of which reads as follows:
 - (8) Corridors and exit doors shall be kept clear of equipment, furniture and other obstacles at all times. There shall be a clear passage at all times from the exit doors to a safe area.
13. The facts stated in paragraph six (6) are sufficient to establish that Respondent has

violated the provisions of Rule 1200-08-11-.08(8)[Life Safety], the relevant portion of which reads as follows:

(9) Combustible finishes and furnishings shall not be used.

14. The facts stated in paragraph seven (7) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-11-.08(17)[Life Safety], the relevant portion of which reads as follows:

(17) Fire extinguishers, complying with NFPA 10, shall be provided and mounted so they are accessible to all residents in the kitchen, laundries and at all exits. Extinguishers in the kitchen and laundries shall be a minimum of 2-A: 10-BC and an extinguisher with a rating of 20-A shall be adjacent to every hazardous area. The minimum travel distance shall not exceed fifty (50) feet between the extinguishers.

15. The facts stated in paragraph eight (8) are sufficient to establish that Respondent has violated the provisions of Rule 1200-08-11-.08(21)[Life Safety], the relevant portion of which reads as follows:

(21) All safety equipment shall be maintained in good repair and in a safe operating condition

ORDER

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

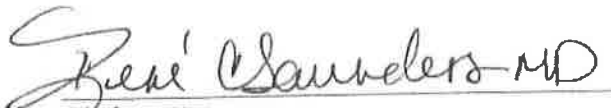
16. Respondent's license to operate as a Residential Home for the Aged shall be **placed on probation for no less than six (6) months**. During the period of probation, the Respondent shall submit an **acceptable** Plan of Correction.

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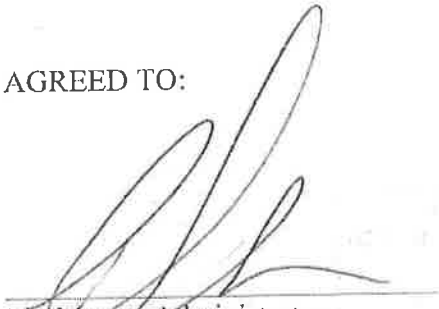
17. Any serious violation affecting the health, safety, and welfare of residents within the facility shall result in a suspension of admissions pending a prompt hearing by the Board.
18. Upon ratification by the Board, the listing of the public discipline, including deficiencies and civil penalties on the Disciplinary Action Report pursuant to T.C.A. § 68-1-114.

Upon the agreement of the parties, this **CONSENT ORDER** is approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board for Licensing Health Care Facilities at a public meeting of the Board and signed this 4 day of October, 2017.

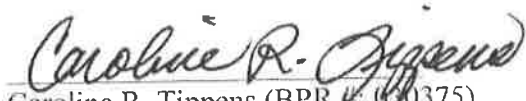
ACCORDINGLY, IT IS ORDERED that the agreement of the parties does hereby become the Final Order of the Board.


Chairperson
Board for Licensing Health Care Facilities

AGREED TO:


Joe Moore, Administrator
Autumn Ridge Manor, LLC.
Respondent

8/8/17
Date


Caroline R. Tippens (BPR #: 030375)
Assistant General Counsel
Department of Health
665 Main Stream Dr., 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611

10/4/2017
Date

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CERTIFICATE OF SERVICE

A true and exact copy of this Consent Order is being served upon Respondent, Autumn Ridge Manor, LLC., by and through Joe Moore, Administrator, P.O. Box 9109, Gallatin, TN 37066, by delivering same in the United States mail, first class, with sufficient postage thereon to reach its destination.

This 5th day of October, 2017.


Caroline Tippens
Assistant General Counsel

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