

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

In The Matter of:)	
)	
Sage Hill At Maybelle Carter, Assisted Care Living Facility, License No. 40,)	
)	Case No. 2024031661
Respondent.)	
)	
Madison, 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 Sage Hill At Maybelle Carter (“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, Sage Hill At Maybelle Carter, 208 West Due West Avenue, Madison, Tennessee 37115, was licensed by the Commission as an ACLF, having been granted license number 40 on July 29, 1998, which currently has an expiration date of April 25, 2026.
9. On or about September 9, 2024, a survey of the facility was completed resulting in deficiencies being cited for failure to install necessary fire fighting equipment, failure to

adopt/follow a written fire control plan, and failure to provide documentation of appropriate cooking equipment policies.

10. On or about September 7, 2024, a fire occurred in/on a stove kept in a resident's room. The facility failed to follow its written fire control plan.
11. On or about September 9, 2024, the facility maintained multiple resident rooms that were equipped with stoves. None of the stoves were quipped with an approved hood/fire-suppression system.
12. On or about September 9, 2024, the facility failed to provide documentation of any policies or procedures regarding the use of cooking appliances in resident rooms. The facility also failed to assess residents for their level of cognition and did not provide cooking appliances that were appropriate for each resident's level of cognition.

III. GROUNDS FOR DISCIPLINE

The facts in Section II, *supra*, 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 paragraph ten (10) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10(2)(c), the relevant portion of which reads as follows:

(2) An ACLF shall ensure fire protection for residents by doing at least the following:

- ...
(c) Adopt a written fire control plan.

14. The facts in paragraph eleven (11) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10(2)(b), the relevant portion of which reads as follows:

(2) An ACLF shall ensure fire protection for residents by doing at least the following:

- ...
(b) Install necessary fire-fighting equipment.

15. The facts in paragraph twelve (12) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10(2)(i), the relevant portion of which reads as follows:

(2) An ACLF shall ensure fire protection for residents by doing at least the following:

- ...
- (i) Ensure that upon entering the ACLF, the resident or his or her responsible party is asked if they wish to have a cooking appliance that is appropriate for their level of cognition. If the facility chooses to provide a requested cooking appliance, it shall be used in accordance with the facility's policies. If the resident or his or her responsible party wishes to provide their own cooking appliance, it shall meet the facility's policies and safety standards. The cooking appliances shall be designed so that they can be disconnected and removed for resident safety or if the resident chooses not to have cooking capability within his or her apartment. The cooking appliances shall have an automatic timer.

I. 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 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.

19. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
20. 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.
21. 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 as is detailed herein.

II. ORDER

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

22. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand, five-hundred dollars (\$1,500.00)** for the violation(s) identified in paragraph thirteen (13) of this order.
23. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand, five-hundred dollars (\$1,500.00)** for the violation(s) identified in paragraph fourteen (14) of this order.
24. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **one thousand, five-hundred dollars (\$1,500.00)** for the violation(s) identified in paragraph fifteen (15) of this order.

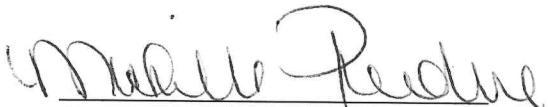
25. The total assessed CMP amount is four thousand, five-hundred dollars (\$4,500.00).
26. Payment shall be submitted to the following address within **thirty (30) calendar days** of the effective date of this Order.



**Tennessee Health Facilities Commission
Attention: Disciplinary Coordinator
Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243**

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

27. 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:


Signature of Authorized Representative
Sage Hill At Maybelle Carter
License No. 40
Respondent


Printed Name of Authorized Representative

Title of Authorized Representative

Vishan J. Ramcharan (BPR # 034403)
Senior Associate General Counsel
Health Facilities Commission
Office of Legal Services
Andrew Jackson Building, 9th Floor
502 Deaderick Street
Nashville, Tennessee 37243
Office: (615) 741-2364
Fax: (615) 741-9884
Email: vishan.j.ramcharan@tn.gov

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 _____ day of _____, 202__.

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, Sage Hill At Maybelle Carter, c/o Administrator, Lisa Spurlock, 208 West Due West Avenue, Madison, Tennessee 37115, and Sage Hill At Maybelle Carter, c/o Lisa Spurlock, Owner, Nashville, 208 OpCo, LLC, 1001 Brickell Bay Drive, Suite 1504, Miami, Florida 33131, by delivering same in the United States regular mail and United States certified mail, numbers **7020 0640 0001 4807 2551** and **7020 0640 0001 4807 2568**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: lspurlock@avivaseniorliving.com.

This _____ day of _____, 202__.

Vishan J. Ramcharan
Senior Associate General Counsel