

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

In The Matter of:)	
)	
Southbreeze Assisted Living,)	
Assisted Care Living Facility,)	
License No. 363,)	Case No. 2025033801
)	
Respondent.)	
)	
Memphis, 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 Southbreeze Assisted Living (“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 ACLK 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, Southbreeze Assisted Living, 3168 Hacks Cross Road, Memphis, Tennessee 38125, was licensed by the Commission as an ACLK, having been granted license number 363 on July 19, 2013, which currently has an expiration date of July 19, 2026.
9. On or about July 29, 2025, and July 30, 2025, Health and Life Safety surveys were conducted at Respondent’s facility and resulted in the facility being cited for the following

deficiencies: failure to conduct quarterly fire drills on each shift; failure to ensure all drugs and biologicals were administered according to resident's plan of care ("POC") for two (2) of eight ("Resident #2 and Resident #8") residents; and failure to properly store food items in the refrigerator.

LIFE SAFETY SURVEY

10. On or about July 29, 2025, findings revealed that Respondent failed to conduct fire drills for first (1st) and second (2nd) shift for the 2nd quarter of 2025. The findings were verified and acknowledged by Respondent.

HEALTH SURVEY

11. On or about July 30, 2025, findings revealed that Resident #2 was ordered by physician to be administered multiple daily medications.
12. On or about July 30, 2025, Respondent's July 2025 Medication Administration Record revealed that Resident #2 did not receive his prescribed medications on July 13, 2025, and on July 15, 2025.
13. On or about July 30, 2025, findings revealed that Resident #8 was ordered by physician to be administered a daily medication.
14. On or about July 30, 2025, Respondent's July 2025 Medication Administration Record revealed that Resident #8 did not receive his medication on July 14, 2025.
15. On or about July 30, 2025, Respondent's Administrator, Director of Nursing ("DON") for Assisted Living, and DON for Memory Care confirmed nursing staff should administer medications as ordered by the physician or document details in the progress note that the physician was notified regarding the reason the medication was not administered.

16. On or about July 30, 2025, Respondent's kitchen refrigerator contained the following food stored: one (1) opened five (5) lb. container of pimento cheese, dated June 30; one (1) opened five (5) lb. container of bowtie pasta, dated June 30; one (1) opened five (5) lb. container of coleslaw, undated; one (1) container of deviled eggs, undated; one (1) gallon bag of brownish salad mix, undated.
17. On or about July 30, 2025, Respondent's Administrator, DON for Assisted Living, DON for Memory Care, and the Dietary Manager confirmed all food items should be labeled with an open date and discarded after three days of opening.

III. GROUND 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.

18. The fact in paragraph ten (10) is sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (3)(a), Life Safety, the relevant portion of which reads as follows:

(3) An ACLF shall conduct fire drills in accordance with the following:

(a) Fire drills shall be held for each ACLF work shift in each separate ACLF building at least quarterly

19. The facts in paragraphs eleven (11) through fifteen (15) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (5)(b), Services Provided, the relevant portion of which reads as follows:

(5) Resident medication. An ACLF shall:

(b) Ensure that all drugs and biologicals shall be administered by a licensed or certified health care professional operating within the scope of the professional license or certification and according to the resident's plan of care.

20. The facts in paragraphs sixteen (16) through seventeen (17) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(4)(iii), Services Provided, the relevant portion of which reads as follows:

(7) An ACLF shall provide personal services as follows:

(c) Dietary services.

4. An ACLF shall:

(iii) Maintain and properly store a forty-eight (48) hour food supply at all times.

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 **one thousand dollars (\$1,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.10 (3)(a), Life Safety, for failure to conduct quarterly fire drills on each shift.
28. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (5)(b), Services Provided, for failure to ensure all drugs and biologicals were administered according to resident's plan of care ("POC") for two (2) of eight ("Resident #2 and Resident #8") residents.
29. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **five hundred dollars (\$500.00)**. This CMP is issued for a violation of Tenn. Comp. R. and

Regs. 0720-26-.07 (7)(c)(4)(iii), Services Provided, for failure to properly store food items in the refrigerator.

30. The total assessed CMP amount is **two thousand dollars (\$2,000.00)**.
31. 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

32. 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 LEFT INTENTIONALLY BLANK]

APPROVED FOR ENTRY:

Lisa M. Hargrove

Signature of Authorized Representative
Southbreeze Assisted Living
License No. 363
Respondent

Lisa M. Hargrove
Printed Name of Authorized Representative

Executive Director
Title of Authorized Representative

Seth Colón (BPR # 037137)
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: seth.colon@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, Southbreeze Assisted Living, c/o Administrator, Lisa Hargrove, 3168 Hacks Cross Road, Memphis, Tennessee 38125, and Southbreeze Assisted Living, c/o Registered Agent, Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203-1312 by delivering same in the United States regular mail and United States certified mail, numbers **7020 0640 0001 4807 0878** and **7020 0640 0001 4807 0892**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: southbreeze@americareusa.net.

This _____ day of _____, 202__.

Seth Colón
Associate General Counsel

