

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

In The Matter of:)	
)	
Graceland Rehabilitation, and)	
Nursing Center,)	
Skilled Nursing Facility,)	
License No. 326,)	Case No. 2024018011
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 Graceland Rehabilitation and Nursing Center ("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. "Nursing home" means any institution, place, building or agency represented and held out to the general public for the express or implied purpose of providing care for one (1) or more nonrelated persons who are not acutely ill, but who do require skilled nursing care and related medical services; and "Nursing Home" shall be restricted to facilities providing skilled nursing care and related medical services to individuals, beyond the basic provision of food, shelter and laundry, admitted because of illness, disease or physical infirmity for a period of not less than twenty-four (24) hours per day. T.C.A. § 68-11-201(37)(A)(B).
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. Upon a finding by the Commission that a nursing home 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

6. At all times pertinent hereto, Respondent, Graceland Rehabilitation and Nursing Center, 1250 Farrow Road, Memphis, Tennessee 38116, was licensed by the Commission as a nursing home, having been granted license number 326 on June 22, 1994, which currently has an expiration date of May 2, 2026.
7. From April 5, 2024, through May 1, 2024, Commission surveyors conducted a complaint survey at Respondent's facility.
8. This complaint survey resulted in Respondent being cited for the following deficiencies:
failure to administer the facility in a manner that provided oversight of the care being

provided to residents, and ensuring staff were sufficient in numbers and competent in their duties to provide care and services per physician orders, and to meet the individualized needs of all residents.

9. On or about April 5, 2024, through May 1, 2024, Respondent's staff were not readily available to perform cardiopulmonary resuscitation (CPR) measures for residents, and a nurse was not assigned to work on the Ventilation Unit.
10. On or about April 5, 2024, through May 1, 2024, Respondent's staff acknowledged the lack of a nurse working on the Ventilation Unit, and its effect on residents' receipt of proper care.
11. On or about May 1, 2024, a resident in Respondent's facility was observed connected to ventilation that had matted, unkempt, and tangled hair. The resident did not respond when called by name. Respondent's staff acknowledged that the resident had not been provided hair care, and Respondent's Administrator acknowledged shock at the resident's appearance. Additionally, Respondent's administrator acknowledged that staff were not monitoring the care being provided to residents.

III. GROUNDS FOR DISCIPLINE

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

12. The facts in paragraphs eight (8) through eleven (11) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-18-04 (1) [Administration], the relevant portion of which reads as follows:

- (1) The nursing home shall have a full-time (working at least 32 hours per week) administrator licensed in Tennessee, who shall not function as the director of nursing. Any change of administrators shall be reported in writing to the department within fifteen (15) days. The administrator shall designate in writing an individual to act in his/her absence in order to provide the nursing home with administrative direction at all times. The administrator shall assure the provision of appropriate fiscal resources and personnel required to meet the needs of the residents.

IV. REPRESENTATIONS OF RESPONDENT

13. Respondent understands and admits the allegations, charges, and stipulations in this Order.
14. 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.
15. 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.

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

20. Respondent is hereby assessed one (1) Type B Civil Monetary Penalty in the amount of **one thousand five hundred dollars (\$1,500.00)** for a violation of Tenn. Comp. R. and Regs. 0720-18-.04(1) [Administration] – failure to administer the facility in a manner that provided oversight of the care being provided to residents, and ensure staff were sufficient in numbers and competent in their duties to provide care and services per physician orders and to meet the individualized needs of all residents.
21. The total assessed CMP amount is **one thousand five hundred dollars (\$1,500.00)**.
22. 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/MAIL PAYMENT UNTIL THE CONSENT ORDER
HAS BEEN RATIFIED AND APPROVED BY THE COMMISSION**

23. 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:

Machelle Calaway
Signature of Authorized Representative
Graceland Rehabilitation and Nursing Center
License No. 326
Respondent

Machelle Calaway
Printed Name of Authorized Representative
Administrator
Title of Authorized Representative

Seth J. 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

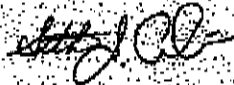
Upon the agreement of the parties, and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Health Facilities Commission at a public meeting of the Commission and signed this _____ day of _____, 202__.

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, Graceland Rehabilitation and Nursing Center, c/o Administrator, Machele Ann Calaway, 1250 Farrow Road Memphis, Tennessee 38116, and Graceland Rehabilitation and Nursing Center, c/o Registered Agent, VCORP Services, LLC, 300 Montvue Road Knoxville, Tennessee 37919-5546 by delivering same in the United States regular mail and United States certified mail, numbers 7020 0640 0001 4807 9024 and 7020 0640 0001 4807 9048, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: mcalaway@gracelandnrc.com.



Seth J. Colón
Associate General Counsel