

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

In The Matter of:

**Quiet Oaks Adult Care Home,
Adult Care Home,
License No. 6,**

Respondent.

Graysville, Tennessee

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Case No. 2025006931

CONSENT ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and Quiet Oaks Adult Care Home (“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. "Adult care home" means a single family residence licensed pursuant to this part in which twenty-four (24) hour residential care, including assistance with activities of daily living, is provided in a homelike environment to no more than five (5) adults who are elderly or have a disability. T.C.A. § 68-11-201(1) and Tenn. Comp. R. & Regs. 0720-37-.01(6).
4. "Adult care home provider" means a person twenty-one (21) years of age or older who owns and operates an adult care home and meets all education, training and experience requirements prescribed in this part and in regulations promulgated by the commission pursuant to § 68-11-209. T.C.A. § 68-11-201(2) and Tenn. Comp. R. & Regs. 0720-37-.01(7).
5. "Adult" means a person 18 years of age or older. Tenn. Comp. R. & Regs. 0720-37-.01(5).
6. An adult care home shall have a physician, nurse practitioner, registered nurse, respiratory therapist or licensed practical nurse awake and on duty at all times. Tenn. Comp. R. & Regs. 0720-37-.05(1)(f).
7. An adult care home shall develop a written policy, plan or procedure concerning a subject and adhere to its provisions whenever required to do so by these rules. An adult care home that violates its own policy established as required by these rules and regulations also violates the rules and regulations establishing the requirement. Tenn. Comp. R. & Regs. 0720-37-.05(2)(a)(3).
8. 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).
9. 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

10. At all times pertinent hereto, Respondent, Quiet Oaks Adult Care Home, 3872 Brayton Mountain Road, Graysville, Tennessee 37338, was licensed by the Commission as an ACH, having been granted license number 6 on July 2, 2012, which currently has an expiration date of July 2, 2026.
11. On or about February 12, 2025, a Health survey at Respondent's facility was conducted resulting in deficiencies being cited for: failure to ensure a Physician, Nurse Practitioner (NP), Registered Nurse (RN), Respiratory Therapist (RT), or Licensed Practical Nurse (LPN) was awake and alert on duty at all times; and failure to develop a Medication Policy describing who is allowed to administer medications to the residents for four (4) residents (Resident #1, Resident #2, Resident #3, and Resident #4) of four (4) residents reviewed.
12. On or about February 10, 2025, Respondent had no licensed personnel awake, alert, and on duty in the facility.
13. On or about February 10, 2025, Respondent's staff acknowledged that there were no licensed personnel awake, alert, and on duty at all times in the facility.
14. On or about February 10, 2025, Respondent's administrator confirmed that the facility did not have a Physician, NP, RN, RT, or LPN on duty, awake, and alert at all times in the facility.
15. On or about February 11, 2025, Respondent allowed a Certified Nursing Assistant (CNA) to administer medication to Resident #1 when there was no licensed nurse in the facility to administer medication.

16. On or about February 11, 2025, Respondent's administrator confirmed the facility failed to develop a Medication Policy that explained all medication were to be administered only by either a Registered Nurse or Licensed Practical Nurse and did not have a Medication Policy available.

III. GROUNDS FOR DISCIPLINE

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

17. The facts in paragraphs eleven (11) through sixteen (16) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-37-.05(1)(f), Administration, the relevant portion of which reads as follows:

(1) Each ACH shall meet the following staffing standards:

- (f) In addition to meeting the requirements found in Rule 0720-37-.05(1)(e), Level 2 ACHs serving ventilator dependent patients shall have a physician, nurse practitioner, registered nurse, respiratory therapist or licensed practical nurse always awake and on duty at all times.

19. The facts in paragraphs eleven (11) through sixteen (16) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-37-.05(2)(a)(3.), Policies and Procedures, the relevant portion of which reads as follows:

(2) Each ACH shall meet the following procedural standards:

(a) Policies and Procedures:

3. An ACH shall develop a written policy, plan or procedure concerning a subject and adhere to its provisions whenever required to do so by these rules. An ACH that violates its own policy established as required by these rules and regulations also violates the rules and regulations establishing the requirement.

IV. REPRESENTATIONS OF RESPONDENT

20. Respondent understands and admits the allegations, charges, and stipulations in this Order.
21. 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.
22. 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 shall be **placed on probation for a period not to exceed twelve (12) months** from the effective date of this Order.
- a. During the probationary period, the facility **shall submit monthly reports to the Commission's East Tennessee Regional Office (ETRO), on or before the 15th of each month**, with current information regarding the facility's Quality Assurance and Performance Improvement ("QAPI") efforts.
 - b. If specifically requested by the Commission during the probationary period, Respondent shall appear in person at a regularly scheduled Commission meeting to discuss any issues of noncompliance.
 - c. 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.
 - d. 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. Respondent **shall submit to the Commission's ETRO written assurances of licensed personnel hired to administer medications**, along with schedules of said licensed personnel. Respondent **must alert the Commission's ETRO** of any changes in said personnel schedules **within five (5) calendar days** of any changes made.
29. 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. 0720-37-.05 (1)(f) [Administration], for failure to ensure a Physician, Nurse Practitioner (NP), Registered Nurse (RN), Respiratory Therapist (RT), or Licensed Practical Nurse (LPN) was awake, alert and on duty at all times.
30. 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. 0720-37-.05 (2)(a)(3.) [Policies and Procedures], for failure to develop a Medication Policy describing who is allowed to administer medications to the residents.
31. The total assessed CMP amount is **two thousand dollars (\$2,000.00)**.
32. 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**

33. 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 INTENTIONALLLY BLANK]

APPROVED FOR ENTRY:

Laura Morrison

Signature of Authorized Representative
Quiet Oaks Adult Care Home
License No. 6
Respondent

Laura Morrison

Printed Name of Authorized Representative

Administrator

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, Quiet Oaks Adult Care Home, c/o Administrator, Richard & Laura Morrison, 3872 Brayton Mountain Road Graysville, Tennessee 37338, by delivering same in the United States regular mail and United States certified mail, number **7020 0640 0001 4807 5941**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: quietoaks@comcast.net.

This _____ day of _____, 202__.

Seth Colón
Associate General Counsel