

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

In The Matter of:	)	
	)	
TerraBella Athens,	)	
Assisted Care Living Facility,	)	
License No. 149,	)	Case No. 2025045801
	)	
Respondent.	)	
	)	
Athens, Tennessee	)	

CONTINGENT CHANGE OF OWNERSHIP ORDER

This matter came to be heard before the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and TerraBella Athens, (“Respondent”) that the Commission adopt this Contingent Change of Ownership Order, the terms of which have been agreed upon by the parties, as signified by their signatures below.

Respondent, by signature to this Contingent Change of Ownership 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 Contingent Change of Ownership Order by the Commission for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Commission or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should the Contingent Change of Ownership 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.

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. Any person, partnership, association, corporation, any state, county or local governmental unit, or any division, department, board or agency of the governmental unit, in order to lawfully establish, conduct, operate or maintain a hospital, recuperation center, nursing home, home for the aged, residential HIV supportive living facility, assisted-care living

facility, home care organization, residential hospice, birthing center, prescribed child care center, renal dialysis clinic, outpatient diagnostic center, ambulatory surgical treatment center, adult care home or traumatic brain injury residential homes in this state, shall obtain a license from the commission, upon the approval and recommendation of the Commission in the following manner:

(1) The applicant shall submit an application on a form to be prepared by the commission with the approval of the Commission, showing that the applicant is of **reputable and responsible character and able to comply with the minimum standards** for a facility and with rules and regulations lawfully promulgated under this part. The application shall contain the following additional information:

(A) The name or names of the applicant or applicants;

(B) The type of institution to be operated;

(C) The location of the institution;

(D) The name of the person or persons to be in charge of the institution or, for adult care home applicants, the name of the resident manager, if applicable;

(E) A certification that the applicant has implemented a policy of informing its employees of their obligations under § 71-6-103 to report incidents of abuse or neglect;

(F) If an application for a nursing home license, a list of all nursing homes that the applicant, or any person or entity holding a majority legal or equitable interest in the applicant, owns or operates and, if the applicant has not operated a nursing home in this state for a continuous period of twenty-four (24) months preceding the application, the information specified in § 68-11-804(c)(1) for each such nursing home located outside this state; and

(G) Such other information as the commission, with the approval of the Commission, may require.

T.C.A. § 68-11-206(a)(1).

7. 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).
8. 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.

I. STIPULATIONS OF FACT

9. At all times pertinent hereto, Respondent, TerraBella Athens, 120 Keith Lane, Athens, Tennessee 37303, is licensed by the Commission as an ACLF, having been granted license number 149 on October 8, 1998, which currently has an expiration date of November 20, 2026.
10. On or about October 14, 2025, a complaint survey was conducted at Respondent's facility and resulted in the facility being cited for the following deficiencies: failure to maintain the kitchen in a clean and sanitary condition; failure to comply with state requirements which prohibit the admission of persons with behaviors which pose an imminent threat of harm to self or others; failure to implement an individual plan for emergency evacuation for residents; and failure to update a resident's plan of care ("POC") after a change in condition.
11. On or about October 14, 2025, observation of Respondent's kitchen revealed Respondent had no documentation of equipment cleaning for multiple dates in October 2025; metal food pans were stored wet on the kitchen equipment storage rack; multiple food items in the kitchen pantry were observed open, unlabeled, and debris was observed on pantry

shelves; and the countertop can opener was observed with orange and black debris stuck on the blade.

12. On or about October 14, 2025, Respondent's Culinary Director confirmed all aforementioned information, and that food pans should be stored dry; food items should be closed, stored, dated and labeled properly; and that equipment cleaning documents had not been completed for numerous days in October 2025.
13. On or about October 14, 2025, review of Respondent's records regarding Resident #7 revealed Respondent admitted Resident #7, a severely cognitively impaired male with a known history of violent behaviors, to the facility's memory care service in January 2025.
14. On or about February 2025, Resident #7 was readmitted to a local psychiatric hospital for recurrent episodes of violent/assaultive behaviors which occurred at the facility, directed towards multiple staff members, facility residents and visitors.
15. Despite Resident #7's behaviors that posed imminent threats of harm to himself and others, and resulted in harm to himself and others, Resident #7 was readmitted back to Respondent's facility numerous times between February 2025 and May 2025.
16. Resident #7's recurrent episodes of violent/assaultive behaviors occurred at the facility, and were directed towards multiple staff members, facility residents and visitors between January 2025 and May 2025.
17. On or about May 14, 2025, Resident #7 severely assaulted two (2) of Respondent's staff members, requiring local law enforcement and two (2) EMS units to be summoned to the facility.
18. On or about October 14, 2025, Respondent's records revealed that Resident #8 was admitted to the facility with two prior hip fractures and hip pain and required mobility and

transferring assistance of two staff members. Resident #11 was admitted to the facility and required mobility and transferring assistance of two staff members.

19. On or about October 14, 2025, Respondent's Executive Director ("ED") and Maintenance Director confirmed that neither Resident #8 nor Resident #11 were able to evacuate the facility in case of an emergency in the required thirteen (13) minutes and confirmed Residents #8 and #11 did not have an individualized emergency plan.
20. On or about October 14, 2025, Respondent acknowledged that Resident #8's condition changed, such that Resident #8 required between three (3) to five (5) staff members to assist with mobility and transferring, and Resident #8's subsequently become bed bound.
21. On or about October 14, 2025, Respondent's ED confirmed that Resident #8's care plan was incorrect.

II. 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.

22. The facts in paragraphs eleven (11) and twelve (12) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.07 (7)(c)(5), Services Provided, the relevant portion of which reads as follows:

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

(c) Dietary services.

(5) An ACLF shall maintain a clean and sanitary kitchen.

23. The facts in paragraphs thirteen (13) through seventeen (17) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.08 (1)(d), Admissions, Discharges, and Transfers, the relevant portion of which reads as follows:

(1) An ACLF shall not admit or permit the continued stay of any ACLF resident who has any of the following conditions:

(d) Exhibits verbal or physical aggressive behavior which poses an imminent physical threat to self or others, based on behavior, not diagnosis

24. The facts in paragraphs eighteen (18) and nineteen (19) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.08 (8), Admissions, Discharges, and Transfers, the relevant portion of which reads as follows:

(8) An ACLF may not retain a resident who cannot evacuate within thirteen (13) minutes unless the ACLF complies with Chapter 19 of the 2006 edition of the NFPA Life Safety Code, and the Institutional Unrestrained Occupancy of the 2006 edition of the International Building Code.

25. The facts in paragraphs twenty (20) and twenty-one (21) are sufficient to constitute a violation of Tenn. Comp. R. and Regs. 0720-26-.12 (5)(b)(1), Resident Records, the relevant portion of which reads as follows:

(5) Plan of care.

(b) The plan of care shall describe:

1. The needs of the resident, including the activities of daily living and medical services for which the resident requires assistance, i.e., what assistance/care, how much, who will provide the assistance/care, how often, and when[.]

[THIS SECTION INTENTIONALLY LEFT BLANK]

III. REPRESENTATIONS OF RESPONDENT

26. Respondent understands and admits the allegations, charges, and stipulations in this Order.
27. 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.
28. 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.
29. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
30. 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.

31. 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.
32. Respondent, by signature to this Contingent Change of Ownership Order, waives the right to a contested case hearing and any and all rights to judicial review of this matter.

IV. ORDER

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

33. The Change of Ownership Application for License No. 149 to operate as an Assisted Care Living Facility in the State of Tennessee is hereby **GRANTED subject to the contingencies outlined in this section.**
34. Failure to comply with each contingency listed in Section V, **within thirty (30) days of the effective date of this order, will result in DENIAL** of the facility's Change of Ownership (CHOW) application.
35. 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-.07 (7)(c)(5), Services Provided, for failure to maintain a clean and sanitary kitchen.
36. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **three thousand dollars (\$3,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.08 (1)(d), Admissions, Discharges, and Transfers, for failure to comply with state requirements which prohibit the admission of persons with behaviors which pose an imminent threat of harm to self or others.

37. Respondent is hereby assessed one (1) Civil Monetary Penalty in the amount of **three thousand dollars (\$3,000.00)**. This CMP is issued for a violation of Tenn. Comp. R. and Regs. 0720-26-.08 (8), Admissions, Discharges, and Transfers, for failure to implement an individual plan for emergency evacuation for residents.
38. 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-.12 (5)(b)(1), Resident Records, for failure to update a resident's plan of care ("POC") after a change in condition.
39. The total assessed CMP amount is **seven thousand, five hundred dollars (\$7,500.00)**.
40. 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**

41. 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:

Amanda Gilliam

Signature of Authorized Representative
TerraBella Morristown
License No. 198
Respondent

Amanda Gilliam

Printed Name of Authorized Representative

Sr VP Ops Terrabella

Title of Authorized Representative

Vishan J. Ramcharan (BPR # 034403)
Senior Associate General Counsel
Health Facilities Commission
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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, TerraBella Athens, c/o Colin Marshall, Discovery Senior Living, 3461 Bonita Bay Blvd, Bonita Springs, FL 34134. A copy was sent via electronic mail to: cmarshall@discoverymgt.com

This _____ day of August, 2026.

Vishan J. Ramcharan
Senior Associate General Counsel