

**STATE OF TENNESSEE
HEALTH FACILITIES COMMISSION
BEFORE THE BOARD FOR LICENSING HEALTH CARE FACILITIES**

In The Matter of:	)	
	)	
Green Hills Center for	)	
Rehabilitation and Healing, LLC,	)	
Skilled Nursing Facility,	)	
License No. 52,	)	Case No. 2024007081
	)	
Respondent.	)	
	)	
Nashville, Tennessee	)	

CONSENT ORDER

This matter came to be heard before the Tennessee Board for Licensing Health Care Facilities (“Board”), pursuant to the request of the Tennessee Health Facilities Commission (“Commission”), by and through the Office of Legal Services, and Green Hills Center For Rehabilitation and Healing, LLC (“Respondent”) that the Board 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 Board has the power 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, prescribe childcare centers, renal dialysis clinics, ambulatory surgical treatment centers, outpatient diagnostic centers, adult care homes, and traumatic brain injury residential home. T.C.A. § 68-11-202(a)(1).

2. The Commission has the authority to conduct reviews of nursing homes to determine compliance with fire and life safety code regulations promulgated by the Board. T.C.A. § 68-11-202(b)(1)(A).
3. A "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(31).
4. The Commission has the authority to conduct reviews of facilities licensed under this part to determine compliance with fire and life safety code regulations promulgated by the Board. T.C.A. § 68-11-202(b)(1)(A).
5. 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).
6. Upon a finding by the Board 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

7. At all times pertinent hereto, Respondent, Green Hills Center For Rehabilitation and Healing, LLC, 3939 Hillsboro Circle Nashville, Tennessee 37215, was licensed by the

Board as a nursing home, having been granted license number 52 on July 1, 1992, which currently has an expiration date of April 19, 2024.

8. From on or about December 12, 2023, to February 6, 2024, the State surveyor reviewed facility and CMS policies, resident medical records, facility investigation reports, and interviewed facility staff.
9. The Respondent failed to protect the resident's right to be free from neglect for 1 of 22 (Resident #319) sampled residents reviewed for abuse.
10. The Respondent failed to ensure that 2 of 22 (Resident #56 and Resident #81) residents reviewed for abuse were free from verbal abuse when Certified Nursing Assistant (CNA) #11 made verbal threats and derogatory statements to them on or about September 14, 2023.
11. In the facility incident report dated May 26, 2022, the Respondent reported Resident #319 had fallen out of bed while the resident was lying on their side receiving patient care from only one (1) CNA. The resident's Plan of Care required two-person assistance when providing patient care. The Respondent failed to document monitoring or assessment for changes related to the witnessed fall.
12. Resident #319 had been transported from the Respondent's facility by emergency medical services (EMS) the day after the fall and had suffered a fractured left femoral head extending into the hip.
13. On or about February 2, 2024, Nurse Practitioner (NP) #3 admitted that neither she, nor any of the other NP's at the facility had assessed Resident #319 after their fall on May 26, 2022.

14. On or about December 19, 2023, Resident #81 stated that they were afraid and had stayed up all night based on the threat and cursing received from CNA #11. CNA #11 threatened to cause harm to Resident #81 and Resident #56. Resident #81 stated that CNA #11 was angry, slammed the door, and their clock fell off the wall, as a result of the CNA's actions.
15. On or about December 19, 2023, Resident #56, who was the roommate of Resident #81, stated CNA #11 cursed at them and slammed the door. Resident #56 stated they were afraid of CNA #11 and stayed up all night because of their encounter with her.
16. On or about January 5, 2024, the Administrator admitted that based on her investigation, she would have substantiated verbal abuse against Residents #56 and #81 by CNA #11.

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 Board is authorized.

17. The facts in paragraphs eight (8) through sixteen (16) are sufficient to constitute one (1) violation of Tenn. Comp. R. and Reg. 0720-18-.12(1)(g) Resident Rights, the relevant portion of which reads as follows:

- (1) The nursing home shall establish and implement written policies and procedures setting forth the rights of residents for the protection and preservation of dignity, individuality and, to the extent medically feasible, independence. Residents and their families or other representatives shall be fully informed and documentation shall be maintained in the resident's file of the following rights:
 - (g) To be free from mental and physical abuse. Should this right be violated, the facility must notify the department within five (5) working days. The Tennessee Department of Human Services, Adult Protective Services shall be notified immediately as required in T.C.A. §71-6-103.

IV. REPRESENTATIONS OF RESPONDENT

18. Respondent understands and admits the allegations, charges, and stipulations in this Order.
19. 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.
20. Respondent agrees that presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board 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.
21. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.
22. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.

23. 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:

24. Respondent is hereby assessed **one (1) Type B Civil Monetary Penalty** in the amount of fifteen-hundred dollars (**\$1,500.00**) for violating Tenn. Comp. R. and Reg. 0720-18-.12(1)(g) Resident Rights.
25. If within the next twelve (12) months the following violations are found, Respondent will be **assessed TYPE C Civil Monetary Penalties**:
- a. Tenn. Comp. R. and Reg. 0720-18-.04(15) Administration, 0720-18-.06(1)(a) Basic Services, 0720-18-06-.06(4)(f) Basic Services, 0720-18-.11(2) Records and Reports, 0720-18-.12(1)(n) Resident Rights, 0720-18-.12(1)(x) Resident Rights.
 - b. The assessment of such penalties will result in monetary fines from two hundred fifty (\$250.00) dollars up to four hundred (\$400.00) dollars per violation.
26. Respondent shall be **placed on probation** and shall appear at all Board/Commission meetings **for a period not to exceed 12 months** from the effective date of this Order.
- a. At each appearance, the Respondent shall demonstrate and explain to the board how the facility is implementing the actions identified in its plan of correction.
 - b. Pursuant to T.C.A. § 68-11-207(e)(6), the board 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 board have been corrected and are reasonably likely to remain corrected.
27. 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
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243

PLEASE DO NOT REMIT PAYMENT UNTIL THE CONSENT

ORDER HAS BEEN RATIFIED AND APPROVED BY THE BOARD

28. 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.

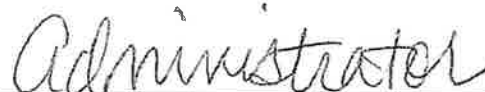
APPROVED FOR ENTRY:



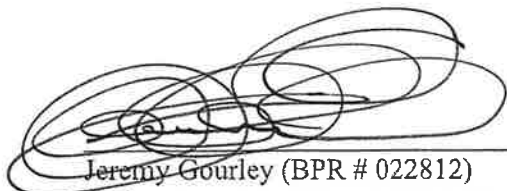
Green Hills Center For
Rehabilitation and Healing, LLC
License No. 52
Signature of Authorized Representative
Respondent



Printed Name of Authorized Representative



Title of Authorized Representative



Jeremy Gourley (BPR # 022812)
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: Jeremy.J.Gourley@tn.gov

Approval by the Board

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 Tennessee Board for Licensing Health Care Facilities at a public meeting of the Board and signed this 5th day of June, 2024.

ACCORDINGLY, IT IS ORDERED that the agreement of the parties does hereby become the Final Order of the Board.

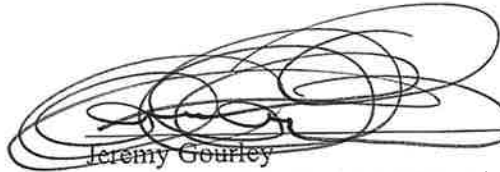


Chairperson
Board for Licensing Health Care Facilities

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Green Hills Center For Rehabilitation and Healing, LLC, c/o Administrator, Vincent Hambright, 3939 Hillsboro Circle Nashville, Tennessee 37215, by delivering same in the United States regular mail and United States certified mail, number **7020 0640 0001 4807 0038**, return receipts requested, with sufficient postage thereon to reach its destination. A copy was sent via electronic mail to: VHambright@greenhillscenterrehab.com.

This 5th day of June, 2024.



Jeremy Gourley
Senior Associate General Counsel