Agency for Health Care Administration

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	AL11969463	A. BUILDING: _____ B. WING _____	05/08/2020

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
YOURLIFE OF PALM BEACH GARDENS	13465 PASTEUR BLVD PALM BEACH GARDENS, FL 33418

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
A 000	Initial Comments An control complaint (Complaint # 2020008050) was conducted at Yourlife Of Palm Beach Gardens on - . The facility had a deficiency identified at the time of the survey.	A 000		
A 030 SS=D	59A-36.007(6) FAC; 429.28( ) FS 429.27 Resident Care - Rights & Facility Procedures 59A-36.007 (6) RESIDENT RIGHTS AND FACILITY PROCEDURES. (a) A copy of the Resident Bill of Rights as described in section 429.28, F.S., or a summary provided by the Long-Term Care Ombudsman Program must be posted in full view in a freely accessible resident area, and included in the admission package provided pursuant to rule 59A-36.006, F.A.C. (b) In accordance with section 429.28, F.S., the facility must have a written grievance procedure for receiving and responding to resident complaints and a written procedure to allow residents to recommend changes to facility policies and procedures. The facility must be able to demonstrate that such procedure is implemented upon receipt of a complaint. (c) The telephone number for lodging complaints against a facility or facility staff must be posted in full view in a common area accessible to all residents. The telephone numbers are: the Long-Term Care Ombudsman Program, 1(888)831-0404; , Rights Florida, 1(800)342-0823; the Agency Consumer Hotline 1(888)419-3456, and the statewide toll-free telephone number of the Florida Hotline, 1(800)96- or 1(800)962-2873. The telephone numbers must be posted in close proximity to a telephone accessible by residents	A 030		

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A 030	Continued From page 1	A 030		

and the text must be a minimum of 14-point font.
(d) The facility must have a written statement of its house rules and procedures that must be included in the admission package provided pursuant to rule 59A-36.006, F.A.C. The rules and procedures must at a minimum address the facility's policies regarding:
1. Resident responsibilities;
2. [illegible] and tobacco use;
3. Medication storage;
4. Resident elopement;
5. Reporting resident , neglect, and [illegible];
6. Administrative and housekeeping schedules and requirements;
7. control, sanitation, and universal precautions; and,
8. The requirements for coordinating the delivery of services to residents by third party providers.
(e) Residents may not be required to perform any work in the facility without compensation. Residents may be required to clean their own sleeping areas or apartments if the facility rules or the facility contract includes such a requirement. If a resident is employed by the facility, the resident must be compensated in compliance with state and federal wage laws.
(f) The facility must provide residents with convenient access to a telephone to facilitate the resident's right to unrestricted and private communication, pursuant to section 429.28(1)(d), F.S. The facility must allow unidentified telephone calls to residents. For facilities with a licensed capacity of 17 or more residents in which residents do not have private telephones, there must be, at a minimum, a readily accessible telephone on each floor of each building where residents reside.
(g) In addition to the requirements of section

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A 030	Continued From page 2 429.41(1)(k), F.S., the use of physical . . . . . by a facility on a resident must be reviewed by the resident's physician annually. Any device, including half-bed rails, which the resident chooses to use and can remove or avoid without assistance, is not considered a physical . 429.28 Resident bill of rights.- (1) No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to: (a) Live in a safe and decent living environment, free from and neglect. (b) Be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy. (c) Retain and use his or her own clothes and other personal property in his or her immediate living quarters, so as to maintain individuality and personal dignity, except when the facility can demonstrate that such would be unsafe, impractical, or an infringement upon the rights of other residents. (d) Unrestricted private communication, including receiving and sending unopened correspondence, access to a telephone, and visiting with any person of his or her choice, at any time between the hours of 9 a.m. and 9 p.m. at a minimum. Upon request, the facility shall make provisions to extend visiting hours for caregivers and out-of-town guests, and in other similar situations. (e) Freedom to participate in and benefit from community services and activities and to pursue the highest possible level of independence, autonomy, and interaction within the community.	A 030		

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A 030	Continued From page 3 (f) Manage his or her financial affairs unless the resident or, if applicable, the resident's representative, designee, surrogate, guardian, or attorney in fact authorizes the administrator of the facility to provide safekeeping for funds as provided in s. 429.27. (g) Share a room with his or her spouse if both are residents of the facility. (h) Reasonable opportunity for regular exercise several times a week and to be outdoors at regular and frequent intervals except when prevented by inclement weather. (i) Exercise civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, nor any attendance at religious services, shall be imposed upon any resident. (j) Assistance with obtaining access to adequate and appropriate health care. For purposes of this paragraph, the term "adequate and appropriate health care" means the management of medications, assistance in making , , for health care services, the provision of or arrangement of transportation to health care ..., and the performance of health care services in accordance with s. 429.255 which are consistent with established and recognized standards within the community. (k) At least 45 days' notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally ..., the guardian shall be given at least 45 days' notice of a nonemergency relocation or residency termination. Reasons for	A 030		

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A 030	Continued From page 4	A 030		

relocation shall be set forth in writing. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.
(l) Present grievances and recommend changes in policies, procedures, and services to the staff of the facility, governing officials, or any other person without , interference, coercion, discrimination, or reprisal. Each facility shall establish a grievance procedure to facilitate the residents' exercise of this right. This right includes access to ombudsman volunteers and advocates and the right to be a member of, to be active in, and to associate with advocacy or special interest groups.
(2) The administrator of a facility shall ensure that a written notice of the rights, , and prohibitions set forth in this part is posted in a prominent place in each facility and read or explained to residents who cannot read. The notice must include the statewide toll-free telephone number and e-mail address of the State Long-Term Care Ombudsman Program and the telephone number of the local ombudsman council, the Elder Hotline operated by the Department of Children and Families, and, if applicable, , Rights Florida, where complaints may be lodged. The notice must state that a complaint made to the Office of State Long-Term Care Ombudsman or a local long-term care ombudsman council, the names and identities of the residents involved in the complaint, and the identity of complainants are kept confidential pursuant to s. 400.0077 and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right. The facility must ensure a resident's access to a telephone to

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A 030	Continued From page 5 call the State Long-Term Care Ombudsman Program or local ombudsman council, the Elder [illegible] Hotline operated by the Department of Children and Families, and [illegible], Rights Florida. 429.27 Property and personal affairs of residents.- (1)(a) A resident shall be given the option of using his or her own belongings, as space permits; choosing his or her roommate; and, whenever possible, unless the resident is adjudicated [illegible] or [illegible] under state law, managing his or her own affairs. (b) The admission of a resident to a facility and his or her presence therein shall not confer on the facility or its owner, administrator, employees, or representatives any authority to manage, use, or dispose of any property of the resident; nor shall such admission or presence confer on any of such persons any authority or responsibility for the personal affairs of the resident, except that which may be necessary for the safe management of the facility or for the safety of the resident. This Statute or Rule is not met as evidenced by: Based on observation, interview and policy review, the facility failed to safe guard the residents wellbeing by failing to follow current [illegible] control standards related to the COVID-19 recommendations set forth by the Centers for Control and Prevention (CDC) and and the State of Florida Executive Orders and Department of Emergency Management orders during a Public Health Emergency. The facility failed to ensure that residents and visitors wear [illegible] coverings or [illegible] masks, prohibit non-essential visitation, and to	A 030		

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A 030	Continued From page 6 screen all visitors for the presence of and symptoms of COVID-19 when visiting the facility for 6 out of 136 sampled residents (Residents # 1 - #6). Findings included: Review of the facility " Control Recommendations for COVID-19" policy and procedures dated on , indicated that the facility will implement standard precautions, such as wearing masks and following control protocols such as suspending visitation for non-essential individuals and that individuals are screened via COVID-19 questionnaire. Review of the State of Florida Executive Order 20-52 and Department of Emergency Management 20-006 dated , prohibits all individuals from visiting facilities within the State of Florida, including Assisted Living Facilities. Every facility must prohibit the entry of any individual, to the facility except in the following circumstances: end-of-life situations, providing necessary health care to a resident, and representatives of the federal or state government. Individuals entering a facility are subject to a screening criterion using a standardized questionnaire or other form of documentation. CDC guidelines for Assisted Living Facilities include: Encourage residents to remain in their rooms as much as possible, practice social (physical) distancing, and not allow outside visitors to the facility. If residents leave their room or are around others, they should wear a cloth covering (if tolerated), regardless of symptoms. If the resident does not have a cloth cover, a facemask may be used for source	A 030		

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A 030	Continued From page 7 control. In an observation on . . . . . , three residents were sitting outside on the patio area. Resident # 1 and Resident # 2 were sitting on benches . . . to on opposite sides of one another in the front entrance to the Assisted Living Facility (ALF) with no masks. Resident # 1 and Resident # 2 were sitting on benches . . . to . . . on opposite sides of one another in the front entrance to the Assisted Living Facility (ALF) with no masks. Resident #3 was sitting in a wheelchair with no . . . mask speaking with her daughter who was sitting across from her in a chair. Her daughter had a . . . mask on around her not pulled over her and . The Director of Wellness also observed the daughter and the resident sitting out on the patio together. She stated that she did not know where the daughter came from. She did not try to discourage visitation. On . . ./2020at 9:26 AM, an interview was conducted with the Resident # 3 and her daughter. The daughter stated that she has currently been visiting her mother once a week for the last few weeks and this has been since the governor has issued the no visitation order. She stated that she thought it was ok to visit if she did not enter inside of the facility. She sends a message to her mother's phone to let her know when she will come to see her. She stated that the facility does not screen her on any visits. She did not receive a questionnaire to complete and the facility did not complete a temperature check. She stated that when she visits her mother, she has seen the facility allowing other family members to visit also. She stated that she meets with her mother only on the outside. If she were to go on the inside of the facility, she would have to	A 030		

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A 030	Continued From page 8 go through the screening process. She has not entered the facility since the screening process has started. She stated that during times, she is there no other family members have entered the facility. She has only observed family members visiting on the outside. Resident # 3 stated that the facility does not encourage her to wear . . . masks inside of the building. She stated that the staff wear . . . masks. The surveyor also observed staff members wearing masks. Additional observations at 10:22 AM revealed three residents residents with no . . . masks as follows: Resident # 4 in the lobby sitting in a chair with no . . . mask, Resident # 5 in the hall way walking with no mask, Resident # 6 sitting outside in a wheelchair on the side walk south of the ALF entrance with no mask, with a family member sitting in the chair directly in front of the resident with no mask. The Director of Wellness observed the same observations with the surveyor and provided no additional information. During these observations, it was also noted that the facility staff did not encourage the residents to remain inside their respective rooms so to limit their interactions with other residents and staff members, so to prevent the spread of potential . . An interview was conducted with the Executive Director (ED) on . . . . . at 10:30 AM, he stated that he uses other alternative visitation methods such as a drive through and parking lot visitation. He stated that the memory care unit is a difficult population. The facility allows the family to drive by in their cars wearing masks while the residents are sitting in a chair outside on the sidewalk with their masks on. The family members stop and talk with the resident while sitting in their cars. He stated they also use	A 030		

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A 030	Continued From page 9 skype, . . . time, and phone calls. He stated that they cannot use window visitation because all the resident rooms are enclosed inside the facility and you would have to enter the facility for visitation. For the ALF, family visitation is allowed once a month in the parking lot. The resident and the family member sit 8 . . . apart with . . . masks speaking to one another for 1 hour. He stated that they cannot come inside of the facility, but they can visit on the outside of the facility. The ED provided the surveyor with a copy of the Parking Lot Visitation for Assisted Living Once a month facility policy dated . . . . He stated that he is responsible for creating this policy. He also provided a copy of the family sign-in sheet for 26 family members that visited the ALF residents on . . . . He stated that he has only completed the visitation once for the Memory Care on . . . . . and for the ALF on . . . . He stated that he notified the family members by sending out flyers. The ED stated the facility policy for parking visitation was not discussed with the Agency for Health Care Administration (AHCA) or with the Department of Health (DOH). Review of the Parking Lot Visitation dated . . . . . , states once a month an Assisted Living resident can visit with their family with a limit of 2 family members plus resident. The visit will last 1 hour. Reservations will be taken by the front desk with a limit of 2 guests per resident. All visitors will have their temperatures taken in a designated area, before they can visit with the resident. The following guidelines will be in place during these visitation periods: 1. All residents will be wearing masks during the entire visit. 2. All visitors will have their temperatures taken before visitation.	A 030		

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A 030	Continued From page 10 3. All family members will be wearing masks during entire visit. 4. Family members will be walked over to loved ones to follow the CDC social distancing guidelines. 5. Chairs will be placed at a minimal of 6 apart as per CDC social distancing guidelines. 6. All chairs are sanitized with an solution before and after each visit. 7. sanitizer is available during this visit. 8. Hydration stations will be in place for visits. On ..... at 11:00 AM, the surveyor informed the ED that there is to be no visitation per the State of Florida Division of Emergency Management Executive Order and the CDC. The surveyor provided the ED with copies of the Executive Order and the CDC guidelines. The ED stated that he was not aware that there could be no visitation on the outside of the facility. He thought it only applied to the inside of the facility. He stated that he has stopped all non-essential visitation. During an interview on ..... at 11:45 AM with the ED and the Director of Wellness the findings were acknowledged, and no additional information was provided. Class III	A 030		