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
	AL11964663	A. BUILDING: _____ B. WING _____	06/24/2020

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
BROOKDALE FORT MYERS LAKES PARK	14521 LAKEWOOD BOULEVARD FORT MYERS, FL 33919

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A 000	Initial Comments An unannounced complaint survey for complaint #202001078 with an control focus and generator variance survey was conducted on at Brookdale Fort Myers Lakes Park, an assisted living facility in Fort Myers, Florida. Complaint #2020010783 was substantiated with citation at A030. The following is a description of the deficiency.	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	A 030		

AHCA Form 3020-0001

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE | TITLE | (X6) DATE

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A 030	Continued From page 1 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 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. and tobacco use; 3. Medication storage; 4. Resident elopement; 5. Reporting resident . . . . . , neglect, and . ; 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	A 030		

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A 030	Continued From page 2 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 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	A 030		

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A 030	Continued From page 3 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. (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	A 030		

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A 030	Continued From page 4	A 030		

harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally [illegible], the guardian shall be given at least 45 days' notice of a nonemergency relocation or residency termination. Reasons for 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 [illegible], 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, [illegible], 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 [illegible] Hotline operated by the Department of Children and Families, and, if applicable, [illegible], 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

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A 030	Continued From page 5 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 call the State Long-Term Care Ombudsman Program or local ombudsman council, the Elder Hotline operated by the Department of Children and Families, and , 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 , or , 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 record review; staff and resident interview, the facility failed to honor resident rights for a safe living environment by allowing an unauthorized child into the facility during the restricted COVID pandemic. The facility Administrator and other staff were aware of the State of Florida Emergency Order to restrict	A 030		

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A 030	Continued From page 6 visitors of nonessential persons from the facility to help prevent the spread of COVID-19 to . . . . . residents and staff. The findings included: On review of the State of Florida Division of Emergency Management Emergency Order - DEM Order NO. 20-006 dated . . . . . it records that in response to the COVID-19 Public Health Emergency, which poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities. The order's purpose is for prohibiting all individuals from visiting facilities within the state of Florida this includes Assisted Living Facilities (ALFs). Number 1. Every facility must prohibit the entry of any nonessential personnel and visitors. Number 5. Documentation must be kept for visitation within a facility: a. Individuals entering a facility are subject to the screening criteria for sign and symptoms of COVID-19. b. The facility is required to maintain documentation of all non-residents entering the facility. On . . . . . at 10:46 a.m., in an interview with Resident #1 in # , she said she was aware of the little girl that came to the facility with her mom. She said she believed her mom could not find day care and that was why she was there. She said she would run past her room and say hi. Resident #1 said she was on a 14-day isolation since she had gone to an , , outside the facility so she could not come out of her room. She said it was strange to see her in the facility with all the restrictions and she did not think it was the right thing to have her in the	A 030		

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A 030	Continued From page 7 facility running around. On . . . . . at 10:50 a.m., in an interview with Resident #2 in # , she said she was aware of the young child that was in the facility most days. She said she would run around and talk to the residents, one day she saw her sitting out on the floor outside her room and she said she was lost. The resident said the little girl also came to her room and asked if she could take her dog out for a walk in the courtyard. She said she did not think it was right to have a child in the facility with all the COVID restrictions and the little girl did not wear a mask. Resident #2 said she was on a 14 day isolation because she had to go out for a doctor's , , and a procedure and was not allowed out of her room except for taking her dog to the courtyard and . On at 10:57 a.m., in an interview with Resident #3, she said she has seen the small little girl in the facility, and she is often on her own. She said she does not understand how she can be here and allowed to run around the facility when other families cannot come in. She said she is currently on isolation because she had to go out of the facility for an , , procedure. She said she feels it is unsafe to have the child in the facility. On . . . . . at 11:35 a.m., in an interview with the Administrative Assistant, she said the Health and Wellness Director (HWD) had been bringing in her young daughter (approx. ,) into the facility since the schools have been closed. She said she brings her in almost every day, and she puts her in an empty room, but she is allowed to go around the facility. She said she has talked to the HWD about it and told her she could not do that, and she does not stop. the Administrative	A 030		

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A 030	Continued From page 8 Assistant said it is not in compliance with the rules to keep the facility and its resident safe and it is not safe for the child either. She also said she has talked with the Executive Director about it and she has been unable to convince the HWD to not do it either and the HWD threatens to quit work and she knows it is hard to find another nurse at this time. She said many of the residents had commented on the child being allowed in the building even though visitors were not allowed and were concerned about this. She said the child did not wear a mask. On at 11:37 a.m., in an interview with the Sales Manager, she said she was also aware the HWD's child was being brought into the facility and she did not think it was right. She said all the other staff had to find childcare and she should too. She said the child did not wear a mask, was allowed to run the facility and many residents had made comments on it and were upset she was here. She said she had voiced her concern to the HWD but it did no good and she kept bringing her in. On at 11:47 a.m., in an interview with the Executive Director of the Cypress Lake Brookdale facility she said the HWD brought her child into the facility. The HWD was letting her run the hallways and interact with residents and it was not acceptable, it was not in compliance with the state of Florida Emergency order or the policy of Brookdale in the COVID pandemic. On at 12:05 p.m., in a phone interview with the Executive Director (ED, she said she was aware the Health & Wellness Director's (HWD) child was being brought to the facility while her mother worked. She said she had spoken to her multiple times and told her she could not bring	A 030		

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A 030	Continued From page 9 her into the facility. She said the HWD would then say that she would take her home and find some someone to take care of her then she would find she was coming in again. She said she would put the child in an empty room, but she would also come out. The ED said she was aware it was not allowed to have a child or any family member in the facility. She said she was aware it was not in compliance with the emergency order related to the COVID pandemic. She said she was unaware if the child was ever screened, and if she was, there is no record of it. She said she was unaware if the child had ever had a COVID test done. Class III	A 030		