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
	AL11963950	A. BUILDING: _____ B. WING _____	R 10/20/2020

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
BENEVA LAKES ASSISTED LIVING CENTER	743 S. BENEVA ROAD SARASOTA, FL 34232

(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 unannounced revisit survey was conducted on . . . . . through . . . . . at Beneva Lakes Assisted Living Center, an assisted living facility in Sarasota, Florida. This was a follow-up to the focused . . . . control survey completed on . The following is description of the deficiency found at the time of the visit.	{A 000}		
{A 030}	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 observation, staff and resident interview and record review, the facility failed to safeguard residents' well-being for 8 (Resident #6, #7, #9, #14, #15, #16, #17, and #18) of 8 residents reviewed by failing to ensure repair in the residents' living environment, which includes resident rooms and outside space that is used to	{A 030}		

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{A 030}	Continued From page 6 congregate. The findings included: On at 9:30 a.m., during the facility tour of 3 residents' rooms it was observed that # (home of Resident #16 & 17), # (home of Resident #3 and #15), and # (home of Resident #14) had heavily soiled/stained carpet. On at 9:35 a.m., Resident #14 in # , said the carpet had been cleaned and right after it dried the stains came right up through the carpet. She said she would do anything if the surveyor could get her some new carpet. On at 3:30 p.m., in an interview with the Administrator, she said she knew the rugs in the above mentioned rooms were badly stained and needed to be replaced but had not yet approached her corporate managers to get the approval for replacement. On at 10:30 a.m., during a facility tour it was observed in Resident #6's room, the ceiling near the exterior wall had a large hole with dark brown areas around a hole in the ceiling. The exterior wall appeared to have water damage and several areas on the wall were patched but not painted. Below the hole in the ceiling was a brown trash can with ceiling remnants in the trash can and on the floor. On the inner wall there was a large hole in the drywall which was not patched. On at 10:35 a.m., Resident #6 said the roof has been leaking for almost a year causing a hole in his ceiling. Due to the water coming into his room, he had to put the brown trash can	{A 030}		

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{A 030}	Continued From page 7 under the leak to catch the rainwater so it would not spread all over the floor. He said the Director of Maintenance ( ) had attempted to patch the roof several times over the past several months but it never works. He said the large hole in the interior wall happened several months ago when he leaned in his recliner. He said the said he would repair the hole in the ceiling and the hole in the wall several months ago, but as of this time the had not repaired either holes. On at 11:00 a.m., in an interview with Resident #7 he said he is a smoker and has lived at the facility for several years. Because of the pandemic, the facility went on lock down in . The residents who smoke must use the inner courtyard for their smoke breaks. Since the grass and the vegetation overgrowth have not been maintained. Also prior to the lock down a tree had , and the tree is partially blocking the sidewalk the residents use to get to the smoking area. The sidewalk in the inner courtyard is uneven in several areas and is a tripping and hazard to the residents. Resident #7 pointed out an area of large overgrowth that was completely covering an approximately 6 tall lamp post. The lamp post could not be seen without moving overgrown bushes. On at 12:20 p.m., in an interview with Resident #9, she said she is a smoker and because of the facility lock down in , they must use the inner courtyard for smoke breaks. She said the sidewalk in several areas is uneven, causing those areas to be a tripping hazard to the residents. She said several months ago a tree in the courtyard and is blocking part of the sidewalk the residents use to get to the smoking area. She said the smoking area is a	{A 030}		

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{A 030}	Continued From page 8 potential hazard to the residents because of the overgrown vegetation, the uneven sidewalks and the tree which is partially blocking the sidewalk. On at 9:00 a.m., in an interview with Staff D, she said due to the facility lock down in the residents who smoke must use the inner courtyard for their smoke breaks. She said the sidewalk in the inner courtyard is uneven in several areas causing it to be a tripping hazard to the residents. She said the vegetation and grass in the inner courtyard had not be maintained since . She said the tree partially blocking the sidewalk in the inner courtyard in . On review of the monthly incident log revealed on , a report signed by the Director of Nursing noted a resident out of her wheelchair, causing a while attempting to move a large tree branch in the inner courtyard. On at 3:30 p.m., in an interview with the Administrator and the Director of Maintenance ( ), they confirmed the facility went on lock down in due to the pandemic. The AD said because of the lock down the residents who smoke are using the inner courtyard for their smoke breaks. The confirmed he has patched the roof above Resident #6's room several times and the hole in his ceiling is due to the multiple roof leaks. He confirmed the holes in the ceiling and in the inner wall have not been patched and painted as required for several weeks. A tour of the inner courtyard was conducted with the Administrator and and they confirmed	{A 030}		

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{A 030}	Continued From page 9 there are several areas where the sidewalk was uneven and was a tripping hazard to the residents. The Administrator and said they were not informed by the Director of Nursing (DON) of a resident from her wheelchair on while trying to move a branch in the inner courtyard in which she sustained an injury. The confirmed the vegetation in the inner courtyard is overgrown and had not been maintained since . The said the groundskeepers had not been allowed inside the facility to maintain vegetation in the inner courtyard nor had he made attempts to prevent the overgrowth of the landscaping in the inner courtyard. He said the tree partially blocking the sidewalk in , and is a potential hazard to the residents. Photographic Evidence Obtained Class III	{A 030}		