

Agency for Health Care Administration

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| STATEMENT OF DEFICIENCIES<br>AND PLAN OF CORRECTION              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (X1) PROVIDER/SUPPLIER/CLIA<br>IDENTIFICATION NUMBER:<br><br><b>AL11967253</b> | (X2) MULTIPLE CONSTRUCTION<br>A. BUILDING: _____<br><br>B. WING: _____                                                   |  | (X3) DATE SURVEY<br>COMPLETED<br><br><b>R</b><br><b>12/22/2020</b> |
| NAME OF PROVIDER OR SUPPLIER<br><br><b>LA PAZ HOME CARE CORP</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                | STREET ADDRESS, CITY, STATE, ZIP CODE<br><b>12968 NW 9 TERRACE</b><br><b>MIAMI, FL 33182</b>                             |  |                                                                    |
| (X4) ID<br>PREFIX<br>TAG                                         | SUMMARY STATEMENT OF DEFICIENCIES<br>(EACH DEFICIENCY MUST BE PRECEDED BY FULL<br>REGULATORY OR LSC IDENTIFYING INFORMATION)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | ID<br>PREFIX<br>TAG                                                            | PROVIDER'S PLAN OF CORRECTION<br>(EACH CORRECTIVE ACTION SHOULD BE<br>CROSS-REFERENCED TO THE APPROPRIATE<br>DEFICIENCY) |  | (X5)<br>COMPLETE<br>DATE                                           |
| CZ814                                                            | <p>435.12(2)(b-d), FS Background Screening Clearinghouse</p> <p>435.12(2) Care Provider Background Screening Clearinghouse.-</p> <p>(b) Until such time as the _____ are enrolled in the national retained print _____ notification program at the Federal Bureau of Investigation, an employee with a break in service of more than 90 days from a position that requires screening by a specified agency must submit to a national screening if the person returns to a position that requires screening by a specified agency.</p> <p>(c) An employer of persons subject to screening by a specified agency must register with the clearinghouse and maintain the employment status of all employees within the clearinghouse. Initial employment status and any changes in status must be reported within 10 business days.</p> <p>(d) An employer must register with and initiate all criminal history checks through the clearinghouse before referring an employee or potential employee for electronic _____ submission to the Department of Law Enforcement. The registration must include the employee's full first name, middle initial, and last name; social security number; date of birth; mailing address; _____; and race. Individuals, persons, applicants, and controlling interests that cannot legally obtain a social security number must provide an individual taxpayer identification number.</p> <p>This Statute or Rule is not met as evidenced by: Based on Observation, record review, and interview, the facility failed to keep an updated employee roster in the background screening clearinghouse database for one out of five sampled staff (Staff E).</p> <p>Findings included:</p> | CZ814                                                                          |                                                                                                                          |  |                                                                    |

AHCA Form 3020-0001

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Agency for Health Care Administration

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| CZ814                                                            | <p>Continued From page 1</p> <p>Observation on ..... at 06:27 AM showed Staff E was observed in facility with a census of 5 residents (Residents #1, #2, #3, #5, and #6).</p> <p>A review of the facility' staffing pattern showed Staff E was not listed.</p> <p>A review of the facility's employee roster in the background screening clearinghouse database revealed Staff E was not included.</p> <p>On ..... at 08:05 AM, Staff E stated that today made her the third day working in the facility.</p> <p>On ..... at 07:45 AM, the owner stated Staff E had been working in the facility for 3 days. The owner also stated that they had not done any application or training certificates yet for Staff E because the administrator had not come to the facility since Staff E had been hired.</p> <p>On ..... at 07:55 AM, the administrator stated that Staff E had been working with them for just one day. He stated that Staff E only slept there last night because Staff B could not stay over. He stated, "Common, she's been there for one day only to help my wife (the owner). She was there by herself last night only. You know with the pandemic, it's hard to find a staff. I have not been over there; that's the reason she does not have any documents done."</p> <p>Unclassified</p> | CZ814                                                                          |                                                                                                                          |  |                                                                    |
| {CZ815}                                                          | 408.809; 435.02(2); 435.06 FS Background Screening; Prohibited Offenses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | {CZ815}                                                                        |                                                                                                                          |  |                                                                    |

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| {CZ815}                                                          | <p>Continued From page 2</p> <p>408.809 Background screening; prohibited offenses.-</p> <p>(1) Level 2 background screening pursuant to chapter 435 must be conducted through the agency on each of the following persons, who are considered employees for the purposes of conducting screening under chapter 435:</p> <p>(a) The licensee, if an individual.</p> <p>(b) The administrator or a similarly titled person who is responsible for the day-to-day operation of the provider.</p> <p>(c) The financial officer or similarly titled individual who is responsible for the financial operation of the licensee or provider.</p> <p>(d) Any person who is a controlling interest.</p> <p>(e) Any person, as required by authorizing statutes, seeking employment with a licensee or provider who is expected to, or whose responsibilities may require him or her to, provide personal care or services directly to clients or have access to client funds, personal property, or living areas; and any person, as required by authorizing statutes, _____ with a licensee or provider whose responsibilities require him or her to provide personal care or personal services directly to clients, or _____ with a licensee or provider to work 20 hours a week or more who will have access to client funds, personal property, or living areas. Evidence of contractor screening may be retained by the contractor's employer or the licensee.</p> <p>(3) All _____ must be provided in electronic format. Screening results shall be reviewed by the agency with respect to the offenses specified in s. 435.04 and this section, and the qualifying or disqualifying status of the person named in the request shall be maintained in a database. The</p> | {CZ815}                                                                        |                                                                                                                          |  |                                                                    |

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| {CZ815}                                                          | <p>Continued From page 3</p> <p>qualifying or disqualifying status of the person named in the request shall be posted on a secure website for retrieval by the licensee or designated agent on the licensee's behalf.</p> <p>(4) In addition to the offenses listed in s. 435.04, all persons required to undergo background screening pursuant to this part or authorizing statutes must not have an . . . awaiting final disposition for, must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record not have been sealed or expunged for any of the following offenses or any similar offense of another jurisdiction:</p> <p>(a) Any authorizing statutes, if the offense was a felony.</p> <p>(b) This chapter, if the offense was a felony.</p> <p>(c) Section 409.920, relating to Medicaid provider fraud.</p> <p>(d) Section 409.9201, relating to Medicaid fraud.</p> <p>(e) Section 741.28, relating to domestic violence.</p> <p>(f) Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.</p> <p>(g) Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.</p> <p>(h) Section 817.234, relating to false and fraudulent insurance claims.</p> <p>(i) Section 817.481, relating to obtaining goods by using a false or expired credit card or other credit device, if the offense was a felony.</p> <p>(j) Section 817.50, relating to fraudulently obtaining goods or services from a health care provider.</p> <p>(k) Section 817.505, relating to patient brokering.</p> <p>(l) Section 817.568, relating to criminal use of</p> | {CZ815}                                                                                      |                                                                                                                          |

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| {CZ815}                                                          | Continued From page 4<br><br>personal identification information.<br>(m) Section 817.60, relating to obtaining a credit card through fraudulent means.<br>(n) Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.<br>(o) Section 831.01, relating to forgery.<br>(p) Section 831.02, relating to uttering forged instruments.<br>(q) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.<br>(r) Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.<br>(s) Section 831.30, relating to fraud in obtaining medicinal drugs.<br>(t) Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.<br>(u) Section 895.03, relating to racketeering and collection of unlawful debts.<br>(v) Section 896.101, relating to the Florida Money Laundering Act.<br><br>If, upon rescreening, a person who is currently employed or . . . . . with a licensee and was screened and qualified under s. 435.04 has a disqualifying offense that was not a disqualifying offense at the time of the last screening, but is a current disqualifying offense and was committed before the last screening, he or she may apply for an exemption from the appropriate licensing agency and, if agreed to by the employer, may continue to perform his or her duties until the licensing agency renders a decision on the application for exemption if the person is eligible to apply for an exemption and the exemption request is received by the agency no later than 30 days after receipt of the rescreening results by the person. | {CZ815}                                                                        |                                                                                                                          |                          |                                                                    |

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| {CZ815}                                                          | <p>Continued From page 5</p> <p>(5) The costs associated with obtaining the required screening must be borne by the licensee or the person subject to screening. Licensees may reimburse persons for these costs. The Department of Law Enforcement shall charge the agency for screening pursuant to s. 943.053(3). The agency shall establish a schedule of fees to cover the costs of screening.</p> <p>(6)(a) As provided in chapter 435, the agency may grant an exemption from disqualification to a person who is subject to this section and who:</p> <ol style="list-style-type: none"> <li>Does not have an active professional license or certification from the Department of Health; or</li> <li>Has an active professional license or certification from the Department of Health but is not providing a service within the scope of that license or certification.</li> </ol> <p>(b) As provided in chapter 435, the appropriate regulatory board within the Department of Health, or the department itself if there is no board, may grant an exemption from disqualification to a person who is subject to this section and who has received a professional license or certification from the Department of Health or a regulatory board within that department and that person is providing a service within the scope of his or her licensed or certified practice.</p> <p>(7) The agency and the Department of Health may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section, chapter 435, and authorizing statutes requiring background screening and to implement and adopt criteria relating to retaining _____ pursuant to s. 943.05(2).</p> <p>(8) There is no reemployment assistance or other monetary liability on the part of, and no cause of action for damages arising against, an employer that, upon notice of a disqualifying offense listed</p> | {CZ815}                                                                        |                                                                                                                          |  |                                                                    |

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| {CZ815}                                                          | <p>Continued From page 6</p> <p>under chapter 435 or this section, terminates the person against whom the report was issued, whether or not that person has filed for an exemption with the Department of Health or the agency.</p> <p>435.06 Exclusion from employment.-</p> <p>(1) If an employer or agency has reasonable cause to believe that grounds exist for the denial or termination of employment of any employee as a result of background screening, it shall notify the employee in writing, stating the specific record that indicates noncompliance with the standards in this chapter. It is the responsibility of the affected employee to contest his or her disqualification or to request exemption from disqualification. The only basis for contesting the disqualification is proof of mistaken identity.</p> <p>(2)(a) An employer may not hire, select, or otherwise allow an employee to have contact with any _____ person that would place the employee in a role that requires background screening until the screening process is completed and demonstrates the absence of any grounds for the denial or termination of employment. If the screening process shows any grounds for the denial or termination of employment, the employer may not hire, select, or otherwise allow the employee to have contact with any _____ person that would place the employee in a role that requires background screening unless the employee is granted an exemption for the disqualification by the agency as provided under s. 435.07.</p> <p>(b) If an employer becomes aware that an employee has been _____ for a disqualifying offense, the employer must remove the employee from contact with any _____ person that places the employee in a role that requires</p> | {CZ815}                                                                        |                                                                                                                          |  |                                                                    |

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**12968 NW 9 TERRACE  
MIAMI, FL 33182**

| (X4) ID<br>PREFIX<br>TAG | SUMMARY STATEMENT OF DEFICIENCIES<br>(EACH DEFICIENCY MUST BE PRECEDED BY FULL<br>REGULATORY OR LSC IDENTIFYING INFORMATION)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ID<br>PREFIX<br>TAG | PROVIDER'S PLAN OF CORRECTION<br>(EACH CORRECTIVE ACTION SHOULD BE<br>CROSS-REFERENCED TO THE APPROPRIATE<br>DEFICIENCY) | (X5)<br>COMPLETE<br>DATE |
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| {CZ815}                  | <p>Continued From page 7</p> <p>background screening until the . . . . is resolved in a way that the employer determines that the employee is still eligible for employment under this chapter.</p> <p>(c) The employer must terminate the employment of any of its personnel found to be in noncompliance with the minimum standards of this chapter or place the employee in a position for which background screening is not required unless the employee is granted an exemption from disqualification pursuant to s. 435.07.</p> <p>(d) An employer may hire an employee to a position that requires background screening before the employee completes the screening process for training and orientation purposes. However, the employee may not have direct contact with . . . . . persons until the screening process is completed and the employee demonstrates that he or she exhibits no behaviors that warrant the denial or termination of employment.</p> <p>(3) Any employee who refuses to cooperate in such screening or refuses to timely submit the information necessary to complete the screening, including . . . . . if required, must be disqualified for employment in such position or, if employed, must be dismissed.</p> <p>(4) There is no reemployment assistance or other monetary liability on the part of, and no cause of action for damages against, an employer that, upon notice of a conviction or . . . . for a disqualifying offense listed under this chapter, terminates the person against whom the report was issued or who was . . . . , regardless of whether or not that person has filed for an exemption pursuant to this chapter.</p> <p>435.02 Definitions.--For the purposes of this chapter, the term:</p> | {CZ815}             |                                                                                                                          |                          |

Agency for Health Care Administration

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| NAME OF PROVIDER OR SUPPLIER<br><br><b>LA PAZ HOME CARE CORP</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                | STREET ADDRESS, CITY, STATE, ZIP CODE<br><b>12968 NW 9 TERRACE<br/>MIAMI, FL 33182</b>                                   |                          |                                                              |
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| {CZ815}                                                          | <p>Continued From page 8</p> <p>(2) "Employee" means any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers.</p> <p>This Statute or Rule is not met as evidenced by:<br/>Based on observation, interview, and record review, the facility failed to ensure that all personnel who had access and lived on the property had an eligible Level II background screening.</p> <p>Finding included:</p> <p>Observation on _____ at 06:27 AM showed Staff E was observed in facility with a census of 5 residents (Residents #1, #2, #3, #5, and #6).</p> <p>On _____ at 08:05 AM, Staff E stated that today made her the third day working in the facility.</p> <p>A review of the Florida Clearinghouse showed no record of Staff E.</p> <p>A review of the facility's record showed that Staff E had no Level II Background Screening in file.</p> <p>On _____ at 07:45 AM, the owner confirmed that Staff E had been working in the facility for 3 days.</p> <p>On _____ at 07:55 AM, the administrator also confirmed that Staff E had been working in the facility without a level II Background Screening. He stated that Staff E only slept there last night because Staff B could not stay over.</p> | {CZ815}                                                                        |                                                                                                                          |                          |                                                              |

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| {CZ815}                                                          | Continued From page 9<br><br>Unclassified.                                                                                   | {CZ815}                                                                                      |                                                                                                                          |  |                                                                    |

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NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

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| {A 000}                  | Initial Comments<br><br>A revisit to COVID-19/Generator monitoring and a Standard Biennial survey was conducted at La Paz Home Care Corp on .<br>Deficiencies were identified at the time of the survey.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | {A 000}             |                                                                                                                          |                          |
| A 078<br>SS-I            | 59A-36.010(2) FAC Staffing Standards - Staff<br>(2) STAFF:<br>(a) Within 30 days after beginning employment, newly hired staff must submit a written statement from a health care provider documenting that the individual does not have any signs or symptoms of communicable . The examination performed by the health care provider must have been conducted no earlier than 6 months before submission of the statement. Newly hired staff does not include an employee transferring without a break in service from one facility to another when the facility is under the same management or ownership.<br>1. Evidence of a negative . . . . . examination must be documented on an annual basis. Documentation provided by the Florida Department of Health or a licensed health care provider certifying that there is a shortage of . . . . . testing materials satisfies the annual . . . . . examination requirement. An individual with a positive . . . . . test must submit a health care provider's statement that the individual does not constitute a risk of . . . . .<br>2. If any staff member has, or is suspected of having, a communicable . . . . ., such individual must be immediately removed from duties until a written statement is submitted from a health care provider indicating that the individual does not constitute a risk of transmitting a communicable . . . . . | A 078               |                                                                                                                          |                          |

AHCA Form 3020-0001

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Agency for Health Care Administration

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| A 078                                                            | <p>Continued From page 1</p> <p>(b) Staff must be qualified to perform their assigned duties consistent with their level of education, training, preparation, and experience. Staff providing services requiring licensing or certification must be appropriately licensed or certified. All staff must exercise their responsibilities, consistent with their qualifications, to observe residents, to document observations on the appropriate resident's record, and to report the observations to the resident's health care provider in accordance with this rule chapter.</p> <p>(c) All staff must comply with the training requirements of rule 59A-36.011, F.A.C.</p> <p>(d) An assisted living facility . . . . . to provide services to residents must ensure that individuals providing services are qualified to perform their assigned duties in accordance with this rule chapter. The contract between the facility and the staffing agency or contractor must specifically describe the services the staffing agency or contractor will provide to residents.</p> <p>(e) For facilities with a licensed capacity of 17 or more residents, the facility must:</p> <ol style="list-style-type: none"> <li>1. Develop a written job description for each staff position and provide a copy of the job description to each staff member; and,</li> <li>2. Maintain time sheets for all staff.</li> </ol> <p>(f) Level 2 background screening must be conducted for staff, including staff _____ by the facility to provide services to residents, pursuant to sections 408.809 and 429.174, F.S.</p> <p>This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to ensure that one out of three sampled staff was qualified to perform her assigned duties, consistent with her training (Staff E). Staff E, found onsite alone caring for five of five sampled residents (Residents # 1,2,3, 5 and 6), had no</p> | A 078                                                                          |                                                                                                                          |                          |                                                                    |

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| A 078                                                            | <p>Continued From page 2</p> <p>documented training.</p> <p>Findings included:</p> <p>Observation on ..... at 06:27 AM showed Staff E was the only facility staff onsite, and slept there the night before. At 06:32 AM, also observed five residents (Residents #1, #2, #3, #5, and #6) onsite.</p> <p>On ..... at 07:05 AM, observed the owner arrive in facility.</p> <p>A review of the facility's records showed that Staff E had no licensing or certification appropriate to care for residents, to document observations on the appropriate resident's record, and to report the observations to the resident's health care provider. The facility also did not have any documentation that staff E possessed a current ..... certification that required Staff E to demonstrate, in person, that she was able to perform ..... ( ..... ), and no training on ..... control, food service, assisting with medications, emergency procedures or other required trainings.</p> <p>A review of Resident #1's health assessment dated ..... showed the resident had a history and diagnoses of ..... from left ..... ( ..... ), ..... HLD ( ..... ), ..... B/I ( ..... ), ..... and ..... The resident needed assistance in all Activities of Daily Living (ADL) including Ambulation, Bathing, ..... Eating, Grooming, Toileting, and Transferring. The resident also</p> | A 078                                                                          |                                                                                                                          |                          |                                                                    |

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| A 078                                                            | <p>Continued From page 3</p> <p>needed assistance in self-administration of medication.</p> <p>A review of Resident #2's health assessment dated _____ showed the resident had a history and diagnoses of _____ Type II, Dyslipidemia, _____ of _____, chondrocalcinosis of right _____, Fatty _____ Valve _____ history of illegible word malignancy. The resident Needed assistance in Activities of Daily Living (ADL's) including Bathing, _____, Eating, Grooming, Toileting, and Transferring. The resident also needed assistance in self-administration of medication and needed supervision in Ambulation.</p> <p>A review of Resident #3's health assessment dated _____ showed the resident had a history and diagnoses of _____'s _____, and _____. The resident needed total care in all Activities of Daily Living (ADL's) including Ambulation, Bathing, _____, Eating, Grooming, Toileting, and Transferring. The resident also needed medication administration.</p> <p>A review of Resident #5's health assessment dated _____ showed the resident had a history and diagnoses of _____ associated with type 2 _____ Dyslipidemia associated with type 2 _____, Walker as Ambulation Aid Acute, _____, and _____. The resident Needed assistance in all Activities of Daily Living (ADL's) including Ambulation, Bathing, _____, Eating, Grooming, Toileting, and Transferring. The resident also needed</p> | A 078                                                                          |                                                                                                                          |                          |                                                                    |

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| A 078                                                            | <p>Continued From page 4</p> <p>assistance in self-administration of medication.</p> <p>A review of Resident #6's health assessment dated _____ showed the resident had a history and diagnoses of _____.</p> <p>The resident needed total care in all Activities of Daily Living (ADL's) including Ambulation, Bathing, _____, Eating, Grooming, Toileting, and Transferring. The resident also needed medication administration.</p> <p>On _____ at 07:45 AM, the owner stated Staff E had been working in the facility for 3 days. The owner also stated that they had not done any application or training certificates yet for Staff E because the administrator had not come to the facility since Staff E had been hired.</p> <p>On _____ at 07:55 AM, the administrator stated that Staff E had been working with them for just one day. He stated that Staff E only slept there last night because Staff B could not stay over. He stated, "Come on, she's been there for one day only to help my wife (the owner). She was there by herself last night only. You know with the pandemic, it's hard to find a staff. I have not been over there; that's the reason she does not have any documents done."</p> <p>On _____ at 08:05 AM, Staff E stated that the day of survey ( _____ ) made her the third day working in the facility. At 08:07 AM, Staff E stated that she did not know how to perform _____ and did not know what a _____ was ( _____ ). She stated they had not taught her those things yet. She also stated that she had not gone to a _____ class because she just started working there.</p> | A 078                                                                          |                                                                                                                          |  |                                                                    |

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| A 078                                                            | Continued From page 5<br><br>Class II                                                                                        | A 078                                                                                        |                                                                                                                          |  |                                                                    |