

Agency for Health Care Administration

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: AL11932588	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____		(X3) DATE SURVEY COMPLETED 01/28/2021
NAME OF PROVIDER OR SUPPLIER CALUSA HARBOUR			STREET ADDRESS, CITY, STATE, ZIP CODE 2525 E. FIRST STREET FORT MYERS, FL 33901		
(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
CZ814	435.12(2)(b-d), FS Background Screening Clearinghouse 435.12(2) Care Provider Background Screening Clearinghouse.- (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. (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. (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. This Statute or Rule is not met as evidenced by: Based on record review and staff interview, the facility failed to maintain the employment status of all employees and report any changes of status on the employee roster within 10 business days for 1 (Staff A) of 4 employees reviewed for the Background Screening Clearinghouse. The findings included:	CZ814			

AHCA Form 3020-0001

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**2525 E. FIRST STREET
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CZ814	Continued From page 1 Staff A's file revealed a hire date of _____ as a resident aide/medication technician. Review of the Agency's employee roster revealed Staff A was added to the clearing house roster on _____ On _____ at 10:30 a.m., the Human Resources Manager acknowledged the findings. Unclassified	CZ814		
CZ830 SS=F	408.821 FS Emergency Management Planning 408.821 Emergency management planning; emergency operations; inactive license.- (1) A licensee required by authorizing statutes and agency rule to have a comprehensive emergency management plan must designate a safety liaison to serve as the primary contact for emergency operations. Such licensee shall submit its comprehensive emergency management plan to the local emergency management agency, county health department, or Department of Health as follows: (a) Submit the plan within 30 days after initial licensure and change of ownership, and notify the agency within 30 days after submission of the plan. (b) Submit the plan annually and within 30 days after any significant modification, as defined by agency rule, to a previously approved plan. (c) Submit necessary plan revisions within 30 days after notification that plan revisions are required. (d) Notify the agency within 30 days after approval of its plan by the local emergency management agency, county health department, or Department of Health. (2) An entity subject to this part may temporarily	CZ830		

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CZ830	Continued From page 2 exceed its licensed capacity to act as a receiving provider in accordance with an approved comprehensive emergency management plan for up to 15 days. While in an overcapacity status, each provider must furnish or arrange for appropriate care and services to all clients. In addition, the agency may approve requests for overcapacity in excess of 15 days, which approvals may be based upon satisfactory justification and need as provided by the receiving and sending providers. (3)(a) An inactive license may be issued to a licensee subject to this section when the provider is located in a geographic area in which a state of emergency was declared by the Governor if the provider: 1. Suffered damage to its operation during the state of emergency. 2. Is currently licensed. 3. Does not have a provisional license. 4. Will be temporarily unable to provide services but is reasonably expected to resume services within 12 months. (b) An inactive license may be issued for a period not to exceed 12 months but may be renewed by the agency for up to 12 additional months upon demonstration to the agency of progress toward reopening. A request by a licensee for an inactive license or to extend the previously approved inactive period must be submitted in writing to the agency, accompanied by written justification for the inactive license, which states the beginning and ending dates of inactivity and includes a plan for the transfer of any clients to other providers and appropriate licensure fees. Upon agency approval, the licensee shall notify clients of any necessary discharge or transfer as required by authorizing statutes or applicable rules. The beginning of the inactive licensure period shall be	CZ830		

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CZ830	Continued From page 3 the date the provider ceases operations. The end of the inactive period shall become the license expiration date, and all licensure fees must be current, must be paid in full, and may be prorated. Reactivation of an inactive license requires the prior approval by the agency of a renewal application, including payment of licensure fees and agency inspections indicating compliance with all requirements of this part and applicable rules and statutes. (4) The agency may adopt rules relating to emergency management planning, communications, and operations. Licensees providing residential or inpatient services must utilize an online database approved by the agency to report information to the agency regarding the provider's emergency status, planning, or operations. This Statute or Rule is not met as evidenced by: Based on record review and staff interview, the facility failed to submit annually and maintain documentation of a current Comprehensive Emergency Management Plan (CEMP), approved by the local emergency management agency to ensure the safety and welfare of all residents. The findings included: Review of the facility's CEMP showed it had been approved on _____, the letter further indicated the facility's CEMP plan is approved through _____. The letter also further indicated a copy of the plan should be provided to the County Emergency Management office before _____ each year for review. In an interview on _____ at 1:45 p.m., the Environmental Services Director said he had not received approval for the Comprehensive	CZ830			

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CZ830	Continued From page 4 Emergency Management Plan (CEMP), the plan was rejected as it was missing information and needed to be resubmitted. Review of the letter from the local county Emergency Management agency dated _____, said the facility's CEMP submitted does not meet the criteria requirements set forth by the Agency for Health Care Administration, the letter also indicated for the facility to provide the correct plan within 15 business days. On _____ at 11:00 a.m., the Environmental Services Director confirmed he never resubmitted the plan after it was rejected and the facility had no current approved CEMP/Emergency Power Plan (EPP). Class III	CZ830		

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A 000	Initial Comments An unannounced biennial, limited nursing services (LNS), focused on control, and emergency power plan monitoring survey was conducted on through at Calusa Harbour, an assisted living facility in Fort Myers, Florida. The following is a description of the deficiencies found at the time of the visit.	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	A 030		

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A 030	Continued From page 1 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 residents do not have private telephones, there	A 030			

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A 030	Continued From page 2 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 similar situations.	A 030		

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A 030	Continued From page 3 (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 harmful or offensive to other residents. In the	A 030			

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A 030	Continued From page 4 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 relocation must be set forth in writing and provided to the resident or the resident's legal representative. The notice must state that the resident may contact the State Long-Term Care Ombudsman Program for assistance with relocation and must include the statewide toll-free telephone number of the program. 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. (1) 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	A 030		

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A 030	Continued From page 5 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 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 incompetent or incompetent 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, record review and resident and staff interview the facility failed to maintain dignity for 1 (Resident #3) out of 9 residents	A 030			

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A 030	Continued From page 6 reviewed. The facility also failed to safeguard 2 (Resident #4 and Resident #9's) well-being out of 9 residents reviewed by failing to follow current Control Standards related to Covid-19 recommendations set forth by the Centers for Control (CDC). https://www.cdc.gov/coronavirus/2019-ncov/hcp/ The findings included: 1. During an interview on _____ at 11:45 a.m. with Resident #3, he reported he is a large man and had a _____ in the past with _____ on his left non-dominant arm and _____. He reported he does not have a shower chair to take a shower in his own bathroom and prior to the Covid-19 outbreak in _____ of 2020, the facility aides had taken him to the skilled side of the facility to shower in their large shower room. He reported this ended on _____ when Covid-19 began. Resident #3 reported his aide had been showering him while he sits on the toilet in his bathroom. Resident #3 reported there is no drain in the bathroom floor and the floor gets very wet. Resident #3 said the aide has to place at least 12 towels on the floor to absorb all the water. He reported the aide has to pick up all the wet towels on the floor and place 12 towels down before he can stand and pivot with the aide's assistance to get into his motorized chair. During an interview on _____ at 1:00 p.m. with the Administrator, she reported she was aware Resident #3 had been taking showers while sitting on his toilet since _____, 2020. During an interview on _____ at 1:30 p.m. with Staff D, he reported it takes a long time to shower Resident #3 on his toilet. He reported he uses	A 030		

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A 030	Continued From page 7 the extended arm of the shower to spray the resident and the floor gets very wet. He reported he has had to use on average a dozen towels to put on the floor as it does not have a drain. He reported the resident has expressed a desire to return to the skilled side of the facility to shower in the large shower room but the resident cannot go due to Covid-19 restrictions. He reported after showering the resident he removes the soaking wet towels and had to place down dry towels on the floor to make sure when the resident stands he does not because the resident has in his left arm and Record review of Resident #3's current 1823 health assessment dated revealed Resident #3 requires assistance from staff for bathing. 2. During medication review on at 3:00 p.m., Resident #4 was observed sitting in his room not wearing a mask and his 3 daughters socially distanced sitting in chairs in his room not wearing masks. When asked by the surveyor should they be wearing masks, they all responded yes. On at 3:20 p.m., in Resident #9's visitors were observed not wearing masks and not socially distancing. Both visitors responded, "yes" when asked if they should be wearing masks. During an interview on at 2:58 p.m. with the Lifestyle 360 Activity Director, she reported she made arrangements with visitors for compassion visits. She reported the process is she gets a request from the visitor to make an to see a resident, she books the , the visitors are screened at the front entrance of the facility for temperature and Covid-19 history questions and she gets a call	A 030		

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A 030	Continued From page 8 from the front entrance staff the visitors have been screened. She reported the visitors are given instructions on wearing . . . masks while in the facility and in the resident's room. She reported she escorts the visitors to the resident's room. She reported she is not aware if assisted living staff checks to see if the visitors are wearing masks once in the residents' rooms. During an interview on . . . at 3:30 p.m., the Administrator and Resident Services Director both reported they do not check to see if visitors who are allowed in residents' rooms are wearing the required . . . masks. Reviewed record of facility policy: "Visitation during Covid -19 dated . . .". The policy stated: "Ensure the visitor has a cloth or surgical mask and is wearing it appropriately to cover and . . ." Class III	A 030		
A 078 SS=D	59A-36.010(2) FAC Staffing Standards - Staff (2) STAFF. (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. 1. Evidence of a negative	A 078		

Agency for Health Care Administration

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: AL11932588	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED 01/28/2021
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NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

CALUSA HARBOUR

**2525 E. FIRST STREET
FORT MYERS, FL 33901**

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A 078	Continued From page 9 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 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 (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. (c) All staff must comply with the training requirements of rule 59A-36.011, F.A.C. (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.	A 078		

Agency for Health Care Administration

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: AL11932588	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____		(X3) DATE SURVEY COMPLETED 01/28/2021
NAME OF PROVIDER OR SUPPLIER CALUSA HARBOUR			STREET ADDRESS, CITY, STATE, ZIP CODE 2525 E. FIRST STREET FORT MYERS, FL 33901		
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A 078	Continued From page 10 (e) For facilities with a licensed capacity of 17 or more residents, the facility must: 1. Develop a written job description for each staff position and provide a copy of the job description to each staff member; and, 2. Maintain time sheets for all staff. (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. This Statute or Rule is not met as evidenced by: Based on record review and staff interview, the facility failed to ensure that within 30 days of employment staff submit a written statement from a health care provider documenting the individual is free from signs/symptoms of communicable and evidence of freedom from () documented annually thereafter for 4 (Staff A,B,C, and Administrator) of 4 employee records reviewed. The findings included: On a review of the Administrator's file revealed a hire date of . The Administrator's file contained a skin test and a statement from a doctor dated that she was free of communicable . The Administrator's file contained no further evidence of free from communicable statement annually thereafter. On a review of Staff A's employee file revealed a hire date of as a resident aide/medication technician (med tech). Staff A's file contained documentation of a 2 skin test performed on and . Staff A's file contained no statement from a health care provider that she had no signs or symptoms of	A 078			

Agency for Health Care Administration

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A 078	Continued From page 11 communicable including On a review of Staff B's employee file revealed a hire date of as a resident aide. Staff B's file contained documentation of a performed on Staff B's file contained no statement from a health care provider that she had no signs or symptoms of communicable On a review of Staff C's employee file revealed a hire date of as a resident aide. Staff C's file contained no statement from a health care provider that she had no signs or symptoms of communicable including On at 9:39 a.m., the Administrator acknowledged the findings. Class III	A 078		
A 152 SS=D	59A-36.014(3) FAC Physical Plant - Safe Living Environ/Other (3) OTHER REQUIREMENTS. (a) All facilities must: 1. Provide a safe living environment pursuant to section 429.28(1)(a), F.S.; 2. Be maintained free of hazards; and, 3. Ensure that all existing architectural, mechanical, electrical and structural systems, and appurtenances are maintained in good working order. (b) Pursuant to section 429.27, F.S., residents must be given the option of using their own belongings as space permits. When the facility supplies the furnishings, each resident bedroom or sleeping area must have at least the following	A 152		

Agency for Health Care Administration

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A 152	Continued From page 12 furnishings: 1. A clean, comfortable bed with a mattress no less than 36 inches wide and 72 inches long, with the top surface of the mattress at a comfortable height to ensure easy access by the resident, 2. A closet or wardrobe space for hanging clothes, 3. A dresser, or other furniture designed for storage of clothing or personal effects, 4. A table or nightstand, bedside lamp or floor lamp, and waste basket; and, 5. A comfortable chair, if requested. (c) The facility must maintain master or duplicate keys to resident bedrooms to be used in the event of an emergency. (d) Residents who use portable bedside commodes must be provided with privacy during use. (e) Facilities must make available linens and personal laundry services for residents who require such services. Linens provided by a facility must be free of tears, stains and must not be soiled. This Statute or Rule is not met as evidenced by: Based on observation, record review and resident and staff interview, the facility failed to maintain an environment free from hazards for 1 (Resident #3) out of 9 resident rooms reviewed. The findings included: During a tour of the facility on 01/28/2021 at 10:00 a.m. the following was observed: A large gouge in the bedroom closet entrance of Resident #3's room. A large hole in Resident #3's living room wall. A large amount of black stains on Resident #3's living room rug.	A 152		

Agency for Health Care Administration

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A 152	Continued From page 13 During an interview on _____ at 11:45 a.m. with Resident #3, he reported the stains on the living room rug, the large hole in the living room wall and gouges in the entrance to the bedroom closet had been there over 1 month. During an interview on _____ at 12:05 p.m. with the Director of Housekeeping, he reported resident room rugs are cleaned yearly and the rugs are vacuumed on Wednesdays weekly. He reported if staff see a dirty rug or issues with holes or gouges in the walls they should report it to the front desk so they can place a work order. Record review of form "Assisted Living Weekly Preventive Maintenance" checklist revealed no notations about walls, and carpet condition on _____. **photographic evidence obtained** Class III	A 152		