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
	AL11965661	A. BUILDING: _____ B. WING _____	03/04/2021

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
SPRING HILLS LAKE MARY	3655 W. LAKE MARY BLVD. LAKE MARY, FL 32746

(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 A complaint investigation (20210023527) and . . . . control monitoring were conducted at Spring Hills Lake Mary Assisted Living Facility on . . . . . . A Deficiency was identified at the time of survey.	A 000		
A 168	429.24(3)(a) FS; 429.27(7), FS Resident Refund Policy 429.24 (3)(a) . . . The refund policy shall provide that the resident or responsible party is entitled to a prorated refund based on the daily rate for any unused portion of payment beyond the termination date after all charges, including the cost of damages to the residential unit resulting from circumstances other than normal use, have been paid to the licensee. For the purpose of this paragraph, the termination date shall be the date the unit is vacated by the resident and cleared of all personal belongings. If the amount of belongings does not preclude renting the unit, the facility may clear the unit and charge the resident or his or her estate for moving and storing the items at a rate equal to the actual cost to the facility, not to exceed 20 percent of the regular rate for the unit, provided that 14 days' advance written notification is given. If the resident's possessions are not claimed within 45 days after notification, the facility may dispose of them. The contract shall also specify any other conditions under which claims will be made against the refund due the resident. Except in the case of . . . . or a discharge due to medical reasons, the refunds shall be computed in accordance with the notice of relocation requirements specified in the contract. However, a resident may not be required to provide the licensee with more than 30 days' notice of termination. If after a contract	A 168		

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A 168	Continued From page 1 is terminated, the facility intends to make a claim against a refund due the resident, the facility shall notify the resident or responsible party in writing of the claim and shall provide said party with a reasonable time period of no less than 14 calendar days to respond. The facility shall provide a refund to the resident or responsible party within 45 days after the transfer, discharge, or . . . . of the resident. The agency shall impose a fine upon a facility that fails to comply with the refund provisions of the paragraph, which fine shall be equal to three times the amount due to the resident. One-half of the fine shall be remitted to the resident or his or her estate, and the other half to the Health Care Trust Fund to be used for the purpose specified in s. 429.18. 429.27, FS Property and personal affairs of residents. - (7) In the event of the of a resident, a licensee shall return all refunds, funds, and property held in trust to the resident's personal representative, if one has been appointed at the time the facility disburses such funds, and, if not, to the resident's spouse or adult next of kin named in a beneficiary designation form provided by the facility to the resident. If the resident has no spouse or adult next of kin or such person cannot be located, funds due the resident shall be placed in an interest-bearing account, and all property held in trust by the facility shall be safeguarded until such time as the funds and property are disbursed pursuant to the Florida Probate Code. Such funds shall be kept separate from the funds and property of the facility and other residents of the facility. If the funds of the . . . . . resident are not disbursed pursuant to the Florida Probate Code within 2 years after the resident's . . . . , the funds shall be deposited in	A 168		

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A 168	Continued From page 2 the Health Care Trust Fund administered by the agency. This Statute or Rule is not met as evidenced by: Based on record review, contract review and interview, the facility failed to provide a refund to 3 of 3 sampled resident's (#1,#2 and #3) within 45 days after discharge and did notify the residents or responsible party of 2 of 3 sampled residents (#1 and #3) in writing of the claim made against the refunds. Findings: Record review for resident #1 revealed a contract dated [redacted], for resident #2 contract was dated [redacted] and for resident #3 the contract was dated [redacted]. Further review of their contracts revealed they all noted the following under the refund policy: At the time of the resident's permanent transfer, discharge, or [redacted], Resident or the Resident's Guarantor, if applicable is entitled to a prorated refund based on the daily rate and personal services for any unused portion of the payment beyond the termination date after all charges, including the cost of damages to the Resident's suite resulting from circumstances other than normal use, have been paid to the Community. The termination date is the date that the resident's suite is vacated by the resident and cleared of all personal belongings. If a refund is due and owing, said refund shall be provided to the Resident, Responsible Party, or Resident's Guarantor, if applicable, within forty-five (45) days after the transfer, discharge, or [redacted] of the resident. If after a contract is terminated, the facility intends	A 168		

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A 168	Continued From page 3 to make a claim against a refund due the resident, the facility shall notify the resident or responsible party in writing of the claim and shall provide said party with a reasonable time period of no less than 14 calendar days. Record review for resident #1 revealed she had a discharge date of . Review of the facility's transaction report for resident #1, that listed the refunds, revealed the refund date was . More than the required 45 days. Record review for resident #2 revealed she had a discharge date of . Review of the facility's transaction report for resident #2 revealed the facility had not made a refund to the resident's representative. The transaction report noted the amount of the refund to be provided after deductions. Record review for resident #3 revealed he had a discharge date of , Review of the facility's transaction report for resident #3, revealed the refund date was . More than the required 45 days. Further record review for resident's #1 and #3 revealed the facility had made deductions from each of their refunds and there was no documentation to confirm that the responsible parties were notified in writing of the claims made against the resident's refund and that they were provided a reasonable time period of no less than 14 calendar days to respond. On at 11:45 AM, the Business office manager confirmed the findings. She said she was not aware of the requirement to provide the representative a written notice regarding the claim against the refund due. She stated she did	A 168		

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A 168	Continued From page 4 not know why resident #1 and #3 refunds were not provided timely and she was working the refund for resident #2 and could not say why the resident's representative had not received the refund in 45 days as required. Class III	A 168		