

Agency for Health Care Administration

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: AL11969493	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED 10/06/2021
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NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

VICTORIAN FLORAL GARDENS LLC

**962 NANCY COURT
KISSIMMEE, FL 34759**

(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 re-licensure survey and generator monitoring was conducted at Victorian Floral Gardens, LLC. Assisted Living Facility on . The facility had deficiencies at the time of the visit.	A 000		
A 025 SS=D	429.26(7) FS; 59A-36.007(1) FAC Resident Care - Supervision 429.26 (7) The facility shall notify a licensed physician when a resident exhibits signs of or or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such or . The notification must occur within 30 days after the acknowledgment of such signs by facility staff. If an underlying condition is determined to exist, the facility must notify the resident's representative or designee of the need for health care services and must assist in making , for the necessary care and services to treat the condition. If the resident does not have a representative or designee or if the resident's representative or designee cannot be located or is unresponsive, the facility shall arrange with the appropriate health care provider for the necessary care and services to treat the condition. 59A-36.007 Resident Care Standards. An assisted living facility must provide care and services appropriate to the needs of residents accepted for admission to the facility. (1) SUPERVISION. Facilities must offer personal supervision as appropriate for each resident, including the following: (a) Monitoring of the quantity and quality of resident diets in accordance with Rule	A 025		

AHCA Form 3020-0001

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

TITLE

(X6) DATE

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A 025	Continued From page 1 59A-36.012, F.A.C. (b) Daily observation by designated staff of the activities of the resident while on the premises, and awareness of the general health, safety, and physical and emotional well-being of the resident. (c) Maintaining a general awareness of the resident's whereabouts. The resident may travel independently in the community. (d) Contacting the resident's health care provider and other appropriate party such as the resident's family, guardian, health care surrogate, or case manager if the resident exhibits a significant change. (e) Contacting the resident's family, guardian, health care surrogate, or case manager if the resident is discharged or moves out. (f) Maintaining a written record, updated as needed, of any significant changes, any illnesses that resulted in medical attention, changes in the method of medication administration, or other changes that resulted in the provision of additional services. This Statute or Rule is not met as evidenced by: Based on resident record review, observation and interview, the facility failed to maintain written documentation; and the facility failed to notify the primary healthcare provider and legal representative of all update changes for 1 of 2 sampled residents (#1) as required. Findings: Resident #1's record review revealed admission date . The last 1823 Health Assessment dated . list medical history of . type II, . and . She needs assistance with	A 025		

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A 025	Continued From page 2 ambulation, bathing, and transferring and needs assistance with self-administration of medication. In further review, it was documented scattered to Lower extremities and order to evaluate and treat by Home Health Agency (HHA) for skilled nursing. (Photographic Evidence Obtained) There were no facility notes at all in the file. There was no documentation from the Home Health Agency for each visit and outcome. No documented evidence that healthcare provider and family were notified. Observation on at 10:30 AM, no on lower extremities. The resident #1 had on a short robe showing (easy to see) her out while sitting and watching TV. Resident #1 was observed throughout the day completing walking exercises with walker from her bedroom to the living room (distance about 150), and there were no or no sores on . On at 10:45 AM, an interview with resident #1 asking her if she had any on her body, she answered no. On at 10:50 AM, an interview with the Administrator stating that resident #1 had some to lower in the past but no more, they healed, and she is no longer receives skilled nursing with the HHA. On at 4:30 PM, an interview with the Administrator confirmed the findings. Class III	A 025		

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A 078	Continued From page 3	A 078		
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 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	A 078		

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A 078	Continued From page 4 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. (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 personnel record review and interview, the facility failed to obtain the annual negative () examination and freedom of communicable statement from a healthcare provider or the Florida Department of Health (DOH) for 2 of 5 sampled staff (A and C). Findings: 1. Staff A did not have a personnel record maintained at the facility. The Administrator stated that Staff A only volunteered once a month	A 078		

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A 078	Continued From page 5 beginning _____, hours of 8 AM-11 AM, to help the Administrator out with assisting showers to the residents. Observation on _____ (today) at 10:30 AM, staff A assisting the four female residents with showers. On _____ at 1 PM, an interview with the Administrator after requesting for staff A's personnel record to review and explaining that all volunteers must have a personnel record review with the bare minimum requirement of a statement from a health care provider documenting being free from signs and symptoms of communicable _____ statement, a Level 2 Background screening results and the 2 hours pre-service orientation training before going out on the floor assisting the residents. The Administrator stated that she did not know this and apologized for the error. 2. Staff C's personnel record review revealed hire date _____. The last _____ exam in the record was dated _____ and no documented evidence that annual _____ exam for 2019, 2020 and 2021 not completed. On _____ at 4:30 PM, an interview with the Administrator confirmed the findings. Class III	A 078			
A 079 SS=D	59A-36.010(3) FAC Staffing Standards - Levels (3) STAFFING STANDARDS. (a) Minimum staffing: 1. Facilities must maintain the following minimum staff hours per week:	A 079			

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A 079	Continued From page 6 Number of Residents, Day Care Participants, and Respite Care Residents Staff Hours/Week <table border="0"> <tr> <td>0-5</td> <td>168</td> <td></td> <td></td> </tr> <tr> <td>6-15</td> <td>212</td> <td></td> <td></td> </tr> <tr> <td>16-25</td> <td>253</td> <td></td> <td></td> </tr> <tr> <td>26-35</td> <td>294</td> <td></td> <td></td> </tr> <tr> <td>36-45</td> <td>335</td> <td></td> <td></td> </tr> <tr> <td>46-55</td> <td>375</td> <td></td> <td></td> </tr> <tr> <td>56-65</td> <td>416</td> <td></td> <td></td> </tr> <tr> <td>66-75</td> <td>457</td> <td></td> <td></td> </tr> <tr> <td>76-85</td> <td>498</td> <td></td> <td></td> </tr> <tr> <td>86-95</td> <td>539</td> <td></td> <td></td> </tr> </table> For every 20 total combined residents, day care participants, and respite care residents over 95 add 42 staff hours per week. 2. Independent living residents, as referenced in subsection 59A-36.015(3), F.A.C., who occupy beds included within the licensed capacity of an assisted living facility but do not receive personal, limited nursing, or extended congregate care services, are not counted as residents for purposes of computing minimum staff hours. 3. At least one staff member who has access to facility and resident records in case of an emergency must be in the facility at all times when residents are in the facility. Residents serving as paid or volunteer staff may not be left solely in charge of other residents while the facility administrator, manager or other staff are absent from the facility. 4. In facilities with 17 or more residents, there must be at least one staff member awake at all hours of the day and night. 5. A staff member who has completed courses in First Aid and _____ () and holds a currently valid card documenting completion of such courses must be	0-5	168			6-15	212			16-25	253			26-35	294			36-45	335			46-55	375			56-65	416			66-75	457			76-85	498			86-95	539			A 079		
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A 079	Continued From page 7 in the facility at all times. a. Documentation of attendance at First Aid or courses pursuant to subsection 59A-36.011(5), F.A.C., satisfies this requirement. b. A nurse is considered as having met the course requirements for First Aid. An emergency medical technician or paramedic currently certified under chapter 401, part III, F.S., is considered as having met the course requirements for both First Aid and 6. During periods of temporary absence of the administrator or manager of more than 48 hours when residents are on the premises, a staff member who is at least must be physically present and designated in writing to be in charge of the facility. No staff member shall be in charge of a facility for a consecutive period of 21 days or more, or for a total of 60 days within a calendar year, without being an administrator or manager. 7. Staff whose duties are exclusively building or grounds maintenance, clerical, or food preparation do not count towards meeting the minimum staffing hours requirement. 8. The administrator or manager's time may be counted for the purpose of meeting the required staffing hours, provided the administrator or manager is actively involved in the day-to-day operation of the facility, including making decisions and providing supervision for all aspects of resident care, and is listed on the facility's staffing schedule. 9. Only on-the-job staff may be counted in meeting the minimum staffing hours. Vacant positions or absent staff may not be counted. (b) Notwithstanding the minimum staffing requirements specified in paragraph (a), all facilities, including those composed of apartments, must have enough qualified staff to	A 079		

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A 079	Continued From page 8 provide resident supervision, and to provide or arrange for resident services in accordance with the residents' scheduled and unscheduled service needs, resident contracts, and resident care standards as described in rule 59A-36.007, F.A.C. (c) The facility must maintain a written work schedule that reflects its 24-hour staffing pattern for a given time period. Upon request, the facility must make the daily work schedules of direct care staff available to residents or their representatives. (d) The facility must provide staff immediately when the agency determines that the requirements of paragraph (a) are not met. The facility must immediately increase staff above the minimum levels established in paragraph (a), if the agency determines that adequate supervision and care are not being provided to residents, resident care standards described in rule 59A-36.007, F.A.C., are not being met, or that the facility is failing to meet the terms of residents' contracts. The agency will consult with the facility administrator and residents regarding any determination that additional staff is required. Based on the recommendations of the local fire safety authority, the agency may require additional staff when the facility fails to meet the fire safety standards described in rule chapter 69A-40, F.A.C., until such time as the local fire safety authority informs the agency that fire safety requirements are being met. 1. When additional staff is required above the minimum, the agency will require the submission of a corrective action plan within the time specified in the notification indicating how the increased staffing is to be achieved to meet resident service needs. The plan will be reviewed by the agency to determine if it sufficiently	A 079		

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A 079	Continued From page 9 increases the staffing levels to meet resident needs. 2. When the facility can demonstrate to the agency that resident needs are being met, or that resident needs can be met without increased staffing, the agency may modify staffing requirements for the facility and the facility will no longer be required to maintain a plan with the agency. (e) Facilities that are co-located with a nursing home may use shared staffing provided that staff hours are only counted once for the purpose of meeting either assisted living facility or nursing home minimum staffing ratios. (f) Facilities holding a limited mental health, extended congregate care, or limited nursing services license must also comply with the staffing requirements of rules 59A-36.020, 59A-36.021 or 59A-36.022, F.A.C., respectively. This Statute or Rule is not met as evidenced by: Based on observation and interview, the facility failed to maintain a written work schedule that reflects a 24-hour staffing pattern for a given time period for 5 of 5 sampled staff (A, B, C, D & E). Findings: Observation on _____ at 10 AM, there was three staff A, D, and E working at the facility today during the visit. Staff A was assisting the residents with showers. Staff D was preparing and cooking the lunch meal. Staff E, the administrator was assisting the residents with Activities of Daily Living (ADLs) and supervision. It was requested for the written staff work	A 079		

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A 079	Continued From page 10 schedule for last week & current week. The Administrator stated that she did not have a written work schedule because it is always herself and her husband (co-owner) working the facility full-time mostly. The administrator further stated that staff B only work every other weekend. Staff C had arrived at the facility today at 11 AM but only works on the facility's paperwork as needed. There was no written staff work schedule available at the facility for review for any given time. On at 4:30 PM, an interview with the Administrator confirmed the finding. Class III	A 079		
A 081 SS=D	429.52(1 & 7) FS; 59A-36.011(. . .) FAC Training - Staff In-Service 429.52(1) (1) Each new assisted living facility employee who has not previously completed core training must attend a preservice orientation provided by the facility before interacting with residents. The preservice orientation must be at least 2 hours in duration and cover topics that help the employee provide responsible care and respond to the needs of facility residents. Upon completion, the employee and the administrator of the facility must sign a statement that the employee completed the required preservice orientation. The facility must keep the signed statement in the employee's personnel record. (7) Facility staff shall participate in inservice training relevant to their job duties as specified by agency rule. Topics covered during the preservice	A 081		

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A 081	Continued From page 11 orientation are not required to be repeated during inservice training. A single certificate of completion that covers all required inservice training topics may be issued to a participating staff member if the training is provided in a single training course. 59A-36.011 (2) STAFF PRESERVICE ORIENTATION. (a) Facilities must provide a preservice orientation of at least 2 hours to all new assisted living facility employees who have not previously completed core training as detailed in subsection (1). (b) New staff must complete the preservice orientation prior to interacting with residents. (c) Once complete, the employee and the facility administrator must sign a statement that the employee completed the preservice orientation which must be kept in the employee's personnel record. (d) In addition to topics that may be chosen by the facility administrator, the preservice orientation must cover: 1. Resident's rights; and, 2. The facility's license type and services offered by the facility. (3) STAFF IN-SERVICE TRAINING. Facility administrators or managers shall provide or arrange for the following in-service training to facility staff: (a) Staff who provide direct care to residents, other than nurses, certified nursing assistants, or home health aides trained in accordance with rule 59A-8.0095, F.A.C., must receive a minimum of 1 hour in-service training in control, including universal precautions and facility sanitation procedures, before providing personal care to residents. The facility must use its	A 081			

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A 081	Continued From page 12 control policies and procedures when offering this training. Documentation of compliance with the staff training requirements of 29 CFR 1910.1030, relating to borne may be used to meet this requirement. (b) Staff who provide direct care to residents must receive a minimum of 1 hour in-service training within 30 days of employment that covers the following subjects: 1. Reporting adverse incidents. 2. Facility emergency procedures including chain-of-command and staff roles relating to emergency evacuation. (c) Staff who provide direct care to residents, who have not taken the core training program, shall receive a minimum of 1 hour in-service training within 30 days of employment that covers the following subjects: 1. Resident rights in an assisted living facility. 2. Recognizing and reporting resident neglect, and The facility must use its prevention policies and procedures when offering this training. (d) Staff who provide direct care to residents, other than nurses, CNAs, or home health aides trained in accordance with rule 59A-8.0095, F.A.C., must receive 3 hours of in-service training within 30 days of employment that covers the following subjects: 1. Resident behavior and needs. 2. Providing assistance with the activities of daily living. (e) Staff who prepare or serve food, who have not taken the assisted living facility core training must receive a minimum of 1-hour-in-service training within 30 days of employment in safe food handling practices. (f) All facility staff shall receive in-service training	A 081		

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STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: AL11969493	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED 10/06/2021
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NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

VICTORIAN FLORAL GARDENS LLC

**962 NANCY COURT
KISSIMMEE, FL 34759**

(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 081	Continued From page 13 regarding the facility's resident elopement response policies and procedures within thirty (30) days of employment. 1. All facility staff shall be provided with a copy of the facility's resident elopement response policies and procedures. 2. All facility staff shall demonstrate an understanding and competency in the implementation of the elopement response policies and procedures. This Statute or Rule is not met as evidenced by: Based on personnel record review and interview, the facility failed to provide the two hours pre-service orientation training to 4 of 5 sampled staff (A, B, C, & D) before interacting with the residents; and the facility failed to ensure that 3 of 5 sampled staff (A, B, C) completed the required facility specific in-service trainings within or after 30 days of employment. Findings: 1. Staff A did not have a personnel record maintained at the facility. The Administrator stated that Staff A only volunteered once a month beginning _____, hours of 8 AM-11 AM, to help the Administrator out with assisting showers to the residents. Observation on _____ (today) at 10:30 AM, staff A assisting the four female residents with showers. There was no documented evidence of the 2 hours pre-service orientation training, and the facility's in-service trainings to include: 1 hour	A 081		

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A 081	Continued From page 14 control, 3 hours Activities of Daily Living (ADLs) and behavioral needs training, 1 hour major incident and reporting adverse incident emergency procedures training, elopement training, 1 hour of incident reporting training, 1 hour resident rights and recognizing/reporting, neglect and, training and the 1 hour nutritional safe food handling training being completed. 2. Staff B's personnel record review revealed hire date There was no documented evidence of the 2 hours pre-service orientation training. In further review, staff B was missing the 1-hour incident reporting training and the 1-hour major incident and reporting adverse incident emergency procedures training being completed. 3. Staff C's personnel record review revealed hire date There was no documented evidence of the 2 hours pre-service orientation training. In further review, staff C was missing the 1-hour incident reporting training, 1-hour major incident and reporting adverse incident emergency procedures training and the 3 hours Activities of Daily Living (ADLs) and behavioral needs training being completed. 4. Staff D's personnel record review revealed hire date There was no documented evidence of the 2 hours pre-service orientation training being completed. On at 4:30 PM, an interview with the Administrator confirmed the findings. Class III	A 081		

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A 082 A 082 SS=D	Continued From page 15 59A-36.011(4) FAC Training - / (4) ... (/). Pursuant to section 381.0035, F.S., all facility employees, with the exception of employees subject to the requirements of section 456.033, F.S., must complete a one-time education course on and , including the topics prescribed in the section 381.0035, F.S. New facility staff must obtain the training within 30 days of employment. Documentation of compliance must be maintained in accordance with subsection (12), of this rule. This Statute or Rule is not met as evidenced by: Based on personnel record review and interview, the facility failed to provide the ... (/) training for 1 of 5 sampled staff (A) within 30 days of employment. Findings: Staff A did not have a personnel record maintained at the facility. The Administrator stated that Staff A only volunteered once a month beginning , hours of 8 AM-11 AM, to help the Administrator out with assisting showers to the residents. Observation on (today) at 10:30 AM, staff A assisting the four female residents with showers. There was no documented evidence of the one-time / training completed.	A 082 A 082		

Agency for Health Care Administration

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A 082	Continued From page 16 On at 4:30 PM, an interview with the Administrator confirmed the findings. Class III	A 082		
A 083 SS=D	59A-36.011(5) FAC Training - First Aid and (5) FIRST AID AND (). A staff member who has completed courses in First Aid and and holds a currently valid card documenting completion of such courses must be in the facility at all times. (a) Documentation that the staff member possess current . certification that requires the student to demonstrate, in person, that he or she is able to perform . and which is issued by an instructor or training provider that is approved to provide . training by the American Red Cross, the American . Association, the National Safety Council, or an organization whose training is accredited by the Commission on Accreditation for Pre-Hospital Continuing Education satisfies this requirement. (b) A nurse shall be considered as having met the training requirement for First Aid. An emergency medical technician or paramedic currently certified under chapter 401, Part III, F.S., shall be considered as having met the training requirements for both First Aid and C.P.R. This Statute or Rule is not met as evidenced by: Based on personnel record review and interview, the facility failed to ensure that 1 of 3 sampled staff (B) had a currently valid card documenting completion of First Aid in the facility at all times when working alone with the residents. Findings:	A 083		

Agency for Health Care Administration

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A 083	Continued From page 17 Staff B's personnel record review revealed hire date The Administrator stated that staff B works alone with the residents every other weekend beginning on Friday, Saturday, and Sunday. There was no evidence of a First Aid card in the file as required, only a () card that expires on On at 4:30 PM, an interview with the Administrator confirmed the finding. Class III	A 083		
A 090 SS=D	59A-36.011(11) FAC Training - ----- (11) TRAINING. (a) Currently employed facility administrators, managers, direct care staff and staff involved in resident admissions must receive at least one hour of training in the facility's policies and procedures regarding (b) Newly hired facility administrators, managers, direct care staff and staff involved in resident admissions must receive at least one hour of training in the facility's policy and procedures regarding within 30 days after employment. (c) Training shall consist of the information included in rule 59A-36.009, F.A.C. This Statute or Rule is not met as evidenced by: Based on personnel record review and interview, the facility failed to provide the 1-hour Do not	A 090		

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A 090	Continued From page 18 Orders (.....) training for 1 of 5 sampled staff (A) within 30 days after employment. Findings: Staff A did not have a personnel record maintained at the facility. The Administrator stated that Staff A only volunteered once a month beginning, hours of 8 AM- 11 AM, to help the Administrator out with assisting showers to the residents. Observation on (today) at 10:30 AM, staff A assisting the four female residents with showers. There was no documented evidence of the 1-hour training completed. On at 4:30 PM, an interview with the Administrator confirmed the findings. Class III	A 090		
A 161 SS=D	429.275(2) FS; 59A-36.015(2) FAC Records - Staff 429.275 (2) The administrator or owner of a facility shall maintain personnel records for each staff member which contain, at a minimum, documentation of background screening, if applicable, documentation of compliance with all training requirements of this part or applicable rule, and a copy of all licenses or certification held by each staff who performs services for which licensure or certification is required under this part or rule.	A 161		

Agency for Health Care Administration

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A 161	Continued From page 19 59A-36.015 (2) STAFF RECORDS. (a) Personnel records for each staff member must contain, at a minimum, a copy of the employment application, with references furnished, and documentation verifying freedom from signs or symptoms of communicable In addition, records must contain the following, as applicable: 1. Documentation of compliance with all staff training and continuing education required by rule 59A-36.011, F.A.C., 2. Copies of all licenses or certifications for all staff providing services that require licensing or certification, 3. Documentation of compliance with level 2 background screening for all staff subject to screening requirements as specified in section 429.174, F.S., and rule 59A-36.010, F.A.C., 4. For facilities with a licensed capacity of 17 or more residents, a copy of the job description given to each staff member pursuant to rule 59A-36.010, F.A.C., 5. Documentation verifying direct care staff and administrator participation in resident elopement drills pursuant to paragraph 59A-36.007(8)(c), F.A.C. (b) The facility is not required to maintain personnel records for staff provided by a licensed staffing agency or staff employed by an entity to provide direct or indirect services to residents and the facility. However, the facility must maintain a copy of the contract between the facility and the staffing agency or contractor as described in rule 59A-36.010, F.A.C. (c) The facility must maintain the written work schedules and staff time sheets for the most current 6 months as required by rule 59A-36.010,	A 161		

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A 161	Continued From page 20 F.A.C. This Statute or Rule is not met as evidenced by: Based on personnel record review and interview, the facility failed to maintain a copy of the employment application for 1 of 5 sampled staff (A). Findings: Staff A did not have a personnel record maintained at the facility. The Administrator stated that Staff A only volunteered once a month beginning _____, hours of 8 AM-11 AM, to help the Administrator out with assisting showers to the residents. Observation on _____ (today) at 10:30 AM, staff A assisting the four female residents with showers. There was no documented evidence of the volunteer employment application in the facility. On _____ at 4:30 PM, an interview with the Administrator confirmed the findings. Class III	A 161		
CZ813	59A-35.090(3)(c), FAC Results of Screening & Notification In File 59A-35.090 Background Screening. (3) Results of Screening and Notification. (c) The eligibility results of employee screening and the signed Attestation referenced in subsection 59A-35.090(2), F.A.C., must be in the employee's personnel file, maintained by the	CZ813		

Agency for Health Care Administration

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CZ813	Continued From page 21 provider. This Statute or Rule is not met as evidenced by: Based on personnel record review, Background Screening Clearinghouse website review and interview, the facility failed to obtain a copy of the Background Screening (BGS) eligibility results for 1 of 5 sampled staff (A). Findings: Staff A did not have a personnel record maintained at the facility. The Administrator stated that Staff A only volunteered once a month beginning _____, hours of 8 AM-11 AM, to help the Administrator out with assisting showers to the residents. Observation on _____ (today) at 10:30 AM, staff A assisting the four female residents with showers. There was no documented evidence of the Level 2 Background Screening results for eligibility at the facility. On _____ at 12:09 PM, reviewed the Background Screening (BGS) Clearinghouse website to look up for staff A by social security number and there was no record found. (Photograph Evidence Obtained) On _____ at 4:30 PM, an interview with the Administrator confirmed the findings. Unclassified	CZ813		

Agency for Health Care Administration

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CZ814	Continued From page 22	CZ814		
CZ814	435.12(2)(b-d), FS Background Screening Clearinghouse 435.12 Care Provider Background Screening Clearinghouse.- (2)(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 personnel record review, Background Screening Clearinghouse website review and interview, the facility failed to register and report changes for 1 of 5 sampled staff (A) on the facility's Background Screening (BGS) Employee Roster within 10 business days of employment.	CZ814		

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NAME OF PROVIDER OR SUPPLIER VICTORIAN FLORAL GARDENS LLC			STREET ADDRESS, CITY, STATE, ZIP CODE 962 NANCY COURT KISSIMMEE, FL 34759		
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CZ814	Continued From page 23 Findings: Staff A did not have a personnel record maintained at the facility. The Administrator stated that Staff A only volunteered once a month beginning , , , , hours of 8 AM-11 AM, to help the Administrator out with assisting showers to the residents. Observation on (today) at 10:30 AM, staff A assisting the four female residents with showers. On at 12:09 PM, reviewed the Background Screening (BGS) Clearinghouse website to look up for staff A by social security number and there was no record found. Staff A was not included on the BGS Employee Roster when reviewed on at 12:15 PM. (Photograph Evidence Obtained) On at 4:30 PM, an interview with the Administrator confirmed the findings. Unclassified	CZ814			
CZ815	408.809(1)(); 435.02(2); 435.06 FS Background Screening; Prohibited Offenses 408.809 Background screening; prohibited offenses.- (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:	CZ815			

Agency for Health Care Administration

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CZ815	Continued From page 24 (a) The licensee, if an individual. (b) The administrator or a similarly titled person who is responsible for the day-to-day operation of the provider. (c) The financial officer or similarly titled individual who is responsible for the financial operation of the licensee or provider. (d) Any person who is a controlling interest. (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. (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 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. (4) In addition to the offenses listed in s. 435.04, all persons required to undergo background screening pursuant to this part or authorizing	CZ815		

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CZ815	Continued From page 25 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: (a) Any authorizing statutes, if the offense was a felony. (b) This chapter, if the offense was a felony. (c) Section 409.920, relating to Medicaid provider fraud. (d) Section 409.9201, relating to Medicaid fraud. (e) Section 741.28, relating to domestic violence. (f) Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection. (g) Section 784.03, relating to battery, if the victim is a adult as defined in s. 415.102 or a patient or resident of a facility licensed under chapter 395, chapter 400, or chapter 429. (h) Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems. (i) Section 817.234, relating to false and fraudulent insurance claims. (j) 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. (k) Section 817.50, relating to fraudulently obtaining goods or services from a health care provider. (l) Section 817.505, relating to patient brokering. (m) Section 817.568, relating to criminal use of personal identification information. (n) Section 817.60, relating to obtaining a credit card through fraudulent means. (o) Section 817.61, relating to fraudulent use of	CZ815		

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CZ815	Continued From page 26 credit cards, if the offense was a felony. (p) Section 831.01, relating to forgery. (q) Section 831.02, relating to uttering forged instruments. (r) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes. (s) Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes. (t) Section 831.30, relating to fraud in obtaining medicinal drugs. (u) 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. (v) Section 895.03, relating to racketeering and collection of unlawful debts. (w) Section 896.101, relating to the Florida Money Laundering Act. 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. (5) The costs associated with obtaining the required screening must be borne by the licensee or the person subject to screening. Licensees	CZ815		

Agency for Health Care Administration

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NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

VICTORIAN FLORAL GARDENS LLC

**962 NANCY COURT
KISSIMMEE, FL 34759**

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CZ815	Continued From page 27 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. (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: - Does not have an active professional license or certification from the Department of Health; or - 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. (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. (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). (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 under chapter 435 or this section, terminates the	CZ815		

Agency for Health Care Administration

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CZ815	Continued From page 28 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. 435.06 Exclusion from employment.- (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. (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. (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 background screening until the is resolved	CZ815		

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CZ815	Continued From page 29 in a way that the employer determines that the employee is still eligible for employment under this chapter. (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. (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. (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. (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. 435.02 Definitions.-For the purposes of this chapter, the term: (2) "Employee" means any person required by	CZ815		

Agency for Health Care Administration

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CZ815	Continued From page 30 law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers. This Statute or Rule is not met as evidenced by: Based on personnel record review, Background Screening Clearinghouse website review and interview, the facility failed to obtain a valid Level 2 Background Screening (BGS) _____ eligibility results for 1 of 5 sampled staff (A). Findings: Staff A did not have a personnel record maintained at the facility. The Administrator stated that Staff A only volunteered once a month beginning _____, hours of 8 AM-11 AM, to help the Administrator out with assisting showers to the residents. Observation on _____ (today) at 10:30 AM, staff A assisting the four female residents with showers. There was no Level 2 Background Screening _____ results for eligibility at the facility. On _____ at 12:09 PM, reviewed the Background Screening (BGS) Clearinghouse website to look up for staff A by social security number and there was no record found. (Photograph Evidence Obtained) On _____ at 4:30 PM, an interview with the Administrator confirmed the findings. Unclassified	CZ815		

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CZ816	Continued From page 31	CZ816		
CZ816	408.809(2) 435.05(2) 59A-35.090(2d-3b) Background Screening-Compliance Attestation 408.809 Background screening; prohibited offenses.- (2) Every 5 years following his or her licensure, employment, or entry into a contract in a capacity that under subsection (1) would require level 2 background screening under chapter 435, each such person must submit to level 2 background rescreening as a condition of retaining such license or continuing in such employment or contractual status. For any such rescreening, the agency shall request the Department of Law Enforcement to forward the person's _____ to the Federal Bureau of Investigation for a national criminal history record check unless the person's _____ are enrolled in the Federal Bureau of Investigation's national retained print notification program. If the _____ of such a person are not retained by the Department of Law Enforcement under s. 943.05(2)(g) and (h), the person must submit _____ electronically to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the _____ to the Federal Bureau of Investigation for a national criminal history record check. The _____ shall be retained by the Department of Law Enforcement under s. 943.05(2)(g) and (h) and enrolled in the national retained print notification program when the Department of Law Enforcement begins participation in the program. The cost of the state and national criminal history records checks required by level 2 screening may be borne by the licensee or the person _____. The agency may accept as satisfying the requirements of this section proof of compliance	CZ816		

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CZ816	Continued From page 32 with level 2 screening standards submitted within the previous 5 years to meet any provider or professional licensure requirements of the Department of Financial Services for an applicant for a certificate of authority or provisional certificate of authority to operate a continuing care retirement community under chapter 651, provided that: (a) The screening standards and disqualifying offenses for the prior screening are equivalent to those specified in s. 435.04 and this section; (b) The person subject to screening has not had a break in service from a position that requires level 2 screening for more than 90 days; and (c) Such proof is accompanied, under penalty of perjury, by an attestation of compliance with chapter 435 and this section using forms provided by the agency. 435.05 Requirements for covered employees and employers.-Except as otherwise provided by law, the following requirements apply to covered employees and employers: (2) Every employee must attest, subject to penalty of perjury, to meeting the requirements for qualifying for employment pursuant to this chapter and agreeing to inform the employer immediately if _____ for any of the disqualifying offenses while employed by the employer. 59A-35.090 Background Screening. (2) Processing Screening Requests, Required Documents and Fees. (d) An Attestation of Compliance with Background Screening Requirements, AHCA Form 3100-0008, _____, herein incorporated by reference, available at http://www.flrules.org/Gateway/reference.asp?No=Ref-09106, and available from the Agency for	CZ816		

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CZ816	Continued From page 33 Health Care Administration at: http://ahca.myflorida.com/MCHQ/Central_Service/Background_Screening/Regulations_Forms.shtml. This form must be completed by the individual and retained by the provider upon hire to attest that they meet the requirements for qualifying for employment, they have not been unemployed for more than 90 days from a position that requires Level 2 screening, and they agree to inform the employer immediately if _____ for any disqualifying offense. (e) An administrator or chief financial officer must be screened and qualified prior to _____ to the position. (3) Results of Screening and Notification. (a) Final results of background screening requests will be provided through the Agency's secure website that may be accessed by all health care providers applying for or actively licensed through the Agency that are registered with the Care Provider Background Screening Clearinghouse. The secure website is located at: apps.ahca.myflorida.com/SingleSignOnPortal. (b) If a Level 2 criminal history is incomplete, a certified letter will be sent to the individual being screened requesting the _____ report and court disposition information. If the letter is returned unclaimed, a copy of the letter will be sent by regular mail. Pursuant to Section 435.05(1)(d), F.S., the missing information must be filed with the Agency within 30 days of the Agency's request or the individual is subject to disqualification in accordance with Section 435.06(3), F.S. This Statute or Rule is not met as evidenced by: Based on personnel record review and interview, the facility failed to obtain a signed copy of the Level 2 Background Screening (BGS) Attestation	CZ816		

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CZ816	Continued From page 34 of Compliance with BGS requirements, AHCA Form 3100-0008 for 1 of 5 sampled staff (A). Findings: Staff A did not have a personnel record maintained at the facility. The Administrator stated that Staff A only volunteered once a month beginning _____, hours of 8 AM-11 AM, to help the Administrator out with assisting showers to the residents. Observation on _____ (today) at 10:30 AM, staff A assisting the four female residents with showers. There was no evidence of a signed copy of the Attestation form for Level 2 BGS compliance at the facility. On _____ at 12:09 PM, reviewed the Background Screening (BGS) Clearinghouse website to look up for staff A by social security number and there was no record found. (Photograph Evidence Obtained) On _____ at 4:30 PM, an interview with the Administrator confirmed the findings. Unclassified	CZ816		