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
	AL11968855	A. BUILDING: _____ B. WING _____	R 11/17/2021

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
DISCOVERY COMMONS SOUTH BISCAYNE	6235 HOFFMAN ST NORTH PORT, FL 34287

(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 follow-up by desk review was conducted on through for Discovery Commons at South Biscayne, an assisted living facility in North Port, Florida. The follow-up was in response to the Change of Ownership survey completed on . The following is description of the uncorrected deficiencies. .	{A 000}		
{A 009}	59A-36.006(3) FAC; 400.0078(2) Admissions - Admission Package (3) ADMISSION PACKAGE. (a) The facility must make available to potential residents a written statement(s) that includes the following information listed below. Providing a copy of the facility resident contract or facility brochure containing all the required information meets this requirement. 1. The facility's admission and continued residency criteria; 2. The daily, weekly or monthly charge to reside in the facility and the services, supplies, and accommodations provided by the facility for that rate; 3. Personal care services that the facility is prepared to provide to residents and additional costs to the resident, if any; 4. Nursing services that the facility is prepared to provide to residents and additional costs to the resident, if any; 5. Food service and the ability of the facility to accommodate special diets; 6. The availability of transportation and additional costs to the resident, if any; 7. Any other special services that are provided by	{A 009}		

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{A 009}	Continued From page 1	{A 009}		

the facility and additional cost if any;
8. Social and leisure activities generally offered by the facility;
9. Any services that the facility does not provide but will arrange for the resident and additional cost, if any;
10. The facility rules and regulations that residents must follow as described in rule 59A-36.007, F.A.C.;
11. The facility policy concerning pursuant to section 429.255, F.S., and rule 59A-36.009, F.A.C., and Advance Directives pursuant to chapter 765, F.S.;
12. If the facility is licensed to provide extended congregate care, the facility's residency criteria for residents receiving extended congregate care services. The facility must also provide a description of the additional personal, supportive, and nursing services provided by the facility including additional costs and any limitations on where extended congregate care residents may reside based on the policies and procedures described in rule 59A-36.021, F.A.C.;
13. If the facility advertises that it provides special care for individuals with and related , a written description of those special services as required in section 429.177, F.S.; and,
14. The facility's resident elopement response policies and procedures.
(b) Before or at the time of admission, the resident, or the resident's responsible party, guardian, or attorney-in-fact, if applicable, must be provided with the following:
1. A copy of the resident's contract that meets the requirements of rule 59A-36.018, F.A.C.,
2. A copy of the facility statement described in paragraph (a) of this subsection, if one has not already been provided,

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{A 009}	Continued From page 2	{A 009}		

3. A copy of the resident's bill of rights as required by rule 59A-36.007, F.A.C.; and,
4. A Long-Term Care Ombudsman Program brochure that includes the telephone number and address of the district office.
(c) Documents required by this subsection must be in English. If the resident is not able to read, or does not understand English and translated documents are not available, the facility must explain its policies to a family member or friend of the resident or another individual who can communicate the information to the resident.

400.0078
(2) Upon admission to a long-term care facility, each resident or representative of a resident must receive information regarding:
(a) The purpose of the State Long-Term Care Ombudsman Program.
(b) The statewide toll-free telephone number and e-mail address for receiving complaints.
(c) Information that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right.
(d) Other relevant information regarding how to contact representatives of the State Long-Term Care Ombudsman Program.

This Statute or Rule is not met as evidenced by:
Based on record review and interview, the facility failed to ensure all components of the admission packet comply with the regulations including 59A-36.006(3) Admission Package and the facility's policy and procedures under 59A-36.007(5) Resident Rights.

The findings included:

Telephone conference call on at 11:00

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{A 009}	Continued From page 3	{A 009}		

a.m., the Operations , listened to the issues with the contract and admission packet and verified she would correct concerns and return the information.

On at 4:25 p.m. the revised admission packet was received for review. The following issues remained with the admission packet after review:
1. The admission and retention criteria provided does not match the changes in rule 59A-36.006 (1)(a)11 and 12. Further the criteria does not include the criteria for Extended Congregate Care specialty license as per 59A-36.006(3)12.
2. Exhibit 6, Resident Rights states visiting hours are from 8:00 a.m. to 8:00 p.m. contrary to 429.28(d) which requires visiting hours "to be anytime between the hours of 9 a.m. and 9 p.m. at a minimum."
3. House Rules including the "Attachment A Motorized Wheelchair and Scooter policy section VI. Resident Responsibilities and Agreement: . . . E. All residents must obtain insurance for the Motorized Wheelchair or hover chair." That clause is in direct conflict with U.S. Department of Housing and Urban Development Reasonable Accommodations Under The Fair Housing Act.
4. Reporting resident , neglect and , procedure is incomplete. Page 23 only includes the number to report , neglectful or , practices. It does not provide for recognizing , Neglect or , by definition and does not contain procedures to provide for the protection of the resident.
5. Administration schedule.
6. Control, Universal Precaution and Sanitation procedure besides the COVID-19 procedure.
7. Third Party procedure on page 5 of the

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{A 009}	Continued From page 4 contract lacked the exchange of communication procedure. 8. Assistive Device procedure included only walkers and canes. It lack devices such as: , glasses, shower chairs, bed rails for mobility, or gait belt. Class III	{A 009}		
{A 167}	59A-36.018 FAC; 429.24 FS Resident Contracts 59A-36.018 Resident Contracts. (1) Pursuant to section 429.24, F.S., the facility must offer a contract for execution by the resident or the resident's legal representative before or at the time of admission. The contract must contain the following provisions: (a) A list of the specific services, supplies and accommodations to be provided by the facility to the resident, including limited nursing and extended congregate care services that the resident elects to receive; (b) The daily, weekly, or monthly rate; (c) A list of any additional services and charges to be provided that are not included in the daily, weekly, or monthly rates, or a reference to a separate fee schedule that must be attached to the contract; (d) A provision stating that at least 30 days written notice will be given before any rate increase; (e) Any rights, duties, or of residents, other than those specified in section 429.28, F.S.; (f) The purpose of any advance payments or deposit payments, and the refund policy for such advance or deposit payments; (g) A refund policy that must conform to section 429.24(3), F.S.; (h) A written bed hold policy and provisions for terminating a bed hold agreement if a facility	{A 167}		

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{A 167}	Continued From page 5	{A 167}		

agrees in writing to reserve a bed for a resident who is admitted to a nursing home, health care facility, or , , facility. The resident or responsible party must notify the facility in writing of any change in status that would prevent the resident from returning to the facility. Until such written notice is received, the agreed upon daily, weekly, or monthly rate may be charged by the facility unless the resident's medical condition prevents the resident from giving written notification, such as when a resident is comatose, and the resident does not have a responsible party to act on the resident's behalf;
(i) A provision stating whether the facility is affiliated with any religious organization and, if so, which organization and its relationship to the facility;
(j) A provision that, upon determination by the administrator or health care provider that the resident needs services beyond those that the facility is licensed to provide, the resident or the resident's representative, or agency acting on the resident's behalf, must be notified in writing that the resident must make arrangements for transfer to a care setting that is able to provide services needed by the resident. In the event the resident has no one to represent him or her, the facility must refer the resident to the social service agency for placement. If there is disagreement regarding the appropriateness of placement, provisions outlined in section 429.26(8), F.S., will take effect;
(k) A provision that residents must be assessed upon admission pursuant to subsection 59A-36.006(2), F.A.C., and every 3 years thereafter, or after a significant change, pursuant to subsection (4), of that rule;
(l) The facility's policies and procedures for self-administration, assistance with

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{A 167}	Continued From page 6	{A 167}		

self-administration, and administration of medications, if applicable, pursuant to rule 59A-36.008, F.A.C. This also includes provisions regarding over-the-counter (OTC) products pursuant to subsection (8) of that rule; and,
(m) The facility's policies and procedures related to a properly executed DH Form 1896,

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(2) The resident, or the resident's representative, must be provided with a copy of the executed contract.
(3) The facility may not levy an additional charge for any supplies, services, or accommodations that the facility has agreed by contract to provide as part of the standard daily, weekly, or monthly rate. The resident or resident's representative must be furnished in advance with an itemized written statement setting forth additional charges for any services, supplies, or accommodations available to residents not covered under the contract. An addendum must be added to the resident contract to reflect the additional services, supplies, or accommodations not provided under the original agreement. Such addendum must be dated and signed by the facility and the resident or resident's legal representative and a copy given to the resident or resident's representative.

429.24 FS
(1) The presence of each resident in a facility shall be covered by a contract, executed at the time of admission or prior thereto, between the licensee and the resident or his or her designee or legal representative. Each party to the contract shall be provided with a duplicate original thereof, and the licensee shall keep on file in the facility all such contracts. The licensee may not destroy or otherwise dispose of any such contract until 5 years after its expiration.

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{A 167}	Continued From page 7 (2) Each contract must contain express provisions specifically setting forth the services and accommodations to be provided by the facility; the rates or charges; provision for at least 30 days' written notice of a rate increase; the rights, duties, and of the residents, other than those specified in s. 429.28; and other matters that the parties deem appropriate. A new service or accommodation added to, or implemented in, a resident's contract for which the resident was not previously charged does not require a 30-day written notice of a rate increase. Whenever money is deposited or advanced by a resident in a contract as security for performance of the contract agreement or as advance rent for other than the next immediate rental period: (a) Such funds shall be deposited in a banking institution in this state that is located, if possible, in the same community in which the facility is located; shall be kept separate from the funds and property of the facility; may not be represented as part of the assets of the facility on financial statements; and shall be used, or otherwise expended, only for the account of the resident. (b) The licensee shall, within 30 days of receipt of advance rent or a security deposit, notify the resident or residents in writing of the manner in which the licensee is holding the advance rent or security deposit and state the name and address of the depository where the moneys are being held. The licensee shall notify residents of the facility's policy on advance deposits. (3)(a) The contract shall include a refund policy to be implemented at the time of a resident's transfer, discharge, or . . . (b) If a licensee agrees to reserve a bed for a	{A 167}		

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resident who is admitted to a medical facility, including, but not limited to, a nursing home, health care facility, or , facility, the resident or his or her responsible party shall notify the licensee of any change in status that would prevent the resident from returning to the facility. Until such notice is received, the agreed-upon daily rate may be charged by the licensee.
(c) The purpose of any advance payment and a refund policy for such payment, including any advance payment for housing, meals, or personal services, shall be covered in the contract.

(4) The contract shall state whether or not the facility is affiliated with any religious organization and, if so, which organization and its general responsibility to the facility.

(5) Neither the contract nor any provision thereof relieves any licensee of any requirement or imposed upon it by this part or rules adopted under this part.

(6) In lieu of the provisions of this section, facilities certified under chapter 651 shall comply with the requirements of s. 651.055.

(7) Notwithstanding the provisions of this section, facilities which consist of 60 or more apartments may require refund policies and termination notices in accordance with the provisions of part II of chapter 83, provided that the lease is terminated automatically without financial penalty in the event of a resident's or relocation due to , hospitalization or to medical reasons which necessitate services or care beyond which the facility is licensed to provide. The date of termination in such instances shall be the date the unit is fully vacated. A lease may be

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{A 167}	Continued From page 9	{A 167}		

substituted for the contract if it meets the disclosure requirements of this section. For the purpose of this section, the term "apartment" means a room or set of rooms with a kitchen or kitchenette and lavatory located within one or more buildings containing other similar or like residential units.

This Statute or Rule is not met as evidenced by:
Based on record review, and interview, the facility failed to ensure all components of the Contract comply with the regulations including Florida Statutes 429.24 and Florida Administrative Code 59A-36.018.

The findings included:

Telephone conference call on at 11:00 a.m., the Operations , listened to the issues with the contract and admission packet and verified she would correct concerns and return the information.

On at 4:25 p.m. the revised contract was received for review.
After review, the following issues remained with the contract:
1. Additional services to be received under the Extended Congregate Care licensure.
2. The facility which has a unit failed to include the services specific to residents.
3. Informed Consent for Residents receiving assistance with medications from unlicensed staff as to where or not the unlicensed staff is supervised by a licensed nurse.
4. Section H. Exclusionary Services lists 12 items which could be "(1) Included in Resident's regular Monthly Statement." These potential charges are

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{A 167}	Continued From page 10 not incorporated into the contract's ancillary charge page as required by the Florida Statute including: beauty and barber services, guest meals and drink charges, non-routine transportation. podiatry services, medication charges for using a non-preferred pharmacy or for repackaging medications not in bubble pack. Class III	{A 167}		
{AE201}	59A-36.021(2) FAC 429.07 (3)(b)5, FS ECC - Policies 58A-5.030 (2) EXTENDED CONGREGATE CARE POLICIES. Policies and procedures established through extended congregate care services must promote resident independence, dignity, choice, and decision-making. The facility must develop and implement specific written policies and procedures that address: (a) Aging in place; (b) The facility's residency criteria developed in accordance with the admission and discharge requirements described in subsection (5), and extended congregate care services listed in subsection (8); (c) The personal and supportive services the facility intends to provide, how the services will be provided, and the identification of staff positions to provide the services including their relationship to the facility; (d) The nursing services the facility intends to provide, identification of staff positions to provide nursing services, and the license status, duties, general working hours, and supervision of such staff; (e) Identifying potential unscheduled resident service needs and mechanisms for meeting	{AE201}		

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{AE201}	Continued From page 11	{AE201}		

those needs including the identification of resources to meet those needs;
(f) A process for mediating conflicts among residents regarding choice of room or apartment and roommate; and,
(g) How to involve residents in decisions concerning the resident. The services must provide opportunities and encouragement for the resident to make personal choices and decisions. If a resident needs assistance to make choices or decisions, a family member or other resident representative must be consulted. Choices must include at a minimum whether:
1. To participate in the process of developing, implementing, reviewing, and revising the resident's service plan,
2. To remain in the same room in the facility, except that a current resident transferring into an extended congregate care services may be required to move to the part of the facility licensed for extended congregate care, if only part of the facility is so licensed,
3. To select among social and leisure activities,
4. To participate in activities in the community. At a minimum the facility must arrange transportation to such activities if requested by the resident; and,
5. To provide input with respect to the adoption and amendment of facility policies and procedures.

429.07(3)(b), FS
5. A facility that is licensed to provide extended congregate care services is exempt from the criteria for continued residency set forth in rules adopted under s. 429.41. A licensed facility must adopt its own requirements within guidelines for continued residency set forth by rule. However, the facility may not serve residents who require

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{AE201}	Continued From page 12	{AE201}		

24-hour nursing supervision. A licensed facility that provides extended congregate care services must also provide each resident with a written copy of facility policies governing admission and retention.

This Statute or Rule is not met as evidenced by:
Based on record review and interview, the facility failed to develop and maintain Extended Congregate Care policy and procedures which addressed

The findings included:

Telephone conference call on at 11:00 a.m., the Operations , listened to the issues with the Extended Congregate care (ECC) policy and procedure and verified she would correct concerns and return the information.

On at 4:25 p.m., the revised admission packet was received for review; however, no ECC policies and procedures were received. After review, the following issues remained with the ECC policy and procedure received on .
1. Does not address "Aging in Place."
2. The personal and supportive services to be provided lacks how the services will be provided and the staff positions to provide those services.
3. The nursing services the facility intends to provide, the staff positions to provide the services, and the license status, duties, general working hours, and supervision of such staff.
4. Identification of potential unscheduled resident services needs and the mechanism for meeting those needs including resources to meet the needs.
5. A process for mediating conflicts among resident regarding choice of room or apartment and roommate.

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{AE201}	Continued From page 13 6. System to involve residents in decision making and choices. Class III	{AE201}		
{AE208}	59A-36.021(8) FAC 429.07 (3)(b)3, FS ECC - Records 59A-36.021(8) RECORDS. (8) RECORDS. In addition to the records required in rule 59A-36.015, F.A.C., a facility providing extended congregate care services must maintain the following: (a) The service plans for each resident receiving extended congregate care services; (b) The nursing progress notes for each resident receiving nursing services; (c) Nursing assessments; and, (d) The facility's extended congregate care policies and procedures. 429.07 (3)(b), FS 3. A facility that is licensed to provide extended congregate care services shall maintain a written progress report on each person who receives such nursing services from the facility's staff which describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. This Statute or Rule is not met as evidenced by: Based on record review, and interview, the facility failed to provide the Extended Congregate Care forms for review. The findings included: Electronic communication via email on	{AE208}		

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
	AL11968855	A. BUILDING: _____ B. WING _____	R 11/17/2021

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DISCOVERY COMMONS SOUTH BISCAYNE	6235 HOFFMAN ST NORTH PORT, FL 34287

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{AE208}	Continued From page 14 at 4:30 p.m., requested the Executive Director to provide the Extended Congregate Care (ECC) forms being used, for review. Forms requested were the ECC service plan, ECC nursing notes, and ECC monthly assessment form. Records provide by the facility on lacked any ECC forms. Class III	{AE208}		

Agency for Health Care Administration

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{A 000}	Initial Comments A follow-up by desk review was conducted on through for Discovery Commons at South Biscayne, an assisted living facility in North Port, Florida. The follow-up was in response to the Change of Ownership survey completed on . The following is description of the uncorrected deficiencies. .	{A 000}		
{A 009}	59A-36.006(3) FAC; 400.0078(2) Admissions - Admission Package (3) ADMISSION PACKAGE. (a) The facility must make available to potential residents a written statement(s) that includes the following information listed below. Providing a copy of the facility resident contract or facility brochure containing all the required information meets this requirement. 1. The facility's admission and continued residency criteria; 2. The daily, weekly or monthly charge to reside in the facility and the services, supplies, and accommodations provided by the facility for that rate; 3. Personal care services that the facility is prepared to provide to residents and additional costs to the resident, if any; 4. Nursing services that the facility is prepared to provide to residents and additional costs to the resident, if any; 5. Food service and the ability of the facility to accommodate special diets; 6. The availability of transportation and additional costs to the resident, if any; 7. Any other special services that are provided by	{A 009}		

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{A 009}	Continued From page 1 the facility and additional cost if any; 8. Social and leisure activities generally offered by the facility; 9. Any services that the facility does not provide but will arrange for the resident and additional cost, if any; 10. The facility rules and regulations that residents must follow as described in rule 59A-36.007, F.A.C.; 11. The facility policy concerning [redacted] pursuant to section 429.255, F.S., and rule 59A-36.009, F.A.C., and Advance Directives pursuant to chapter 765, F.S.; 12. If the facility is licensed to provide extended congregate care, the facility's residency criteria for residents receiving extended congregate care services. The facility must also provide a description of the additional personal, supportive, and nursing services provided by the facility including additional costs and any limitations on where extended congregate care residents may reside based on the policies and procedures described in rule 59A-36.021, F.A.C.; 13. If the facility advertises that it provides special care for individuals with [redacted]'s [redacted] and related [redacted], a written description of those special services as required in section 429.177, F.S.; and, 14. The facility's resident elopement response policies and procedures. (b) Before or at the time of admission, the resident, or the resident's responsible party, guardian, or attorney-in-fact, if applicable, must be provided with the following: 1. A copy of the resident's contract that meets the requirements of rule 59A-36.018, F.A.C., 2. A copy of the facility statement described in paragraph (a) of this subsection, if one has not already been provided,	{A 009}		

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{A 009}	Continued From page 2 3. A copy of the resident's bill of rights as required by rule 59A-36.007, F.A.C.; and, 4. A Long-Term Care Ombudsman Program brochure that includes the telephone number and address of the district office. (c) Documents required by this subsection must be in English. If the resident is not able to read, or does not understand English and translated documents are not available, the facility must explain its policies to a family member or friend of the resident or another individual who can communicate the information to the resident. 400.0078 (2) Upon admission to a long-term care facility, each resident or representative of a resident must receive information regarding: (a) The purpose of the State Long-Term Care Ombudsman Program. (b) The statewide toll-free telephone number and e-mail address for receiving complaints. (c) Information that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right. (d) Other relevant information regarding how to contact representatives of the State Long-Term Care Ombudsman Program. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to ensure all components of the admission packet comply with the regulations including 59A-36.006(3) Admission Package and the facility's policy and procedures under 59A-36.007(5) Resident Rights. The findings included: Telephone conference call on 11/10/21 at 11:00	{A 009}		

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{A 009}	Continued From page 3 a.m., the Operations , ... listened to the issues with the contract and admission packet and verified she would correct concerns and return the information. On at 4:25 p.m. the revised admission packet was received for review. The following issues remained with the admission packet after review: 1. The admission and retention criteria provided does not match the changes in rule 59A-36.006 (1)(a)11 and 12. Further the criteria does not include the criteria for Extended Congregate Care specialty license as per 59A-36.006(3)12. 2. Exhibit 6, Resident Rights states visiting hours are from 8:00 a.m. to 8:00 p.m. contrary to 429.28(d) which requires visiting hours "to be anytime between the hours of 9 a.m. and 9 p.m. at a minimum." 3. House Rules including the "Attachment A Motorized Wheelchair and Scooter policy section VI. Resident Responsibilities and Agreement: . . . E. All residents must obtain insurance for the Motorized Wheelchair or hover chair." That clause is in direct conflict with U.S. Department of Housing and Urban Development Reasonable Accommodations Under The Fair Housing Act. 4. Reporting resident , neglect and . , ... procedure is incomplete. Page 23 only includes the number to report , neglectful or . , ... practices. It does not provide for recognizing , Neglect or , ... by definition and does not contain procedures to provide for the protection of the resident. 5. Administration schedule. 6. . . . . Control, Universal Precaution and Sanitation procedure besides the COVID-19 procedure. 7. Third Party procedure on page 5 of the	{A 009}		

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{A 009}	Continued From page 4 contract lacked the exchange of communication procedure. 8. Assistive Device procedure included only walkers and canes. It lack devices such as: [illegible], glasses, shower chairs, bed rails for mobility, or gait belt. Class III	{A 009}		
{A 167}	59A-36.018 FAC; 429.24 FS Resident Contracts 59A-36.018 Resident Contracts. (1) Pursuant to section 429.24, F.S., the facility must offer a contract for execution by the resident or the resident's legal representative before or at the time of admission. The contract must contain the following provisions: (a) A list of the specific services, supplies and accommodations to be provided by the facility to the resident, including limited nursing and extended congregate care services that the resident elects to receive; (b) The daily, weekly, or monthly rate; (c) A list of any additional services and charges to be provided that are not included in the daily, weekly, or monthly rates, or a reference to a separate fee schedule that must be attached to the contract; (d) A provision stating that at least 30 days written notice will be given before any rate increase; (e) Any rights, duties, or [illegible] of residents, other than those specified in section 429.28, F.S.; (f) The purpose of any advance payments or deposit payments, and the refund policy for such advance or deposit payments; (g) A refund policy that must conform to section 429.24(3), F.S.; (h) A written bed hold policy and provisions for terminating a bed hold agreement if a facility	{A 167}		

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{A 167}	Continued From page 5	{A 167}		

agrees in writing to reserve a bed for a resident who is admitted to a nursing home, health care facility, or [illegible] facility. The resident or responsible party must notify the facility in writing of any change in status that would prevent the resident from returning to the facility. Until such written notice is received, the agreed upon daily, weekly, or monthly rate may be charged by the facility unless the resident's medical condition prevents the resident from giving written notification, such as when a resident is comatose, and the resident does not have a responsible party to act on the resident's behalf;
(i) A provision stating whether the facility is affiliated with any religious organization and, if so, which organization and its relationship to the facility;
(j) A provision that, upon determination by the administrator or health care provider that the resident needs services beyond those that the facility is licensed to provide, the resident or the resident's representative, or agency acting on the resident's behalf, must be notified in writing that the resident must make arrangements for transfer to a care setting that is able to provide services needed by the resident. In the event the resident has no one to represent him or her, the facility must refer the resident to the social service agency for placement. If there is disagreement regarding the appropriateness of placement, provisions outlined in section 429.26(8), F.S., will take effect;
(k) A provision that residents must be assessed upon admission pursuant to subsection 59A-36.006(2), F.A.C., and every 3 years thereafter, or after a significant change, pursuant to subsection (4), of that rule;
(l) The facility's policies and procedures for self-administration, assistance with

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{A 167}	Continued From page 6 self-administration, and administration of medications, if applicable, pursuant to rule 59A-36.008, F.A.C. This also includes provisions regarding over-the-counter (OTC) products pursuant to subsection (8) of that rule; and, (m) The facility's policies and procedures related to a properly executed DH Form 1896, ... (2) The resident, or the resident's representative, must be provided with a copy of the executed contract. (3) The facility may not levy an additional charge for any supplies, services, or accommodations that the facility has agreed by contract to provide as part of the standard daily, weekly, or monthly rate. The resident or resident's representative must be furnished in advance with an itemized written statement setting forth additional charges for any services, supplies, or accommodations available to residents not covered under the contract. An addendum must be added to the resident contract to reflect the additional services, supplies, or accommodations not provided under the original agreement. Such addendum must be dated and signed by the facility and the resident or resident's legal representative and a copy given to the resident or resident's representative. 429.24 FS (1) The presence of each resident in a facility shall be covered by a contract, executed at the time of admission or prior thereto, between the licensee and the resident or his or her designee or legal representative. Each party to the contract shall be provided with a duplicate original thereof, and the licensee shall keep on file in the facility all such contracts. The licensee may not destroy or otherwise dispose of any such contract until 5 years after its expiration.	{A 167}		

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{A 167}	Continued From page 7 (2) Each contract must contain express provisions specifically setting forth the services and accommodations to be provided by the facility; the rates or charges; provision for at least 30 days' written notice of a rate increase; the rights, duties, and [illegible] of the residents, other than those specified in s. 429.28; and other matters that the parties deem appropriate. A new service or accommodation added to, or implemented in, a resident's contract for which the resident was not previously charged does not require a 30-day written notice of a rate increase. Whenever money is deposited or advanced by a resident in a contract as security for performance of the contract agreement or as advance rent for other than the next immediate rental period: (a) Such funds shall be deposited in a banking institution in this state that is located, if possible, in the same community in which the facility is located; shall be kept separate from the funds and property of the facility; may not be represented as part of the assets of the facility on financial statements; and shall be used, or otherwise expended, only for the account of the resident. (b) The licensee shall, within 30 days of receipt of advance rent or a security deposit, notify the resident or residents in writing of the manner in which the licensee is holding the advance rent or security deposit and state the name and address of the depository where the moneys are being held. The licensee shall notify residents of the facility's policy on advance deposits. (3)(a) The contract shall include a refund policy to be implemented at the time of a resident's transfer, discharge, or [illegible] (b) If a licensee agrees to reserve a bed for a	{A 167}		

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{A 167}	Continued From page 8	{A 167}		

resident who is admitted to a medical facility, including, but not limited to, a nursing home, health care facility, or [illegible] facility, the resident or his or her responsible party shall notify the licensee of any change in status that would prevent the resident from returning to the facility. Until such notice is received, the agreed-upon daily rate may be charged by the licensee.
(c) The purpose of any advance payment and a refund policy for such payment, including any advance payment for housing, meals, or personal services, shall be covered in the contract.

(4) The contract shall state whether or not the facility is affiliated with any religious organization and, if so, which organization and its general responsibility to the facility.

(5) Neither the contract nor any provision thereof relieves any licensee of any requirement or [illegible] imposed upon it by this part or rules adopted under this part.

(6) In lieu of the provisions of this section, facilities certified under chapter 651 shall comply with the requirements of s. 651.055.

(7) Notwithstanding the provisions of this section, facilities which consist of 60 or more apartments may require refund policies and termination notices in accordance with the provisions of part II of chapter 83, provided that the lease is terminated automatically without financial penalty in the event of a resident's or relocation due to [illegible] hospitalization or to medical reasons which necessitate services or care beyond which the facility is licensed to provide. The date of termination in such instances shall be the date the unit is fully vacated. A lease may be

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{A 167}	Continued From page 9	{A 167}		

substituted for the contract if it meets the disclosure requirements of this section. For the purpose of this section, the term "apartment" means a room or set of rooms with a kitchen or kitchenette and lavatory located within one or more buildings containing other similar or like residential units.

This Statute or Rule is not met as evidenced by:
Based on record review, and interview, the facility failed to ensure all components of the Contract comply with the regulations including Florida Statutes 429.24 and Florida Administrative Code 59A-36.018.

The findings included:

Telephone conference call on 11/10/21 at 11:00 a.m., the Operations , listened to the issues with the contract and admission packet and verified she would correct concerns and return the information.

On at 4:25 p.m. the revised contract was received for review.
After review, the following issues remained with the contract:
1. Additional services to be received under the Extended Congregate Care licensure.
2. The facility which has a unit failed to include the services specific to residents.
3. Informed Consent for Residents receiving assistance with medications from unlicensed staff as to where or not the unlicensed staff is supervised by a licensed nurse.
4. Section H. Exclusionary Services lists 12 items which could be "(1) Included in Resident's regular Monthly Statement." These potential charges are

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{A 167}	Continued From page 10 not incorporated into the contract's ancillary charge page as required by the Florida Statute including: beauty and barber services, guest meals and drink charges, non-routine transportation. podiatry services, medication charges for using a non-preferred pharmacy or for repackaging medications not in bubble pack. Class III	{A 167}		
{AE201}	59A-36.021(2) FAC 429.07 (3)(b)5, FS ECC - Policies 58A-5.030 (2) EXTENDED CONGREGATE CARE POLICIES. Policies and procedures established through extended congregate care services must promote resident independence, dignity, choice, and decision-making. The facility must develop and implement specific written policies and procedures that address: (a) Aging in place; (b) The facility's residency criteria developed in accordance with the admission and discharge requirements described in subsection (5), and extended congregate care services listed in subsection (8); (c) The personal and supportive services the facility intends to provide, how the services will be provided, and the identification of staff positions to provide the services including their relationship to the facility; (d) The nursing services the facility intends to provide, identification of staff positions to provide nursing services, and the license status, duties, general working hours, and supervision of such staff; (e) Identifying potential unscheduled resident service needs and mechanisms for meeting	{AE201}		

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{AE201}	Continued From page 11	{AE201}		

those needs including the identification of resources to meet those needs;
(f) A process for mediating conflicts among residents regarding choice of room or apartment and roommate; and,
(g) How to involve residents in decisions concerning the resident. The services must provide opportunities and encouragement for the resident to make personal choices and decisions. If a resident needs assistance to make choices or decisions, a family member or other resident representative must be consulted. Choices must include at a minimum whether:
1. To participate in the process of developing, implementing, reviewing, and revising the resident's service plan,
2. To remain in the same room in the facility, except that a current resident transferring into an extended congregate care services may be required to move to the part of the facility licensed for extended congregate care, if only part of the facility is so licensed,
3. To select among social and leisure activities,
4. To participate in activities in the community. At a minimum the facility must arrange transportation to such activities if requested by the resident; and,
5. To provide input with respect to the adoption and amendment of facility policies and procedures.

429.07(3)(b), FS
5. A facility that is licensed to provide extended congregate care services is exempt from the criteria for continued residency set forth in rules adopted under s. 429.41. A licensed facility must adopt its own requirements within guidelines for continued residency set forth by rule. However, the facility may not serve residents who require

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DISCOVERY COMMONS SOUTH BISCAYNE	6235 HOFFMAN ST NORTH PORT, FL 34287

(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
{AE201}	Continued From page 12 24-hour nursing supervision. A licensed facility that provides extended congregate care services must also provide each resident with a written copy of facility policies governing admission and retention. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to develop and maintain Extended Congregate Care policy and procedures which addressed The findings included: Telephone conference call on 11/10/21 at 11:00 a.m., the Operations , listened to the issues with the Extended Congregate care (ECC) policy and procedure and verified she would correct concerns and return the information. On at 4:25 p.m., the revised admission packet was received for review; however, no ECC policies and procedures were received. After review, the following issues remained with the ECC policy and procedure received on . 1. Does not address "Aging in Place." 2. The personal and supportive services to be provided lacks how the services will be provided and the staff positions to provide those services. 3. The nursing services the facility intends to provide, the staff positions to provide the services, and the license status, duties, general working hours, and supervision of such staff. 4. Identification of potential unscheduled resident services needs and the mechanism for meeting those needs including resources to meet the needs. 5. A process for mediating conflicts among resident regarding choice of room or apartment and roommate.	{AE201}		

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	AL11968855	A. BUILDING: _____ B. WING _____	R 11/17/2021

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{AE201}	Continued From page 13 6. System to involve residents in decision making and choices. Class III	{AE201}		
{AE208}	59A-36.021(8) FAC 429.07 (3)(b)3, FS ECC - Records 59A-36.021(8) RECORDS. (8) RECORDS. In addition to the records required in rule 59A-36.015, F.A.C., a facility providing extended congregate care services must maintain the following: (a) The service plans for each resident receiving extended congregate care services; (b) The nursing progress notes for each resident receiving nursing services; (c) Nursing assessments; and, (d) The facility's extended congregate care policies and procedures. 429.07 (3)(b), FS 3. A facility that is licensed to provide extended congregate care services shall maintain a written progress report on each person who receives such nursing services from the facility's staff which describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. This Statute or Rule is not met as evidenced by: Based on record review, and interview, the facility failed to provide the Extended Congregate Care forms for review. The findings included: Electronic communication via email on . .	{AE208}		

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
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{AE208}	Continued From page 14 at 4:30 p.m., requested the Executive Director to provide the Extended Congregate Care (ECC) forms being used, for review. Forms requested were the ECC service plan, ECC nursing notes, and ECC monthly assessment form. Records provide by the facility on . . . . . lacked any ECC forms. Class III	{AE208}		