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
	AL11964288	A. BUILDING: ______ B. WING ______	12/17/2021

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
DAYLIEN'S LIVING FACILITY	**2920 SW 12 STREET MIAMI, FL 33135**

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
A 000	Initial Comments A Complaint Investigation (complaint number 2021012172) was conducted at Daylien's Living Facility on , , extended to , . Deficiencies were identified at the time of survey.	A 000		
A 123 SS=G	429.27( ) FS; 59A-36.013(2) FAC Fiscal - Resident Trust Funds 429.27 (3) A facility, upon mutual consent with the resident, shall provide for the safekeeping in the facility of personal effects not in excess of $500 and funds of the resident not in excess of $500 cash, and shall keep complete and accurate records of all such funds and personal effects received. If a resident is absent from a facility for 24 hours or more, the facility may provide for the safekeeping of the resident's personal effects in excess of $500. (4) Any funds or other property belonging to or due to a resident, or expendable for his or her account, which is received by a facility shall be trust funds which shall be kept separate from the funds and property of the facility and other residents or shall be specifically credited to such resident. Such trust funds shall be used or otherwise expended only for the account of the resident. At least once every 3 months, unless upon order of a court of competent jurisdiction, the facility shall furnish the resident and his or her guardian, trustee, or conservator, if any, a complete and verified statement of all funds and other property to which this subsection applies, detailing the amount and items received, together with their sources and disposition. In any event, the facility shall furnish such statement annually and upon the discharge or transfer of a resident. Any governmental agency or private charitable	A 123		

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A 123	Continued From page 1 agency contributing funds or other property to the account of a resident shall also be entitled to receive such statement annually and upon the discharge or transfer of the resident. (5) Any personal funds available to facility residents may be used by residents as they choose to obtain clothing, personal items, leisure activities, and other supplies and services for their personal use. A facility may not demand, require, or contract for payment of all or any part of the personal funds in satisfaction of the facility rate for supplies and services beyond that amount agreed to in writing and may not levy an additional charge to the individual or the account for any supplies or services that the facility has agreed by contract to provide as part of the standard monthly rate. Any service or supplies provided by the facility which are charged separately to the individual or the account may be provided only with the specific written consent of the individual, who shall be furnished in advance of the provision of the services or supplies with an itemized written statement to be attached to the contract setting forth the charges for the services or supplies. 59A-36.013 (2) RESIDENT TRUST FUNDS. Funds or other property received by the facility belonging to or due a resident, including personal funds, must be held as trust funds and expended only for the resident's account. Resident funds or property may be held in one bank account if a separate written accounting for each resident is maintained. A separate bank account is required for facility funds; co-mingling resident funds with facility funds is prohibited. Written accounting procedures for resident trust funds must include income and expense records of the trust fund,	A 123		

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A 123	Continued From page 2 including the source and disposition of the funds. This Statute or Rule is not met as evidenced by: Based on record review, and interview, the facility failed to refund funds belonging to two of four sampled residents, (Residents 1, and 2). Findings included: On [redacted] at 12:00 PM, Resident 1's family member stated, "He told me that the facility was taking his money; I don't know what happened to the stimulus he received." Review of admission/discharge log showed Resident 1 admitted on [redacted], and discharged on [redacted], reason, [redacted]. Resident 2 was dmitted on [redacted], and discharged [redacted], reason, [redacted]. On [redacted] at 11:40 AM, the administrator stated, "[Resident 1] had a daughter, but she would not take care of him." At 12:48 AM, stated, regarding the resident's [redacted], "When that happened, the police were here, and we called the daughter; she would not answer the calls, I was here with the police officer, and we called the daughter; she told us she did not want anything. The daughter came once to visit, and they even wanted to stay here, and they got upset because I told them they could not stay here. The wife came once also." On [redacted] at 11:52 AM, the owner stated, "When [Resident 1] [redacted], we called and notified the social security office and the bank. The bank transferred the money to the facility; I did not speak to the family about it." At 11:58 AM, both, the administrator, and owner went to the	A 123		

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A 123	Continued From page 3 bank to obtain receipts of the transfers. Later, at 12:45 PM, they arrived to the facility with the proof of transfers. Review of the facility's bank transfer for Resident 1 showed a transaction done for $572.25 on (Closing withdrawal). Review of the facility's bank transfer for Resident 2 showed a transaction done for $926.00 on (Closing withdrawal). On at 12:19 PM, Resident 2's family member stated, "She was independent, we never interfered in her finances. I am not sure if she received the COVID money, we never asked her. She paid the rent directly to the owners." Review of Resident 1's bank statements showed: - Deposit of $1200 - Deposit of $600 - Deposit of $1400 Checks made: Check 175 - for $600 Check 179 - for $1000 Check 184 - for $400 Check 185 - for $1400 Balance on - $572.25 Review of Resident 2's bank statements showed: - Deposit of $1200 - Deposit of $600 - Deposit of $1400 Checks made: Check 147 - for $1200 Check 159 - for $600 Check 162 - for $1000 Check 164 - for $400 Check 166 - for $1200	A 123		

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A 123	Continued From page 4 Balance on [redacted] - $92.00 On [redacted] at 11:53 AM, the Administrator stated, "I did not know the bank had transferred any money to the facility, [The Owner] is the one who takes care of all that." Review of both resident's facility contracts showed on page 2 of 10: "The resident manages his or her financial affairs, unless the resident or, if applicable, the resident's representative, designee, surrogate, guardian, or attorney in fact authorizes the administrator of the facility to provide safekeeping for funds as provided in S.429.27, F.S. The contract stated: "After the contract is terminated, if the facility intends to make a claim against a refund due to the resident, the facility will notify the resident or responsible party in writing of the claim. The resident and responsible party will be given a reasonable period of no less than 14 calendar days to respond. The facility will provide a refund to the resident or responsible party within 45 days after the transfer, discharge, or [redacted] of the resident. If the facility discontinues operation, any advance payments for services not received shall be refunded to the resident or the resident's responsible party or guardian within 10 days of closure, whether or not such refund is requested. Resident, their family, their legal representative, or a resident advocate has the right to file a grievance or complaint with the facility without fear or reprisal. This facility investigates all written grievances and complaints filed." Class II	A 123		