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
	AL11969737	A. BUILDING: _____ B. WING _____	01/25/2022

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
WATERS OF CAPE CORAL THE	2219 CHIQUITA BLVD S CAPE CORAL, FL 33991

(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 An unannounced complaint survey for #2021013050 and #2021015654 was conducted through at Waters of Cape Coral, an assisted living facility in Cape Coral, Florida. Complaint #2021013050 was substantiated at A028. Complaint #2021015654 was substantiated at A030. The following is description of the deficiencies. .	A 000		
A 028	59A-36.007(4) FAC Resident Care - Activities of Daily Living (4) ACTIVITIES OF DAILY LIVING. Facilities must offer supervision of or assistance with activities of daily living as needed by each resident. Residents should be encouraged to be as independent as possible in performing activities of daily living. This Statute or Rule is not met as evidenced by: Based on record review, and staff interview, the facility failed to provide appropriate care including nail care for 1 (Resident #1) out of 3 residents reviewed for nail care. Facility failed to follow their policy regarding nail care. Failure to follow policy resulted Resident #1's obtaining a fungal of the The findings included: Requested and obtained policy G-100 titled: Heath promotion services. Purpose: To promote good health. To identify problems before thy develop into major	A 028		

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A 028	Continued From page 1 concerns/illnesses. Policy statement: The assisted living wellness director will provide health promotion services upon physician recommendation. These wellness services include, but not limited to: . . . C: toenail/ ᵕ . care. . . The type and frequency of services will be determined by the resident and the nurse. These services will be on the service plan for the resident. Record review for Resident #1 found she was admitted to the facility on . Record review revealed Comprehensive Assessments for Resident #1 dated and documented, "podiatry to perform toenail care." Record review for Resident #1 found an email dated from the resident's daughter to the facility Executive Director indicating that her mother's toenails were not taken care off and Resident #1 was not seeing by a podiatrist. Resident #1's name was not included at the list of residents seeing a podiatrist. Per the podiatrist note dated , "There are 3 myopic nails located on right 5th toenail,right great toenail and left great toenail,the toenails are elongated, dustrophic [sic] with clinical evidence of fungal invasion. thickness is greater than normal. there is a opaque yellow brown discoloration. there is subungual debri with a typical odor of ᵕ upon debridement. There are 10 dystrophic nails located on nails , elongated, discolored and yellowish." Interview on at 9:10 a.m., the Wellness Director (WD) and Executive Director (ED) said the facility offers podiatrist services and the	A 028		

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A 028	Continued From page 2 podiatrist comes out every other month. They said Resident #1's family refused to have the resident seeing by a podiatrist. The WD conducts quarterly assessments and if the resident is in need of podiatrist it is indicated in the assessment. WD and ED said when a resident is admitted to the facility they have a choice to use the in house podiatrist or see their own podiatrist, or have a family member trim their toenails. They said they explain to residents that caregivers are not allowed to trim toenails. They said the hair salon had a nail technician that used to come to the facility and provide trimming of the toenails for a fee. They said they stopped providing the service and they did not recall when they stopped providing the service. They said the Resident#1's daughters used to come in and cut resident's . . . nails. They said the caregivers are responsible of checking the resident, then provide residents with showers and report it to the nurse. The nurses are to call the family and provide options of either seeing the house podiatrist or have the family make arrangements to see the podiatrist of their choices. WD said up to the point of the email she was not aware of . . . nails issues related to Resident #1 and no staff reported anything to her. WD could not explain the condition of Resident #1's toenails. WD said the resident's family refused to have the resident seen by the podiatrist. Class III .	A 028		
A 030	59A-36.007(5) FAC; 429.28( ) FS 429.27 Resident Care - Rights & Facility Procedures 59A-36.007 (5) RESIDENT RIGHTS AND FACILITY	A 030		

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A 030	Continued From page 3 PROCEDURES. (a) A copy of the Resident Bill of Rights as described in Section 429.28, F.S., or a summary provided by the Long-Term Care Ombudsman Program must be posted in full view in a freely accessible resident area, and included in the admission package provided pursuant to Rule 59A-36.006, F.A.C. (b) In accordance with Section 429.28, F.S., the facility must have a written grievance procedure for receiving and responding to resident complaints and a written procedure to allow residents to recommend changes to facility policies and procedures. The facility must be able to demonstrate that such procedure is implemented upon receipt of a complaint. (c) The telephone number for lodging complaints against a facility or facility staff must be posted in full view in a common area accessible to all residents. The telephone numbers are: the Long-Term Care Ombudsman Program, 1(888)831-0404; , Rights Florida, 1(800)342-0823; the Agency Consumer Hotline 1(888)419-3456, and the statewide toll-free telephone number of the Florida . . . . Hotline, 1(800)96- or 1(800)962-2873. The telephone numbers must be posted in close proximity to a telephone accessible by residents and the text must be a minimum of 14-point font. (d) The facility must have a written statement of its house rules and procedures that must be included in the admission package provided pursuant to Rule 59A-36.006, F.A.C. The rules and procedures must at a minimum address the facility's policies regarding: 1. Resident responsibilities; 2. . . . . and tobacco use; 3. Medication storage; 4. Resident elopement;	A 030		

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A 030	Continued From page 4 5. Reporting resident . . . . . , neglect, and , ; 6. Administrative and housekeeping schedules and requirements; 7. . . . . control, sanitation, and standard precautions; 8. The requirements for coordinating the delivery of services to residents by third party providers; 9. Assistive devices; and 10. Physical . (e) Residents may not be required to perform any work in the facility without compensation. Residents may be required to clean their own sleeping areas or apartments if the facility rules or the facility contract includes such a requirement. If a resident is employed by the facility, the resident must be compensated in compliance with state and federal wage laws. (f) The facility must provide residents with convenient access to a telephone to facilitate the resident's right to unrestricted and private communication, pursuant to Section 429.28(1)(d), F.S. The facility must allow unidentified telephone calls to residents. For facilities with a licensed capacity of 17 or more residents in which residents do not have private telephones, there must be, at a minimum, a readily accessible telephone on each floor of each building where residents reside. 429.28 Resident bill of rights.- (1) No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to: (a) Live in a safe and decent living environment, free from . . . . . and neglect.	A 030		

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A 030	Continued From page 5 (b) Be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy. (c) Retain and use his or her own clothes and other personal property in his or her immediate living quarters, so as to maintain individuality and personal dignity, except when the facility can demonstrate that such would be unsafe, impractical, or an infringement upon the rights of other residents. (d) Unrestricted private communication, including receiving and sending unopened correspondence, access to a telephone, and visiting with any person of his or her choice, at any time between the hours of 9 a.m. and 9 p.m. at a minimum. Upon request, the facility shall make provisions to extend visiting hours for caregivers and out-of-town guests, and in other similar situations. (e) Freedom to participate in and benefit from community services and activities and to pursue the highest possible level of independence, autonomy, and interaction within the community. (f) Manage his or her financial affairs unless the resident or, if applicable, the resident's representative, designee, surrogate, guardian, or attorney in fact authorizes the administrator of the facility to provide safekeeping for funds as provided in s. 429.27. (g) Share a room with his or her spouse if both are residents of the facility. (h) Reasonable opportunity for regular exercise several times a week and to be outdoors at regular and frequent intervals except when prevented by inclement weather. (i) Exercise civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, nor any attendance at religious services, shall be imposed upon any	A 030		

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A 030	Continued From page 6 resident. (j) Assistance with obtaining access to adequate and appropriate health care. For purposes of this paragraph, the term "adequate and appropriate health care" means the management of medications, assistance in making , , for health care services, the provision of or arrangement of transportation to health care , and the performance of health care services in accordance with s. 429.255 which are consistent with established and recognized standards within the community. (k) At least 45 days' notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally , the guardian shall be given at least 45 days' notice of a nonemergency relocation or residency termination. Reasons for relocation must be set forth in writing and provided to the resident or the resident's legal representative. The notice must state that the resident may contact the State Long-Term Care Ombudsman Program for assistance with relocation and must include the statewide toll-free telephone number of the program. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction. (l) Present grievances and recommend changes in policies, procedures, and services to the staff of the facility, governing officials, or any other person without , interference, coercion, discrimination, or reprisal. Each facility shall	A 030		

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A 030	Continued From page 7 establish a grievance procedure to facilitate the residents' exercise of this right. This right includes access to ombudsman volunteers and advocates and the right to be a member of, to be active in, and to associate with advocacy or special interest groups. (2) The administrator of a facility shall ensure that a written notice of the rights, , and prohibitions set forth in this part is posted in a prominent place in each facility and read or explained to residents who cannot read. The notice must include the statewide toll-free telephone number and e-mail address of the State Long-Term Care Ombudsman Program and the telephone number of the local ombudsman council, the Elder Hotline operated by the Department of Children and Families, and, if applicable, , Rights Florida, where complaints may be lodged. The notice must state that a complaint made to the Office of State Long-Term Care Ombudsman or a local long-term care ombudsman council, the names and identities of the residents involved in the complaint, and the identity of complainants are kept confidential pursuant to s. 400.0077 and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right. The facility must ensure a resident's access to a telephone to call the State Long-Term Care Ombudsman Program or local ombudsman council, the Elder Hotline operated by the Department of Children and Families, and , Rights Florida. 429.27 Property and personal affairs of residents.- (1)(a) A resident shall be given the option of using his or her own belongings, as space permits;	A 030		

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A 030	Continued From page 8 choosing his or her roommate; and, whenever possible, unless the resident is adjudicated [illegible] or [illegible] under state law, managing his or her own affairs. (b) The admission of a resident to a facility and his or her presence therein shall not confer on the facility or its owner, administrator, employees, or representatives any authority to manage, use, or dispose of any property of the resident; nor shall such admission or presence confer on any of such persons any authority or responsibility for the personal affairs of the resident, except that which may be necessary for the safe management of the facility or for the safety of the resident. This Statute or Rule is not met as evidenced by: Based on observation, and interview, the facility failed to provide a home like environment and treat resident with dignity for 1 (Resident #2) out of 64 residents residing in the facility. The findings included: Observation on [illegible] at 9:40 a.m., with memory unit nurse Staff E present, found the following: Staff E proceed with knocking on the door and opening it before getting permission from the Resident#2. Resident #2 was found laying in a bed facing the mattress. Resident #2 was sleeping. There were no linens, blanket or pillow on the bed. There was a plastic cover over the mattress and the resident was laying in the plastic cover. Resident #2's bed was against the wall and next to residents [illegible] there was fresh feces on the wall. Staff E checked the closet saying, "There are no linen." A foul odor of feces was present. Staff E said: "I don't understand	A 030		

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A 030	Continued From page 9 why. I know when he gets soaked, he is really soaked, but I don't know why there is no linens on the bed. He should had some linens, pillow with a pillow case, and blankets. Yes, I see the feces." Interview on at 9:58 a.m., the Wellness director (WD) said, "I saw it myself. I don't know what happened. The caregiver that took out the soiled linens should have called housekeeping to come and put new linens in. We change linens for him every day because he is and he soils himself all the time. I saw the feces on the wall, it was fresh. I just was able to get him up and clean him. I changed him myself. We check and change every 3 hours and do checks every 90 minutes. He was up for his breakfast. He probably went . They should have let housekeeping know to put linens in his bed and change him. I really don't know what happened." Interview on at 10:23 a.m., the Wellness Director Assistant (WDA) said, "The other day I made the bed for Resident #2 and talked to Caregiver F, the primary caregiver here in the memory unit. She told me the reason they don't do the bed right away is because they want to air the mattresses out, the "old fashion way." I don't have a specific time for how long, but I know that Resident #2 is a man on a schedule; he likes to go and take naps between meals." As Resident#2's mattress was observed enclosed in a plastic cover, the mattress could not "air dry." Class III .	A 030		