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
	AL11966909	A. BUILDING: _____ B. WING _____	03/23/2022

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
LUCY'S HOME CARE	2005 SW 97 AVENUE MIAMI, FL 33165

(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 number 2021016866 was conducted at Lucy's Home Care, Inc. on , to , . Deficiencies were identified at the time of survey.	A 000		
A 026 SS=D	59A-36.007(2) FAC Resident Care - Social & Leisure Activities (2) SOCIAL AND LEISURE ACTIVITIES. Residents shall be encouraged to participate in social, recreational, educational and other activities within the facility and the community. (a) The facility must provide an ongoing activities program. The program must provide diversified individual and group activities in keeping with each resident's needs, abilities, and interests. (b) The facility must consult with the residents in selecting, planning, and scheduling activities. The facility must demonstrate residents' participation through one or more of the following methods: resident meetings, committees, a resident council, a monitored suggestion box, group discussions, questionnaires, or any other form of communication appropriate to the size of the facility. (c) Scheduled activities must be available at least 6 days a week for a total of not less than 12 hours per week. Watching television is not an activity for the purpose of meeting the 12 hours per week of scheduled activities unless the television program is a special one-time event of special interest to residents of the facility. A facility whose residents choose to attend day programs conducted at adult day care centers, senior centers, mental health centers, or other day programs may count those attendance hours towards the required 12 hours per week of scheduled activities. An activities calendar must be posted in common areas where residents	A 026		

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A 026	Continued From page 1 normally congregate. (d) If residents assist in planning a special activity such as an outing, seasonal festivity, or an excursion, up to 3 hours may be counted toward the required activity time. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to provide an ongoing activity program, and consult with the residents in selecting, planning and scheduling activities. Findings included: Review of the facility's activity calendar for , showed from 2:00 to 4:00 PM, reading to the residents, and singing. On , at 6:15 PM, Resident 2 stated, "I usually wake up, then, walk a little. I like to play dominos, but we don't play here; I would like to play it again." On , at 6:30 PM, the Administrator stated, "Sometimes I ask them if they want to play something. I cannot force them to do anything; they have the right to not do anything." On , at 9:37 AM, Resident 4's power of attorney stated, "The staff does not do activities with them. I don't know if it is because COVID, but they only watch TV." Class III	A 026		
A 027 SS=D	59A-36.007(3) FAC Resident Care - Arrangement for Health Care (3) ARRANGEMENT FOR HEALTH CARE. In	A 027		

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A 027	Continued From page 2 order to facilitate resident access to health care as needed, the facility must: (a) Assist residents in making [illegible] and remind residents about scheduled [illegible] for medical, dental, nursing, or mental health services. (b) Provide transportation to needed medical, dental, nursing or mental health services, or arrange for transportation through family and friends, volunteers, taxi cabs, public buses, and agencies providing transportation. (c) The facility may not require residents to receive services from a [illegible] health care provider. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to arrange health care services when necessary for one of four sampled residents, (Resident 1), who was [illegible] and developed a skin [illegible]. In addition, the facility failed to provide Resident 1 with the free choice of selecting a primary care provider of their choice. Findings included: Review of all residents 'health assessments showed that all were signed by the same health care provider. On [illegible], [illegible] at 11:08 AM, Resident 1's friend stated, "They also made her change doctors; the owner told us, she had to use the doctor from the facility." Review of Resident 1's record showed a health assessment dated [illegible] with no [illegible], a history and diagnoses of [illegible] 's [illegible] with [illegible], [illegible] replacement, [illegible] wasting, [illegible],	A 027		

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A 027	Continued From page 3 . The resident had precautions, and needed assistance with all activities of daily living, except for supervision in eating. On at 5:40 PM, Resident 1 stated, "They treat me good, but I don't know; I don't go to the bathroom during the night; I have the commode next to me, but I cannot see it in the dark; I am afraid to . I sleep without underwear or briefs, so I pee multiple times during the night, and when I wake up, I am all wet in pee." On at 6:55 PM, the Administrator stated, "[Resident 1] is , and has a from the briefs; that's why she sleeps without them." On at 4:20 PM, the health care provider stated, "She is , but we have not been advised of any concern with the resident. I don't have any request from the facility." Class III	A 027		
A 030 SS=D	59A-36.007(5) FAC; 429.28( ) FS 429.27 Resident Care - Rights & Facility Procedures 59A-36.007 (5) RESIDENT RIGHTS AND FACILITY 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	A 030		

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A 030	Continued From page 4 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; 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	A 030		

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A 030	Continued From page 5 of services to residents by third party providers; 9. Assistive devices; and 10. Physical [illegible] (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. (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	A 030		

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A 030	Continued From page 6 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 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	A 030		

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A 030	Continued From page 7 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 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 030		

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A 030	Continued From page 8 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; choosing his or her roommate; and, whenever possible, unless the resident is adjudicated or 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	A 030		

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A 030	Continued From page 9 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 treat four of four sampled residents with dignity and respect (Residents #1,2,3,4). Residents were forced to go to bed at 4:00 pm. Residents were not assisted with toileting and instead slept without adult briefs and laid in -soaked clothing and bedding all night. The facility also failed to allow four of four sampled residents to have 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 (Residents #1,2,3,4). Findings included: On at 5:30 PM, upon arrival at the facility, observed the entire facility's common areas with the lights off. On at 5:40 PM, observed Resident 1's room with the lights off; the room was very dark, did not have a night light, and did not have a TV. The resident was awake and stated, "At 4:00 PM they bring me to the room, and I am supposed to go to sleep; I cannot go that early, I am used to go to sleep around 10 or 11 PM. I don't have a TV in my room and look at these black curtains on the windows. I have been	A 030		

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A 030	Continued From page 10 here a year; my daughter is sick and cannot help me. They treat me good, but I don't know; I don't go to the bathroom during the night; I have the commode next to me, but I cannot see it in the dark; I am afraid to . . . I sleep without underwear or briefs, so I pee multiple times during the night, and when I wake up, I am all wet in pee." On . . . . . at 6:40 PM, Staff B stated, [Resident 1], when it's about 4:00 PM, she sleeps in the recliner, maybe she is bored. She does not have a TV in her room." On . . at 6:15 PM, Resident 2 stated, " I use the commode; I hardly use the bathroom." On . . at 6:55 PM, the Administrator stated, "[Resident 1] is . . . . . , and has a . . . from the briefs; that's why she sleeps without them. She doesn't watch TV, that's why she does not have one in her room; I took it from her bedroom, she is always watching TV only in the mornings." On . . at 9:37 AM, Resident 4's power of attorney stated, "They have their restrictions. She wakes up late and at 6:00 PM, they must go to their rooms. It has taken a while to adjust. When we take her out, she must be . . . by 4:00 PM. I am not going to tell you that she is happy, but at least she has a private room, and the room, and all her clothes are clean." On . . . . , . . . at 11:08 AM, Resident 1's friend stated, "I cannot go to the facility when I want; I must let them know the day before; the last time I went, was when I went with her granddaughter, about a month ago. She started crying, they don't allow you to go inside the	A 030		

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A 030	Continued From page 11 house; I used to before COVID; I don't know if her son talks to her because she does not have a phone. When we go, they bring her at the front door. At the beginning, she used to complain and cry because she wanted to be at her house. The owner is always present when I go, so I cannot speak to her in private. She is always clean, and her hair is done. She has been there since before COVID. I am . . . , because the owner told me I have to advice, and can only go on Tuesdays; if the owner is not there, they don't allow you to visit. They also made her change doctors; the owner told us, she had to use the doctor from the facility." Class III	A 030		
A 056 SS=D	59A-36.008(7) FAC Medication - Labeling and Orders (7) MEDICATION LABELING AND ORDERS. (a) The facility may not store prescription drugs for self-administration, assistance with self-administration, or administration unless they are properly labeled and dispensed in accordance with Chapters 465 and 499, F.S., and Rule 64B16-28.108, F.A.C. If a customized patient medication package is prepared for a resident, and separated into individual medicinal drug containers, then the following information must be recorded on each individual container: 1. The resident's name; and, 2. The identification of each medicinal drug in the container. (b) Except with respect to the use of pill organizers as described in subsection (2), no individual other than a pharmacist may transfer medications from one storage container to another.	A 056		

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A 056	Continued From page 12 (c) If the directions for use are "as needed" or "as directed," the health care provider must be contacted and requested to provide revised instructions. For an "as needed" prescription, the circumstances under which it would be appropriate for the resident to request the medication and any limitations must be specified; for example, "as needed for , , not to exceed 4 tablets per day." The revised instructions, including the date they were obtained from the health care provider and the signature of the staff who obtained them, must be noted in the medication record, or a revised label must be obtained from the pharmacist. (d) Any change in directions for use of a medication that the facility is administering or providing assistance with self-administration must be accompanied by a written, faxes, or electronic copy of a medication order issued and signed by the resident's health care provider. The new directions must promptly be recorded in the resident's medication observation record. The facility may then obtain a revised label from the pharmacist or place an "alert" label on the medication container that directs staff to examine the revised directions for use in the medication observation record. (e) A nurse may take a medication order by telephone. Such order must be promptly documented in the resident's medication observation record. The facility must obtain a written medication order from the health care provider within 10 working days. A faxed or electronic copy of a signed order is acceptable. (f) The facility must make every reasonable effort to ensure that prescriptions for residents who receive assistance with self-administration of medication or medication administration are filled or refilled in a timely manner.	A 056		

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A 056	Continued From page 13 (g) Pursuant to Section 465.0276(5), F.S., and Rule 61N-1.006, F.A.C., sample or complimentary prescription drugs that are dispensed by a health care provider, must be kept in their original manufacturer's packaging, which must include the practitioner's name, the resident's name for whom they were dispensed, and the date they were dispensed. If the sample or complimentary prescription drugs are not dispensed in the manufacturer's labeled package, they must be kept in a container that bears a label containing the following: 1. Practitioner's name, 2. Resident's name, 3. Date dispensed, 4. Name and strength of the drug, 5. Directions for use; and, 6. Expiration date. (h) Pursuant to Section 465.0276(2)(c), F.S., before dispensing any sample or complimentary prescription drug, the resident's health care provider must provide the resident with a written prescription, or a faxed or electronic copy of such order. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to follow the doctor's labeling and orders when assisting residents with self administration of medications. Findings included: On [redacted], at 5:30 PM, upon arrival, observed all residents already at their bedrooms, either sleeping, or watching TV. Review of all medication labels and orders on the medication order record, showed all medications scheduled for 7:00 PM already initialed as having been	A 056		

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
	AL11966909	A. BUILDING: _____ B. WING _____	03/23/2022

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
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A 056	Continued From page 14 given. Staff B stated she was working alone, and that the Administrator and Staff C had left the facility for the day. At 5:50 PM, observation showed the Administrator and Staff C arrived . . . at the facility. On . . . . . at 6:52 PM, the Administrator stated regarding the medications, "I gave the medications before I left; I see the schedule, but I can ask the doctor to move the time. The staff always gives the medications later." Class III	A 056		

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A 000	Initial Comments A Complaint Investigation number 2021016866 was conducted at Lucy's Home Care, Inc. on , to , . Deficiencies were identified at the time of survey.	A 000		
A 026 SS=D	59A-36.007(2) FAC Resident Care - Social & Leisure Activities (2) SOCIAL AND LEISURE ACTIVITIES. Residents shall be encouraged to participate in social, recreational, educational and other activities within the facility and the community. (a) The facility must provide an ongoing activities program. The program must provide diversified individual and group activities in keeping with each resident's needs, abilities, and interests. (b) The facility must consult with the residents in selecting, planning, and scheduling activities. The facility must demonstrate residents' participation through one or more of the following methods: resident meetings, committees, a resident council, a monitored suggestion box, group discussions, questionnaires, or any other form of communication appropriate to the size of the facility. (c) Scheduled activities must be available at least 6 days a week for a total of not less than 12 hours per week. Watching television is not an activity for the purpose of meeting the 12 hours per week of scheduled activities unless the television program is a special one-time event of special interest to residents of the facility. A facility whose residents choose to attend day programs conducted at adult day care centers, senior centers, mental health centers, or other day programs may count those attendance hours towards the required 12 hours per week of scheduled activities. An activities calendar must be posted in common areas where residents	A 026		

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A 026	Continued From page 1 normally congregate. (d) If residents assist in planning a special activity such as an outing, seasonal festivity, or an excursion, up to 3 hours may be counted toward the required activity time. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to provide an ongoing activity program, and consult with the residents in selecting, planning and scheduling activities. Findings included: Review of the facility's activity calendar for , showed from 2:00 to 4:00 PM, reading to the residents, and singing. On , at 6:15 PM, Resident 2 stated, "I usually wake up, then, walk a little. I like to play dominos, but we don't play here; I would like to play it again." On , at 6:30 PM, the Administrator stated, "Sometimes I ask them if they want to play something. I cannot force them to do anything; they have the right to not do anything." On , at 9:37 AM, Resident 4's power of attorney stated, "The staff does not do activities with them. I don't know if it is because COVID, but they only watch TV." Class III	A 026		
A 027 SS=D	59A-36.007(3) FAC Resident Care - Arrangement for Health Care (3) ARRANGEMENT FOR HEALTH CARE. In	A 027		

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A 027	Continued From page 2 order to facilitate resident access to health care as needed, the facility must: (a) Assist residents in making [illegible] and remind residents about scheduled [illegible] for medical, dental, nursing, or mental health services. (b) Provide transportation to needed medical, dental, nursing or mental health services, or arrange for transportation through family and friends, volunteers, taxi cabs, public buses, and agencies providing transportation. (c) The facility may not require residents to receive services from a [illegible] health care provider. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to arrange health care services when necessary for one of four sampled residents, (Resident 1), who was [illegible] and developed a skin [illegible]. In addition, the facility failed to provide Resident 1 with the free choice of selecting a primary care provider of their choice. Findings included: Review of all residents 'health assessments showed that all were signed by the same health care provider. On [illegible], [illegible] at 11:08 AM, Resident 1's friend stated, "They also made her change doctors; the owner told us, she had to use the doctor from the facility." Review of Resident 1's record showed a health assessment dated [illegible] with no [illegible], a history and diagnoses of [illegible] 's [illegible] with [illegible], [illegible] replacement, [illegible] wasting, [illegible],	A 027		

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A 027	Continued From page 3 . The resident had precautions, and needed assistance with all activities of daily living, except for supervision in eating. On at 5:40 PM, Resident 1 stated, "They treat me good, but I don't know; I don't go to the bathroom during the night; I have the commode next to me, but I cannot see it in the dark; I am afraid to . I sleep without underwear or briefs, so I pee multiple times during the night, and when I wake up, I am all wet in pee." On at 6:55 PM, the Administrator stated, "[Resident 1] is , and has a from the briefs; that's why she sleeps without them." On at 4:20 PM, the health care provider stated, "She is , but we have not been advised of any concern with the resident. I don't have any request from the facility." Class III	A 027		
A 030 SS=D	59A-36.007(5) FAC; 429.28( ) FS 429.27 Resident Care - Rights & Facility Procedures 59A-36.007 (5) RESIDENT RIGHTS AND FACILITY 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	A 030		

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A 030	Continued From page 4 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; 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	A 030		

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A 030	Continued From page 5 of services to residents by third party providers; 9. Assistive devices; and 10. Physical [illegible] (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. (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	A 030		

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A 030	Continued From page 6 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 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	A 030		

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A 030	Continued From page 7 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 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 030		

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A 030	Continued From page 8 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; choosing his or her roommate; and, whenever possible, unless the resident is adjudicated or 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	A 030		

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A 030	Continued From page 9 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 treat four of four sampled residents with dignity and respect (Residents #1,2,3,4). Residents were forced to go to bed at 4:00 pm. Residents were not assisted with toileting and instead slept without adult briefs and laid in -soaked clothing and bedding all night. The facility also failed to allow four of four sampled residents to have 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 (Residents #1,2,3,4). Findings included: On at 5:30 PM, upon arrival at the facility, observed the entire facility's common areas with the lights off. On at 5:40 PM, observed Resident 1's room with the lights off; the room was very dark, did not have a night light, and did not have a TV. The resident was awake and stated, "At 4:00 PM they bring me to the room, and I am supposed to go to sleep; I cannot go that early, I am used to go to sleep around 10 or 11 PM. I don't have a TV in my room and look at these black curtains on the windows. I have been	A 030		

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A 030	Continued From page 10 here a year; my daughter is sick and cannot help me. They treat me good, but I don't know; I don't go to the bathroom during the night; I have the commode next to me, but I cannot see it in the dark; I am afraid to . . . I sleep without underwear or briefs, so I pee multiple times during the night, and when I wake up, I am all wet in pee." On . . . . . at 6:40 PM, Staff B stated, [Resident 1], when it's about 4:00 PM, she sleeps in the recliner, maybe she is bored. She does not have a TV in her room." On . . at 6:15 PM, Resident 2 stated, " I use the commode; I hardly use the bathroom." On . . at 6:55 PM, the Administrator stated, "[Resident 1] is . . . . . , and has a . . . from the briefs; that's why she sleeps without them. She doesn't watch TV, that's why she does not have one in her room; I took it from her bedroom, she is always watching TV only in the mornings." On . . at 9:37 AM, Resident 4's power of attorney stated, "They have their restrictions. She wakes up late and at 6:00 PM, they must go to their rooms. It has taken a while to adjust. When we take her out, she must be . . . by 4:00 PM. I am not going to tell you that she is happy, but at least she has a private room, and the room, and all her clothes are clean." On . . . . , . . . at 11:08 AM, Resident 1's friend stated, "I cannot go to the facility when I want; I must let them know the day before; the last time I went, was when I went with her granddaughter, about a month ago. She started crying, they don't allow you to go inside the	A 030		

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A 030	Continued From page 11 house; I used to before COVID; I don't know if her son talks to her because she does not have a phone. When we go, they bring her at the front door. At the beginning, she used to complain and cry because she wanted to be at her house. The owner is always present when I go, so I cannot speak to her in private. She is always clean, and her hair is done. She has been there since before COVID. I am . . . , because the owner told me I have to advice, and can only go on Tuesdays; if the owner is not there, they don't allow you to visit. They also made her change doctors; the owner told us, she had to use the doctor from the facility." Class III	A 030		
A 056 SS=D	59A-36.008(7) FAC Medication - Labeling and Orders (7) MEDICATION LABELING AND ORDERS. (a) The facility may not store prescription drugs for self-administration, assistance with self-administration, or administration unless they are properly labeled and dispensed in accordance with Chapters 465 and 499, F.S., and Rule 64B16-28.108, F.A.C. If a customized patient medication package is prepared for a resident, and separated into individual medicinal drug containers, then the following information must be recorded on each individual container: 1. The resident's name; and, 2. The identification of each medicinal drug in the container. (b) Except with respect to the use of pill organizers as described in subsection (2), no individual other than a pharmacist may transfer medications from one storage container to another.	A 056		

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	AL11966909	A. BUILDING: _____ B. WING _____	03/23/2022

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
LUCY'S HOME CARE	2005 SW 97 AVENUE MIAMI, FL 33165

(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 056	Continued From page 12 (c) If the directions for use are "as needed" or "as directed," the health care provider must be contacted and requested to provide revised instructions. For an "as needed" prescription, the circumstances under which it would be appropriate for the resident to request the medication and any limitations must be specified; for example, "as needed for , , not to exceed 4 tablets per day." The revised instructions, including the date they were obtained from the health care provider and the signature of the staff who obtained them, must be noted in the medication record, or a revised label must be obtained from the pharmacist. (d) Any change in directions for use of a medication that the facility is administering or providing assistance with self-administration must be accompanied by a written, faxes, or electronic copy of a medication order issued and signed by the resident's health care provider. The new directions must promptly be recorded in the resident's medication observation record. The facility may then obtain a revised label from the pharmacist or place an "alert" label on the medication container that directs staff to examine the revised directions for use in the medication observation record. (e) A nurse may take a medication order by telephone. Such order must be promptly documented in the resident's medication observation record. The facility must obtain a written medication order from the health care provider within 10 working days. A faxed or electronic copy of a signed order is acceptable. (f) The facility must make every reasonable effort to ensure that prescriptions for residents who receive assistance with self-administration of medication or medication administration are filled or refilled in a timely manner.	A 056		

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A 056	Continued From page 13 (g) Pursuant to Section 465.0276(5), F.S., and Rule 61N-1.006, F.A.C., sample or complimentary prescription drugs that are dispensed by a health care provider, must be kept in their original manufacturer's packaging, which must include the practitioner's name, the resident's name for whom they were dispensed, and the date they were dispensed. If the sample or complimentary prescription drugs are not dispensed in the manufacturer's labeled package, they must be kept in a container that bears a label containing the following: 1. Practitioner's name, 2. Resident's name, 3. Date dispensed, 4. Name and strength of the drug, 5. Directions for use; and, 6. Expiration date. (h) Pursuant to Section 465.0276(2)(c), F.S., before dispensing any sample or complimentary prescription drug, the resident's health care provider must provide the resident with a written prescription, or a faxed or electronic copy of such order. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to follow the doctor's labeling and orders when assisting residents with self administration of medications. Findings included: On [redacted], at 5:30 PM, upon arrival, observed all residents already at their bedrooms, either sleeping, or watching TV. Review of all medication labels and orders on the medication order record, showed all medications scheduled for 7:00 PM already initialed as having been	A 056		

Agency for Health Care Administration

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A 056	Continued From page 14 given. Staff B stated she was working alone, and that the Administrator and Staff C had left the facility for the day. At 5:50 PM, observation showed the Administrator and Staff C arrived . . . at the facility. On . . . . . at 6:52 PM, the Administrator stated regarding the medications, "I gave the medications before I left; I see the schedule, but I can ask the doctor to move the time. The staff always gives the medications later." Class III	A 056		