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
	AL11910568	A. BUILDING: _____ B. WING _____	07/07/2022

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
GARDEN VIEW ALF	526 N. MARY AVE. PANAMA CITY, FL 32404

(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 complaint number 2022005262 and a generator assessment were conducted at Garden View Assisted Living on . . . . . Deficient practice was identified at the time of the 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 reviews, resident interviews, and staff interview, the facility failed to maintain a separate bank account to prevent co-mingling of residents' funds with facility funds for 5 of 7 sampled residents (residents 3, 4, 5, 6, and 7), failed to show receipts for several transactions debited from the account, and failed to furnish each resident or responsible party with a complete statement of all funds, charges, and payments at least once every 3 months for 6 of 7 sampled residents. (Residents 1, 3, 4, 5, 6, and 7) The findings include: Review of a bank statement for the facility Business Value Checking 200 account ending in 5064 revealed resident number 4's social security check in the amount of $832 was deposited in the account on , resident number 7's social security check in the amount of $1218 was deposited into the account on , and resident number 3's social security check in the amount of $1530 was deposited into the account on . The account statement and copies of checks provided by the Administrator reveal multiple debits during the month of to include debit to Florida Department of Revenue for $400.55, Amazon Prime for $15.13, Geico auto insurance for $244.64, debit for American Care for $36.95, debit for Ross stores $71.65, recurring debit Verizon wireless $230.71, debit to AFS/IBEX for $1,194.69, debit for tax payment Internal Revenue Service	A 123		

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A 123	Continued From page 3 (IRS) for $1,063.20. The statement and copies of checks also include check number 9753 on ... ... for the amount of $5000 paid to the Administrator and check number 9751 on for the amount of $2000 paid to Capital One (a credit card company). Review of a bank statement for the facility Business Value Checking 200 account ending in 5064 revealed resident number 4's social security income in the amount of $29.00 was deposited in the account on and an amount of $832 was deposited in the account on , resident number 5's social security income in the amount of $841 was deposited in the account on , resident number 6's social security income in the amount of $841 was deposited in the account on , resident number 7's social security income in the amount of $1218 was deposited in the account on , and resident number 3's social security income in the amount of $1530 was deposited in the account on .. ... . The account statement and copies of checks provided by the Administrator reveal multiple debits during the month of ... to include a debit on for $3,253.91 to HSW of Panama City, ATM cash withdrawal of $500.00 on . Walmart for $376.34, for Amazon marketplace for $9.62, recurring debit Verizon Wireless for $255.70, debit Walmart Supercenter $468.90, and ..... debit tax payment IRS for the amount of $952.40. An interview was conducted with the Administrator on ..... at 2:21 PM. She stated she has been co-mingling the resident funds in her business checking account since she took over the facility. She stated she was not aware she could not co-mingle the funds. She stated the purchase on to AFS for $1194.69 was	A 123		

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A 123	Continued From page 4	A 123		

insurance for the facility. She stated she does not have any receipts for the purchases and all of the purchases were for the business. She stated the $5000 cash was for her income.

An interview was conducted with resident number 1 on [redacted] at 2:31 PM. He stated he had lived in the facility about 5 years and the facility had not provided him a statement of all funds, charges, and payments at least once every 3 months. An interview was conducted with resident number 3 on [redacted] at 1:20 PM. He stated he had lived in the facility about 10.5 years and the facility had not provided him a statement of all funds, charges, and payments at least once every 3 months. An interview was conducted with resident number 4 on [redacted] at 2:08 PM. He stated he had lived in the facility about 13 years and the facility had not provided him a statement of all funds, charges, and payments at least once every 3 months. An interview was conducted with resident number 5 on [redacted] at 2:56 PM. She confirmed she had been living in the facility for at least a year and the facility had not provided him a statement of all funds, charges, and payments at least once every 3 months. An interview was conducted with resident number 6 on [redacted] at 2:35 PM. She stated she had lived in the facility for years and the facility had not provided him a statement of all funds, charges, and payments at least once every 3 months. An interview was conducted with resident number 7 on [redacted] at 2:12 PM. He stated he had lived in the facility for 20 years and the facility had not provided him a statement of all funds, charges, and payments at least once every 3 months.

An interview was conducted with the Administrator on [redacted] at 10:36 AM. She stated she does not provide quarterly statements to

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A 123	Continued From page 5 residents because they are not charged for anything other than monthly rent. She stated she just has the contract and does not document monthly rent charges. Class II	A 123		
A 167 SS=D	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 agrees in writing to reserve a bed for a resident	A 167		

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A 167	Continued From page 6 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 self-administration, and administration of	A 167		

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A 167	Continued From page 7 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 8 (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 resident who is admitted to a medical facility,	A 167		

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A 167	Continued From page 9 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 substituted for the contract if it meets the	A 167		

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A 167	Continued From page 10 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 staff interview the facility failed to honor resident contracts by failing to provide 30 days written notice to the resident or responsible party prior to any rate increase for 4 of 4 sampled residents with rate increases in 2022. (Residents 4, 5, 6, and 7) The findings include: Review of resident number 4's contract with the facility revealed a documented rate increase from $731 to $841 per month on . Review of resident number 5's contract revealed a documented rate increase from $730 to $841 per month on . Review of resident number 6's contract revealed a documented rate increase from $674 to $841 per month on . Review of resident number 7's contract revealed a documented rate increase from $1000 to $1200 per month on . Resident 4, 5, 6, and 7 contracts all stated page 2, the facility will inform the resident or responsible party in writing of any rate increases 30 days prior to the adjustment. The records revealed no 30-day written notice of the rate increase. An interview was conducted with the Administrator on at 3:30 PM. She stated she never gave the residents a 30-day notice of the rate increase.	A 167		

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A 167	Continued From page 11 Class III	A 167		
CZ841 SS=E	408.823( ) FS In-person Visitation (1) This section applies to [illegible] centers as defined in s. 393.063, hospitals licensed under chapter 395, nursing home facilities licensed under part II of chapter 400, hospice facilities licensed under part of chapter 400, intermediate care facilities for the [illegible] licensed and certified under part VIII of chapter 400, and assisted living facilities licensed under part I of chapter 429. (2)(a) No later than 30 days after the effective date of this act, each provider shall establish visitation policies and procedures. The policies and procedures must, at a minimum, include [illegible] control and education policies for visitors; screening, personal protective equipment, and other [illegible] control protocols for visitors; permissible length of visits and numbers of visitors, which must meet or exceed the standards in ss. 400.022(1)(b) and 429.28(1)(d), as applicable; and designation of a person responsible for ensuring that staff adhere to the policies and procedures. Safety-related policies and procedures may not be more stringent than those established for the provider's staff and may not require visitors to submit proof of any [illegible] or immunization. The policies and procedures must allow consensual physical contact between a resident, client, or patient and the visitor. (b) A resident, client, or patient may designate a visitor who is a family member, friend, guardian, or other individual as an essential caregiver. The provider must allow in-person visitation by the essential caregiver for at least 2 hours daily in	CZ841		

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CZ841	Continued From page 12	CZ841		

addition to any other visitation authorized by the provider. This section does not require an essential caregiver to provide necessary care to a resident, client, or patient of a provider, and providers may not require an essential caregiver to provide such care.
(c) The visitation policies and procedures required by this section must allow in-person visitation in all of the following circumstances, unless the resident, client, or patient objects:
1. End-of-life situations.
2. A resident, client, or patient who was living with family before being admitted to the provider ' s care is struggling with the change in environment and lack of in-person family support.
3. The resident, client, or patient is making one or more major medical decisions.
4. A resident, client, or patient is experiencing emotional distress or grieving the loss of a friend or family member who recently .
5. A resident, client, or patient needs cueing or encouragement to eat or drink which was previously provided by a family member or caregiver.
6. A resident, client, or patient who used to talk and interact with others is seldom speaking.
7. For hospitals, childbirth, including labor and delivery.
8. patients.
(d) The policies and procedures may require a visitor to agree in writing to follow the provider's policies and procedures. A provider may suspend in-person visitation of a specific visitor if the visitor violates the provider's policies and procedures.
(e) The providers shall provide their visitation policies and procedures to the agency when applying for initial licensure, licensure renewal, or change of ownership. The provider must make

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NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
GARDEN VIEW ALF	526 N. MARY AVE. PANAMA CITY, FL 32404

(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
CZ841	Continued From page 13 the visitation policies and procedures available to the agency for review at any time, upon request. (f) Within 24 hours after establishing the policies and procedures required under this section, providers must make such policies and procedures easily accessible from the homepage of their websites. This Statute or Rule is not met as evidenced by: Based on review of facility policy and procedure and staff interview, the facility failed to ensure the policy for in-person visitation contained all the required elements. This concern has the potential to affect all residents in the facility. The findings include: A review was conducted of the undated facility policy titled, "Garden View ALF; Resident Visitation Policy and Procedure". The policy failed to include the designation of a person responsible for implementation and enforcement of the policy, control and education for visitors, screening of persons entering the facility and failed to have provisions for a designated essential caregiver. On at approximately 10:00 AM, an interview was conducted with the Administrator who confirmed the policy did not contain all of the required components. Class III	CZ841		