

Agency for Health Care Administration

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: AL11922348	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____		(X3) DATE SURVEY COMPLETED C 10/28/2022
NAME OF PROVIDER OR SUPPLIER HILLSIDE GARDENS II		STREET ADDRESS, CITY, STATE, ZIP CODE 3434 ZARA WAY CLEARWATER, FL 33761			
(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
CZ814	435.12(2)(b-d), FS Background Screening Clearinghouse 435.12 Care Provider Background Screening Clearinghouse.- (2)(b) Until such time as the _____ are enrolled in the national retained print notification program at the Federal Bureau of Investigation, an employee with a break in service of more than 90 days from a position that requires screening by a specified agency must submit to a national screening if the person returns to a position that requires screening by a specified agency. (c) An employer of persons subject to screening by a specified agency must register with the clearinghouse and maintain the employment status of all employees within the clearinghouse. Initial employment status and any changes in status must be reported within 10 business days. (d) An employer must register with and initiate all criminal history checks through the clearinghouse before referring an employee or potential employee for electronic _____ submission to the Department of Law Enforcement. The registration must include the employee's full first name, middle initial, and last name; social security number; date of birth; mailing address; _____; and race. Individuals, persons, applicants, and controlling interests that cannot legally obtain a social security number must provide an individual taxpayer identification number. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to register all staff through the Care Provider Background Screening Clearinghouse for 1 staff member of 4 staff members (Staff A). Findings Included:	CZ814			

AHCA Form 3020-0001

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

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CZ814	Continued From page 1 An observation of the facility, at 9:00am on _____, revealed that there was one staff member present, Staff A. Staff A was observed providing care to Resident #5. At 9:10am on _____, Staff A stated that she worked at the facility sometimes. At 9:27am on _____, Staff A stated she had only been working in the facility for about a week. She stated she didn't really work at the facility, she just came in when the Administrator asked her to be there. At 9:22am on _____, Staff B was observed arriving to the facility to start her shift. At 9:30am Staff A was observed leaving the facility. In an interview with the Administrator at 9:55am, on _____, she stated that Staff A worked at the facility, she just started working there, and that the facility had no paperwork on her yet. She also stated that Staff A had just completed working a 12-hour overnight shift. A review of the facility's background screening clearinghouse roster on _____ revealed that Staff A's name did not appear on the roster. Unclassified	CZ814			
CZ815	408.809(1)(____); 435.02(2); 435.06 FS Background Screening; Prohibited Offenses 408.809 Background screening; prohibited offenses. (1) Level 2 background screening pursuant to chapter 435 must be conducted through the agency on each of the following persons, who are considered employees for the purposes of	CZ815			

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CZ815	Continued From page 2 conducting screening under chapter 435: (a) The licensee, if an individual. (b) The administrator or a similarly titled person who is responsible for the day-to-day operation of the provider. (c) The financial officer or similarly titled individual who is responsible for the financial operation of the licensee or provider. (d) Any person who is a controlling interest. (e) Any person, as required by authorizing statutes, seeking employment with a licensee or provider who is expected to, or whose responsibilities may require him or her to, provide personal care or services directly to clients or have access to client funds, personal property, or living areas; and any person, as required by authorizing statutes, _____ with a licensee or provider whose responsibilities require him or her to provide personal care or personal services directly to clients, or _____ with a licensee or provider to work 20 hours a week or more who will have access to client funds, personal property, or living areas. Evidence of contractor screening may be retained by the contractor's employer or the licensee. (3) All _____ must be provided in electronic format. Screening results shall be reviewed by the agency with respect to the offenses specified in s. 435.04 and this section, and the qualifying or disqualifying status of the person named in the request shall be maintained in a database. The qualifying or disqualifying status of the person named in the request shall be posted on a secure website for retrieval by the licensee or designated agent on the licensee's behalf. (4) In addition to the offenses listed in s. 435.04, all persons required to undergo background	CZ815		

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CZ815	Continued From page 3 screening pursuant to this part or authorizing statutes must not have an awaiting final disposition for, must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record not have been sealed or expunged for any of the following offenses or any similar offense of another jurisdiction: (a) Any authorizing statutes, if the offense was a felony. (b) This chapter, if the offense was a felony. (c) Section 409.920, relating to Medicaid provider fraud. (d) Section 409.9201, relating to Medicaid fraud. (e) Section 741.28, relating to domestic violence. (f) Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection. (g) Section 784.03, relating to battery, if the victim is a _____ adult as defined in s. 415.102 or a patient or resident of a facility licensed under chapter 395, chapter 400, or chapter 429. (h) Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems. (i) Section 817.234, relating to false and fraudulent insurance claims. (j) Section 817.481, relating to obtaining goods by using a false or expired credit card or other credit device, if the offense was a felony. (k) Section 817.50, relating to fraudulently obtaining goods or services from a health care provider. (l) Section 817.505, relating to patient brokering. (m) Section 817.568, relating to criminal use of personal identification information. (n) Section 817.60, relating to obtaining a credit card through fraudulent means.	CZ815			

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CZ815	Continued From page 4 (o) Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony. (p) Section 831.01, relating to forgery. (q) Section 831.02, relating to uttering forged instruments. (r) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes. (s) Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes. (t) Section 831.30, relating to fraud in obtaining medicinal drugs. (u) Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony. (v) Section 895.03, relating to racketeering and collection of unlawful debts. (w) Section 896.101, relating to the Florida Money Laundering Act. If, upon rescreening, a person who is currently employed or _____ with a licensee and was screened and qualified under s. 435.04 has a disqualifying offense that was not a disqualifying offense at the time of the last screening, but is a current disqualifying offense and was committed before the last screening, he or she may apply for an exemption from the appropriate licensing agency and, if agreed to by the employer, may continue to perform his or her duties until the licensing agency renders a decision on the application for exemption if the person is eligible to apply for an exemption and the exemption request is received by the agency no later than 30 days after receipt of the rescreening results by the person. (5) The costs associated with obtaining the required screening must be borne by the licensee	CZ815		

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CZ815	Continued From page 5 or the person subject to screening. Licensees may reimburse persons for these costs. The Department of Law Enforcement shall charge the agency for screening pursuant to s. 943.053(3). The agency shall establish a schedule of fees to cover the costs of screening. (6)(a) As provided in chapter 435, the agency may grant an exemption from disqualification to a person who is subject to this section and who: - Does not have an active professional license or certification from the Department of Health; or - Has an active professional license or certification from the Department of Health but is not providing a service within the scope of that license or certification. (b) As provided in chapter 435, the appropriate regulatory board within the Department of Health, or the department itself if there is no board, may grant an exemption from disqualification to a person who is subject to this section and who has received a professional license or certification from the Department of Health or a regulatory board within that department and that person is providing a service within the scope of his or her licensed or certified practice. (7) The agency and the Department of Health may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section, chapter 435, and authorizing statutes requiring background screening and to implement and adopt criteria relating to retaining _____ pursuant to s. 943.05(2). (8) There is no reemployment assistance or other monetary liability on the part of, and no cause of action for damages arising against, an employer that, upon notice of a disqualifying offense listed	CZ815			

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CZ815	Continued From page 6 under chapter 435 or this section, terminates the person against whom the report was issued, whether or not that person has filed for an exemption with the Department of Health or the agency. 435.06 Exclusion from employment.- (1) If an employer or agency has reasonable cause to believe that grounds exist for the denial or termination of employment of any employee as a result of background screening, it shall notify the employee in writing, stating the specific record that indicates noncompliance with the standards in this chapter. It is the responsibility of the affected employee to contest his or her disqualification or to request exemption from disqualification. The only basis for contesting the disqualification is proof of mistaken identity. (2)(a) An employer may not hire, select, or otherwise allow an employee to have contact with any _____ person that would place the employee in a role that requires background screening until the screening process is completed and demonstrates the absence of any grounds for the denial or termination of employment. If the screening process shows any grounds for the denial or termination of employment, the employer may not hire, select, or otherwise allow the employee to have contact with any _____ person that would place the employee in a role that requires background screening unless the employee is granted an exemption for the disqualification by the agency as provided under s. 435.07. (b) If an employer becomes aware that an employee has been _____ for a disqualifying offense, the employer must remove the employee from contact with any _____ person that places the employee in a role that requires	CZ815			

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CZ815	Continued From page 7 background screening until the _____ is resolved in a way that the employer determines that the employee is still eligible for employment under this chapter. (c) The employer must terminate the employment of any of its personnel found to be in noncompliance with the minimum standards of this chapter or place the employee in a position for which background screening is not required unless the employee is granted an exemption from disqualification pursuant to s. 435.07. (d) An employer may hire an employee to a position that requires background screening before the employee completes the screening process for training and orientation purposes. However, the employee may not have direct contact with _____ persons until the screening process is completed and the employee demonstrates that he or she exhibits no behaviors that warrant the denial or termination of employment. (3) Any employee who refuses to cooperate in such screening or refuses to timely submit the information necessary to complete the screening, including _____ if required, must be disqualified for employment in such position or, if employed, must be dismissed. (4) There is no reemployment assistance or other monetary liability on the part of, and no cause of action for damages against, an employer that, upon notice of a conviction or _____ for a disqualifying offense listed under this chapter, terminates the person against whom the report was issued or who was _____, regardless of whether or not that person has filed for an exemption pursuant to this chapter. 435.02 Definitions.--For the purposes of this chapter, the term:	CZ815		

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CZ815	Continued From page 8 (2) "Employee" means any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to ensure that all staff undergo a Level II background screening for disqualifying offenses, for 1 staff member of 4 staff members (Staff A). Findings Included: An observation of the facility, at 9:00am on _____, revealed that there was one staff member present, Staff A. Staff A was observed providing care to Resident #5. At 9:10am on _____, Staff A stated that she worked at the facility sometimes. At 9:27am on _____, Staff A stated she had only been working in the facility for about a week. She stated she didn't really work at the facility, she just came in when the Administrator asked her to be there. At 9:22am on _____, Staff B was observed arriving to the facility to start her shift. At 9:30am Staff A was observed leaving the facility. In an interview with the Administrator at 9:55am, on _____, she stated that Staff A worked at the facility, she just started working there, and that the facility had no paperwork on her yet. She also stated that Staff A had just completed working a 12-hour overnight shift. An attempted review of Staff A's record on _____ revealed that Staff A had no paperwork on file, including a Level II background screening.	CZ815			

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CZ815	Continued From page 9 Unclassified	CZ815			
CZ816	408.809(2) 435.05(2) 59A-35.090(2d-3b) Background Screening-Compliance Attestation 408.809 Background screening; prohibited offenses.- (2) Every 5 years following his or her licensure, employment, or entry into a contract in a capacity that under subsection (1) would require level 2 background screening under chapter 435, each such person must submit to level 2 background rescreening as a condition of retaining such license or continuing in such employment or contractual status. For any such rescreening, the agency shall request the Department of Law Enforcement to forward the person's to the Federal Bureau of Investigation for a national criminal history record check unless the person's _____ are enrolled in the Federal Bureau of Investigation's national retained print _____ notification program. If the _____ of such a person are not retained by the Department of Law Enforcement under s. 943.05(2)(g) and (h), the person must submit _____ electronically to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the _____ to the Federal Bureau of Investigation for a national criminal history record check. The _____ shall be retained by the Department of Law Enforcement under s. 943.05(2)(g) and (h) and enrolled in the national retained print _____ notification program when the Department of Law Enforcement begins participation in the program. The cost of the state and national criminal history records checks required by level 2 screening may be borne by	CZ816			

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CZ816	Continued From page 10 the licensee or the person The agency may accept as satisfying the requirements of this section proof of compliance with level 2 screening standards submitted within the previous 5 years to meet any provider or professional licensure requirements of the Department of Financial Services for an applicant for a certificate of authority or provisional certificate of authority to operate a continuing care retirement community under chapter 651, provided that: (a) The screening standards and disqualifying offenses for the prior screening are equivalent to those specified in s. 435.04 and this section; (b) The person subject to screening has not had a break in service from a position that requires level 2 screening for more than 90 days; and (c) Such proof is accompanied, under penalty of perjury, by an attestation of compliance with chapter 435 and this section using forms provided by the agency. 435.05 Requirements for covered employees and employers.-Except as otherwise provided by law, the following requirements apply to covered employees and employers: (2) Every employee must attest, subject to penalty of perjury, to meeting the requirements for qualifying for employment pursuant to this chapter and agreeing to inform the employer immediately if for any of the disqualifying offenses while employed by the employer. 59A-35.090 Background Screening. (2) Processing Screening Requests, Required Documents and Fees. (d) An Attestation of Compliance with Background Screening Requirements, AHCA Form 3100-0008, herein incorporated by	CZ816			

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CZ816	Continued From page 11 reference, available at http://www.flrules.org/Gateway/reference.asp?No=Ref-09106, and available from the Agency for Health Care Administration at: http://ahca.myflorida.com/MCHQ/Central_Service/Background_Screening/Regulations_Forms.shtml. This form must be completed by the individual and retained by the provider upon hire to attest that they meet the requirements for qualifying for employment, they have not been unemployed for more than 90 days from a position that requires Level 2 screening, and they agree to inform the employer immediately if _____ for any disqualifying offense. (e) An administrator or chief financial officer must be screened and qualified prior to _____ to the position. (3) Results of Screening and Notification. (a) Final results of background screening requests will be provided through the Agency's secure website that may be accessed by all health care providers applying for or actively licensed through the Agency that are registered with the Care Provider Background Screening Clearinghouse. The secure website is located at: apps.ahca.myflorida.com/SingleSignOnPortal. (b) If a Level 2 criminal history is incomplete, a certified letter will be sent to the individual being screened requesting the _____ report and court disposition information. If the letter is returned unclaimed, a copy of the letter will be sent by regular mail. Pursuant to Section 435.05(1)(d), F.S., the missing information must be filed with the Agency within 30 days of the Agency's request or the individual is subject to disqualification in accordance with Section 435.06(3), F.S. This Statute or Rule is not met as evidenced by:	CZ816		

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CZ816	Continued From page 12 Based on record review and interview, the facility failed to ensure that all staff members had signed an attestation regarding meeting the disqualifying offenses background screening requirements for employment for 1 staff member of 4 staff members (Staff A). Findings Included: An observation of the facility, at 9:00am on _____, revealed that there was one staff member present, Staff A. Staff A was observed providing care to Resident #5. At 9:10am on _____, Staff A stated that she worked at the facility sometimes. At 9:27am on _____, Staff A stated she had only been working in the facility for about a week. She stated she didn't really work at the facility, she just came in when the Administrator asked her to be there. At 9:22am on _____, Staff B was observed arriving to the facility to start her shift. At 9:30am Staff A was observed leaving the facility. In an interview with the Administrator at 9:55am, on _____, she stated that Staff A worked at the facility, she just started working there, and that the facility had no paperwork on her yet. She also stated that Staff A had just completed working a 12-hour overnight shift. An attempted review of Staff A's record on _____ revealed that Staff A had no paperwork on file, including an attestation to taking a Level II background screening. Unclassified	CZ816			

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NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

HILLSIDE GARDENS II

**3434 ZARA WAY
CLEARWATER, FL 33761**

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A 000	Continued From page 13	A 000		
A 000	Initial Comments A complaint investigation (complaint #2022011899) was conducted at Hillside Gardens II on _____ through _____. Deficiencies were identified at the time of survey.	A 000		
A 010 SS=J	429.26() FS; 59A-36.006(4) FAC Admissions - Continued Residency 429.26 Appropriateness of placements; examinations of residents.- (1) The owner or administrator of a facility is responsible for determining the appropriateness of admission of an individual to the facility and for determining the continued appropriateness of residence of an individual in the facility. A determination must be based upon an evaluation of the strengths, needs, and preferences of the resident, a medical examination, the care and services offered or arranged for by the facility in accordance with facility policy, and any limitations in law or rule related to admission criteria or continued residency for the type of license held by the facility under this part. The following criteria apply to the determination of appropriateness for admission and continued residency of an individual in a facility: (a) A facility may admit or retain a resident who receives a health care service or treatment that is designed to be provided within a private residential setting if all requirements for providing that service or treatment are met by the facility or a third party. (b) A facility may admit or retain a resident who requires the use of assistive devices. (c) A facility may admit or retain an individual receiving hospice services if the arrangement is agreed to by the facility and the resident,	A 010		

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STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: AL11922348	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED C 10/28/2022
NAME OF PROVIDER OR SUPPLIER HILLSIDE GARDENS II		STREET ADDRESS, CITY, STATE, ZIP CODE 3434 ZARA WAY CLEARWATER, FL 33761		
(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 010	Continued From page 14 additional care is provided by a licensed hospice, and the resident is under the care of a physician who agrees that the physical needs of the resident can be met at the facility. The resident must have a plan of care which delineates how the facility and the hospice will meet the scheduled and unscheduled needs of the resident, including, if applicable, staffing for nursing care. (d)1. Except for a resident who is receiving hospice services as provided in paragraph (c), a facility may not admit or retain a resident who is bedridden or who requires 24-hour nursing supervision. For purposes of this paragraph, the term "bedridden" means that a resident is confined to a bed because of the inability to: a. Move, turn, or reposition without total physical assistance; b. Transfer to a chair or wheelchair without total physical assistance; or c. Sit safely in a chair or wheelchair without personal assistance or a physical 2. A resident may continue to reside in a facility if, during residency, he or she is bedridden for no more than 7 consecutive days. 3. If a facility is licensed to provide extended congregate care, a resident may continue to reside in a facility if, during residency, he or she is bedridden for no more than 14 consecutive days. (2) A resident may not be moved from one facility to another without consultation with and agreement from the resident or, if applicable, the resident's representative or designee or the resident's family, guardian, surrogate, or attorney in fact. In the case of a resident who has been placed by the department or the Department of Children and Families, the administrator must notify the appropriate contact person in the	A 010		

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A 010	Continued From page 15 applicable department. (3) A physician, physician assistant, or advanced practice registered nurse who is employed by an assisted living facility to provide an initial examination for admission purposes may not have financial interests in the facility. 59A-36.006 (4) CONTINUED RESIDENCY. Except as follows in paragraphs (a) through (c) of this subsection, criteria for continued residency in any licensed facility must be the same as the criteria for admission. As part of the continued residency criteria, a resident must have a ...-to-... medical examination by a health care practitioner at least every 3 years after the initial assessment, or after a significant change, whichever comes first. A significant change is defined in Rule 59A-36.002, F.A.C. The results of the examination must be recorded on the practitioner's form or on AHCA Form 1823, which is incorporated by reference in paragraph (2)(b) of this rule and must be completed in accordance with that paragraph. Exceptions to the requirement to meet the criteria for continued residency are: (a) The resident may be bedridden for no more than 7 consecutive days, unless the resident is receiving licensed hospice services pursuant to Section 429.26(1)(c), F.S. (b) A resident requiring care of a ... may be retained provided that: 1. The resident contracts directly with a licensed home health agency or a nurse to provide care, or the facility has a limited nursing services license and services are provided pursuant to a plan of care issued by a health care practitioner, 2. The condition is documented in the resident's	A 010			

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A 010	Continued From page 16 record; and, 3. If the resident's condition fails to improve within 30 days, as documented by a health care practitioner, the resident must be discharged from the facility. (c) A , ill resident who no longer meets the criteria for continued residency may continue to reside in the facility if the following conditions are met: 1. The resident qualifies for, is admitted to, and consents to receive services from a licensed hospice that coordinates and ensures the provision of any additional care and services that the resident may need; 2. Both the resident, or the resident's legal representative if applicable, and the facility agree to continued residency; 3. A licensed hospice, in consultation with the facility, develops and implements an interdisciplinary care plan that specifies the services being provided by hospice and those being provided by the facility; and, 4. Documentation of the requirements of this paragraph is maintained in the resident's file. (d) The facility administrator is responsible for monitoring the continued appropriateness of placement of a resident in the facility at all times. (e) A hospice resident that meets the qualifications of continued residency pursuant to this subsection may only receive services from the assisted living facility's staff which are within the scope of the facility's license. (f) Assisted living facility staff may provide any nursing service permitted under the facility's license and total help with the activities of daily living for residents admitted to hospice; however, staff may not exceed the scope of their professional licensure or training. (g) Continued residency criteria for facilities	A 010			

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HILLSIDE GARDENS II

**3434 ZARA WAY
CLEARWATER, FL 33761**

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A 010	Continued From page 17 holding an extended congregate care license are described in Rule 59A-36.021, F.A.C. This Statute or Rule is not met as evidenced by: Based on observation, interview and record review, the facility failed to adhere to continued residency requirements and failed to discharge 1 of 5 sampled residents (Resident #5) to a higher level of care after the facility recognized that the resident's health severely declined. The facility's failure to act placed the resident in imminent danger resulting in _____, significant _____ with _____. Furthermore, the facility failed to maintain an accurate and up-to-date health assessments after a significant change for 2 of 5 residents (Resident #2 and #5). Findings Included: During a tour of the facility at 9:10am on _____, an observation revealed 1 resident laying in his bed, in his room (Resident #5), and another observation, also at 9:10am on _____, revealed another resident (Resident #2), laying in her bed, with a stack of _____, supplies on a bedside table, next to her bed. Both residents were observed to be the sole habitant of their respective rooms. An interview with the Administrator, at 10:10am on _____, was conducted. In the interview, she stated that Resident #2 had a _____, and that she had it ever since she moved into the facility. She stated that Resident #2 had the _____, years ago, and when she came in to live at the facility, she was able to care for it herself. She stated that Resident #2 was receiving hospice services and hospice assisted her with her _____.	A 010		

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A 010	Continued From page 18 A review of Resident #2's records, on _____, revealed an AHCA Form 1823, dated _____. The health history and diagnoses section, of the 1823 form, did not state that the resident had a _____. Another AHCA Form 1823, in Resident #2's record, was not dated or signed by a medical provider. The health history and diagnoses section on this AHCA Form 1823 form, again, failed to state that the resident had a _____. It also stated that resident required 24-hour nursing or _____ care and medication administration. It also failed to state that Resident #2 was receiving hospice services. Resident #2's record review revealed records from hospice, that indicated her hospice services began on _____, and that her hospice treatment included _____ care. An interview with the Administrator conducted at 10:10am on _____, the Administrator stated that the only resident in the facility, who was bedbound, was Resident #5. She stated, "He is bedbound, with _____ and he has sores." Resident #5 had home health coming in to treat his _____ (a _____ care nurse). She stated that he was too much for the facility to care for and that he needed to go to a nursing home or go on hospice and have the wife come in to provide some of the care. She stated that the last time the facility was able to get him up out of bed was "last week". A review of Resident #5's records, on _____, revealed an AHCA Form 1823 dated _____ and by a hospitalist doctor from the period of time he was hospitalized prior to moving into the facility. The health history and diagnoses section of the 1823 form noted he had _____, was a _____ risk, that he required assistance with all activities of daily living (ADLs), that he ate independently	A 010			

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A 010	Continued From page 19 with supervision, and that he had no There was no other AHCA form 1823 in Resident #5's record. An interview was conducted on at 10:16am, with the Director of Nursing (DON) with the home health care provider that provided Resident #5's care since before he was admitted to the facility. The DON stated Resident #5 was becoming stiffer in his but was mobile upon admission to home health care services. The home health agency provided to Resident #5, which began on and ended on with the note "patient at his maximum potential." On he started treatment for a on his which began as and later became a around with (.) tissue, a faint odor and (indication of). On he developed a new on his right (.). On he developed on his abdomen (.) and left (.). In an interview with the Home Health Care Nurse, on at 11:09am, she stated that when she first saw Resident #5 at the facility on he was sitting up in his wheelchair, he needed assistance with transferring and other activities of daily living, however he was still moving around. She stated that when he developed a on his (noticed and documented on) because of the location of the (his), the care team felt that he needed to relieve the pressure, so on he was put on bedrest to allow the to heal, and he was supposed to be turned and repositioned on a regular schedule. Once he was put on bed rest, he became very stiff in his	A 010		

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A 010	Continued From page 20 due to immobility (.). A review of the home health care record, for Resident #5 retained by the facility, on and , revealed the following: " On record noted that Resident #5's skin was intact (with no open). " On he began treatment for a on his (.). Treatment for the continued and on , a culture of the was performed, meaning they suspected an and wanted to discover which type of treatment would be effective. " On , the record showed that the (.) was painful enough for the home healthcare nurse to inject a painkiller to the (.), prior to performing care treatment. " On , he was given an injection of , an , and it was also documented that he had developed a on his left " On the home health agency nurse began care to 2 new , his right heel and his left heel (both). The care notes on showed that he received care treatment on his (.) and his heel (.). (Confirmation of the staging of the was obtained through interviews with the home health care DON). " On he started requiring care treatment on his (.) with a medication to be applied everyday. " On , the care record showed that he was being treated for the on his (.), and new ones on his left	A 010		

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A 010	Continued From page 21 (), left () and right (). " On the care notes indicated that a culture of the on Resident #5's was diagnosed as a -resistant () (an) resistant strain of () in his . The notes indicated that care on his continued, though the other came and went. " On the notes indicated that, while the home health agency nurse was performing treatment, she felt a "hole" under the top layer of skin on the . The healthcare provider was notified and sent pictures of the . " On the notes indicated that the opened (), revealing , a sinkhole-like defect of the skin that can occur with . " The notes indicated that Resident #5's care continued to be provided to the () throughout () and . " The home health service's last entry, on , stated they performed care to his () and right (). An interview with Director of Nursing (DON) with the home health care provider was conducted at 12:04pm on . In the interview, she stated that the on Resident #5's was first noticed on and was a . The DON confirmed the wounded remained a on . On , a review of the facility's undated policy and procedure for admissions, retention, and discharges, a revealed the following requirements for being admitted and retained in	A 010		

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A 010	Continued From page 22 the facility: " be ambulatory or able to ambulate with assistance " have _____ and _____ functions " be capable of taking their own medications with assistance " shall not be bedridden " shall not have any _____ or 4 _____ " resident must be able to preserve themselves in case of an emergency " residents that were bedridden for more than 7 days would be discharged " residents that had a _____ that did not heal within 30 days would be discharged A signed copy the facility's undated admissions, retention and discharges policy and procedure dated and signed by Resident #5's responsible party on _____ was located Resident #5 record. An interview with the Administrator was conducted at 1:49pm on _____. In the interview, she stated that she was aware that Resident #5 was not appropriate for continued residency at the facility. She said that the reason the facility never initiated relocating Resident #5 from the facility to a higher level of care was because his family member was resistant. Although, both the Administrator and resident's health care provider had spoken to the family member on several occasions regarding moving Resident #5 to higher level of care. In an interview with the Administrator at 12:40pm on _____, she stated "it is what it is" regarding the lack of relocating Resident #5 to a higher level of care.	A 010			

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A 010	Continued From page 23 Photographic evidence obtained. Class I	A 010		
A 079 SS=G	59A-36.010(3) FAC Staffing Standards - Levels (3) STAFFING STANDARDS. (a) Minimum staffing: 1. Facilities must maintain the following minimum staff hours per week: Number of Residents, Day Care Participants, and Respite Care Residents Staff Hours/Week 0-5 168 212 16-25 253 26-35 294 36-45 335 46-55 375 56-65 416 66-75 457 76-85 498 86-95 539 For every 20 total combined residents, day care participants, and respite care residents over 95 add 42 staff hours per week. 2. Independent living residents, as referenced in subsection 59A-36.015(3), F.A.C., who occupy beds included within the licensed capacity of an assisted living facility but do not receive personal, limited nursing, or extended congregate care services, are not counted as residents for purposes of computing minimum staff hours. 3. At least one staff member who has access to facility and resident records in case of an emergency must be in the facility at all times when residents are in the facility. Residents	A 079		

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A 079	Continued From page 24 serving as paid or volunteer staff may not be left solely in charge of other residents while the facility administrator, manager or other staff are absent from the facility. 4. In facilities with 17 or more residents, there must be at least one staff member awake at all hours of the day and night. 5. A staff member who has completed courses in First Aid and _____ () and holds a currently valid card documenting completion of such courses must be in the facility at all times. a. Documentation of attendance at First Aid or courses pursuant to subsection 59A-36.011(5), F.A.C., satisfies this requirement. b. A nurse is considered as having met the course requirements for First Aid. An emergency medical technician or paramedic currently certified under chapter 401, part III, F.S., is considered as having met the course requirements for both First Aid and _____. 6. During periods of temporary absence of the administrator or manager of more than 48 hours when residents are on the premises, a staff member who is at least _____ must be physically present and designated in writing to be in charge of the facility. No staff member shall be in charge of a facility for a consecutive period of 21 days or more, or for a total of 60 days within a calendar year, without being an administrator or manager. 7. Staff whose duties are exclusively building or grounds maintenance, clerical, or food preparation do not count towards meeting the minimum staffing hours requirement. 8. The administrator or manager's time may be counted for the purpose of meeting the required staffing hours, provided the administrator or manager is actively involved in the day-to-day	A 079			

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A 079	Continued From page 25 operation of the facility, including making decisions and providing supervision for all aspects of resident care, and is listed on the facility's staffing schedule. 9. Only on-the-job staff may be counted in meeting the minimum staffing hours. Vacant positions or absent staff may not be counted. (b) Notwithstanding the minimum staffing requirements specified in paragraph (a), all facilities, including those composed of apartments, must have enough qualified staff to provide resident supervision, and to provide or arrange for resident services in accordance with the residents' scheduled and unscheduled service needs, resident contracts, and resident care standards as described in rule 59A-36.007, F.A.C. (c) The facility must maintain a written work schedule that reflects its 24-hour staffing pattern for a given time period. Upon request, the facility must make the daily work schedules of direct care staff available to residents or their representatives. (d) The facility must provide staff immediately when the agency determines that the requirements of paragraph (a) are not met. The facility must immediately increase staff above the minimum levels established in paragraph (a), if the agency determines that adequate supervision and care are not being provided to residents, resident care standards described in rule 59A-36.007, F.A.C., are not being met, or that the facility is failing to meet the terms of residents' contracts. The agency will consult with the facility administrator and residents regarding any determination that additional staff is required. Based on the recommendations of the local fire safety authority, the agency may require additional staff when the facility fails to meet the	A 079		

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A 079	Continued From page 26 fire safety standards described in rule chapter 69A-40, F.A.C., until such time as the local fire safety authority informs the agency that fire safety requirements are being met. 1. When additional staff is required above the minimum, the agency will require the submission of a corrective action plan within the time specified in the notification indicating how the increased staffing is to be achieved to meet resident service needs. The plan will be reviewed by the agency to determine if it sufficiently increases the staffing levels to meet resident needs. 2. When the facility can demonstrate to the agency that resident needs are being met, or that resident needs can be met without increased staffing, the agency may modify staffing requirements for the facility and the facility will no longer be required to maintain a plan with the agency. (e) Facilities that are co-located with a nursing home may use shared staffing provided that staff hours are only counted once for the purpose of meeting either assisted living facility or nursing home minimum staffing ratios. (f) Facilities holding a limited mental health, extended congregate care, or limited nursing services license must also comply with the staffing requirements of rules 59A-36.020, 59A-36.021 or 59A-36.022, F.A.C., respectively. This Statute or Rule is not met as evidenced by: Based on observation, record review and interview, the facility failed to provide adequate qualified staff to provide the care and service needs of 1 of 5 sampled residents (Resident #5), resulting in a severe decline in the resident's health.	A 079			

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STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: AL11922348	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____		(X3) DATE SURVEY COMPLETED C 10/28/2022
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(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 079	Continued From page 27 Findings Included: In an interview with Staff A, caregiver, at 9:20am on _____, she stated that there were 5 residents living in the facility, but that she did not know their names. At 9:22am on _____, Staff B, caregiver, was observed coming into the facility, for her shift, and Staff A was observed getting ready to leave the facility. Prior to Staff A leaving, at 9:27am on _____, Staff A stated she had been working the night shift and could go home, now that Staff B was there. She stated she had only been working in the facility for about a week. Staff A stated she really didn't work there, and she was only filling in because the Administrator said that she needed her and she was not on the schedule. An interview was conducted with the Administrator at 9:55am on _____. In the interview, she stated that Staff A worked at the facility and had just finished working a 12-hour shift. The Administrator admitted that she did not have any paperwork on Staff A, no background screening or application, and none of the caregiver training, or documented health requirements needed to verify if Staff A would be fit to work at an assisted living facility. In an interview with the Administrator at 10:45am on _____, she stated that the facility had a live-in caregiver, Staff B, who worked five (5) 24-hour shifts (every Friday through Tuesday). The Administrator stated that she (Administrator) worked 4 hours a day, 5 days a week and then and two (2) 24-hour shifts every Wednesday and Thursday. She stated there is 1 bedbound	A 079			

Agency for Health Care Administration

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HILLSIDE GARDENS II

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CLEARWATER, FL 33761**

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A 079	Continued From page 28 resident that lived at the facility, Resident #5. She said Resident #5 had _____ and sores. She said that Resident #5 had home health nurses that come in a few days a week to do _____ care for him for his _____. The Administrator stated that Resident #5 is too much for the facility to care for and that he needed to go to a higher level of care. She said that the last time they got Resident #5 up, out of bed, was the prior week. The facility's staffing schedule was reviewed on _____. Though it was dated "_____", the Administrator stated that it was the monthly schedule they still used every month. The schedule revealed that the Administrator was only scheduled for 4-hour working days (10:00am - 2:00pm) 5 days per week, plus the two (2) 24-hour shifts on Wednesdays and Thursdays. Further review of the scheduled revealed that Staff B was the only caregiver in the facility for 120-hours per week, giving care to 5 elderly residents, one of them requiring total assistance for all of his activities of daily living. Resident #5 was observed lying in his bed at 9:30am on _____. His door was opened and it was observed that he did not get up out of bed, nor did anyone assist him up out of bed for the remainder of the survey investigation on _____ at 2:00pm. On _____ he was observed laying in his bed at 9:55am. His door was opened and it was observed that he did not move from his bed, nor did anyone assist him up out of bed for the remainder of the investigation on _____ at 12:45pm. It was observed that he did not receive any visits from any family members, any nurses, third party care givers or health care providers for the duration of both days (_____ and _____) of the investigation.	A 079		

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A 079	Continued From page 29 A review of Resident #5's record was conducted on _____ and on _____, including all admission documents, orders, contract, and _____ care notes provided by the home health agency caring for his _____. The record revealed that when Resident #5 was admitted to the facility on _____, he was weak, had _____, was alert with _____, required the assistance of 1 caregiver with all activities of daily living, was eating independently and that he had no _____. The health assessment (AHCA Form 1823) was signed by a hospitalist physician on _____ and stated that Resident #5's needs could be met in an assisted living facility. A _____ review of Resident #5's _____ care notes, left by the home health agency, revealed a sharp and sudden decline of the resident's condition soon after he became a resident at the facility. The home health care record showed an initial visit dated _____, which stated that Resident #5's skin was intact (meaning no open _____. But on _____, Resident #5 began treatment for a _____ on his _____ (also known as tailbone). On _____ a _____ was discovered on his left _____. On _____, the notes said he had 2 new _____, one on each of his heels. On _____ he was being treated for _____ on his _____. On _____ the _____ care record showed that he was being treated for the _____ on his _____, and _____ on his left _____ and left and right _____. On _____ he was diagnosed with an _____ resistant _____ in his _____. The record noted on _____, while _____ care nurse was performing treatment, she felt a "hole" under the top layer of skin, indicating that the _____ was deepening. Then on _____, the record showed	A 079		

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A 079	Continued From page 30 that his _____ opened (_____), revealing _____ underneath. (A _____ is a _____ that's progressed to form passageways underneath the surface of the skin. _____ can occur in _____ and _____ _____). The record showed that the home health agency continued treating Resident #5's _____ until _____. No other _____ care notes were recorded after that date, though the resident was living in the facility as of _____ An interview with the home health care agency's Director of Nursing was conducted at 12:04pm on _____. In the interview, she stated that it on _____, the _____ on Resident #5's _____ was a _____ . She stated that by _____, the _____ was a _____ _____. In an interview with the Administrator at 1:49pm on _____, she again stated that Resident #5 required more care than the facility could provide and that they needed help. Photographic evidence obtained. Class II	A 079		
A 161 SS=D	429.275(2) FS; 59A-36.015(2) FAC Records - Staff 429.275 (2) The administrator or owner of a facility shall maintain personnel records for each staff member which contain, at a minimum, documentation of background screening, if applicable, documentation of compliance with all training requirements of this part or applicable rule, and a copy of all licenses or certification held	A 161		

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A 161	Continued From page 31 by each staff who performs services for which licensure or certification is required under this part or rule. 59A-36.015 (2) STAFF RECORDS. (a) Personnel records for each staff member must contain, at a minimum, a copy of the employment application, with references furnished, and documentation verifying freedom from signs or symptoms of communicable . In addition, records must contain the following, as applicable: 1. Documentation of compliance with all staff training and continuing education required by rule 59A-36.011, F.A.C., 2. Copies of all licenses or certifications for all staff providing services that require licensing or certification, 3. Documentation of compliance with level 2 background screening for all staff subject to screening requirements as specified in section 429.174, F.S., and rule 59A-36.010, F.A.C., 4. For facilities with a licensed capacity of 17 or more residents, a copy of the job description given to each staff member pursuant to rule 59A-36.010, F.A.C., 5. Documentation verifying direct care staff and administrator participation in resident elopement drills pursuant to paragraph 59A-36.007(8)(c), F.A.C. (b) The facility is not required to maintain personnel records for staff provided by a licensed staffing agency or staff employed by an entity to provide direct or indirect services to residents and the facility. However, the facility must maintain a copy of the contract between the facility and the staffing agency or contractor as described in rule 59A-36.010, F.A.C.	A 161		

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A 161	Continued From page 32 (c) The facility must maintain the written work schedules and staff time sheets for the most current 6 months as required by rule 59A-36.010, F.A.C. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to maintain personnel records for all staff persons, to include an application, with references furnished, documentation verifying freedom from signs or symptoms of communicable, documentation of compliance with all staff training, and documentation of compliance with Level II background screening, for 1 staff member of 4 staff members (Staff A). Findings Included: An observation of the facility, at 9:00am on , revealed that there was one staff member present, Staff A. Staff A was observed providing care to Resident #5. At 9:10am on , Staff A stated that she worked at the facility sometimes. At 9:27am on , Staff A states she had only been working in the facility for about a week. She stated she didn't really work at the facility, she just came in when the Administrator asked her to be there. At 9:22am on , Staff B was observed arriving to the facility to start her shift. At 9:30am Staff A was observed leaving the facility. In an interview with the Administrator at 9:55am, on, she stated that Staff A worked at the facility, she just started working there, and that	A 161			

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A 161	Continued From page 33 the facility had no paperwork on her yet. She also stated that Staff A had just completed working a 12-hour overnight shift. An attempted review of Staff A's record on revealed that Staff A had no paperwork, at all, on file. Class III	A 161		