

Agency for Health Care Administration

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| STATEMENT OF DEFICIENCIES<br>AND PLAN OF CORRECTION | (X1) PROVIDER/SUPPLIER/CLIA<br>IDENTIFICATION NUMBER:<br><br><b>AL11910786</b> | (X2) MULTIPLE CONSTRUCTION<br>A. BUILDING: _____<br><br>B. WING: _____ | (X3) DATE SURVEY<br>COMPLETED<br><br><b>02/06/2023</b> |
|-----------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------|

NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

**WESTMINSTER SHORES, INC.**

**125 56TH AVENUE, SOUTH  
SAINT PETERSBURG, FL 33705**

| (X4) ID<br>PREFIX<br>TAG | SUMMARY STATEMENT OF DEFICIENCIES<br>(EACH DEFICIENCY MUST BE PRECEDED BY FULL<br>REGULATORY OR LSC IDENTIFYING INFORMATION)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | ID<br>PREFIX<br>TAG | PROVIDER'S PLAN OF CORRECTION<br>(EACH CORRECTIVE ACTION SHOULD BE<br>CROSS-REFERENCED TO THE APPROPRIATE<br>DEFICIENCY) | (X5)<br>COMPLETE<br>DATE |
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| A 000                    | Initial Comments<br><br>A biennial survey in conjunction with a generator monitoring survey was conducted at Westminster Shores, Inc on . Deficiencies were identified at the time of survey.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | A 000               |                                                                                                                          |                          |
| A 161<br>SS=D            | 429.275(2) FS; 59A-36.015(2) FAC Records - Staff<br><br>429.275<br>(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 by each staff who performs services for which licensure or certification is required under this part or rule.<br><br>59A-36.015<br>(2) STAFF RECORDS.<br>(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:<br>1. Documentation of compliance with all staff training and continuing education required by rule 59A-36.011, F.A.C.,<br>2. Copies of all licenses or certifications for all staff providing services that require licensing or certification,<br>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., | A 161               |                                                                                                                          |                          |

AHCA Form 3020-0001

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

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| A 161                    | <p>Continued From page 1</p> <p>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.,</p> <p>5. Documentation verifying direct care staff and administrator participation in resident elopement drills pursuant to paragraph 59A-36.007(8)(c), F.A.C.</p> <p>(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.</p> <p>(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.</p> <p>This Statute or Rule is not met as evidenced by:<br/>Based on record review and interview, the facility to maintain evidence of an employment application with references furnished for one (Staff A) of the four sampled staff.</p> <p>Findings included:</p> <p>A record review of Staff A's employee record, conducted on _____ revealed that Staff A who was hired on _____, had no evidence of references furnished on the employment application.</p> <p>During an interview with the Administrator, conducted on _____ at 1:56PM, the Administrator was in agreement with missing items.</p> | A 161               |                                                                                                                          |                          |

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| A 161                    | Continued From page 2<br><br>Class III                                                                                       | A 161               |                                                                                                                          |                          |

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| NAME OF PROVIDER OR SUPPLIER<br><br><b>WESTMINSTER SHORES, INC.</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | STREET ADDRESS, CITY, STATE, ZIP CODE<br><b>125 56TH AVENUE, SOUTH<br/>SAINT PETERSBURG, FL 33705</b> |                                                                                                                          |  |                                                        |
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| CZ814                                                               | <p>435.12(2)(b-d), FS Background Screening Clearinghouse</p> <p>435.12 Care Provider Background Screening Clearinghouse.-</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>This Statute or Rule is not met as evidenced by: Based on a record review and interview, the facility failed to maintain the employment status of employees within the background clearinghouse employee roster, within ten-business days of hire for one (Staff B) of the four sampled employees.</p> <p>Findings included:</p> | CZ814                                                                                                 |                                                                                                                          |  |                                                        |

AHCA Form 3020-0001

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| CZ814                    | Continued From page 1<br><br>A record review of Staff B's employee record, revealed that Staff B who was hired on _____ was not listed on the facility's background clearinghouse employee roster as active.<br><br>During an interview with the Administrator, conducted on _____ at 1:56PM, the Administrator stated understanding and that she had no questions.<br><br>Unclassified                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | CZ814               |                                                                                                                          |                          |
| CZ815                    | 408.809(1)( . ); 435.02(2); 435.06 FS<br>Background Screening; Prohibited Offenses<br><br>408.809 Background screening; prohibited offenses. -<br>(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 conducting screening under chapter 435:<br>(a) The licensee, if an individual.<br>(b) The administrator or a similarly titled person who is responsible for the day-to-day operation of the provider.<br>(c) The financial officer or similarly titled individual who is responsible for the financial operation of the licensee or provider.<br>(d) Any person who is a controlling interest.<br>(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 | CZ815               |                                                                                                                          |                          |

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| CZ815                                                               | <p>Continued From page 2</p> <p>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.</p> <p>(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.</p> <p>(4) In addition to the offenses listed in s. 435.04, all persons required to undergo background 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:</p> <p>(a) Any authorizing statutes, if the offense was a felony.</p> <p>(b) This chapter, if the offense was a felony.</p> <p>(c) Section 409.920, relating to Medicaid provider fraud.</p> <p>(d) Section 409.9201, relating to Medicaid fraud.</p> <p>(e) Section 741.28, relating to domestic violence.</p> | CZ815                                                                          |                                                                                                                          |  |                                                        |

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| CZ815                    | Continued From page 3<br><br>(f) Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.<br>(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.<br>(h) Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.<br>(i) Section 817.234, relating to false and fraudulent insurance claims.<br>(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.<br>(k) Section 817.50, relating to fraudulently obtaining goods or services from a health care provider.<br>(l) Section 817.505, relating to patient brokering.<br>(m) Section 817.568, relating to criminal use of personal identification information.<br>(n) Section 817.60, relating to obtaining a credit card through fraudulent means.<br>(o) Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.<br>(p) Section 831.01, relating to forgery.<br>(q) Section 831.02, relating to uttering forged instruments.<br>(r) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.<br>(s) Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.<br>(t) Section 831.30, relating to fraud in obtaining medicinal drugs.<br>(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. | CZ815               |                                                                                                                          |                          |

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| CZ815                    | <p>Continued From page 4</p> <p>(v) Section 895.03, relating to racketeering and collection of unlawful debts.</p> <p>(w) Section 896.101, relating to the Florida Money Laundering Act.</p> <p>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.</p> <p>(5) The costs associated with obtaining the required screening must be borne by the licensee 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.</p> <p>(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:</p> <ol style="list-style-type: none"> <li>Does not have an active professional license or certification from the Department of Health; or</li> <li>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.</li> </ol> | CZ815               |                                                                                                                          |                          |

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| CZ815                                                               | <p>Continued From page 5</p> <p>(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.</p> <p>(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).</p> <p>(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 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.</p> <p>435.06 Exclusion from employment.-</p> <p>(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</p> | CZ815                                                                          |                                                                                                                          |                          |                                                        |

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| STATEMENT OF DEFICIENCIES<br>AND PLAN OF CORRECTION | (X1) PROVIDER/SUPPLIER/CLIA<br>IDENTIFICATION NUMBER:<br><br><b>AL11910786</b> | (X2) MULTIPLE CONSTRUCTION<br>A. BUILDING: _____<br><br>B. WING: _____ | (X3) DATE SURVEY<br>COMPLETED<br><br><b>02/06/2023</b> |
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NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

**WESTMINSTER SHORES, INC.**

**125 56TH AVENUE, SOUTH  
SAINT PETERSBURG, FL 33705**

| (X4) ID<br>PREFIX<br>TAG | SUMMARY STATEMENT OF DEFICIENCIES<br>(EACH DEFICIENCY MUST BE PRECEDED BY FULL<br>REGULATORY OR LSC IDENTIFYING INFORMATION)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ID<br>PREFIX<br>TAG | PROVIDER'S PLAN OF CORRECTION<br>(EACH CORRECTIVE ACTION SHOULD BE<br>CROSS-REFERENCED TO THE APPROPRIATE<br>DEFICIENCY) | (X5)<br>COMPLETE<br>DATE |
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| CZ815                    | Continued From page 6<br><br>disqualification. The only basis for contesting the disqualification is proof of mistaken identity.<br>(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.<br>(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 background screening until the _____ is resolved in a way that the employer determines that the employee is still eligible for employment under this chapter.<br>(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.<br>(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 | CZ815               |                                                                                                                          |                          |

Agency for Health Care Administration

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| NAME OF PROVIDER OR SUPPLIER<br><br><b>WESTMINSTER SHORES, INC.</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                | STREET ADDRESS, CITY, STATE, ZIP CODE<br><b>125 56TH AVENUE, SOUTH<br/>SAINT PETERSBURG, FL 33705</b>                    |  |                                                        |
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| CZ815                                                               | <p>Continued From page 7</p> <p>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.</p> <p>(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.</p> <p>(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.</p> <p>435.02 Definitions.-For the purposes of this chapter, the term:</p> <p>(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.</p> <p>This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to maintain evidence that employees had an eligible level 2 background screening every five years for three (Staff A, Staff B, and Staff D) of the four sampled employees.</p> <p>Findings included:</p> <p>A record review of Staff A, conducted on . . . . . revealed that Staff A who was hired on . . . . . had an eligible background for</p> | CZ815                                                                          |                                                                                                                          |  |                                                        |

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**125 56TH AVENUE, SOUTH**

**SAINT PETERSBURG, FL 33705**

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| CZ815                    | Continued From page 8<br><br>..... which was greater than five years ago.<br><br>A record review of Staff B, conducted on ..... revealed that Staff B who was hired on ..... had no evidence of a current eligible background screening as prints stated that they were expired, and a new screening was required (photo evidence obtained).<br><br>During a record review of Staff D, conducted on ....., revealed that Staff D who was hired on ..... had an eligible background dated for ..... which stated that the employee's ..... expired on .....<br><br>During an interview with the Administrator, conducted on ..... at 1:56PM, the Administrator stated that she had no questions regarding the findings.<br><br>Unclassified | CZ815               |                                                                                                                          |                          |
| CZ816                    | 408.809(2) 435.05(2) 59A-35.090(2d-3b)<br>Background Screening-Compliance Attestation<br><br>408.809 Background screening; prohibited offenses.-<br>(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                                                           | CZ816               |                                                                                                                          |                          |

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| CZ816                    | Continued From page 9<br><br>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 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:<br>(a) The screening standards and disqualifying offenses for the prior screening are equivalent to those specified in s. 435.04 and this section;<br>(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<br>(c) Such proof is accompanied, under penalty of perjury, by an attestation of compliance with | CZ816               |                                                                                                                          |                          |

Agency for Health Care Administration

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| CZ816                                                               | <p>Continued From page 10</p> <p>chapter 435 and this section using forms provided by the agency.</p> <p>435.05 Requirements for covered employees and employers.-Except as otherwise provided by law, the following requirements apply to covered employees and employers:</p> <p>(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.</p> <p>59A-35.090 Background Screening.<br/>(2) Processing Screening Requests, Required Documents and Fees.<br/>(d) An Attestation of Compliance with Background Screening Requirements, AHCA Form 3100-0008, _____, herein incorporated by reference, available at <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-09106">http://www.flrules.org/Gateway/reference.asp?No=Ref-09106</a>, and available from the Agency for Health Care Administration at: <a href="http://ahca.myflorida.com/MCHQ/Central_Service/s/Background_Screening/Regulations_Forms.shtm">http://ahca.myflorida.com/MCHQ/Central_Service/s/Background_Screening/Regulations_Forms.shtm</a>. 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.<br/>(e) An administrator or chief financial officer must be screened and qualified prior to _____ to the position.<br/>(3) Results of Screening and Notification.<br/>(a) Final results of background screening</p> | CZ816                                                                          |                                                                                                                          |  |                                                        |

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| CZ816                                                               | <p>Continued From page 11</p> <p>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.</p> <p>(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.</p> <p>This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to obtain a signed attestation of compliance every five years as required with the Backgrounds Screening requirements in Chapter 435 Florida Statute for one (Staff A) of the four sampled employees.</p> <p>Findings included:</p> <p>A record review of Staff A's employee record, conducted on _____, revealed that staff A who was hired on _____ had an attestation dated for _____ which was greater than 5 years ago.</p> <p>During an interview with the facility's Human Resources Representative, conducted on _____ at 1:56PM, they stated that they were unaware this was required.</p> | CZ816                                                                          |                                                                                                                          |  |                                                        |

Agency for Health Care Administration

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| CZ816                    | Continued From page 12<br><br>Unclassified                                                                                   | CZ816               |                                                                                                                          |                          |