Agency for Health Care Administration

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	AL11968323	A. BUILDING: _____ B. WING _____	08/26/2022

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
ESTATE AT HYDE PARK	2301 W PALM DR TAMPA, FL 33629

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
A 000	Initial Comments A complaint investigation (complaint number: 2022008056) and a generator monitoring were conducted at Estate at Hyde Park on . Deficiencies were identified at the time of survey.	A 000		
A 081 SS=D	429.52(1 & 7) FS; 59A-36.011( ) FAC Training - Staff In-Service 429.52(1) (1) Each new assisted living facility employee who has not previously completed core training must attend a preservice orientation provided by the facility before interacting with residents. The preservice orientation must be at least 2 hours in duration and cover topics that help the employee provide responsible care and respond to the needs of facility residents. Upon completion, the employee and the administrator of the facility must sign a statement that the employee completed the required preservice orientation. The facility must keep the signed statement in the employee's personnel record. (7) Facility staff shall participate in inservice training relevant to their job duties as specified by agency rule. Topics covered during the preservice orientation are not required to be repeated during inservice training. A single certificate of completion that covers all required inservice training topics may be issued to a participating staff member if the training is provided in a single training course. 59A-36.011 (2) STAFF PRESERVICE ORIENTATION. (a) Facilities must provide a preservice orientation of at least 2 hours to all new assisted living facility employees who have not previously completed	A 081		

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A 081	Continued From page 1 core training as detailed in subsection (1). (b) New staff must complete the preservice orientation prior to interacting with residents. (c) Once complete, the employee and the facility administrator must sign a statement that the employee completed the preservice orientation which must be kept in the employee's personnel record. (d) In addition to topics that may be chosen by the facility administrator, the preservice orientation must cover: 1. Resident's rights; and, 2. The facility's license type and services offered by the facility. (3) STAFF IN-SERVICE TRAINING. Facility administrators or managers shall provide or arrange for the following in-service training to facility staff: (a) Staff who provide direct care to residents, other than nurses, certified nursing assistants, or home health aides trained in accordance with rule 59A-8.0095, F.A.C., must receive a minimum of 1 hour in-service training in control, including universal precautions and facility sanitation procedures, before providing personal care to residents. The facility must use its control policies and procedures when offering this training. Documentation of compliance with the staff training requirements of 29 CFR 1910.1030, relating to borne , , may be used to meet this requirement. (b) Staff who provide direct care to residents must receive a minimum of 1 hour in-service training within 30 days of employment that covers the following subjects: 1. Reporting adverse incidents. 2. Facility emergency procedures including	A 081		

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A 081	Continued From page 2 chain-of-command and staff roles relating to emergency evacuation. (c) Staff who provide direct care to residents, who have not taken the core training program, shall receive a minimum of 1 hour in-service training within 30 days of employment that covers the following subjects: 1. Resident rights in an assisted living facility. 2. Recognizing and reporting resident , neglect, and , . The facility must use its prevention policies and procedures when offering this training. (d) Staff who provide direct care to residents, other than nurses, CNAs, or home health aides trained in accordance with rule 59A-8.0095, F.A.C., must receive 3 hours of in-service training within 30 days of employment that covers the following subjects: 1. Resident behavior and needs. 2. Providing assistance with the activities of daily living. (e) Staff who prepare or serve food, who have not taken the assisted living facility core training must receive a minimum of 1-hour-in-service training within 30 days of employment in safe food handling practices. (f) All facility staff shall receive in-service training regarding the facility's resident elopement response policies and procedures within thirty (30) days of employment. 1. All facility staff shall be provided with a copy of the facility's resident elopement response policies and procedures. 2. All facility staff shall demonstrate an understanding and competency in the implementation of the elopement response policies and procedures.	A 081		

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A 081	Continued From page 3	A 081		

This Statute or Rule is not met as evidenced by:
Based on record review and interview, the facility failed to provide direct care staff with the required in-service trainings, which included a 2-hour pre-service orientation prior to interacting with residents and trainings for activities of daily living and behavioral needs Training, incident reporting, and resident rights and recognizing and reporting , neglect, and , within thirty-days of hire for four employees (Staff B, Staff D, Staff E, and Staff F) of six sampled employees.

Findings Included:

A record review for Staff B, conducted on , revealed that Staff B's employee record did not contain evidence of training for resident rights and recognizing and reporting , neglect, and , within thirty days of hire. Staff B was hired on .

A record review for Staff D, conducted on , revealed that Staff D's employee record did not contain evidence of training for incident reporting or resident rights and recognizing and reporting , neglect, and , within thirty days of hire. Staff D was hired on .

A record review for Staff E, conducted on , revealed that Staff E's employee record did not contain evidence of training for activities of daily living and behavioral needs, incident reporting, or resident rights and recognizing and reporting , neglect, and

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A 081	Continued From page 4 , within thirty days of hire. Staff E was hired on as a resident care aide. A record review for Staff F, conducted on , revealed that Staff F's employee record did not contain evidence of training for a 2-hour pre-service orientation prior to interacting with residents. Staff F's employee record did not contain evidence of training for incident reporting or resident rights and recognizing and reporting , neglect, and , within thirty days of hire. Staff F was hired on . During an interview with the Business Office Manager, conducted on at 12:40pm, the Business Office Manager agreed that Staff E's employee record did not contain evidence of a 2-hour pre-service orientation prior to interacting with residents. The Business Office Manager agreed that Staff D and Staff E's employee records did not contain evidence of training for incident reporting within thirty days of hire. The Business Office Manager agreed that Staff B, Staff D, and Staff E's employee records did not contain evidence of training for resident rights and recognizing and reporting , neglect, and , within thirty days of hire. The Business Office Manager stated that she was hired in and was still auditing the employee records. Class III	A 081		
A 083 SS=D	59A-36.011(5) FAC Training - First Aid and (5) FIRST AID AND ( ). A staff member who has	A 083		

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A 083	Continued From page 5 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 that the staff member possess current certification that requires the student to demonstrate, in person, that he or she is able to perform and which is issued by an instructor or training provider that is approved to provide training by the American Red Cross, the American Association, the National Safety Council, or an organization whose training is accredited by the Commission on Accreditation for Pre-Hospital Continuing Education satisfies this requirement. (b) A nurse shall be considered as having met the training requirement for First Aid. An emergency medical technician or paramedic currently certified under chapter 401, Part III, F.S., shall be considered as having met the training requirements for both First Aid and C.P.R. This Statute or Rule is not met as evidenced by: Based on record review and interview, the facility failed to provide staff on each shift with training in , , ( ) as required. Findings Included: A record review for the Administrator, conducted on , revealed that the Administrator's training certification expired in . The Administrator was hired on . A record review for Staff A, conducted on , revealed that Staff A's training certification expired in . Staff A was hired on .	A 083		

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A 083	Continued From page 6 A record review for Staff C, conducted on , revealed that Staff C's training certification expired in . Staff C was hired on . A record review for Staff D, conducted on , revealed that Staff D's training certification expired in , . Staff D was hired on . A record review for Staff E, conducted on , revealed that Staff E's record did not contain evidence that the employee had obtained training certification. Staff E was hired on . A review of the employee staffing schedule, conducted on , revealed that Staff E, I, J, and K worked together on with no other employees identified that was working. During an interview with the Business Office Manager, conducted on at 12:40pm, the Business Office Manager agreed that the Administrator and Staff A, C, D, and E's employee records did not contain evidence of current training certification. The Business Office Manager stated that she was hired in and was still auditing the employee records. During an interview with the Wellness Director, conducted on at 02:20pm through 02:40pm, the Wellness Director was unable to provide current training certifications for Staff E, I, J, and K. The Wellness Director stated that Staff E, I, J, and K's employee records did not contain training certifications for the employees.	A 083		

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A 083	Continued From page 7 Class III	A 083		
A 086 SS=D	59A-36.011(10) FAC Training - ADRD (10) AND RELATED ("ADRD") TRAINING REQUIREMENTS. Facilities which advertise that they provide special care for persons with ADRD, or who maintain secured areas as described in Chapter 4, Section 464.4.6 of the Florida Building Code, as adopted in rule 61G20-1.001, F.A.C., Florida Building Code Adopted, must ensure that facility staff receive the following training. (a) Facility staff who interact on a daily basis with residents with ADRD but do not provide direct care to such residents and staff who provide direct care to residents with ADRD, shall obtain 4 hours of initial training within 3 months of employment. Completion of the core training program between , and , shall satisfy this requirement. Facility staff who meet the requirements for ADRD training providers under paragraph (g) of this subsection, will be considered as having met this requirement. Initial training, entitled " and Related Level I Training," must address the following subject areas: 1. Understanding 's and related ; 2. Characteristics of ; 3. Communicating with residents with 's ; 4. Family issues; 5. Resident environment; and, 6. Ethical issues. (b) Staff who have successfully completed both	A 086		

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A 086	Continued From page 8 the initial one hour and continuing three hours of ADRD training pursuant to sections 400.1755, 429.917 and 400.6045(1), F.S., shall be considered to have met the initial assisted living facility and Related Level I Training. (c) Facility staff who provide direct care to residents with ADRD must obtain an additional 4 hours of training, entitled " and Related Level II Training," within 9 months of employment. Facility staff who meet the requirements for ADRD training providers under paragraph (g) of this subsection, will be considered as having met this requirement. and Related Level II Training must address the following subject areas as they apply to these : 1. Behavior management, 2. Assistance with ADLs, 3. Activities for residents, 4. Stress management for the care giver; and, 5. Medical information. (d) A detailed description of the subject areas that must be included in an ADRD curriculum which meets the requirements of paragraphs (a) and (b) of this subsection, can be found in the document "Training Guidelines for the Special Care of Persons with 's and Related ," dated , incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. (e) Direct care staff shall participate in 4 hours of continuing education annually as required under section 429.178, F.S. Continuing education received under this paragraph may be used to meet 3 of the 12 hours of continuing education	A 086		

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A 086	Continued From page 9 required by section 429.52, F.S., and subsection (1) of this rule, or 3 of the 6 hours of continuing education for extended congregate care required by subsection (7) of this rule. (f) Facility staff who have only incidental contact with residents with ADRD must receive general written information provided by the facility on interacting with such residents, as required under section 429.178, F.S., within three (3) months of employment. "Incidental contact" means all staff who neither provide direct care nor are in regular contact with such residents. (g) Persons who seek to provide ADRD training in accordance with this subsection must provide the department or its designee with documentation that they hold a Bachelor's degree from an accredited college or university or hold a license as a registered nurse, and: 1. Have 1 year teaching experience as an educator of caregivers for persons with 's or related , or 2. Three years of practical experience in a program providing care to persons with 's or related , or 3. Completed a specialized training program in the subject matter of this program and have a minimum of two years of practical experience in a program providing care to persons with 's or related . (h) With reference to requirements in paragraph (g), a Master's degree from an accredited college or university in a subject related to the content of this training program can substitute for the teaching experience. Years of teaching experience related to the subject matter of this training program may substitute on a year-by-year basis for the required Bachelor's degree referenced in	A 086		

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A 086	Continued From page 10 paragraph (g). This Statute or Rule is not met as evidenced by: Based on observation, record review and interview, the facility failed to provide the four-hours required training regarding 's and related level-I and level-II one and two trainings (ADRD-I and ADRD-II) for seven employees (Administrator and Staff A, Staff B, Staff C, Staff D, Staff E, and Staff F) of seven sampled employees. Findings Included: During observations conducted on , it was observed that the facility consisted of two floors. Both floors were locked/secured memory care units. A record review for the Administrator, conducted on , revealed that the Administrator had ADRD Level-I and Level-II on . The Administrator's employee record did not contain evidence that the Administrator obtained ADRD 4-hour updates annually as there were no other ADRD training certificates in the Administrator's employee record. The Administrator was hired on . A record review for Staff A, conducted on , revealed that Staff A did not have evidence that the employee obtained trainings for ADRD Level-I or Level-II. Staff A's employee record did not contain evidence that the employee obtained ADRD 4-hour updates annually as there were no other ADRD training certificates in Staff A's employee record. Staff A was hired on .	A 086		

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A 086	Continued From page 11 A record review for Staff B, conducted on , revealed that Staff B did not have evidence that the employee obtained trainings for ADRD Level-I or Level-II. Staff B's employee record did not contain evidence that the employee obtained ADRD 4-hour updates annually as there were no other ADRD training certificates in Staff B's employee record. Staff B was hired on . A record review for Staff C, conducted on , revealed that Staff C did not have evidence that the employee obtained training for ADRD Level-I. Staff C's employee record did not contain evidence that the employee obtained ADRD 4-hour updates annually as there were no other ADRD training certificates in Staff C's employee record. Staff C was hired on . A record review for Staff D, conducted on , revealed that Staff D did not have evidence that the employee obtained trainings for ADRD Level-I or Level-II. Staff D's employee record did not contain evidence that the employee obtained ADRD 4-hour updates annually as there were no other ADRD training certificates in Staff D's employee record. Staff D was hired on . A record review for Staff E, conducted on , revealed that Staff E did not have evidence that the employee obtained trainings for ADRD Level-I or Level-II. Staff E's employee record did not contain evidence that the employee obtained ADRD 4-hour updates annually as there were no other ADRD training certificates in Staff E's employee record. Staff E was hired on .	A 086		

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A 086	Continued From page 12 A record review for Staff F, conducted on , revealed that Staff F did not have evidence that the employee obtained trainings for ADRD Level-I. Staff F was hired on . During an interview with the Business Office Manager, conducted on at 12:40pm, the Business Office Manager agreed that the Administrator and Staff A, B, C, D, E, and F's employee records did not have evidence that the employees obtained ADRD Level-I, ADRD Level-II, and ADRD 4-hour updates for working in a facility that provided specialized care to residents with and . The Business Office Manager stated that she was hired in and was still auditing the employee records.	A 086		

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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 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	CZ815		

AHCA Form 3020-0001

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE | TITLE | (X6) DATE

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CZ815	Continued From page 1 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 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.	CZ815		

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	AL11968323	A. BUILDING: _____ B. WING _____	08/26/2022

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CZ815	Continued From page 2 (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. (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	CZ815		

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CZ815	Continued From page 3	CZ815		

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 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:
1. Does not have an active professional license or certification from the Department of Health; or
2. 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

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CZ815	Continued From page 4 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 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	CZ815		

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CZ815	Continued From page 5 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 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.	CZ815		

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CZ815	Continued From page 6 (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: (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 employee obtained an eligible level 2 background screening prior to working with residents for three employees (Staff B, Staff C, and Staff D) of seven sampled employees. Findings Included: A record review for Staff B, conducted on , revealed that Staff B's employee record did not contain evidence of an eligible level 2 background screening. Staff B was hired on as a licensed practical nurse.	CZ815		

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CZ815	Continued From page 7 A record review for Staff C, conducted on , revealed that Staff C's employee record did not contain evidence of an eligible level 2 background screening. Staff C was hired on as a licensed practical nurse. A record review for Staff D, conducted on , revealed that Staff D's employee record did not contain evidence of an eligible level 2 background screening. Staff D was hired on as a resident care aide. During an interview with the Business Office Manager, conducted on at 12:40pm, the Business Office Manager agreed that Staff B, Staff C, and Staff D's employee records did not have evidence that the employees had an eligible level 2 background screening prior to working with residents. The Business Office Manager stated that she was hired in and was still auditing the employee records. 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	CZ816		

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CZ816	Continued From page 8	CZ816		

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 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

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CZ816	Continued From page 9 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 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_Services/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	CZ816		

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CZ816	Continued From page 10 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: Based on record review and interview, the Facility failed to obtain a signed affidavit or attestation of compliance every five years as required with Background Screening requirements in Chapter 435 Florida Statute for four employees (Staff A, Staff B, Staff C, and Staff D) of seven sampled employees. Findings Included: A record review for Staff A, conducted on , revealed that Staff A did not have a	CZ816		

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CZ816	Continued From page 11 signed attestation of compliance in the employee's record. Staff A was hired on as a licensed practical nurse. A record review for Staff B, conducted on , revealed that Staff B did not have a signed attestation of compliance in the employee's record. Staff B was hired on as a licensed practical nurse. A record review for Staff C, conducted on , revealed that Staff C did not have a signed attestation of compliance in the employee's record. Staff C was hired on as a licensed practical nurse. A record review for Staff D, conducted on , revealed that Staff D did not have a signed attestation of compliance in the employee's record. Staff D was hired on as a resident care aide. During an interview with the Business Office Manager, conducted on at 12:40pm, the Business Office Manager agreed that Staff A, Staff B, Staf fC, and Staff D's employee records did not have a signed attestation of compliance. The Business Office Manager stated that she was hired in and was still auditing the employee records. Unclassified	CZ816		