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
	AL11970185	A. BUILDING: _____ B. WING _____	R 03/19/2024

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
HAMPTON MANOR OF MERRITT ISLAND	2250 N COURTENAY PKWY MERRITT ISLAND, FL 32953

(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
{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 disqualifying status of the person named in the request shall be maintained in a database. The	{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 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. (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	{CZ815}		

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{CZ815}	Continued From page 2 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 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	{CZ815}		

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{CZ815}	Continued From page 3 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 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	{CZ815}		

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{CZ815}	Continued From page 4 relating to retaining [redacted] 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 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	{CZ815}		

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{CZ815}	Continued From page 5	{CZ815}		

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.
(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,

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{CZ815}	Continued From page 6 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: DEFICIENCY REMAINED UNCORRECTED Based on review of the background screening website, personnel record reviews and interviews, the facility failed to ensure its administrator had an eligible background screening. Findings: On . . . . at 9:20 am, the Agency for Healthcare Administration (AHCA) surveyors entered the facility. The receptionist was asked who the administrator was. The receptionist identified the person named on the Florida Healthfinder website as the administrator and asked if the surveyor wanted her to have the administrator come to the front desk. The surveyor replied "yes". The receptionist called the administrator's name over a walkie talkie. The surveyor then saw the administrator running past the windows that faced the outside courtyard. The surveyor went to the courtyard and could not locate the administrator. The surveyor then went to the office identified by the receptionist as being the administrator's office and the administrator was not in there.	{CZ815}		

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{CZ815}	Continued From page 7 On . . . . at 9:25 am, a woman who identified herself as the business office manager (BOM) and as administrator in training entered the lobby from the courtyard and said the administrator left because he was late for an . . . . . The BOM then said the administrator just popped in for the morning stand-up meeting to see how the staff did on a fire watch. On at 9:35 am, the BOM said she was in charge when the administrator was not there. The surveyor called the administrator and left a voice message for a return call. On . . . . . at 9:38 am, the surveyor called the facility's owner and left a voice message requesting a return call. On . . . . at 9:40 am, the assistant DON said she understood the administrator was the person who left the facility. On . . . . at 9:45 am, the plant operations director said he'd been employed for less than one year. He understood the administrator was the person who left the facility. The plant operations director could not say specifically when he last saw the administrator in the facility but knew it was within the previous week. On . . . . at 9:47 am, the administrator returned the surveyor's call. The administrator said he was at the facility that morning only to drop off some paperwork. He said the BOM was the administrator and that he submitted the change in administrator form to AHCA. The administrator said that since the last survey he'd been in the facility for 6 days at the most to get his stuff, update the employee handbook and policies to get them to the BOM. When the administrator	{CZ815}		

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{CZ815}	Continued From page 8 was reminded of the findings from the survey, he said he'd not done anything on the resident care side. He said he worked remotely and that his title was director. When asked the director of what he replied, "just director". A check with the AHCA field office revealed a change of administrator form was not received. On at 10:05 am, a woman called the surveyor and identified herself as the owner's assistant. She said the owner was driving and was not able to call the surveyor. The assistant said she was not aware the administrator had an ineligible background screening. When asked if she was aware of the previous survey results in which the facility was cited for the administrator not having an eligible screening, she replied that she was and that she believed the administrator was going to correct the background issue. The assistant confirmed the person being discussed was the current administrator. On at 10:38 am, the DON said her understanding was that the person identified as the administrator was in fact the administrator. The DON said either the administrator or the BOM ran the morning stand-up meetings. The DON said she saw the administrator in the facility twice on the previous day then said the administrator was in and out of the facility during the previous week. On at 10:40 am, the assistant DON said the administrator ran the stand-up meeting on that morning. The assistant DON said the administrator discussed with each department how it was going in their department and what was going on.	{CZ815}		

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{CZ815}	Continued From page 9 A review of the background screening website on at 11 am revealed the administrator was ineligible on . On at 12:34 pm, the facility's owner arrived at the facility. He said he believed the BOM had been the administrator since . When the owner was told the BOM said she was only the administrator in training, the owner replied that he needed to speak with her. The owner said he told the administrator that he had to get the background issue straightened out before he appointed him administrator again. The owner said he'd given the administrator the benefit of the doubt and believed the administrator was a good person. When asked what the administrator's current title was, the owner replied, "community liaison, he helps me out and he's a consultant". Unclassified	{CZ815}		
{A 000}	Initial Comments A revisit survey to a complaint investigation (#2023013529) was conducted at Hampton Manor of Merritt Island on . The facility had uncorrected deficiencies at the time of the survey.	{A 000}		
{A 025} SS=D	429.26(7) FS; 59A-36.007(1) FAC Resident Care - Supervision 429.26 (7) The facility shall notify a licensed physician when a resident exhibits signs of or , or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to	{A 025}		

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{A 025}	Continued From page 10 such [illegible] or [illegible]. The notification must occur within 30 days after the acknowledgment of such signs by facility staff. If an underlying condition is determined to exist, the facility must notify the resident's representative or designee of the need for health care services and must assist in making [illegible] for the necessary care and services to treat the condition. If the resident does not have a representative or designee or if the resident's representative or designee cannot be located or is unresponsive, the facility shall arrange with the appropriate health care provider for the necessary care and services to treat the condition. 59A-36.007 Resident Care Standards. An assisted living facility must provide care and services appropriate to the needs of residents accepted for admission to the facility. (1) SUPERVISION. Facilities must offer personal supervision as appropriate for each resident, including the following: (a) Monitoring of the quantity and quality of resident diets in accordance with Rule 59A-36.012, F.A.C. (b) Daily observation by designated staff of the activities of the resident while on the premises, and awareness of the general health, safety, and physical and emotional well-being of the resident. (c) Maintaining a general awareness of the resident's whereabouts. The resident may travel independently in the community. (d) Contacting the resident's health care provider and other appropriate party such as the resident's family, guardian, health care surrogate, or case manager if the resident exhibits a significant change. (e) Contacting the resident's family, guardian,	{A 025}		

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{A 025}	Continued From page 11 health care surrogate, or case manager if the resident is discharged or moves out. (f) Maintaining a written record, updated as needed, of any significant changes, any illnesses that resulted in medical attention, changes in the method of medication administration, or other changes that resulted in the provision of additional services. This Statute or Rule is not met as evidenced by: DEFICIENCY REMAINED UNCORRECTED Based on record reviews and interviews, the facility failed to ensure 2 of 2 sampled residents were given their medication as prescribed by a health care provider (#1 & #4). Findings: A review of resident #1's record revealed a facility admission date of . The resident's medical history included , acute failure, , and . The resident needed assistance with self-administration of medications. The resident received hospice services. A review of resident #1's Medication Observation Record (MOR) revealed an entry for 5 milligram (mg) tablet, take one tablet at bedtime for . The medication was signed as given on however, it was not signed as given on the count sheet. On at 1:40 pm, the director of nursing (DON) confirmed the findings and was unable to provide additional documentation.	{A 025}		

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{A 025}	Continued From page 12 2, A review of resident #4's record revealed an admission date of . The resident's medical history included ... (...), Acute , , , , , ( ), ... (...), , ( ), , , Diverticulosis. The resident needed assistance with self-administration of medications. A review of resident #4's Medication Observation Record (MOR) revealed an entry for , 5-325 milligram (mg) tablet, take one tablet 3 times a day for , . The medication was signed as given on and ... , however, it was not signed as given on the count sheet. On at 1:53 p.m., the DON stated the ... dose was signed on the MOR and there was no reason why the sign out sheet did not reflect that. On ... at 1:57 p.m., the DON stated that regarding the dose, she could not explain why the medication was not signed out on the count sheet. Class III	{A 025}		