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
	AL11966506	A. BUILDING: _____ B. WING _____	R 11/14/2025

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
ARBOR AT SHELL POINT (THE)	8100 ARBOR COURT FORT MYERS, FL 33908

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{A 000}	Initial Comments A revisit survey was conducted by Desk Review on - for The Arbor at Shell Point. This survey was in response to the complaint and emergency power plan monitoring survey conducted on Deficiencies were identified at the time of the survey. This is an uncorrected deficiency. .	{A 000}		
{A 030} SS=E	59A-36.007(5) FAC; 429.28( ) FS 429.27 Resident Care - Rights & Facility Procedures 59A-36.007 (5) RESIDENT RIGHTS AND FACILITY PROCEDURES. (a) A copy of the Resident Bill of Rights as described in Section 429.28, F.S., or a summary provided by the Long-Term Care Ombudsman Program must be posted in full view in a freely accessible resident area, and included in the admission package provided pursuant to Rule 59A-36.006, F.A.C. (b) In accordance with Section 429.28, F.S., the facility must have a written grievance procedure for receiving and responding to resident complaints and a written procedure to allow residents to recommend changes to facility policies and procedures. The facility must be able to demonstrate that such procedure is implemented upon receipt of a complaint. (c) The telephone number for lodging complaints against a facility or facility staff must be posted in full view in a common area accessible to all residents. The telephone numbers are: the Long-Term Care Ombudsman Program, 1(888)831-0404; , Rights Florida, 1(800)342-0823; the Agency Consumer Hotline 1(888)419-3456, and the statewide toll-free	{A 030}		

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telephone number of the Florida Hotline, 1(800)96- or 1(800)962-2873. The telephone numbers must be posted in close proximity to a telephone accessible by residents and the text must be a minimum of 14-point font.
(d) The facility must have a written statement of its house rules and procedures that must be included in the admission package provided pursuant to Rule 59A-36.006, F.A.C. The rules and procedures must at a minimum address the facility's policies regarding:
1. Resident responsibilities;
2. and tobacco use;
3. Medication storage;
4. Resident elopement;
5. Reporting resident , neglect, and ;
6. Administrative and housekeeping schedules and requirements;
7. control, sanitation, and standard precautions;
8. The requirements for coordinating the delivery of services to residents by third party providers;
9. Assistive devices; and
10. Physical .
(e) Residents may not be required to perform any work in the facility without compensation. Residents may be required to clean their own sleeping areas or apartments if the facility rules or the facility contract includes such a requirement. If a resident is employed by the facility, the resident must be compensated in compliance with state and federal wage laws.
(f) The facility must provide residents with convenient access to a telephone to facilitate the resident's right to unrestricted and private communication, pursuant to Section 429.28(1)(d), F.S. The facility must allow unidentified telephone calls to residents. For facilities with a licensed

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{A 030}	Continued From page 2	{A 030}		

capacity of 17 or more residents in which residents do not have private telephones, there must be, at a minimum, a readily accessible telephone on each floor of each building where residents reside.

429.28 Resident bill of rights.-
(1) No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to:
(a) Live in a safe and decent living environment, free from and neglect.
(b) Be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy.
(c) Retain and use his or her own clothes and other personal property in his or her immediate living quarters, so as to maintain individuality and personal dignity, except when the facility can demonstrate that such would be unsafe, impractical, or an infringement upon the rights of other residents.
(d) Unrestricted private communication, including receiving and sending unopened correspondence, access to a telephone, and visiting with any person of his or her choice, at any time between the hours of 9 a.m. and 9 p.m. at a minimum. Upon request, the facility shall make provisions to extend visiting hours for caregivers and out-of-town guests, and in other similar situations.
(e) Freedom to participate in and benefit from community services and activities and to pursue the highest possible level of independence, autonomy, and interaction within the community.
(f) Manage his or her financial affairs unless the

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resident or, if applicable, the resident's representative, designee, surrogate, guardian, or attorney in fact authorizes the administrator of the facility to provide safekeeping for funds as provided in s. 429.27.
(g) Share a room with his or her spouse if both are residents of the facility.
(h) Reasonable opportunity for regular exercise several times a week and to be outdoors at regular and frequent intervals except when prevented by inclement weather.
(i) Exercise civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, nor any attendance at religious services, shall be imposed upon any resident.
(j) Assistance with obtaining access to adequate and appropriate health care. For purposes of this paragraph, the term "adequate and appropriate health care" means the management of medications, assistance in making , , for health care services, the provision of or arrangement of transportation to health care , , , and the performance of health care services in accordance with s. 429.255 which are consistent with established and recognized standards within the community.
(k) At least 45 days' notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally , , the guardian shall be given at least 45 days' notice of a nonemergency relocation or residency termination. Reasons for relocation must be set forth in writing and

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provided to the resident or the resident's legal representative. The notice must state that the resident may contact the State Long-Term Care Ombudsman Program for assistance with relocation and must include the statewide toll-free telephone number of the program. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.
(l) Present grievances and recommend changes in policies, procedures, and services to the staff of the facility, governing officials, or any other person without , interference, coercion, discrimination, or reprisal. Each facility shall establish a grievance procedure to facilitate the residents' exercise of this right. This right includes access to ombudsman volunteers and advocates and the right to be a member of, to be active in, and to associate with advocacy or special interest groups.
(2) The administrator of a facility shall ensure that a written notice of the rights, , and prohibitions set forth in this part is posted in a prominent place in each facility and read or explained to residents who cannot read. The notice must include the statewide toll-free telephone number and e-mail address of the State Long-Term Care Ombudsman Program and the telephone number of the local ombudsman council, the Elder Hotline operated by the Department of Children and Families, and, if applicable, , Rights Florida, where complaints may be lodged. The notice must state that a complaint made to the Office of State Long-Term Care Ombudsman or a local long-term care ombudsman council, the names and identities of the residents involved in the complaint, and the identity of complainants are

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{A 030}	Continued From page 5 kept confidential pursuant to s. 400.0077 and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right. The facility must ensure a resident's access to a telephone to call the State Long-Term Care Ombudsman Program or local ombudsman council, the Elder Hotline operated by the Department of Children and Families, and Rights Florida. 429.27 Property and personal affairs of residents.- (1)(a) A resident shall be given the option of using his or her own belongings, as space permits; choosing his or her roommate; and, whenever possible, unless the resident is adjudicated , or , under state law, managing his or her own affairs. (b) The admission of a resident to a facility and his or her presence therein shall not confer on the facility or its owner, administrator, employees, or representatives any authority to manage, use, or dispose of any property of the resident; nor shall such admission or presence confer on any of such persons any authority or responsibility for the personal affairs of the resident, except that which may be necessary for the safe management of the facility or for the safety of the resident. This Statute or Rule is not met as evidenced by: Based on record review and staff interview, the facility failed to provide a safe environment free from for 1 (Resident #100) of 1 resident reviewed via the grievance process. This is an uncorrected deficiency.	{A 030}		

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{A 030}	Continued From page 6 The findings included: Record review of a grievance submitted on revealed the family member of Resident #100 filed a grievance on . The grievance documented the following details: "The family member on called Resident #100 to discuss an incident that occurred on . . .. where Resident #100 was upset because she had a terrible encounter with her podiatrist. . .. Resident #100 was crying and shared that the podiatrist (Doctor A) yelled at her, was extremely angry, made her cry and that she was scared of him during the , , . Resident #100 checked in for her . , at 10:45 a.m. At noon because it was her lunch time, Resident #100 approached the staff member at the desk and told her she had been waiting since 10:45 a.m. and had watched other patients that arrived after her be seen already. She said she would have to reschedule. She said the staff member at the desk told her it would not be long and to take a seat. She said the staff member left the desk area and returned in a few minutes to tell her it was her turn. Resident #100 walked into the examination room and sat in a chair, took off her shoes and waited a few moments. Doctor A arrived and he was visibly angry. Doctor A immediately began yelling at her about how he wasn't late, he was only 15 minutes behind schedule and if she was complaining about waiting 15 minutes, she was being unreasonable. Doctor A continued yelling at Resident #100 and after a few minutes she began to cry as she didn't understand why he was yelling at her, she was which led to her becoming scared of him. Doctor A grabbed his	{A 030}		

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toenail clippers, and his were shaking. Resident #100 said his were either shaking so badly because he was so angry or he was drunk, and as he began clipping her toenails, she became more frightened as he clipped her nails with shaking , all the while yelling at her. Resident #100 said Doctor A did recognize she was crying, stopped his clipping and angrily grabbed some Kleenex and thrust them at her. She said he was yelling questions at her and she shut down and couldn't talk as she didn't know what to do. At that point she finally said to him that she didn't understand, because he was yelling at her. She said, then Doctor A grabbed paperwork from the file and started writing questions to her. The questions he wrote were medical related and she could not remember what he communicated via writing.

Resident #100 did not know what she had done but apologized to Doctor A numerous times hoping he would stop yelling, as while he was clipping her nails, she thought he was going to cut her off, as he was shaking so badly and was so angry.

The family member expressed concern that they no longer wanted Resident #100 to receive care from Doctor A, stating "Please do not allow this behavior to be part of the care at your facility."

On at approximately 2:33 p.m., in a phone interview, the facility Executive Director confirmed Doctor A is with the facility to provide podiatry care and that he utilizes space on the mezzanine level in the facility as his office. The Executive Director said she definitely felt the grievance was about and she reported the grievance to her , and no investigation

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{A 030}	Continued From page 8 was completed. Class III .	{A 030}		