

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>AL11911081</b> | (X2) MULTIPLE CONSTRUCTION<br>A. BUILDING _____<br>B. WING _____                               | (X3) DATE SURVEY<br>COMPLETED                                                                                            |
| NAME OF PROVIDER OR SUPPLIER<br><br><b>CITIES PAVILION</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                | STREET ADDRESS, CITY, STATE, ZIP CODE<br><b>1053 JOHN SIMS PARKWAY<br/>NICEVILLE, FL 32578</b> |                                                                                                                          |
| (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) |
| A 000                                                      | Initial Comments<br><br>An unannounced Extended Congregate Care monitoring visit was conducted on _____ at the Cities Pavilion. The facility was not in compliance and deficiencies were cited. ECC/monitoring                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                | A 000                                                                                          |                                                                                                                          |
| AZ815<br>SS=D                                              | 408.809, 435.02(2), 435.06 Background Screening; Prohibited Offenses<br><br>408.809, F.S.<br><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 if the agency has reason to believe that such person has been convicted of any offense prohibited by s. 435.04. For each controlling interest who has been convicted of any such offense, the licensee shall submit to the agency a description and explanation of the conviction at the time of license application.<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 authorizing statutes, contracting with a licensee |                                                                                | AZ815                                                                                          |                                                                                                                          |

AHCA Form 3020-0001

TITLE

(X8) DATE

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

STATE FORM

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OPC411

If continuation sheet 1 of 9

Agency for Health Care Administration

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| AZ815                                                      | <p>Continued From page 1</p> <p>or provider whose responsibilities require him or her to provide personal care or personal services directly to clients. Evidence of contractor screening may be retained by the contractor's employer or the licensee.</p> <p>(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 fingerprints to the Federal Bureau of Investigation for a national criminal history record check. If the fingerprints of such a person are not retained by the Department of Law Enforcement under s. 943.05(2)(g), the person must file a complete set of fingerprints with the agency and the agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The fingerprints may be retained by the Department of Law Enforcement under s. 943.05(2)(g). 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 fingerprinted. Proof of compliance with level 2 screening standards submitted within the previous 5 years to meet any provider or professional licensure requirements of the agency, the Department of Health, the Agency for Persons with the Department of Children and Family Services, or the Department of Financial Services for an applicant for a</p> | AZ815                                                                                          |                                                                                                                          |

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| AZ815                                                      | <p>Continued From page 2</p> <p>certificate of authority or provisional certificate of authority to operate a continuing care retirement community under chapter 651 satisfies the requirements of this section if the person subject to screening has not been unemployed for more than 90 days and such proof is accompanied, under penalty of perjury, by an affidavit of compliance with the provisions of chapter 435 and this section using forms provided by the agency.</p> <p>(3) All fingerprints 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</p> | AZ815                                                                                          |                                                                                                                          |                               |

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| AZ815                                                      | <p>Continued From page 3</p> <p>fraud.</p> <p>(e) Section 741.28, relating to domestic violence.</p> <p>(f) Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.</p> <p>(g) Section 817.234, relating to false and fraudulent insurance claims.</p> <p>(h) Section 817.505, relating to patient brokering.</p> <p>(i) Section 817.568, relating to criminal use of personal identification information.</p> <p>(j) Section 817.60, relating to obtaining a credit card through fraudulent means.</p> <p>(k) Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.</p> <p>(l) Section 831.01, relating to forgery.</p> <p>(m) Section 831.02, relating to uttering forged instruments.</p> <p>(n) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.</p> <p>(o) Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.</p> <p>(p) Section 831.30, relating to fraud in obtaining medicinal drugs.</p> <p>(q) 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.</p> <p>A person who serves as a controlling interest of, is employed by, or contracts with a licensee on _____, 2010, who has been screened and qualified according to standards specified in s. 435.03 or s. 435.04 must be rescreened by _____, 2015. The agency may adopt rules to establish a schedule to stagger the implementation of the required rescreening over the 5-year period, beginning _____, 2010, through _____, 2015. If, upon rescreening, such</p> |                                                                                                | AZ815                                                            |                                                                                                                          |

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| AZ815                                                      | <p>Continued From page 4</p> <p>person 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 within 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> <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</p> | AZ815                                                                                          |                                                                                                                                                          |

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| AZ815                                                      | <p>Continued From page 5</p> <p>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 fingerprints pursuant to s. 943.05(2).</p> <p>(8) There is no unemployment compensation 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, F.S.</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 disqualification. The only basis for contesting the disqualification is proof of mistaken identity.</p> <p>(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</p> | AZ815                                                                                          |                                                                                                                          |

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| AZ815                                                      | <p>Continued From page 6</p> <p>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.</p> <p>(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.</p> <p>(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.</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 fingerprints if required, must be disqualified for employment in such position or, if employed, must be dismissed.</p> <p>(4) There is no unemployment compensation or other monetary liability on the part of, and no cause of action for damages against, an</p> |                                                                                | AZ815                                                                                          |                                                                                                                          |                               |

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| NAME OF PROVIDER OR SUPPLIER<br><br><b>CITIES PAVILION</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | STREET ADDRESS, CITY, STATE, ZIP CODE<br><b>1053 JOHN SIMS PARKWAY<br/>NICEVILLE, FL 32578</b> |                                                                                                                          |                               |
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| AZ815                                                      | <p>Continued From page 7</p> <p>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(2), F.S.</p> <p>"Employee " means any person required by law to be screened pursuant to this chapter.</p> <p>This Statute or Rule is not met as evidenced by: Based on employee record reviews and interviews the facility failed to ensure 2 of 7 sampled employee had signed the Affidavit of Compliance with Background Screening Requirements AHCA Form #3100-0008 2010 required by Section 435.05(2) of the Florida Statutes (#3 and #7).</p> <p>The findings are:</p> <p>Review of the attestation requirements of section 435.05(2), Florida Statutes revealed "every employee required to undergo Level 2 background screening 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>Record review for sampled employee #3 revealed she is a resident aide with a date of hire of . . . . . Record review revealed the employee's Level 2 screening was done and was appropriate. Record review revealed the record contained the Affidavit of Compliance with</p> | AZ815                                                                                          |                                                                                                                          |                               |



Agency for Health Care Administration

|                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                |                                                                                                |                                                                                                                          |                               |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| STATEMENT OF DEFICIENCIES<br>AND PLAN OF CORRECTION        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | (X1) PROVIDER/SUPPLIER/CLIA<br>IDENTIFICATION NUMBER:<br><br><b>AL11911081</b> | (X2) MULTIPLE CONSTRUCTION<br>A. BUILDING _____<br>B. WING _____                               |                                                                                                                          | (X3) DATE SURVEY<br>COMPLETED |
| NAME OF PROVIDER OR SUPPLIER<br><br><b>CITIES PAVILION</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                | STREET ADDRESS, CITY, STATE, ZIP CODE<br><b>1053 JOHN SIMS PARKWAY<br/>NICEVILLE, FL 32578</b> |                                                                                                                          |                               |
| (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      |
| AZ815                                                      | Continued From page 8<br><br>Background Screening Requirements AHCA Form #3100-0008, 2010 with the employee's name on it, but the form had not been signed by the employee. The employee signature line is blank as well as the title and date line. Interview with the facility Extended Congregate Care director on at approximately 2:12 PM confirmed these findings.<br><br>Interview with sampled employee #7 revealed she is the facility's Extended Congregate Care Director. She stated she has held this position for the past six years. Record review of sampled employee #7's revealed the record did not contain a signed Affidavit of Compliance with Background Screening Requirements AHCA Form #3100-0008, 2010. Interview with this employee on at approximately 2:55 PM confirmed these findings and she immediately obtained the form and signed it and placed it in her file. |                                                                                | AZ815                                                                                          |                                                                                                                          |                               |



RICK SCOTT  
GOVERNOR

ELIZABETH DUDEK  
SECRETARY

....., 2012

Administrator  
Cities Pavilion  
1053 John Sims Parkway  
Niceville, FL 32578

Dear Administrator:

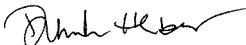
**Re: CCR #2012011736 PLUS ECC Monitoring**

This letter reports the findings of a state licensure survey that was conducted on ....., 2012 by representative(s) of this office. Attached is the provider's copy of the State (3020) Form, which indicates the deficiencies that were identified on the day of the visit. Section 408.811(4), Florida Statutes, requires that you correct these deficiencies within thirty days of the date of this letter unless the Agency has approved another timeframe. Staff from this office will conduct a review after ....., 2012 to verify that the necessary corrections are in place to correct the deficiencies identified on your survey.

The Quality Assurance Questionnaire has long been employed to obtain your feedback following survey activity. This form has been placed on the Agency's website at <http://ahca.myflorida.com/Publications/Forms.shtml> as a first step in providing a web-based interactive consumer satisfaction survey system. You may access the questionnaire through the link under Health Facilities and Providers on this page. Your feedback is encouraged and valued, as our goal is to ensure the professional and consistent application of the survey process.

Thank you for the assistance provided to the surveyor(s). Should you have any questions please call me at 850-412-4540.

Sincerely,

  
Donah Heiberg  
Field Office Manager

Dh/dh  
Enclosure  
XG90

