STATEMENT OF DEFICIENCIES	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X3) DATE SURVEY COMPLETED
	AL11911215	**05/03/2017**
NAME OF PROVIDER OR SUPPLIER **HARBOUR TERRACE**	STREET ADDRESS, CITY, STATE, ZIP CODE **23013 WESTCHESTER BLVD** **PORT CHARLOTTE, FL 33980**	

SUMMARY STATEMENT OF DEFICIENCIES
(FINDINGS PRECEDED BY TAGS AND REGULATORY IDENTIFYING INFORMATION)

0000 - Initial Comments

An unannounced complaint survey for CCR# 2017002079 was conducted at Harbour Terrace, an assisted living facility (license # 5075) located in Port Charlotte, Florida.

The complaint contained 4 allegations, of which 2 were substantiated.

The following is description of the deficiency identified.

0167 - Resident Contracts - 58A-5.025 FAC

Based on record review and interview facility failed to provide a 30 days written notice before rate increase for 2 (Resident #1 and # 9) out of 4 resident sampled. The facility provided services to 1 (Resident #1) out of 4 residents without prior written authorization/approval for the services provided and subsequently charge Resident #1 for unauthorized services.

The findings included:

1. On at 9:51 a.m., the facility's Administrator, Director of Health and Wellness(DHW), and Accounting Director said they had an authorization by Resident #1's Durable Power of Attorney (DPOA) son for 24/7 private duty. They said the facility was in process of getting a legal action against the resident for the sum of $ 40,000 for unpaid services provided to her.

Record review for Resident #1 found an unsigned agreement dated for 24/7 for private one on one care. Only the facility's representative signed agreement on . The resident's DPOA son did not sign the agreement. Resident #1 was charged of the hourly rate of $19.00/ per hour Monday to Friday and $21.00 per hour Saturday and Sunday.

The facility provided services to Resident #1 without having written authorization/approval and subsequently charge the resident's DPOA for unauthorized services for the sum of $37,114.07.

During an interview conducted with Administrator and Accounting Director on at 10:30 a.m., they said they were unaware that the resident's son never signed the agreement. The facility's representative who signed the agreement never notified the administrator or billing department of the issue. They both said they though the agreement was signed. The Administrator said, "she never told me. If I knew I would have called the son. Believe me."

Record review for Resident # 1 found an agreement dated . The following language was found

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on page 15 of the agreement: Community fee: $2000.00, basic rate fee $3840.00, personal service rate $0.00. Monthly rate fee $3840.00, select services and therapeutic services $0.00. Residents Durable power of attorney (DPOA) signed agreement on .

Billing record review with facility's Accounting Director on at 11:00 a.m. found that Resident #1 changed on a monthly basis a basic service fee of $3840.00 plus $1258.00 personal service fee. The Accounting Director said on at 11:10 a.m. that a resident is admitted to the facility and when the registered nurses complete the resident's assessments they fee may change based on the outcome to the assessment and level of care needed. The Accounting Director said the Administrator was responsible to communicate with family/DPOA issues related the rate increase.

The Administrator said on at 1:00 p.m., "If there is a significant change or when they reassess the resident if there is a change of the level of care they send out a letter letting them know of rate increase in the next billing cycle. When she was asked where the letter for Resident #1 was, she said she would look for it. The Administrator was unable to produce documentation of notification of rate increase for Resident #1. She acknowledged on at 2:00 p.m. the lack of documentation of a rate increase for Resident #1. Resident #1's DPOA was charged an additional $1258.00 from day of admission to date of discharge , for the sum of $3774.00. Resident #1's DPOA was never notified of a rate increase.

2. Record review for Resident # 9 found a contract dated . On page 15 of the contract, the following language was found: Community fee: $0.00. Basic service fee left blank. Personal service rate: $4530.00. Monthly service rate left black, select services and therapeutic services` left blank. A notification of rate increase found on record dated indicating a rate increase of $153.00 per month for a basic service rate of $3989.00 per month. The agreement on record did not coincide with the notice on record.

Billing record review with facility's Accounting Director present on 5/3/ 17 at 12:10 p.m. found that Resident #9 was charged from to a basic service fee of $3989.00 and an additional $800.00 personal service rate for the sum of $4789.00 per month. No additional rate increase was found on record that coincided with the actual fee paid. There was no indication the facility refunded resident for the excess fee nor made attempt to communicate with resident or family of additional charges.

Resident #9 was changed an additional $800.00 from to for the sum of $5600.00. Resident #9 was never notified of rate increase.

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On 5/3/ 17 at 12:10 p.m. the Accounting Director said he was not responsible for contract reviews. He said the facility's administrator is the one who fills out the contracts and she gives the information to billing department.

On . . . at 1:00 p.m. the Administrator said, "I just plug in the numbers. I have no idea why some stay blank and why they do not go to the right place." The Administrator said, "If there is a significant change or when we reassess the residents if there is a change on the level of care we send out a letter to let them know that next month there will be a change in the fee."

The Administrator was unable to produce documentation of notification of rate increase for Resident #1 and Resident #9.

Class III