STATEMENT OF DEFICIENCIES	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X3) DATE SURVEY COMPLETED
	AL11965185	**11/20/2018**
NAME OF PROVIDER OR SUPPLIER **BROADVIEW ASSISTED LIVING FACILITY**	STREET ADDRESS, CITY, STATE, ZIP CODE **2310 ABBIE LANE** **PENSACOLA, FL 32514**	

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

0000 - Initial Comments

On , an unannounced complaint survey for allegations set forth in CCR# 2018013231 & 2018013460 was conducted at Broadview Assisted Living Facility in Pensacola, FL. Additional information was provided by the administrator on . Deficient practice was identified at the time of the survey.

0168 - Resident Refund Policy - 429.24(3)(a) FS; 429.27(7), FS

Based on record review and staff interview, the facility failed to issue refunds within 45 days of discharge for 5 of 6 residents (#1, #6, #7, #8, #9) sampled for refunds.

The findings were:

Resident #1
A review for the discharge date revealed Resident #1 move-in/out notice with a stated move out date of .

A review was conducted of the final statement dated . At that time there was credit in the amount of $1,854.98 noted on the statement.

A review was conducted of the banking image for the paid check number 35325. The check was made out to Resident #1 in care of the resident's daughter in the amount of $1,854.98. The date on the check was , 66 days after the resident discharged from the facility.

Resident #6
A review for the discharge date revealed a mortician's receipt showing that resident #6 , on .

The administrator confirmed a move out date of during interview on at 3:09pm.

A review was conducted of the final statement dated, . At that time there was a credit in the amount of $4,708.33 noted on the statement.

A review was conducted of the banking image for the paid check number 36609. The check was made out to Resident #6 in the amount of $4.708.33. The date on the check was , 51 days after her

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discharge from the facility.

Resident #7
A review for the discharge date revealed a progress note from . . . . . stating that Resident #7 discharged home with family.

The administrator confirmed a move out date of . . . . . during interview on . . . . . at 3:09pm.

A review was conducted of the resident's final statement, dated . . . . . At that time there was a credit in the amount of $279.44 noted on the statement.

A review was conducted of the banking image for the paid check number 35388. The check was made out to resident #7 in the amount of 279.44. The date of the check was . . . . . , 91 days after discharge from the facility.

Resident #8
A review for the discharge date revealed a resident status change notification form showing resident #8 expired on . . . . . .

The administrator confirmed a move out date of . . . . . during interview on . . . . at 3:09pm.

A review was conducted of the final statement, dated . . . . . , which showed a credit in the amount of 813.85.

A review was conducted of the banking image of the paid check number 35389. The check was made out to Resident #8 in care of her husband in the amount of $813.85. The date of the check was , 65 days after discharge from the facility.

Resident #9
A review for the discharge date revealed a progress note which stated the resident expired on .

The administrator confirmed a move out date of during interview on at 3:09pm.

A review of the final statement, dated , revealed a credit due of $3,827.51.

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A review was conducted of the banking image for the paid check number 35388. The check was made out to Resident #9 in the amount of $3,827.51. The date for the check was , 108 days after discharge.

A review was conducted of the facility refund policy contained within the Residency Agreement (updated).

3.1 Financial :

3.13 Termination by Resident: The resident or the Responsible Party shall give the Community thirty (30) days advance written notice of the Resident's intent to move out of the Community. If the Resident moves out prior to the conclusion of the thirty (30) day notice period or without giving the required notice, the Resident shall be liable to the Community each day of the required notice period at the monthly base rate in effect a the time of the termination and any applicable charges. Beyond the thirty (30) day requirement, the monthly base rate will be prorated and charged to the Resident for each day the Resident's belongings remain in the Resident room.

If the Resident is permanently transferred to a hospital, nursing home, etc. for health reasons, the Resident need not give thirty (30) days notice, but the Resident will be charged the monthly base rate prorated for each day the Resident's belongings remain on the Community's premises following the community's receipt of notice of permanent transfer....

4.1 Refunds upon termination:

4.1.3 In the event to the Resident's , and after the room has been cleared of all personal belongings, all monthly charges which were paid in advance and not otherwise incurred shall be refunded within forty-five (45) days of the room being cleared of personal belongings in accordance with Paragraph 4.1.5.

4.1.5 Upon termination of this agreement for any reason, except closure of the community, the balance of the initial Reservation Fee, specified in paragraph 3.1.1, will be refunded to the resident within forty-five (45) days of the Resident's last day in the Community, after the Community has deducted from the Initial Reservation Fee any amounts owed to the Community for rent or services rendered or for damages to the Community beyond reasonable wear and tear.

On at 1:38pm an interview was conducted with Staff B. At that time she stated that she

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processed the refunds on her level in-house, but that they then needed to be forwarded to corporate for their accounting department to go over it and issue the check. She stated she had no control over cutting checks. When asked, she stated that she was well aware that law requires refunds within 45 days of discharge. She further stated that she was aware that the facility was routinely not making that 45 day deadline. She acknowledged that the above 6 reviews for refunds were late. She was asked if she had made her corporate counterparts aware that the organization was not making the 45 day requirement. She stated that she routinely emails and tells the corporate staff that they are not moving fast enough to get the check out within the required time frame. E-mail evidence was requested and received.

An email dated was shared with the surveyor in which Resident# 9's son expressed his discontent with having yet to receive a refund. This email was forwarded by Staff B on to Staff G in the corporate office. It was again forwarded by Staff B to Staff G in the corporate office on noting that she was again following up in the status of the refund and referencing that she had already reached out once about the status. While she was looking for this information she was asked who would supervise this aspect of the business and she stated that would be VP Controller F.

Another email dated at 12:10pm was shared with the surveyor in which Staff B reached out to the invoices distribution list, Corporate Staff H and VP Controller F. The email by Staff B stated, "Can you give me a payment status of Resident #6's refund? Her 45 days will be . Please advise." Corporate Staff H replied on at 1:47pm, "I do not have a payment date yet for $4.708.33 payable to Resident# 6. Thank you!" VP Controller F then replied on 11/1/2018 at 4:03pm, "Thanks for the heads up! I do not have this scheduled to pay before the middle of , but will get it in the queue for late , early . Has the family been calling?" Staff B then responded on at 2:08pm, "Yes, this family is one that will call Ombudsman on us if we don't have the payment to them within 45 days. Ombudsman has already been out a couple of times regarding that complaint and has found us noncompliant with that law. Not only did he call me this morning but he also came by to see if the home office has answered. I have not given him any answer yet. I am sure he will call me in the morning." VP Controller F then responded on 11/1/2018 at 4:43pm, "OK - I will see what we can do."

On at 2:03pm, a telephone interview was conducted with VP Controller F about the refund delays. VP Controller F responded that she did not know the reason for the delay. She was asked to explain the process by which the corporation processes refunds. She stated that she had only been with the company for a few months and did not involve herself in the day to day work of her department. She said that she assumed that when a resident moved out a notification for refund was given and then the refund issued. She reiterated that did not know the reason for the delay, but that was something that she

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could look into. She was asked if there were anyone else within her office that could explain the delays, to which she replied, no.

Class III