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
	AL11969122	A. BUILDING: _____ B. WING _____	07/12/2019

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
THE RESIDENCE AT DANIA BEACH	150 STIRLING RD DANIA BEACH, FL 33004

(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
A 000	Initial Comments An unannounced licensure complaint survey, Complaint Number 2019004892, 2019005397 and 2019008278, commenced on and concluded on at The Residence at Dania Beach. The facility had deficiencies identified at the time of the survey that were unrelated to the above complaints.	A 000		
A 030 SS=D	58A-5.0182(6) FAC; 429.28( ) FS 429.27 Resident Care - Rights & Facility Procedures 58A-5.0182 (6) 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 58A-5.0181, 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 telephone number of the Florida Hotline, 1(800)96- or 1(800)962-2873. The	A 030		

AHCA Form 3020-0001

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE | TITLE | (X6) DATE

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A 030	Continued From page 1 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 58A-5.0181, 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 universal precautions; and, 8. The requirements for coordinating the delivery of services to residents by third party providers. (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 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	A 030		

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A 030	Continued From page 2 residents reside. (g) In addition to the requirements of section 429.41(1)(k), F.S., the use of physical . . . . . by a facility on a resident must be reviewed by the resident's physician annually. Any device, including half-bed rails, which the resident chooses to use and can remove or avoid without assistance, is not considered a physical . . 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	A 030		

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A 030	Continued From page 3 the highest possible level of independence, autonomy, and interaction within the community. (f) Manage his or her financial affairs unless the 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	A 030		

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A 030	Continued From page 4 given at least 45 days ' notice of a nonemergency relocation or residency termination. Reasons for relocation shall be set forth in writing. 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 kept confidential pursuant to s. 400.0077 and that retaliatory action cannot be taken against a resident for presenting grievances or for	A 030		

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A 030	Continued From page 5 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(1)(a), FS 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 interview and record review, it was determined that the facility failed to ensure a resident's rights are honored at all times. As evidence of the facility failure to address/investigate a resident grievance involving a staff member who may have discussed and exposed a resident's medical profiles to another resident residing in the facility. The facility also	A 030		

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A 030	Continued From page 6 failed to give staff controlled access abilities in their database in reviewing limited information per the staff job description. The findings included: Record review of the facility's Grievance policy (undated) stated the aggrieved person, or person acting on his/her behalf, will meet with the person whom the complaint is directed. This meeting will be informal and designed to provide a solution that will not require further discussion. Cases of verbal and , , ... shall be reported directly to the administrator/owner. If the solution cannot be reached, the aggrieved may ask the manager/supervisor for an , , . The meeting must be held within 5 days of receipt of the grievance. If a solution cannot be reached, the aggrieved may request a meeting with the administrator/owner that must be held within 5 days of the meeting with the supervisor. A written summery of the formal grievance heard by the administrator/owner will be recorded, which includes the nature of the grievance and the remediation correction plan. During an interview on at 10:38 AM, it was revealed that Resident #1 felt his rights had been compromised. The resident stated that he suffers from / and that Staff A told a resident about his condition. He stated the resident who wanted to remain confidential to Administration clearly stated to him that she was shown on the computer the resident having / . . . Resident #1 stated all her friends now know about his condition and he is sure other people know in the facility. Resident #1 further stated that he is very embarrassed and felt that his medical profile should have been kept private. Resident #1 stated he tried to file a grievance with	A 030		

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A 030	Continued From page 7 the Assistant Administrator (AA), due to the sensitivity he wanted to set up a meeting regarding his rights being violated but it never happened. Record review of the facility grievance log revealed no grievance documented from Resident #1 regarding his rights being violated. During an interview with the AA on [redacted] at 11:03 AM, it was confirmed that Staff A is a current employee at the facility commonly referred to as "HR" (Human Resources). The AA stated that she handles all new hire packages and ensure that employee files are organized and complete. The AA also stated that on Sundays she (Staff A) is the receptionist and currently a part-time employee, only working a total of three days per week. Record review of Staff A's file revealed a job description titled "Receptionist" and another job description titled "Assistant Administrator". The job description of the receptionist revealed various receptionist duties such as answering incoming calls, greeting residents, staff and families. The job description signed and dated on [redacted] further stated in bold print that all employees must maintain confidentiality of all patient/ resident care information to assure resident rights are protected. The job description of the Assistant Administrator stated the staff would assist the Administrator with all duties. Record review also revealed Staff A has been core trained and was current with the 12-hour updates on file relating to Health Insurance Portability and Accountability Act (HIPPA) and Resident Rights. During an interview with the AA on [redacted] at 12:08 PM, it was revealed that she is the	A 030		

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A 030	Continued From page 8 Assistant Administrator. The AA stated that Staff A is a Receptionist and she only assist with organizing new hire packages. At this time, the AA stated, the facility uses a software called {software system} in which this system was integrated to maintain and have readily access to both employee and resident files. The AA further stated user access granted exposure to both resident and employee files. The AA stated all Administrative staff had access to both resident and employee files when logged in. When asked why would "HR" or the Business Office Manager "BOM" need access to a resident medical file, the AA replied that is the way the system was built. At this time, the AA repeated that due to staff A's position she did have full access to resident medical profiles. During an interview with (confidential source) on at 1:04 PM, it was stated that Staff A has shown her multiple resident files when she is working at the front desk. It was stated that Staff A revealed Resident #1's diagnosis and a few other resident diagnoses by showing her and verbally stating the diagnosis. {Resident} stated when she was informed about Resident #1 diagnosis by the Staff A, it was the first time she had ever heard about his diagnosis and had no clue that he had /AID's. The resident stated she felt his rights was violated and told him to speak with the Administrator about Staff A. During an interview with Staff A on at 1:24 PM, she confirmed her position as a part-time Receptionist and conducting human resource duties for the facility. She acknowledged the database that the facility uses for employee and resident files, allows her to go in and update employee files. Staff A further stated on Sundays sometimes a resident might need a family	A 030		

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A 030	Continued From page 9 member number, and this is an instance where she would gain access into the {software system} database. Staff A further stated in this system she had access to resident personal information, family contact information and resident medical history. It was further stated that she often conducted audits of the facility medication observation record which is also electronic to assist the previous Director of Nursing (DON). At this time, the concern of privacy and confidentiality of facility and resident records was discussed. Staff A did not indicate that she had exposed any confidential facility or resident information. During an interview with the Administrator on , she confirmed the {software system} database does not grant level or tiers of privacy to user access. The Administrator confirmed that her entire Administrative team (AA, BOM and HR) have full access to both resident and staff information. The Administrator also confirmed Staff A was not her Administrative Assistant but did have an active role in assisting the BOM with new hire packages. At this time, the Administrator stated this was the first time she was ever made aware of such allegation. She stated she had not investigated or addressed the concerns of Resident #1 Class III	A 030		