

Agency for Health Care Administration

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: AL11943102	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 07/01/2019
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NAME OF PROVIDER OR SUPPLIER SAVANNAH COURT OF THE PALM BEA	STREET ADDRESS, CITY, STATE, ZIP CODE 2090 N. CONGRESS AVENUE WEST PALM BEACH, FL 33401
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A 000	Initial Comments An unannounced licensure complaint survey, Complaint Number 2019006131, was conducted on _____ at Savannah Court of The Palm Beaches. The facility had a deficiency identified at the time of the survey.	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 telephone numbers must be posted in close proximity to a telephone accessible by residents	A 030		

AHCA Form 3020-0001
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X8) DATE

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A 030	<p>Continued From page 1</p> <p>and the text must be a minimum of 14-point font.</p> <p>(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:</p> <ol style="list-style-type: none"> 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. <p>(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.</p> <p>(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 residents reside.</p> <p>(g) In addition to the requirements of section</p>	A 030		

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A 030	<p>Continued From page 2</p> <p>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 _____.</p> <p>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:</p> <p>(a) Live in a safe and decent living environment, free from _____ and neglect.</p> <p>(b) Be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy.</p> <p>(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.</p> <p>(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.</p> <p>(e) Freedom to participate in and benefit from community services and activities and to achieve the highest possible level of independence, autonomy, and interaction within the community.</p>	A 030		

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A 030	<p>Continued From page 3</p> <p>(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.</p> <p>(g) Share a room with his or her spouse if both are residents of the facility.</p> <p>(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.</p> <p>(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.</p> <p>(j) Access to adequate and appropriate health care consistent with established and recognized standards within the community.</p> <p>(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 ill, the guardian shall be 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.</p> <p>(l) Present grievances and recommend changes in policies, procedures, and services to the staff of the facility, governing officials, or any other</p>	A 030		

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A 030

Continued From page 4

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 state that a complaint made to the Office of State Long-Term Ombudsman or a local long-term care ombudsman council, the names and 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 exercising any other resident right. The facility must ensure a resident's access to a telephone to call the local ombudsman council, central hotmail, 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

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A 030

Continued From page 5

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 observation, record review and interview, the facility failed to honor residents' rights by providing a safe living environment and grievances in an effective manner, for 1 out of 9 residents (Resident #1). As evidence of the facility failure to implement effective resolution(s) to complaints (concerns) identified by Resident #1 regarding Resident #2's behavior towards residents in the facility (including Resident #1).

Findings Includes:

On a complaint survey was conducted at the facility. During the survey, this surveyor requested and reviewed the facility files for Resident #1 and #2. During review of Resident #1 facility file, this surveyor observed an entry dated that stated: "(Resident #1) has been arguing with (Resident #2) and both were warned about the verbal altercations."

On at 1:18 PM, this surveyor interviewed Resident #1 regarding concerns at the facility. Resident #1 stated: "The man (Resident #2), you, they allowed this man to call me to bitches and Satan. And ... for over three months. So, I started staying in my room. He has run so many people away. I remind them every day of at least four people who this man has caused to move from his table."

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A 030	<p>Continued From page 6</p> <p>Resident #1 also stated "When I was going through that with (Resident #2), they kept putting it on me. I talked to (Executive Director) and ask what you going to do with this? She says I don't know what to do. So, I called corporate and spoke with (representative). Nothing was getting done. I called him again, and he said "(Executive Director) hasn't talked to you? I told her what the plan was"</p> <p>There was a day when I was sitting talking to the girl at the front desk and he ran his walker into me. "You not supposed to be sitting up here." They always putting it on me: "You're more intelligent, he has problems." But he can tell you what happened 2 days ago! He starts up, but I just ignore it. He wants my attention. I don't know why. It drives him insane. When he can't get my attention, he starts saying things like "You b—!" Just today at lunch, I heard him say, looking at me: "I can't stand that B—"</p> <p>On _____, review of confidential records (by a third party entity) revealed a recent investigation into the incident(s) regarding Resident #1 and #2 resulted in the findings of Inadequate Supervision. However, the facility still was unable to demonstrate that effective measures (resolution) had been implemented regarding the behavior of Resident #2 towards Resident #1 or other residents.</p> <p>On _____ at 3:18 PM, this surveyor interviewed the Executive Director/Administrator and inquired as to the interactions between Resident #1 and #2. The Executive Director stated Resident #2 was given a 45-day notice, which was rescinded. "We talked to the (family member) and him, and it got better. He is an</p>	A 030		

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A 030	<p>Continued From page 7</p> <p>attention seeker, like a" This surveyor asked about his interaction with residents, specifically Residents #1. She stated "He wanted to talk with her and she wasn't having it. We moved him to another table and, that was . . . in . . ."</p> <p>This surveyor asked the Executive Director if Resident #2 had ever hit Resident #1 with his walker. She stated that his walker is really-wide. "I'm not making excuses for him, but he is very tall and finagling." He can't stop himself if he is moving."</p> <p>On at 12:10 PM this surveyor interviewed {confidential staff interview} who stated "Once in a blue moon a resident will get into it with another resident, like yesterday. We have a resident (resident 2). He tends to say things that are way off. (Resident 2) will get in a confrontation with (Resident 1). He tries to blame it on his"</p> <p>During review of the facility Grievance Binder on, this surveyor reviewed entries from through and observed the following:</p> <p>1) : (Resident #2) trying to be too friendly and she does not want to be nice to him. She stated that he hit her wheelchair with his walker going to the dining room. Corrective Action to be taken: Monitor the two residents; alert staff to monitor closely. Statement of Confirmation: Confirmed.</p> <p>2) : (Resident #1) continue to have issues with (Resident #2); they do not get along and he taunts her because she does not want to befriend him. Steps taken to investigate</p>	A 030		

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A 030	<p>Continued From page 8</p> <p>Grievance: RCD spoke to the resident & family about the inappropriateness of the remarks. Was the grievance confirmed or not? Yes</p> <p>During observation of the lunch dining between 12:20 PM and 12:30 PM, this surveyor observed Resident #2 sitting at his table, which is next to the table where Resident #1 was sitting. The distance between the residents was between 5 and 6 apart.</p> <p>During interview with Executive Director between 3:18 PM and 3:25 PM, this surveyor informed her of the alleged that occurred during today's lunch. The Executive Director stated: "There is a table here (pointing to the of the dining room). Maybe we could move him there with some other gentlemen. I hate moving residents because it feels like punishment. We'll look into it."</p> <p>On between 4:03 PM and 4:15 PM, this surveyor met with the Executive Director to conduct the Exit Interview. This surveyor informed her of the findings; no additional information was provided.</p> <p>Class III</p>	A 030		