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
	AL11969020	A. BUILDING: _____ B. WING _____	04/09/2026

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
WINDERMERE MEMORY CARE INC	7901 KIPLING ST PENSACOLA, FL 32514

(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 On , an unannounced complaint survey for complaint #2026000766 was conducted at Windermere Assisted Living and Memory Care in Pensacola, Florida. Deficient practice was identified at the time of the survey.	A 000		
A 030 SS=D	59A-36.007(5) FAC; 429.28( ) FS 429.27 Resident Care - Rights & Facility Procedures 59A-36.007 (5) 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 59A-36.006, 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		

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A 030	Continued From page 1	A 030		

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 59A-36.006, 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 standard precautions;
8. The requirements for coordinating the delivery of services to residents by third party providers;
9. Assistive devices; and
10. Physical .
(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

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A 030	Continued From page 2 residents reside. 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 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	A 030		

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A 030	Continued From page 3 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 given at least 45 days' notice of a nonemergency relocation or residency termination. Reasons for relocation must be set forth in writing and provided to the resident or the resident's legal representative. The notice must state that the resident may contact the State Long-Term Care Ombudsman Program for assistance with	A 030		

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A 030	Continued From page 4 relocation and must include the statewide toll-free telephone number of the program. 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 exercising any other resident right. The facility	A 030		

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A 030	Continued From page 5 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 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 interviews and record review, the facility failed to ensure residents had unrestricted and private communication, including the right to visit with any person of his or her choice at any time, in accordance with resident rights requirements. (Resident #1) The findings include: On at approximately 8:45 AM,	A 030		

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A 030	Continued From page 6 Resident #1 was observed in his private room. He has no roommate. On at approximately 12:39 PM, a phone interview was conducted with Resident #1's friend. He stated that he visits Resident #1 on a weekly basis, as the resident does not have family. He reported that, on , he arrived at the facility to visit Resident #1; however, at the lobby entrance window, facility staff informed him that the resident's was elevated and, as a result, he was not permitted to visit and was denied entry. He further stated that his visits typically occur in a common area, as the facility staff informed him that the resident has a roommate and he is not permitted to enter the resident's room. Additionally, he reported that, on a prior occasion, he brought coffee creamer for the resident; however, staff removed the item. He indicated that he had verified the product prior to bringing it and stated that it contained no sugar and only one per serving. On at approximately 9:20 AM, an interview was conducted with Staff B, Medication Technician for the Memory Care Unit. She explained that, when a resident has a roommate, visitors are expected to meet in common areas to maintain the roommate's safety and privacy. She further stated that, when a resident occupies a private room, family and friends are permitted to visit in the resident's room. She recalled that Resident #1's friend visits on a weekly basis in the common area. She indicated that Resident #1 had occupied his current room alone for approximately 3 weeks. However, she reported that, despite Resident #1 now having a private room, she has not allowed the friend to visit in the resident room. She stated this decision was due	A 030		

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A 030	Continued From page 7 to concern that the visitor brings snacks, which she believes contributes to Resident #1 having elevated ᵕ (amount of sugar in the) levels. On at approximately 9:30 AM, a combined interview was conducted with the Administrator and the Health Care Coordinator. They explained that Resident #1 has a friend that visits, and they report that he had brought items to Resident #1, like many snacks which she believes are sugar free, however, the resident would eat them all at once. On at approximately 1:23 PM, a follow up interview was conducted with the Administrator. She explained that Staff D, Patient Care Technician, recently reported concerns that Resident #1's friend was bringing snacks to him and requested that the facility intervene to control the snacks, unaware at the time that the items were sugar free. On at approximately 1:40 PM, an interview was conducted with Staff E, Medication Technician. She explained that, on , Resident #1's ᵕ level was around 300. She further indicated that Resident #1's friend arrived at the lobby window seeking to visit Resident #1. She stated that she informed him that the visitation was not appropriate at this time due to Resident #1 elevated ᵕ and denied him entry. She further stated that she does not recall whether the friend had snacks with him. She added that, in the past, Resident #1's friend had brought coffee creamer for the resident, which she removed, indicating that it would increase the resident's ᵕ . She explained that she placed it in the main kitchen. She was unable to retrieve the creamer and	A 030		

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A 030	Continued From page 8 unable to specify whether the creamer was sugar-free or identify its sugar or content. On at approximately 1:52 PM, a follow up interview was conducted with the Administrator. She explained that the facility may deny entry if guests are yelling or exhibiting violent behavior, in which case law enforcement would be contacted. However, she clarified that Resident #1's friend did not exhibit any violent behavior toward the resident. She further stated that Staff E should not have denied entry to Resident #1's friend on . She acknowledged that the facility is the resident's home and that the resident has the right to visitation. On at approximately 1:58 PM, an interview was conducted with the Health Care Coordinator. She explained that Resident #1's friend is the only visiting friend to the resident. She added that the friend contacted her on regarding visiting hours. She stated that, in accordance with Resident Rights, it is not the responsibility of the staff to determine who may visit or when visits may occur. She added that, even if it is not always confirmed, the snacks brought by Resident #1 friend are sugar free. On at approximately 2:29 PM, a follow up combined interview was conducted with Staff B and Staff E. They explained that Resident #1's friend doesn't leave any snacks in the resident's room, only while visiting. They stated that if his is high, they will have to send the Resident to the hospital, so they take it upon themselves to decide if it is a good time or not for his friend to visit, attributing the fluctuation of his to the friend; however, they	A 030		

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A 030	Continued From page 9 cannot confirm that all snacks or coffee brought to Resident #1 are regular or sugar free. Staff B stated that she completed Resident Rights training during onboarding and again recently through an online course. She demonstrated understanding and, while staff are responsible for supporting resident well-being, it is not within her role to impose restrictions on resident visitation or dietary choices. She confirmed awareness that the facility is the resident's home and the residents have the right to receive visitors. A review of the Assisted Living Facility and Adult Family Care Home Resident's Bill of Rights, section 429.28 and 429.85, Florida Statutes found under the Florida Ombudsman Program, revealed that every residents have the right to 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 9:00 AM and 9:00 PM at a minimum; retain and use his/her own clothes and other personal property. Class III	A 030		