

Susan Kaempfer
Agency for Health Care Administration
2727 Mahan Drive
Mail Stop #30
Tallahassee, Florida 32308

Dear Susan,

Attached is the communication to the Assisted Living Workgroup and with a copy of the letter that was written in June, 2012, to Governor Scott. I would appreciate it if you could pass on my communication plus the copy of the letter to the Governor to the Workshop.

If there is any other information needed, please feel free to contact me. The residents of Heritage Isle (a senior community in Viera, Florida) strongly believe that the amended section of Statute 419.001 allowing ALFs in residential communities such as ours was not carefully thought out as to the consequences of such action. In addition, ALFs of 6 or fewer which employ teenagers with minimal or no training or experience as care givers, opens the door to all types of abusive and negligent behavior for the patients. We believe that the law should be changed to remove this amendment that is not only disruptive to the communities but harmful for the residents of the ALF.

Thank you for your assistance in this matter. Please keep me informed on the progress.

Cordially,


Richard Creal

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Melbourne, Florida 32940

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**Central Systems
Management Unit**

July 10, 2012

To: The Assisted Living Workgroup
c/o Susan Kaempfer
Agency for Health Care Administration
Tallahassee, Florida 32308

Enclosed please find my June letter to Governor Scott, commending him for setting up the Assisted Living Workshop to study and make recommendations regarding improving the care and welfare of the patients in Assisted Living Facilities. It is a task that is badly needed and long overdue.

As a member of the Heritage Isle Community of Senior citizens located in Viera, Florida, I can report to you that the residents of this community are highly concerned with the care and welfare of the residents of Assisted Living Facilities in general but particularly those ALFs of 6 and under residents. There is such a facility in Heritage Isle, and we have observed first hand the neglect and abuse that takes place there and the willfully inadequate administration of the staff and the condition of the facility. Teen aged care givers who have minimal or no training are legally able to care for senior adults with all kinds of conditions and needs including administration of pills, proper diets, exercise, those with various degrees of dementia, and adequate oversight of their needs and providing clean and secure conditions. The deficiencies of the care given in the ALF in Heritage Isle including neglect, poor sanitation, and attending to the needs of their senior residents are illustrated in the letter sent to Governor Scott.

The residents of Heritage Isle strongly believe that the amended section of Statute 419.001 allowing ALFs in residential communities such as ours was not carefully thought out as to the consequences of such action and the negative impact that they have on the communities. We believe that the law should be changed to remove the amendment that is not only disruptive to the communities but harmful for the residents of the ALFs. ALFs of 6 or fewer with young ill trained care givers can not provide the proper conditions to attend to the needs of the varying character of the residents of such small facilities. We sincerely hope the you will recommend that this law be changed for the welfare of the ALF residents and to eliminate the disruptive imposition on the residential communities in which they reside, especially senior communities such as ours.

I will be unable to personally testify before your Workshop in Orlando due to other commitments, but I hope that you will seriously consider our concerns and make those recommendations necessary to correct these problems .

Sincerely,



Richard Creal
3841 Funston Circle
Melbourne, Florida 32940

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Governor Rick Scott
Executive Office of the Governor
The Capitol
400 So. Monroe Street
Tallahassee, Florida 32399-0001

Dear Governor Scott,

I commend you for appointing a special Commission to review and make legislative recommendations regarding the dire condition of our State's Assisted Living Facilities. From my experience of having my mother suffering from dementia in a large Assisted Living Facility in Michigan to visiting friends in other large ALFs, to watching an ALF placed right next door to our new home in the Heritage Isle Senior community in Viera, Florida, I am well aware of the limited potential as well as the serious problems that exist in such facilities. Although the appointed Commission developed recommendations that would have upgraded the training and accountability of care givers and administrators in large Florida ALFs, the Commission did not go far enough in their recommendations. Then to our dismay, the last session of the State Legislature failed to act even on those limited recommendations.

My experience in assessing places to accommodate my mother's situation and visiting with the one in which she was finally placed, and visiting and observing friends in other large facilities, demonstrated the wide variance in the physical facilities and the care given to patients. Your Commission has reviewed many of the extreme examples of poorly run large ALF facilities in Florida, and made recommendations for improving those conditions. This is a step forward, although even passing laws does not bring about improvement without proper enforcement which also needs improvement.

There is also a great need for the Commission to consider ALFs of six or fewer residents where there are even greater problems. By amended State Law 419.001, ALFs with six and under residents can be considered residential facilities instead of the businesses which they are, and may move into a house within a residential community even ones which forbid any business, which we found out when an ALF of six and under moved next door to our newly built and purchased home. Although we knew nothing about these small ALFs before, our education has been extensive since, and our conclusion is that ALFs of that size are too small to adequately meet the special needs of the mix of residents who are housed there, the staff is not adequately trained, and the absentee administration provides no controls or accountability. In addition, ALFs of this size do not belong in a residential community, particularly a Senior community which has covenants prohibiting businesses.

Our conclusions are based on the following considerations:

1. ALFs of six and under residents are for-profit businesses even though the State law 419.001 classifies them as residences, and they have all the features of a commercial business including traffic congestion, multiple patients, parking problems, people coming and going all day, absentee ownership, etc.

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2. Both our house and the ALF are in Heritage Isle, a senior community within the total planned development of Viera which has designated areas for residences, businesses, and congregate living facilities. We purchased our home believing that we would not have any businesses to contend with in our residential community.
3. There are covenants and rules governing the operation and use of our properties which are violated when non-conforming use is permitted.
4. The ALF business violates with impunity our senior community's covenants and rules on placement, rentals, age of owners, use of property, and daily living.
5. A for-profit business placed in a residential area has a negative effect on property values.
6. The operation of the ALF interferes with the use, comfort, and enjoyment of neighboring residences.
7. The deficiencies of an ALF of six and under are numerous including:
 - a) Caregivers need to be only 18 years old with only minimal training and no understanding on how to provide care for a geriatric population with special needs.
 - b) With low pay, caregivers are usually young (in teens) with inadequate training and uncaring attitudes.
 - c) Entrusting this resident population to untrained and unskilled caregivers to perform the functions of medicine administration, preparation of proper meals, assistance on mobility, providing proper exercise or social activities, identifying and caring for illnesses or condition changes, handling bodily needs, ensuring proper environmental conditions of the house, and meeting emergency situations is only asking for problems..
 - d) The inadequate care and attention for residents is magnified when residents with dementia or full scale Alzhimers are admitted to the facility. Small ALFs can neither properly segregate residents nor provide adequate and proper care for all the residents.
 - e) With an absentee ownership/administrator, the caregivers are left to their own devices and decision making to the detriment of the patients. Problems ensue and only grow worse.
 - f) Care and maintenance of the facility is minimal.

Some examples of the situations that have occurred here and led to our conclusions include:

- Patients with dementia are allowed to wander about the community knocking on resident's doors demanding to be let in until the Sheriff was called to take them back to the ALF.
- Patients with dementia assaulting neighbors.
- Dogs in the ALF running loose and attacking neighbors.
- Owner and friend twice verbally assaulting neighbors.
- Owner illegally giving the password to the gated entrance to caregivers who pass it to friends.
- Caregivers' friends visit all hours of day and night to party outside and inside the ALF and on occasion spending the night.
- Traffic congestion to the extent that neighbors can not get in their driveways or receive mail.
- Caregivers using the facility to day care for youngsters during the summer break and leaving the ALF to take the youngsters swimming.
- ALF used as a nursing home and with hospice patients.
- Caregivers and friends discarding cigarettes and matches into mulch starting fires.
- Improper disposal of medical waste.
- Patients suffering from extreme heat when Air Conditioner goes out.
- ALFs operate outside the boundaries of the rules set for other residents.

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In summary, the major points of this presentation are:

1. ALFs of six and under residents are too small to operate effectively and efficiency in providing the necessary care for the diverse conditions of the admitted patients.
2. Caregivers are too young and inadequately trained to care for the geriatric residents with a variety of needs in an ALF of six and under .
3. Mixing residents of varying conditions from basic assisted living needs to those suffering from dementia or end of life illnesses creates serious problems injurious to the residents of the home in ALFs of six and under..
4. No ALF should be classified as a single family unit and allowed to operate the business in a residential community.
5. Absentee administrators can not oversee the daily operations of an ALF of six and under to ensure compliance with the tasks required to care for the residents.

Your Commission studying ALFs should strongly consider recommending legislative changes which increase the age and training of all ALF caregivers and the removal from Statute 419.001 the section allowing ALFs of six and under in residential communities.

Thank you for your consideration of our requests.

Sincerely,


Richard Creal

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Melbourne, Florida 32940

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