



3479 54th Avenue N. | St. Petersburg, Florida 33714

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ALF Lic. # AL 11970

April 11, 2017

Charles E. Grassley, Chairman
Committee on the Judiciary of the United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Grassley:

Thank you for your letter of March 28, 2017 regarding the incident which occurred at Bristol Court where Alexis Williams, a former nurse assistant at Bristol Court, shockingly and unforeseeably video recorded two residents engaged in consensual sexual intercourse and then posted that video on her private Snapchat account. This event was deeply disturbing to us as it is contrary to our values, training, rules and culture at Bristol Court. We are willing to assist the Judiciary Committee regarding any of its needs in evaluating this important matter. We would be willing to travel to Washington to help participate in any endeavors the Committee sees fit to go forward with.

As a threshold matter, as soon as it was brought to the attention of Bristol Court that Alexis Williams had posted this video on her private Snapchat account we immediately undertook an investigation. After we verified she alone was responsible for the recording, she was summarily terminated. We then worked alongside law enforcement during their investigation and Ms. Williams was recently charged with a felony as a result of her crime. Based on her firing and this felony charge, it is highly unlikely that Ms. Williams will ever work in the nursing industry again. The publicity surrounding this event sends a strong message to the community that this is an activity that is intolerable and can result in a criminal conviction that can dramatically change someone's life and even put them in prison.

At Bristol Court we have a number of policies that Ms. Williams' conduct knowingly specifically violated. Upon her hiring, she was educated as to these policies not only through Bristol Court's onboarding of new employees where they are educated and tested with respect to residents' rights to privacy, HIPAA, and inappropriate conduct toward residents.

Prior to her hiring, Ms. Williams underwent a required Level 2 background screening which is mandated by the State of Florida. Ms. Williams went through fingerprinting, criminal

background checks in both State of Florida and national databases. The State of Florida Agency for Healthcare Administration verified her eligibility for hire.

Ms. Williams was also interviewed personally for her position. There was nothing in Ms. Williams' background and nothing that came out during the interview process or during the time that she was employed that would have given anybody at Bristol Court any reason to believe that she would engage in such morally reprehensible conduct. While background checks are an important part of the vetting process of employees, we can never truly know if an individual is going to make an extremely poor and immature decision like Ms. Williams did.

Bristol Court has social media policies which are provided to all employees. (Composite Exhibit A). Employees are provided an employee handbook which contains these policies as well as our policies prohibiting the photographing and videoing of residents. Following this incident all employees were once again educated on these policies and provided them an additional time. Employees are also required to go through "in services" where they are educated and reminded about these and other policies on a continuous basis.

In addition to the background check and the aforementioned policies and continuing education, there are permanently posted signs throughout Bristol Court which specifically prohibit the photographing or videoing of residents and their families. The signs long pre-date the incident in this matter. The front entrance door of Bristol Court has a prominent eye level sign advising the photographing or videoing of the residents is prohibited. There is also a sign in the employee break and meeting room that has permanently posted reminder of this important policy. This is a daily and continuous notice that taking photographs or making videos of residents is strictly prohibited. It cannot be argued that Ms. Williams was not fully educated and aware of these policies and her unilateral decision to violate them was therefore not foreseeable.

Finally, your letter requests information regarding state survey violations which occurred in 2015 that resulted in a \$6,500 fine. These were actually two separate fines, one being \$5,000¹ and another being \$1,500². These violations had absolutely nothing to do with the issues that are being inquired about by the Committee. We can only presume that you have asked for them as they were mentioned in news reports likely to add another degree of intrigue to their reporting of this matter. If the media would have undertaken a simple internet search they would have learned that these fines occurred during a prior ownership when we did not own the building or work here and had absolutely nothing to do with the issues regarding this incident, which they conveniently and irresponsibly neglected to report. Most importantly, these violations were verifiably corrected and at no time did the State revoke the facilities' license.

¹ AHCA Case No. 2015001821. Incident involving alleged bug infestation.

² AHCA Case No. 2015003658. Complaint about supervision of residents in the outdoor smoking area.

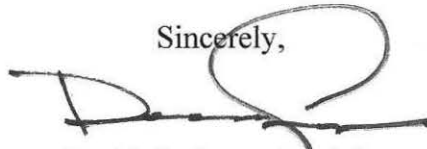
Charles E. Grassley, Chairman

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Thank you for the opportunity to respond to your inquiry. If you have any questions or concerns relating to this response, please do not hesitate to contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Gery', with a large loop at the end of the last name.

David G. Gery, Administrator
Bristol Court Assisted Living Facility

Composite Exhibit "A"

Section IV of the employee hand book policies "What Bristol Court Expects of its employee" reads as follows:

B. Social media Policy

The community recognizes that social media may be a useful tool, with management using it for business purposes. Employees however, are expected to use extreme caution when accessing or using any social media pertaining to the community. Social media is defined as Facebook, Twitter, Snap-Chat, or any other internet services that posts information that may be viewed publically. The community goal is to protect the privacy of our residents, families, visitors, co-workers and vendors. Any information you transmit or post including photographs pertaining to the community, its reputation, on-goings or resident information is a clear violation of this policy and will be subject to corrective action including termination.

E. Resident's Rights

As an employee at Bristol Court ALF, you share the responsibility for providing a quality service to the residents of the facility. Remembering the reason they have come to our facility, we must treat each resident and his/her family with the utmost courtesy and respect. The residents are the only reason for the existence of our facility, and your first duty is to serve their need in accordance with the rules and regulations set forth by this handbook.

Action which you take that is contrary to the rights guaranteed the residents of will be grounds for disciplinary action, if severe enough, dismissal.

Our residents have a right to confidential management of any and all information concerning their treatment. Information concerning their diagnoses, as well as the treatment, prognosis, or current condition of any resident is considered confidential and is not to be released by anyone, unless such a release or discussion is part of your duties.

F. Telephone Use and Messages

It is recognizes that matters of personal business cannot always be conducted during non-working hours. Outgoing calls on the facility business phone are only permitted when an employee has clocked out on their break or lunch. Incoming personal calls should be limited to emergencies. If an employee needs to handle personal business including arranging for a ride or scheduling personal appointments, he/she must inform the person calling that they will call them back during their break. Continuous personal calls, incoming or outgoing, are discouraged and a distraction in the workplace and may result in a written warning. Any message received from an incoming emergency call will be brought to your attention immediately.

As circumstances dictate, you may find it necessary to use the business phone for business purposes related to a resident. You should remember in such situations that when you are speaking with someone on the telephone, you are representing the entire facility to the other party. If you are courteous and helpful, favorable impressions of the facility will be formed by the caller. On the other hand, if you are abrupt or rude, the caller will be left with a negative impression of the facility. Good telephone habits are important; helpfulness and consideration result from them. Let the following principles be your guide:

1. Answer promptly and speak distinctly.
2. Identify yourself by name and department.
3. Transfer calls properly and tactfully and include who is calling.
4. When leaving the line, explain why.
5. When returning to the line, make an introductory remark.
6. Always hang up carefully.

When taking a phone message, it is REQUIRED to take the time and date of the call, whom the call is for, what the message is and who took the message. Failure to do so may result in a written warning.

Cellular phones and cellular phone cameras and or video recorders are strictly prohibited to be on the floor or in a resident's room while working at Bristol Court unless it is directed by a supervisor or administrator for company relations purposes. The community reserves the right to install or use cameras for specific reasons such as security, protection of property, theft protection, etc.



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ATTENTION TO: ALL STAFF

12/10/2010

RE: USE OF CELL PHONES IN THE FACILITY

In accordance with the privacy policy established by Bristol Court Assisted Living staff, residents, and visitors at Bristol Court Assisted Living shall respect the privacy of others and maintain a safe environment for all residents, visitors and facility staff.

In order to be sensitive to the needs and privacy of residents, personal cell phones, (including blackberry's, or I-phones) audio recorders, pagers, video cameras, or other electronic devices, may NOT be used or brought into the facility at any time for any circumstance. Cell phones are to be used quietly, in employee assigned break areas outside only. Please store your phones in your car or leave them at home.

In order to prevent unwanted or unauthorized photos, cell phone cameras may NOT be used by staff or visitors anywhere in the facility without the express and prior permission of the facility administrator, and then only under the supervision of a third party designated by the facility administrator.