



THE STATE OF FLORIDA

OFFICE OF INSURANCE REGULATION MARKET INVESTIGATIONS

MARKET CONDUCT FINAL EXAMINATION REPORT

OF

SUNCOAST MANOR RETIREMENT COMMUNITY, INC.

D/B/A

WESTMINSTER SUNCOAST

ISSUED

August 20, 2013

FLORIDA COMPANY CODE 88044

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PURPOSE AND SCOPE OF EXAMINATION

The Office of Insurance Regulation (Office), Market Investigations unit, conducted a routine market conduct examination of Suncoast Manor Retirement Community, Inc., d/b/a Westminster Suncoast pursuant to Section 651.105, Florida Statutes. The scope period of this examination was April 1, 2008 through March 31, 2012. The on-site and desk examination procedures were completed on May 2, 2013.

The objective of the examination was to determine the extent of compliance with the provisions of Chapter 651, Florida Statutes and Chapter 690-193, Florida Administrative Code Rules. This market conduct examination did not encompass a financial compliance examination.

This Final Report is based upon information from the examiner's draft report, additional research conducted by the Office, and additional information provided by Westminster Suncoast. This report is a report by exception, and the information within has been limited to identification of exceptions, errors or unusual problems noted during the examination.

COMPANY OPERATIONS

Westminster Suncoast, a Florida not-for-profit corporation, was granted a certificate of authority by the Office to offer continuing care contracts on February 15, 1980. Westminster Suncoast is located in St. Petersburg, Florida and is one of several affiliated Florida Continuing Care Retirement Communities operating under a management agreement with Westminster Services, Inc., an affiliated company. As of March 31, 2012, Westminster Suncoast reported 217 Continuing Care Units, of which 177 were Independent Living Units and 40 Assisted Living Units. In addition, there were 4 Rental Units reported. Westminster Suncoast also reported 120 Skilled Nursing Units, all of which were classified as Community Beds. As of the date, there were 229 individuals residing at this facility.

AMENDED BY-LAWS

Minutes from the Board of Directors meetings held during the scope period of examination were reviewed for items of significance and items which require notification to the Office.

Findings:

Section 651.026, Florida Statutes sets forth the requirements for the filing and content of annual reports to be submitted to the Office by providers. Section 651.026(2)(a), Florida Statutes provides in pertinent part that the annual report shall contain any change of status with respect to the information required to be filed under Section 651.022(2), Florida Statutes. Section 651.022(2)(a), Florida Statutes, addresses organizational documents to include by-laws.

AMENDED BY-LAWS (Continued)

Westminster Suncoast amended and restated its by-laws at the October 27, 2011 Board of Directors meeting and failed to notify the Office, as required by Section 651.026, Florida Statutes. Westminster Suncoast did not provide this information in the March 31, 2012 Annual Report filed with the Office. Furthermore, in the December 31, 2011 quarterly statement filed with the Office, Westminster Suncoast responded "NO" to interrogatory No. 2, which asks in pertinent part if there have been any changes to the organizational documents, including by-laws, since the last submission.

Recommendation: The Office recommends Westminster Suncoast establish adequate procedures to ensure the Office is timely notified of changes to its organizational documents.

QUARTERLY MEETINGS WITH RESIDENTS

The quarterly meeting agendas, notices to residents, minutes, and the dates of the meetings contained in the annual reports filed for the scope period were reviewed for compliance with Section 651.085, Florida Statutes.

Findings:

Section 651.085(1), Florida Statutes, provides that a facility shall report to the Office, in the annual report, the dates on which quarterly meetings with residents are held.

Westminster Suncoast failed to accurately state in the 2009 through 2012 Annual Reports filed with the Office, the dates on which quarterly meetings with residents were held, as required by Section 651.085(1), Florida Statutes. Specifically, in response to question 14b of the four Annual Reports filed for the periods ending March 31, 2009 through March 31, 2012, Westminster Suncoast provided the monthly dates on which resident council meetings were held, rather than the dates on which the quarterly meetings with residents were held.

Recommendation: The Office recommends Westminster Suncoast establish adequate procedures to ensure that the actual dates on which quarterly resident meetings are held are properly reported in the annual reports filed with the Office.

ACCESS TO RECORDS

Records necessary to conduct the examination and determine the degree of compliance with Chapter 651, Florida Statutes and Rule 690-193, Florida Administrative code were requested from Westminster Suncoast in accordance with Section 651.105(1), Florida Statutes.

ACCESS TO RECORDS (Continued)

Findings:

There were two instances in which Westminster Suncoast failed to make certain documents available for examination. In the first instance, the missing documents pertained to the delivery of required disclosure documents to the prospective resident or their legal representative. In the second instance, documents pertained to the delivery of the continuing care contract prior to the transfer of assets to the provider.

Recommendation: In order for the Office to determine the degree of compliance with Chapter 651, Florida Statutes and Rule 690-193, Florida Administrative Code, the Office recommends Westminster Suncoast establish adequate procedures and controls to ensure documentation is maintained and made available for examination purposes.

EXAMINATION FINAL REPORT SUBMISSION

The Office hereby issues this Final Report based upon information from the examiner's draft report, additional research conducted by the Office, and additional information provided by Suncoast Manor Retirement Community, Inc., d/b/a Westminster Suncoast.