

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 675668	(X2) MULTIPLE CONSTRUCTION A. Building B. Wing	(X3) DATE SURVEY COMPLETED 04/24/2026
NAME OF PROVIDER OR SUPPLIER Avir at Mineola		STREET ADDRESS, CITY, STATE, ZIP CODE 320 Greenville Highway Mineola, TX 75773	
For information on the nursing home's plan to correct this deficiency, please contact the nursing home or the state survey agency.			
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (Each deficiency must be preceded by full regulatory or LSC identifying information)		
<p>F 0606</p> <p>Level of Harm - Minimal harm or potential for actual harm</p> <p>Residents Affected - Some</p>	<p>Not hire anyone with a finding of abuse, neglect, exploitation, or theft.</p> <p>Based on interview and record review, the facility failed to ensure they did not employ an individual who was found guilty of abuse, neglect, exploitation, misappropriation of property, or mistreatment by a court of law for 1 of 1 (Cook A) employees reviewed for abuse and neglect. The facility did not disqualify [NAME] A from working when her criminal history record indicated she had a criminal conviction barring employment in a nursing facility. [NAME] A worked in the facility from 11/04/24 through 04/24/26. This failure could place residents at risk for possible abuse, neglect, exploitation or mistreatment. Findings included: Record review of an undated personnel file for [NAME] A indicated a hire date of 11/04/24. The file further indicated that [NAME] A's criminal history was checked on 11/04/24, 10/22/25 and 04/22/26. During an interview on 04/22/26 at 12:15PM, [NAME] A said she was convicted of Aggravated assault with a deadly weapon back in the late 1990's. She said she was in jail for 4 years and it was not adjudicated. She said she was released in 2002. During an interview on 04/22/26 at 01:04PM, the HR Director said she pulled and reviewed [NAME] A's criminal history. She said if [NAME] A were applying for a job on this day she would not hire her due to what her report contained. She said she had a felony back in 1996. During an interview on 04/22/26 at 01:45PM, [NAME] A said she was arrested by [arresting county] and her judge was [Judge's name]. She said she did 4 years in jail from 1998-2002. During an interview on 04/23/26 at 09:52AM, the HR Director said she took over as the HR Director on 03/15/26. She said the previous HR Director left in February 2026 and had worked in the facility for approximately 16 years. She said [NAME] A was hired on 11/04/24. During an interview on 04/23/26 at 10:21AM, the Administrator said [NAME] A was eligible for hire. He said the HR Director was incorrect. During an interview on 04/24/26 at 09:12AM, the Dietary Manager said the HR Director and Administrator review background checks on employees at the time of hire. She said they let her know if an applicant is good for hire or not. She said at the time [NAME] A was hired she was told by the old HR Director that she was ok to hire. During an interview on 04/24/26 at 09:35AM, the DON said the HR Director was responsible for ensuring criminal history is checked on new-hires and annually. She said the Administrator was responsible for ensuring the HR Director was reviewing criminal history correctly. During an interview on 04/24/26 at 09:50AM, the HR Director said [NAME] A is not eligible for hire and has a lifetime bar to employment because she was convicted of aggravated assault with a deadly weapon. During an interview on 04/24/26 at 10:35AM, the Administrator said his understanding of [NAME] A's criminal history was that she was convicted then sent to prison for 4 years. He said after this it was likely deferred. He said their process was that they forward an abnormal background check to the corporate office. He said he was unsure of the process for the previous corporate entity. The new corporate entity took over in October 2025. During an interview on 04/24/26 at 11:02AM, the HR Director reviewed [NAME] A's criminal history and recanted it out loud with this surveyor. She said [NAME] A was arrested on 04/04/96. She said the charge for the arrest date 04/04/96 was aggravated assault with a deadly weapon. She said the arrest offense citation was 22.02(A)(2) [a section of the Texas Penal code that identifies and defines what is considered an aggravated assault]. She said the level and degree of offense was felony 2nd degree. She said the date of offense was 04/04/96. She said the arrest disposition date was 04/04/96. The arrest disposition was held. She said the (continued on next page)</p>		

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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F 0606 Level of Harm - Minimal harm or potential for actual harm Residents Affected - Some	<p>prosecutor accepted the charge. The prosecutor offence citation was 22.02(A)(2). The prosecutor offense was aggravated assault with a deadly weapon. The level and degree prosecuted was felony 2nd degree. She said the court status was A. The court offense was aggravated assault with a deadly weapon felony 2nd degree. The court disposition was deferred. She said the court disposition date and date of sentence/status was 12/16/96. She said the final pleading was unreported or unknown. She said it further reflected in this section court probation by agency receiving custody, and it also reflected that the court provision was deferred adjudication (a special form of judge-ordered community supervision that permits a defendant to accept responsibility for a crime without an actual conviction being placed on the record) in this section. The HR Director also said there was another section that reflected court status B, and contained the following information: The court offense was aggravated assault with a deadly weapon. The court offence citation was 22.02(A)(2). She said the level and degree offense was felony 2nd degree. She said the court disposition was convicted. The court disposition date was 12/16/96. The date of sentence/status was 08/18/98. The final pleading was unreported/unknown. She said it reflected court confinement for 4 years. The sentence expiration date was 08/09/02. The status starting date was 09/23/98. During an interview on 04/24/26 at 11:22AM, the Administrator said he did not think [NAME] A was barred from employment because he has family that worked in law enforcement and his understanding was that you have to have a conviction and serve your time before you can get deferred adjudication. He said he believed she was still eligible to work in the facility. Record review of the State of Texas, Health and Safety Code, Chapter 250, Section 250.006 Convictions Barring Employment reflected (Revision 24-1, Effective Sept. 6, 2024): .a. A person for whom the facility or the individual employer is entitled to obtain criminal history record information may not be employed in a facility or by an individual employer if the person has been convicted of an offense listed in this subsection: .5. an offense under Section 22.02, Penal Code, aggravated assault; . Record review of the Facility's policy, Abuse, Neglect, Exploitation and Misappropriation Prevention Program, last revised April 2021, reflected: .4. Conduct employee background checks and not knowingly employ or otherwise engage any individual who has: a. been found guilty of abuse, neglect, exploitation, misappropriation of property, or mistreatment by a court of law; b. had a finding entered into the state nurse aide registry concerning abuse, neglect, exploitation, mistreatment of residents or misappropriation of their property; or c. a disciplinary action in effect against his or her professional license by a state licensure body as a result of a finding of abuse, neglect, exploitation, mistreatment or residents or misappropriation of resident property.</p>		