



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

June 30, 2017

Sharon Blain  
Spectrum Community Services  
28303 Joy Rd.  
Westland, MI 48185

RE: License #: AS410068899  
Investigation #: 2017A0355068  
10 Mile Home

Dear Mrs. Blain:

Attached is the Special Investigation Report for the above referenced facility. Due to the violation identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- How compliance with the rule will be achieved.
- Who is directly responsible for implementing the corrective action for the violation.
- Specific time frames for the violation as to when the correction will be completed or implemented.
- How continuing compliance will be maintained once compliance is achieved.
- The signature of the responsible party and a date.

If you desire technical assistance in addressing these issues, please contact me. In any event, the corrective action plan is due within 15 days. Failure to submit an acceptable corrective action plan will result in disciplinary action.

Please review the enclosed documentation for accuracy and contact me with any questions. In the event that I am not available and you need to speak to someone immediately, please contact the local office at (616) 356-0100.

Sincerely,



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Grant Sutton, Licensing Consultant  
Bureau of Community and Health Systems  
Unit 13, 7th Floor  
350 Ottawa, N.W.  
Grand Rapids, MI 49503  
(616) 916-4437

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF COMMUNITY AND HEALTH SYSTEMS  
SPECIAL INVESTIGATION REPORT**

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	AS410068899
<b>Investigation #:</b>	2017A0355068
<b>Complaint Receipt Date:</b>	06/15/2017
<b>Investigation Initiation Date:</b>	06/16/2017
<b>Report Due Date:</b>	08/14/2017
<b>Licensee Name:</b>	Spectrum Community Services
<b>Licensee Address:</b>	28303 Joy Rd. Westland, MI 48185
<b>Licensee Telephone #:</b>	(269) 927-3472
<b>Administrator:</b>	Sharon Blain
<b>Licensee Designee:</b>	Sharon Blain
<b>Name of Facility:</b>	10 Mile Home
<b>Facility Address:</b>	179 West Division Rockford, MI 49341
<b>Facility Telephone #:</b>	(616) 866-4981
<b>Original Issuance Date:</b>	02/14/1996
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	06/09/2017
<b>Expiration Date:</b>	06/08/2019
<b>Capacity:</b>	6
<b>Program Type:</b>	PHYSICALLY HANDICAPPED MENTALLY ILL DEVELOPMENTALLY DISABLED

**II. ALLEGATION(S)**

	<b>Violation Established?</b>
Staff allegedly slapped and yelled at Resident A for falling out of his bed during 3rd shift on 6/14/2017.	Yes

**III. METHODOLOGY**

06/15/2017	Special Investigation Intake 2017A0355068
06/15/2017	APS Referral Completed by licensing consultant
06/16/2017	Special Investigation Initiated - On Site Interview residents
06/20/2017	Contact - Face to Face Interviewed staff
06/22/2017	Contact - Face to Face Interviewed staff
06/27/2017	Exit Conference Licensee designee

**ALLEGATION: Staff allegedly slapped and yelled at Resident A for falling out of his bed during 3rd shift on 6/14/2017.**

**INVESTIGATION:** On 06/15/2017, I received a complaint on a Recipient Rights complaint form which alleges that on 06/14/2017 during the 3<sup>rd</sup> shift, staff Esmeralda Nunez slapped and yelled at Resident A for falling out of bed.

On 06/16/2017, I conducted an on-site investigation and interviewed Residents A & B. Recipient rights staff from network 180, Bob Patterson, participated in the interviews.

Resident A is verbal, however, his developmental disability is such that he could not answer any questions specific to the date in question or if any staff has been abusive to him, in general. Resident A basically answers every question, "yes." There were no marks visible on Resident A's arms or face.

Resident B's bedroom is across the hall from Resident A. Resident B recalled the night in question and stated that he heard Resident A fall out of bed. Resident B stated that he heard Ms. Nunez yell at Resident A when she was assisting him in returning to bed. Resident B stated that he could hear Ms. Nunez yell, "move your

feet” to Resident A. Resident B did not hear anything that sounded like a ‘slap’. Resident B communicated concern that Ms. Nunez does not care about the residents but is, “in it only for the money.”

Resident C, who is Resident A’s roommate, does not communicate verbally in a manner that would be useful to the investigation.

On 06/20/2017, I along with Mr. Patterson, interviewed staff Julie Utley at the network 180 offices. Ms. Utley worked with Mr. Nunez on the date in question. Ms. Utley stated that she was in the room with Ms. Nunez when Ms. Nunez was assisting Resident A back to bed. Ms. Utley stated that Resident A was not cooperating with Ms. Nunez in trying to get Resident A onto the Hoyer lift apparatus. Ms. Utley stated that Ms. Nunez said to Resident A, “you need to fucking stop this”, yelled at Resident A, then put her palm on Resident A’s forehead and shoved Resident A back so he would lie down on the Hoyer lift ‘strap’. Ms. Utley stated that there were no marks on Resident A’s forehead but Resident A reacted by kicking at Ms. Nunez with his feet. Ms. Utley stated that Ms. Nunez was eventually able to get Resident A back to bed. Ms. Utley pointed out that this was her first night working a third shift at the facility and with Ms. Nunez. Ms. Utley stated that she tried to discuss the incident later but Ms. Nunez was not interested in doing so and worked the rest of the shift as if nothing had happened.

On 06/22/2017, I along with Mr. Patterson, interviewed staff Esmeralda Nunez at the network 180 offices. Ms. Nunez stated that she discovered Resident A on the floor during rounds, indicating that Resident A does not usually fall out of bed during the night. Ms. Nunez described that Resident A has to be lying flat on his back to use the Hoyer lift. Ms. Nunez stated that Resident A is easily distracted when there is someone else in the room and since Ms. Utley was there, he was not listening to Ms. Nunez. Ms. Nunez described that she “repositioned” Resident A so he would be flat on his back. Ms. Nunez described this as a physical ‘cue’ by putting her hands on his shoulders and encouraging Resident A to lie down while repeating, “lay down” many times. Ms. Nunez stated that on the night in question, Resident A was actually pretty cooperative and she denied that she was frustrated with him. Ms. Nunez stated that she did not recall using the palm of her hand on Resident A’s forehead and shove him on his back then added that there, “was no reason to touch his head.” Ms. Nunez denied that she swore at Resident A and denied yelling at him. Ms. Nunez acknowledged that she has a “loud voice” which could come across as yelling to some people who don’t know her.

On 06/27/2017, I conducted an exit conference by telephone with the licensee designee, Sharon Blain. Mrs. Blain accepted the findings of my investigation and had no additional comments for my report.

<b>APPLICABLE RULE</b>	
<b>R 400.14305</b>	<b>Resident protection.</b>
	(3) A resident shall be treated with dignity and his or her personal needs, including protection and safety, shall be attended to at all times in accordance with the provisions of the act.
<b>ANALYSIS:</b>	<p>Staff Julie Utley stated that Ms. Nunez swore and yelled at Resident A and used her palm to shove him onto his back.</p> <p>Resident B stated that he heard Ms. Nunez yell at Resident A but did not hear a 'slap'.</p> <p>Staff Esmeralda Nunez denied that she slapped or used her palm to shove Resident A onto his back. Ms. Nunez denied that she swore or yelled at Resident A but acknowledged that she has a loud voice.</p> <p>I find a preponderance of evidence to support that staff Esmeralda Nunez yelled at Resident A.</p>
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

#### IV. RECOMMENDATION

Upon receipt of an acceptable plan of correction, I recommend that the status of the license remain unchanged.



06/30/2017

Grant Sutton  
Licensing Consultant

Date

Approved By:



06/30/2017

Jerry Hendrick  
Area Manager

Date