



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

November 30, 2017

Tamika Ruth
514 S. Ortman Street
Saginaw, MI 48601

RE: License #:	AS730377214
Investigation #:	2018A0123002
	Annie's Home Care

Dear Ms. Ruth:

Attached is the Special Investigation Report for the above referenced facility. Due to the violations 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 each rule will be achieved.
- Who is directly responsible for implementing the corrective action for each violation.
- Specific time frames for each violation as to when the correction will be completed or implemented.
- Indicate how continuing compliance will be maintained once compliance is achieved.
- Be signed and dated.

If you desire technical assistance in addressing these issues, please feel free to contact me. In any event, the corrective action plan is due within 15 days.

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 (810) 787-7031.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shamidah Wyden".

Shamidah Wyden, Licensing Consultant
Bureau of Community and Health Systems
411 Genesee
P.O. Box 5070
Saginaw, MI 48605

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS730377214
Investigation #:	2018A0123002
Complaint Receipt Date:	10/02/2017
Investigation Initiation Date:	10/02/2017
Report Due Date:	12/01/2017
Licensee Name:	Tamika Ruth
Licensee Address:	514 S. Ortman Street Saginaw, MI 48601
Licensee Telephone #:	(989) 714-1271
Administrator:	Tamika Ruth
Licensee Designee:	N/A
Name of Facility:	Annie's Home Care
Facility Address:	514 N. Warren Avenue Saginaw, MI 48607
Facility Telephone #:	(989) 401-7835
Original Issuance Date:	11/16/2015
License Status:	REGULAR
Effective Date:	05/16/2016
Expiration Date:	05/15/2018
Capacity:	6
Program Type:	AGED PHYSICALLY HANDICAPPED MENTALLY ILL DEVELOPMENTALLY DISABLED

II. ALLEGATION(S)

	Violation Established?
It is alleged that Resident B went into Resident A's room and raped her. Resident B continues to have access to the home, and access to Resident A. Resident A has had a burning sensation in her genital area since the rape.	No
Additional Findings	Yes

III. METHODOLOGY

10/02/2017	Special Investigation Intake 2018A0123002
10/02/2017	Special Investigation Initiated - Telephone I spoke with APS investigator Katrice Humphrey via phone.
10/02/2017	APS Referral Referral information was received from APS.
10/12/2017	Inspection Completed On-site I conducted interviews at Annie's Home Care.
10/31/2017	Contact - Telephone call made I spoke with APS worker Katrice Humphrey via phone.
11/14/2017	Contact- Telephone call made I spoke with Tamika Ruth via phone.
11/20/2017	Contact- Document Sent I sent an email to the Saginaw Police Department requesting police reports for the facility.
11/21/2017	Contact- Document Received I received an email from the Saginaw Police Department requesting a FOIA request due to the nature of the police reports.
11/21/2017	Contact- Document sent I emailed a FOIA request to the police department.
11/28/2017	Exit Conference I spoke with Tamika Ruth via phone.
11/29/2017	Contact- Document received I received a police report from the Saginaw Police Department.

11/29/2017	Contact- Face to face I spoke with APS investigator Rebecca Robelin at DHHS.
11/30/2017	Contact- Telephone call made I spoke with Ms. Ruth via phone regarding Resident B's role in the home.
11/30/2017	Inspection Completed On-site I spoke with Tamika Ruth at Annie's Home Care, and reviewed Resident B's paperwork.

ALLEGATION:

It is alleged that Resident B went into Resident A's room and raped her. Resident B continues to have access to the home, and access to Resident A. Resident A has had a burning sensation in her genital area since the rape.

INVESTIGATION:

On 10/02/2017, I spoke with adult protective services investigator Katrice Humphrey via phone. She stated that Resident A is her own guardian. She stated that Athens AFC was Resident A's previous placement. She stated that Resident A has a boyfriend and is sexually active, and spends nights with her boyfriend. She stated that when APS visited her over the weekend, Resident A denied the allegations about the rape. She stated that Resident A is diagnosed with Cerebral Palsy.

On 10/12/2017, I conducted a visit at Annie's Home Care. I interviewed licensee Tamika Ruth. Ms. Ruth stated that Resident A has seven different stories about what happened. She stated that Resident A stated that it happened in her bedroom, then said it happened on the couch, and also upstairs. She stated that Resident B is 52 years old and not the physical type. She stated that Resident A got into it with her therapist because the therapist would not pull the complaint (retract it). She stated that Resident A cursed out her therapist because she wanted the investigation to stop. Ms. Ruth stated that Resident A's therapist told Resident A that there were consequences to stopping it. Ms. Ruth stated that Resident A told her caseworker, Jamie Smith that the incident did happen, and before that she told adult protective services investigator Rebecca Robelin that it did not happen. Ms. Ruth stated that this is the fifth complaint that Resident A has made, and that her last placement, Athens AFC, gave Resident A a 30-day discharge notice. She stated that Resident A is scared that she will get into trouble for lying. She stated that Resident A's aunt visits frequently, and the aunt is Resident B's girlfriend. She stated that Resident A goes to church with Resident B, and her aunt.

Is Mr. Bulger a staff person? I am just trying to figure out his role in the home.

On 10/12/2017, I interviewed Resident A at Annie's Home Care. She stated that she does not have a guardian. When asked what her health issues are, she stated that she has water on the brain, and a "bump in my head." Resident A was observed to have limited mobility on her left side. Resident A stated that Resident B stuck his finger "down there." She stated that it happened in the TV room. She stated that Resident B did not say anything to her. She stated that the incident happened one time. She stated that she has been raped in the past, at age 11. I asked her what her understanding of what rape is. She stated that rape is when someone touches you and you don't want to be touched. She stated that Resident B was aggressive. She stated that it was like he was grabbing her panties. I asked Resident A if she is afraid of Resident B. Resident A denied being afraid of him. Resident A stated that she went to the doctor, and denied having any vaginal burning. She stated that the doctor checked for a bladder infection and to see "if I had any sores down there too." Resident A denied that Resident B has seen her without any clothing on. She stated that three staff are present in the home during the day (Ms. Ruth, Keith Bulger, and Resident B). She stated that at the time of the incident Resident B and Keith Bulger were in the home. Resident A denied filing a police report but stated that she wanted to. She stated that she has spoken to her case manager Jamie Smith about the incident. She stated that Ms. Smith said "it's good for me to tell the truth." She stated that her therapist told her to tell the truth too. Resident A stated that the police came out. I asked her what happened with the police. Resident A stated "I constantly didn't tell them what happened." Resident A stated that she has a boyfriend, but does not see him that often.

A copy of Resident A's assessment plan was obtained. Her assessment plan indicates that she is sexually active, and has a boyfriend. In regards to getting along with others it states "does not think before speaking and will say something very upsetting to others." According to her Community Mental Health PCP plan, Resident A is diagnosed with Cerebral Palsy and has limited mobility on her left side.

On 10/12/2017, I interviewed Jamie Smith, Resident A's case manager from Community Mental Health at Annie's Home Care. She stated that she has been Resident A's case manager for about two months, and that she is in contact with Resident A's previous case manager. Ms. Smith stated that within an hour, Resident A said that the alleged incident happened in different areas of the home, and that her story went from rape to just touching clothing. She stated that at one point, Resident A was afraid she'd go to jail, then Resident A said Resident B fingered her. Ms. Smith stated that she does not know if Resident A is reliving what happened to her at age 11. She stated that Resident A has a boyfriend and is sexually active. She stated that she was told by Resident A's previous support coordinator that Resident A has a history of making things up. Ms. Smith stated that Resident A filed a complaint at her previous home alleging abuse as well that was unfounded. She stated that Resident A has changed her story to both her and Ms. Ruth. She stated that one story is that it happened upstairs (Resident A struggles to get up the stairs). She stated that she has not observed any awkwardness between Resident A and

Resident B. She stated that Resident B has dated Resident A's aunt for the past ten years. She stated that Resident A has said "when he gets drunk, he gets touchy." Ms. Smith stated that she has never seen any alcohol in the home, and that her other two consumers in the home have not made any complaints.

On 10/12/2017, I interviewed Resident B at Annie's Home Care. He stated that he resides in the home. Resident B denied the allegations and stated that it is not true. He stated that the residents in the home keep up a lot of drama, and that it causes his blood pressure to be so high. Resident B stated that a previous resident also alleged rape in the past, and the cops were involved. He stated that the city police should have reports on it. He stated that the resident who alleged the sexual assault was taken to the hospital and a rape kit was done. He stated that they had to do their job. He stated that he does not like his name being out there like that. He stated that he does not allow the other residents to be around him.

On 10/12/2017, I interviewed staff Jarvad Bulger. He stated that he does not think the allegations are true. He stated that they will call 911 and Ms. Ruth if there are any issues. He stated that to him, everyone all acts fine together. He stated that Resident C gets into it with other residents sometimes but they are fine by the morning time, they sleep it off. He stated that he does not think that Resident A can walk up and down the stairs, and that he has never observed her do so. He stated that Resident B's bedroom is upstairs. He stated that Resident B lives in the home.

On 10/31/2017, I spoke with adult services worker Katrice Humphrey. She stated that she made a face-to-face with Resident A. She stated that she interviewed Resident A regarding the allegations. She stated that Resident A told her family that day (her sister), and the sister came over to the home and threatened Ms. Ruth, taking Resident A with her. Ms. Humphrey stated that Resident A's father came over the next day to speak with Ms. Ruth, and he told Ms. Ruth that they placed Resident A in another AFC Home. Ms. Humphrey stated that Resident A told adult protective services worker Rebecca Robelin that the alleged incident did not happen. Ms. Humphrey stated that Resident A told her that Resident B said to her "let's go upstairs, come give me some", and that they went upstairs at separate times. Ms. Humphrey stated that Resident A said her phone at that time was on her bed, and when Ms. Humphrey asked Resident A why she didn't call the police, Resident A then stated that she had lost her phone. Ms. Humphrey stated that Resident A told her the rape happened at 12:00 am while everyone was asleep. She stated that Resident A did not say that she was forced or threatened. She stated that Resident A does not have a guardian. She stated that Resident A told her that she was fingered.

On 11/14/2017, I spoke with licensee Tamika Ruth via phone. She stated that Resident A's sister came to the facility one night trying to fight Ms. Ruth, and the family moved Resident A out of the facility that night. She stated that Resident A called her relative. She stated that she had to call the police. She stated that Resident A has been residing at Annie's AFC home since September 1, 2017. She

stated that Resident A's father visited the facility two days later and apologized for her and her sister's actions. She stated that Resident B is a member of the household. She stated that there is always more than one staff person present. She stated that the sister came over with three other individuals. She stated that Resident A told her mother and sister that Ms. Ruth was watching both Resident B and Ms. Ruth's son do something to her (to Resident A), then recanted and said "it was talked about." She stated that when Resident A thought that she was going to get into trouble she "spazzed" out and made it seem like the allegations happened that night to her, when she called her family.

On 11/28/2017, I conducted an exit conference with Ms. Ruth via phone. She was informed of the findings and conclusions, and was informed that a corrective action plan will be requested regarding the health care appraisal not being completed.

On 11/29/2017, I received a copy of a police report regarding this investigation. The report, dated for 09/30/2017 authored by Officer Jordan Bady stated that when the officer made contact with Resident A, Resident A refused to give a statement, and stated that she did not want the police to write a report regarding allegations that she was raped by [Resident B]. The report also states that Resident A's therapist Jessica Nobbs from Saginaw Psychological reported to Officer Bady that Resident A told her that she did not want the police notified. The report states that Resident A did not cooperate with police.

On 11/29/2017, I spoke with adult protective services investigator Rebecca Robelin at the Department of Health and Human Services in Saginaw, MI. She stated that Ms. Ruth was unaware of any rape allegations until she showed up to the home while on-call. She stated that Resident A told her that nothing happened, and that when Resident A spoke to the police she denied that anything happened.

On 11/30/2017, I spoke with licensee Tamika Ruth at Annie's Home Care to get clarification on the role of Resident B has in the home. She provided documentation to show that Resident B was a resident, not staff or member of the household.

APPLICABLE RULE	
R 400.14305	Resident protection.
	(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.

ANALYSIS:	There is no preponderance of evidence to substantiate a rule violation. I spoke with licensee Tamika Ruth, Resident B, and staff Jarvad Bulger who denied the allegations. APS, Resident A's case manager, and Ms. Ruth all stated that Resident A's story about what allegedly happened was inconsistent. Resident A's case manager Jamie Smith stated that she has not observed any awkwardness between Resident A and Resident B. Ms. Smith stated that her other two consumers in the home have not made any complaints. A copy of the police report was obtained, and it states that Resident A was uncooperative with the police.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION:

On 11/14/2017, I spoke with Tamika Ruth regarding Resident A's health care appraisal. She stated attempts were made to obtain a health care appraisal for Resident A, but Resident A's health care appraisal was not completed.

On 11/28/2017, I spoke with Ms. Ruth and informed her of the rule regarding obtaining the health care appraisal at the time of a resident's admission.

On 11/30/2017, I conducted a visit to Annie's Home Care. I requested copies of Resident B's documentation to show that Resident B is a resident. Upon observing his book, there was no health care appraisal completed for Resident B. Ms. Ruth was informed that this would be added to the rule violation summary.

APPLICABLE RULE	
R 400. 14301	Resident admission criteria; resident assessment plan' emergency admission; resident care agreement; physician's instructions; health care appraisal.
	(10) At the time of the resident's admission to the home, a licensee shall require that the resident or the resident's designated representative provide a written health care appraisal that is completed within the 90-day period before the resident's admission to the home. A written health care appraisal shall be completed at least annually. If a written health care appraisal is not available at the time of an

	emergency admission, a licensee shall require that the appraisal be obtained no later than 30 days after admission. A department health care appraisal form shall be used unless prior authorization for a substitute form has been granted, in writing, by the department.
ANALYSIS:	During the course of this investigation, I requested a copy of Resident A's and Resident B's health care appraisal. Ms. Ruth indicated that efforts were made to obtain a health care appraisal for Resident A, but she did not have a completed health care appraisal on file. Resident B also did not have a health care appraisal on file.
CONCLUSION:	VIOLATION ESTABLISHED

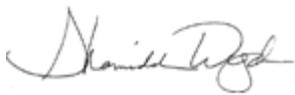
INVESTIGATION:

On 11/30/2017, I conducted a visit to Annie's Home Care. I requested copies of Resident B's documentation to show that Resident B is a resident. Upon observing his book, there was no up to date assessment plan completed for Resident B. The assessment plan was dated for 5/11/2016. Ms. Ruth was informed that is a rule violation and would be added to the investigation.

APPLICABLE RULE	
R400.14301	Resident admission criteria; resident assessment plan; emergency admission; resident care agreement; physician's instructions; health care appraisal.
	(4) At the time of admission, and at least annually, a written assessment plan shall be completed with the resident or the resident's designated representative, the responsible agency, if applicable, and the licensee. A licensee shall maintain a copy of the resident's written assessment plan on file in the home.
ANALYSIS:	There is a preponderance of evidence to substantiate a rule violation. On 11/30/2017, I conducted a visit to Annie's Home Care. There was no up to date assessment plan completed for Resident B on file. The assessment plan was dated for 5/11/2016.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Contingent upon receipt of an acceptable corrective action plan, I recommend continuation of the adult foster care small group home license (capacity 1-6).



11/30/2017

Shamidah Wyden
Licensing Consultant

Date

Approved By:



11/30/2017

Mary E Holton
Area Manager

Date