



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

September 13, 2018

Amanda Hart
Crisis Center Inc - DBA Listening Ear
PO Box 800
Mt Pleasant, MI 48804-0800

RE: License #: AS370011270
Investigation #: **2018A0867060**
Isabella Home

Dear Ms. Hart:

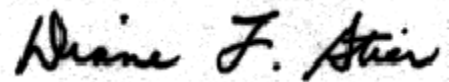
Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- 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.
- 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 feel free to 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 (231) 922-5309.

Sincerely,

A handwritten signature in black ink that reads "Diane L. Stier". The signature is written in a cursive style with a large initial 'D' and 'S'.

Diane L Stier, Licensing Consultant
Bureau of Community and Health Systems
1919 Parkland Drive
Mt. Pleasant, MI 48858-8010
(989) 948-0560

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS370011270
Investigation #:	2018A0867060
Complaint Receipt Date:	07/26/2018
Investigation Initiation Date:	07/27/2018
Report Due Date:	09/24/2018
Licensee Name:	Crisis Center Inc - DBA Listening Ear
Licensee Address:	107 East Illinois Mt Pleasant, MI 48858
Licensee Telephone #:	(989) 773-6904
Administrator:	Ellen Powell
Licensee Designee:	Amanda Hart
Name of Facility:	Isabella Home
Facility Address:	2599 S Isabella Road Mount Pleasant, MI 48858
Facility Telephone #:	(989) 773-0326
Original Issuance Date:	10/10/1986
License Status:	REGULAR
Effective Date:	04/05/2018
Expiration Date:	04/04/2020
Capacity:	6
Program Type:	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED

II. ALLEGATION(S)

	Violation Established?
Staff forced Resident B to do an activity as a punishment, using physical force.	Yes
Staff used physical force with Resident A while changing the resident.	No

III. METHODOLOGY

07/26/2018	Special Investigation Intake 2018A0867060. Fixed date for consultant.
07/27/2018	Special Investigation Initiated - Face to Face Interviews of staff at Listening Ear
07/31/2018	APS Referral
08/16/2018	Exit Conference Licensee Designee Amanda Hart

ALLEGATION: Staff forced Resident B to do an activity as a punishment, using physical force.

INVESTIGATION:

Administrator Ellen Powell informed me and Recipient Rights Advisor Jane Gilmore that a Direct Care Worker (DCW) had reported seeing a staff person using force with two different residents on two different occasions. Ms. Powell provided copies of *Incident/Accident Reports* completed about each incident.

I received and reviewed a copy of an *Incident/Accident Report* completed by DCW Izealia Thomson on 7/26/18 about an incident that occurred around 8:30 AM on 7/24/18. According to the report, a mandatory staff meeting was scheduled for 9 AM. Ms. Thompson wrote: "Before the meeting, (Resident B) began to bang his head on the dining room dresser. Candy [Lucas, DCW] went over and physically grabbed (Resident B) and forced him down into a chair to 'do corks'. Candy was very aggressive with (Resident B) and told him 'since you want to misbehave and hit your head, you're gonna do corks.' Candy kept hold of the left wrist of (Resident B) the entire time, forcefully slamming his hand and knuckles down into the coffee canisters."

DCW Izealia Thompson reported that on 7/24/18 she came into the facility around 8:20 AM for a mandatory staff meeting at 9 AM. Ms. Thompson reported that DCWs Candy Lucas and Stephanie Wright were the staff on duty. Ms. Thompson said that Resident B got up from the couch where he had been sitting and started hitting his head on the dresser that is next to his couch in the living room, "but not hard." Ms. Thompson said that Ms. Lucas said to Resident B, "Resident B! Stop banging your head on the dresser! Do you want to do corks?" When asked if Ms. Lucas said it as a suggested activity, Ms. Thompson said, "No, it was like a threat." Ms. Thompson said that Resident B did not stop hitting the dresser, so Ms. Lucas "went over and physically moved him to the couch." Ms. Thompson said that Resident B then got up and came to sit at the dining table, and then started hitting his head on the table. Ms. Thompson reported that Ms. Lucas then told Resident B, "You don't listen, you're going to do corks." Ms. Thompson said, "Then she physically moved his hand and made him do the corks, moving the corks from one coffee can to the other. You could hear his hand or knuckles hitting the canisters." Ms. Thompson said that three other staff members were at the table: George [Sawaya], Pauline [Letson], and Brenda [Defoy]. Ms. Thompson said she could not be certain whether or not DCW Stephanie Wright was at the table when this was happening or not. Ms. Thompson said that Ms. Lucas then told Resident B to go to the couch, because it was time for the staff meeting and other people were coming in. Ms. Thompson said that Andrea came in around 8:45 or 8:50 and gave Resident B his pillow and cover and Resident B did not move for the rest of the meeting.

DCW Stephanie Wright reported that on the morning of the staff meeting, she thinks Resident B was on the couch when she arrived. Ms. Wright said later Resident B was up walking around, "pulling Izzy [DCW Izealia Thomson] around." Ms. Wright said, "I just went over and touched his hands and said, 'Okay, come on, (Resident B),' and he let go of Izzy and took my hands." Ms. Wright said, "He wasn't being aggressive. He was just trying to see how far he can go with pulling her around. He wasn't moving toward the bathroom or indicating any other need." Ms. Wright said she did not see Resident B at the table that morning and did not remember the corks being out. Ms. Wright said that if Resident B was doing corks at the table, it must have been before she came in. Ms. Wright said that once the staff meeting started, Resident B was on the couch with his pillow and blanket. When asked if she had ever seen Resident B "do corks," Ms. Wright said she had. Ms. Wright said, "Corks give him something to do, like a distraction." When asked if Resident B does the cork activity voluntarily, Ms. Wright said, "No... not like he's *wanting* to do them. Sometimes you have to show him where the hole is in the second canister. I don't do 'hand-over-hand' usually, but some people might."

DCW Brenda DeFoy reported that on the morning of the staff meeting, Resident B was getting up from the couch and wanting to sit at the table, and then would go back to the couch. When asked if Resident B had done "corks" that morning, Ms. DeFoy said, "Candy [Lucas] was having him do corks, because he had done something." Ms. DeFoy said, "I got there a little before 9. (Resident B) was sitting there doing his corks because he made a wrong decision earlier that morning." When asked what Ms. Lucas was saying to Resident B, if anything, Ms. DeFoy said, "Get busy! You made the wrong

decision. You have to put the corks in.” When asked if Ms. Lucas had her hands over Resident B’s hands to direct his movements, Ms. DeFoy said she did not remember. Ms. DeFoy said, “Normally, when (Resident B) has to do corks, it’s because he’s done a smear [of fecal matter].” When asked where she heard that, Ms. DeFoy said, “It’s how they state it. They’ll say, ‘You made a wrong choice by smearing so you need to get your hands busy with something else.’” When asked what staff do if Resident B clearly does not want to do the cork activity, Ms. DeFoy said, “Just keep prompting him.” Ms. DeFoy said that by the time the staff meeting started, Resident B was on the couch.

DCW Pauline Letson said she arrived at the facility on the morning of the staff meeting around 8:15 AM. Ms. Letson said that Resident B was at the table and seemed upset about something, but she did not know what. When asked how she knew Resident B was upset, Ms. Letson said, “He was hitting his head with his hands and kicking his feet.” When asked if she saw Resident B doing “corks” that morning, Ms. Letson said, “Yes! Candy [Lucas] was there and she was the one that got the corks for him. She made him go to the table. She escorted him. She took hold of his arm and took him over to the table.” Ms. Letson said that Resident B did appear to be resisting. Ms. Letson said, “Then she [DCW Candy Lucas] stood beside him, took his hand, put it in one [coffee can/canister], he picked up a cork, and then she moved it to the other can.” Ms. Letson said that Ms. Lucas did this more than once. When asked if she thought this was okay to do, Ms. Letson said, “No. If he doesn’t want to do corks, he doesn’t have to. You’re not supposed to make him.” Ms. Letson said she did not say or do anything at the time. Ms. Letson said, “I felt it was wrong, but I didn’t say anything. I just don’t like confrontation.” Ms. Letson said, “Candy [Lucas] probably wouldn’t have done it if Andrea [Binge, Home Manager] was there.” Ms. Letson said, “Candy [Lucas] didn’t force (Resident B) into the chair [at the table], but she used force bringing him.” When asked how the cork activity is used with Resident B, Ms. Letson said, “From what I understand, if he [Resident B] smears on the couch, they give him corks to do at the table. You ask him if he wants to do corks. If he goes to the table, okay. If not, don’t get them out.” When asked why she thought Ms. Lucas had Resident B do “corks” that morning, Ms. Letson said, “I don’t know, unless her was frustrated with him. I didn’t see him do anything wrong, though.”

DCW George Sawaya reported that on the morning of the staff meeting, he worked from 6 AM – 9 AM and then stayed for the staff meeting. Mr. Sawaya said that he had showered Resident B that morning and helped to get three residents off to MMI [Mid-Michigan Industries, a workshop]. Mr. Sawaya said he then was sitting at the table, to the left of Resident B. When asked if anything happened, Mr. Sawaya said, “Candy got mad at (Resident B). I forget what he was doing, acting out in some way, maybe getting up [from the couch] a bunch of times. She asked if he wanted to do corks.” Mr. Sawaya said, “At first, she [Ms. Lucas] asked nicely, then she got frustrated. She physically moved or guided him in maybe sort of an annoyed way.” When asked if Resident B was resisting, Mr. Sawaya said, “A little. He obviously didn’t want to do the corks. He’d bring a cork to his chest, and she’d grab his hand and force him to put it in the other can.” When asked if Resident B had a choice about doing the corks, Mr. Sawaya said, “No, he had to do the corks.” Mr. Sawaya said that day was only his fifth shift working in

the facility. Mr. Sawaya said, “I could tell she was annoyed and frustrated with him by the tone of her voice and the fact that she made him do the corks, but I’m new and I didn’t know if that was normal.”

DCW Candy Lucas said that on the morning of the staff meeting, she was finishing up her midnight shift. When asked what Resident B had done that caused him to have to do the cork activity, Ms. Lucas said, “Eat his poop and bang his head. For two mornings in a row he was bad.” When asked if Resident B was hurting himself, Ms. Lucas said, “I didn’t see any blood, but it was hard enough [head banging] that you could hear it. He did bang his head on the dresser.” Ms. Lucas said that the corks have been there since she started working there. Ms. Lucas said there are two coffee cans and corks or pieces of cork. Ms. Lucas said Resident B is supposed to take the corks out of one can and put them into the other. When asked what staff do if Resident B does not want to do the cork activity, Ms. Lucas said, “Tell him to do it.” When asked if she used her hand over Resident B’s hand to force his movements, Ms. Lucas said, “I redirected his hand because he was picking it [a cork] up and hitting himself in the face with it.” Ms. Lucas said, “He [Resident B] doesn’t like it [the corks].” Ms. Lucas said she has seen Home Manager Andrea Binge and other staff use the corks with Resident B.

Resident B was not able to provide any information useful for this investigation, due to his developmental disabilities.

APPLICABLE RULE	
R 400.14308	Resident behavior interventions prohibitions.
	(2) A licensee, direct care staff, the administrator, members of the household, volunteers who are under the direction of the licensee, employees, or any person who lives in the home shall not do any of the following: (a) Use any form of punishment.
ANALYSIS:	By reports of staff, DCW Candy Lucas used the “cork” activity as a punishment for Resident B when the resident did not behave as she wanted. The cork activity has ceased to function as a distraction and is being used as punishment, since all agreed that Resident B does not do the activity willingly or because he wants to.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14308	Resident behavior interventions prohibitions.
	(2) A licensee, direct care staff, the administrator, members of the household, volunteers who are under the direction of the licensee, employees, or any person who lives in the home shall not do any of the following: (b) Use any form of physical force other than physical restraint as defined in these rules.
ANALYSIS:	By statements of staff who witnessed the events, DCW Candy Lucas used force to bring Resident B to the table, and also used force in moving Resident B's hand from one cork canister to the other.
CONCLUSION:	VIOLATION ESTABLISHED

ALLEGATION: Staff used physical force with Resident A while changing the resident.

INVESTIGATION:

I received and reviewed an *Incident/Accident Report* completed by DCW Izealia Thompson on 7/26/18 reporting that on 7/15/18, around 11:30 PM, Resident A “became very upset about having to be changed.” According to the report, Resident A began kicking DCW Candy Lucas and digging her nails into Ms. Lucas’s legs, and also hitting and biting herself. Ms. Thompson noted, “Candy held (Resident A’s) hands down on her side and kept telling (Resident A) ‘You’re gonna make me drink tonight.’” Ms. Thompson wrote that Ms. Lucas “was very upset at (Resident A’s) behavior through facial expressions and by verbalizing, ‘I don’t want to have to call your guardian or make an incident report.’”

DCW Izealia Thompson reported that on 7/15/18 around 11:30 PM, she was working her first midnight shift in the home and was working with DCWs Candy Lucas and Mickayla Brown-Vanek. Ms. Thompson said that Ms. Lucas took Resident A into her bedroom and Ms. Thompson and Ms. Brown-Vanek followed. Ms. Thompson said she thought it was obvious that Resident A did not want to go to bed yet, because when the resident was in the Hoyer lift, she kept kicking and crying “Mama!” Ms. Thompson reported that Ms. Lucas kept telling Resident A, “I have to put you to be. I’m not going to be working Sunday so you have to let these ladies [Ms. Thompson and Ms. Brown-Vanek] learn to take care of you.” Ms. Thompson reported that Ms. Lucas lowered Resident A onto the bed, and Resident A was kicking and thrashing. According to Ms. Thompson, Ms. Lucas asked Resident A to calm down and told the resident, “I don’t want to have to tell on you. You’re going to make me drink!” Ms. Thompson said that when Ms. Lucas turned Resident A on her side to pull the lift sling out from underneath Resident A, Resident A was digging her nails into Ms. Lucas’s groin area. Ms.

Thompson said, "Candy [Lucas] had gashes on her arm from (Resident A's) nails. Ms. Thompson said that when Ms. Lucas turned Resident A on her back, Ms. Lucas grabbed Resident A's wrists and held them down on the bed. Ms. Thompson said this did not help. Ms. Thompson said that she asked Ms. Lucas if she wanted the two new staff [Ms. Thompson and Ms. Brown-Vanek] to step outside the room, since Ms. Lucas had said that Resident A did not like new staff very much, but Ms. Lucas said, "No, you're going to have to deal with this." Ms. Thompson said that Ms. Lucas held Resident A's wrists and hands on the bed for about one minute. Ms. Thompson said Ms. Lucas then put Resident A's hat and covers on her and they all left the bedroom. Ms. Thompson said that Resident A did calm down as soon as they all left her bedroom.

DCW Mickayla Brown-Vanek reported that she worked a midnight shift on 7/15/18 with DCW Candy Lucas and DCW "Izzy" Thompson. Ms. Brown-Vanek said she thought that Resident A was already in bed when she arrived for her shift. Ms. Brown-Vanek said she has worked a couple of midnight shifts previously but has never put Resident A to bed or observed anyone putting her to bed. Ms. Brown-Vanek said, "Candy was showing us how she gets (Resident A) ready in the morning." Ms. Brown-Vanek said, "Candy let (Resident A) go to the bathroom and got her partially dressed. Then she used the lift to put her back in bed to finish dressing her. (Resident A) was kicking in the lift and hitting herself, and Candy blocked her." According to Ms. Brown-Vanek, Ms. Lucas told Resident A, "(Resident A), we have to get you up for MMI [the resident's work program]." Ms. Brown-Vanek said that Ms. Lucas only blocked Resident A from hitting herself in the face. Ms. Brown-Vanek said she thought Ms. Lucas's interactions with Resident A were appropriate.

DCW Candy Lucas said she recalled working a midnight shift with DCWs "Izzy" Thompson and Mickayla Brown-Vanek. Ms. Lucas said she could not remember whether Resident A was already in bed when she arrived for her shift or not. Ms. Lucas said she thought she came in at 10:30 PM and gave DCW Pauline Letson a ride home and then returned to work. Ms. Lucas said she was fairly certain that Resident A was already in bed when she got back to the AFC home. Ms. Lucas said that DCWs Thompson and Brown-Vanek were watching when she got Resident A up in the morning. When asked how that went, Ms. Lucas said, "(Resident A) had a temper tantrum! We think we have it narrowed down to something with her sling. When you get her up to transfer her [in the sling], she kicks her legs, throws her head, and bites her hand." Ms. Lucas said, "You can get her from her bed to the toilet okay, her toilet chair is in her room. Then you get her halfway dressed. But there's a 50-50 chance about going from the toilet chair back to bed, to put her brief on and roll her to put her pants on. Sometimes when you get her in bed, she will scratch and hit, scream and holler." Ms. Lucas said, "Once she is dressed, we lift her in the sling again and move her to her wheelchair, and she is usually kicking and hitting." Ms. Lucas said, "When she starts banging her mouth or her head with her hand or fist, I will hold her hand or hold her wrist – always her left wrist. Once you take her by the wrist, she'll stop and won't fight. But as soon as you let go, she's right back to hitting her mouth or hitting her head." Ms. Lucas said that if one of the two new staff saw her holding Resident A's hands down, she wasn't trying to restrain Resident A. Ms. Lucas said, "I was trying to

protect her, keep her from hurting herself. I just don't want her hurting herself!" When asked if she could just have walked away when Resident A was kicking and hitting, Ms. Lucas said she could not have, because Resident A was still in the sling attached to the Hoyer lift.

Resident A was not able to provide any information useful for this investigation due to her developmental disabilities.

APPLICABLE RULE	
R 400.14308	Resident behavior interventions prohibitions.
	(2) A licensee, direct care staff, the administrator, members of the household, volunteers who are under the direction of the licensee, employees, or any person who lives in the home shall not do any of the following: (b) Use any form of physical force other than physical restraint as defined in these rules.
ANALYSIS:	One staff person described the actions of DCW Candy Lucas, in holding Resident A's hands while the resident was being changed, as a use of force. A second staff witnessing the event said she did not see any inappropriate actions on the part of Ms. Lucas. Ms. Lucas described what she was doing as intervention to keep Resident A from harming herself. There is insufficient evidence to conclude that Ms. Lucas used force when changing Resident A.
CONCLUSION:	VIOLATION NOT ESTABLISHED

During an exit conference, Licensee Designee Amanda Hart reported that the "cork activity" has been removed from the home and that no such activity will be used with Resident B in the future.

IV. RECOMMENDATION

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



Diane L Stier
Licensing Consultant

August 29, 2018

Date

Approved By:



09/13/2018

Dawn N. Timm
Area Manager

Date