



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

March 22, 2019

Anna Masambaji
PO Box 26243
Lansing, MI 48909

RE: License #: AS230292716
Investigation #: **2019A0466017**
Sunshine AFC Home

Dear Mrs. Masambaji:

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 (517) 284-9727.

Sincerely,

A handwritten signature in cursive script that reads "Julie Elkins".

Julie Elkins, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS230292716
Investigation #:	2019A0466017
Complaint Receipt Date:	02/08/2019
Investigation Initiation Date:	02/11/2019
Report Due Date:	04/09/2019
Licensee Name:	Anna Masambaji
Licensee Address:	2109 Walmar Estate Drive Lansing, MI 48917
Licensee Telephone #:	(517) 980-1925
Administrator:	Anna Masambaji
Licensee Designee:	N/A
Name of Facility:	Sunshine AFC Home
Facility Address:	4041 Rivershell Lansing, MI 48911
Facility Telephone #:	(517) 708-8484
Original Issuance Date:	03/12/2008
License Status:	REGULAR
Effective Date:	02/12/2019
Expiration Date:	02/11/2021
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL AGED

II. ALLEGATION:

	Violation Established?
On 2/7/19, direct care worker (DCW) Chris Rhymes pushed Resident A.	No
Additional Findings	Yes

III. METHODOLOGY

02/08/2019	Special Investigation Intake 2019A0466017
02/08/2019	Contact - Telephone call made Complainant, message left.
02/11/2019	Special Investigation Initiated – Telephone Complainant interviewed.
02/11/2019	Contact- telephone call made to Case Worker John Pizanis.
02/11/2019	APS Referral- Referral Denied
02/20/2019	Inspection Completed On-site
03/14/2019	Contact - Telephone call made Resident A interviewed.
03/14/2019	Contact- telephone call made to Anna Masambaji, mailbox was full, not message could be left.
03/19/2019	Contact – telephone call made to Guardian A1, interviewed.
03/19/2019	Contact- telephone call made to Anna Masambaji, mailbox was full, no message could be left.
03/19/2019	Contact- document sent to Anna Masambaji, text message to please call me.
03/19/2019	Exit Conference with Anna Masambaji attempted, no answer.

ALLEGATION: On 2/7/19, direct care worker (DCW) Chris Rhymes pushed Resident A.

INVESTIGATION:

On 02/08/2019, Complainant reported that Resident A is 60 years old and has been diagnosed with mild cognitive impairment. Complainant reported that Resident A resides in an adult foster care (AFC) home and has a guardian. Complainant reported that on 2/7/19, Resident A reported that she was pushed by direct care worker (DCW) Chris Rhymes while the two were in the kitchen at the facility. Complainant reported that no marks or bruises were reported or identified on Resident A. Complainant reported that Resident A is not afraid of DCW Rhymes and DCW Rhymes is still working at the facility as the live in DCW. Complainant reported that the incident was reported to the home manager.

On 02/11/2019, I interviewed John Pizanis, case manager at Community Mental Health (CMH) Authority of Clinton, Eaton, Ingham (CEI) Counties who reported that Resident A called him on 02/07/2019 and reported that DCW Rhymes pushed her. Caseworker Pizanis reported that Resident A has never reported concerns like this before and Caseworker Pizanis reported that Resident A and DCW Rhymes typically do get along. Caseworker Pizanis reported that Resident A has lived at the facility for a year, Resident A does have a history of “getting in peoples faces” when agitated and is emotionally dysregulated. Caseworker Pizanis reported that on 02/07/2019, after receiving a phone call from Resident A, he went to the facility and Resident A told him that DCW Rhymes pushed her arm. Caseworker Pizanis reported that initially Resident A stated that DCW Rhymes pushed her arm in the kitchen and then later reported it happened in the garage. Caseworker Pizanis reported that Resident A was upset about not having a cellphone and once he was at the facility, Resident A wanted to discuss getting a cellphone instead of DCW Rhymes pushing her arm. Caseworker Pizanis reported that DCW Rhymes denied pushing Resident A’s arm and reported that she did require redirection because she was upset about not going out on an outing, day program being closed and started acting out physically towards DCW Rhymes.

On 02/20/2019, I conducted an unannounced investigation and Resident A was not at the facility at the time of the unannounced investigation, so she could not be interviewed. I observed the facility to be well organized and free of any physical or psychological health and safety issues.

I interviewed DCW Rhymes who reported that on 02/07/2019, Resident A thought that she was going out on an outing and when that did not occur, Resident A began crawling around the facility on the ground. DCW Rhymes reported that Resident A began hitting, pushing and with a closed fist, trying to hit DCW Rhymes in the face. DCW Rhymes reported that initially he ignored Resident A, then as Resident A hit him, he blocked Resident A’s attempts at hitting him. DCW Rhymes reported that he was verbally redirecting Resident A and moving her hands away from him to prevent being hit. DCW Rhymes reported that Resident A doesn’t redirect well. DCW

Rhymes denied pushing Resident A and/or “getting in her face.” DCW Rhymes reported that this occurred in the kitchen and denied ever being in the garage with Resident A. DCW Rhymes reported that the residents do not go into the garage. DCW Rhymes reported that Resident A’s caseworker did come to the facility for two hours to assist in calming Resident A down. DCW Rhymes reported that Resident A exhibits aggressive behaviors when she wants/thinks she is going somewhere, and it doesn’t happen. DCW Rhymes reported that Resident A is aggressive and that she hit Anna Masambaji, licensee a couple days prior because she doesn’t like/understand when Ms. Masambaji is at the facility and not able to take her into the community.

I reviewed Resident A’s record which contained an *AFC Assessment Plan*, dated 02/07/2018 which documented that Resident A does not control aggressive behavior and “*on meds but still not under control.*”

On 03/14/2019, I interviewed Resident A who reported that DCW Rhymes “pushed her arm” but throughout the interview was very distracted by when I was coming to visit her and when she could go into the community to “go shopping” next. I was not able to get any additional details from Resident A about DCW Rhymes pushing her arm.

On 03/19/2019, I interviewed Guardian A1 who reported that Resident A does have aggressive behaviors, such as hitting and throwing temper tantrums when she doesn’t want to follow rules and or doesn’t get what she wants. Guardian A1 reported that it can take several hours to calm Resident A down after these behavioral episodes. Guardian A1 reported that Resident A previously lived with a family member who had no rules and gave her whatever she wanted. Guardian A1 reported that Resident A likes to go into the community and Ms. Masambaji takes Resident A into the community as a way to try to combat the behavior. Guardian A1 reported that when these behaviors begin and Ms. Masambaji is not available to take Resident A out, these behaviors continue and escalate as Resident A has learned that she will eventually get what she wants and therefore Resident A’s behaviors are getting progressively worse in Guardian A1’s observation. Guardian A1 reported that DCW Rhymes is very patient, kind and interacts very well with Resident A.

Guardian A1 reported that DCW Rhymes called her while Resident A was exhibiting a behavioral episode on 02/07/2019. Guardian A1 reported that DCW Rhymes was very calm and reported verbally redirecting Resident A and moving her hands away from his body when she was hitting him. Guardian A1 reported that although Resident A has not complained about DCW Rhymes “pushing” her before, she does not have any concern about what occurred. Guardian A1 reported that she did not observe any bruises on Resident A nor does she have any concern that DCW Rhymes would hurt Resident A in any way. Guardian A1 reported that Resident A’s behaviors are difficult, and they do not have any pattern or reason. Guardian A1 reported that the facility is working the best they can with Resident A. Guardian A1

reported having a meeting scheduled on 03/20/2019 at CMH to see if Resident A's medications require adjustment because they seem to work for three or four months and then the behavior cycles again. Guardian A1 reported being very satisfied with the care that Resident A is receiving at the facility, especially the care provided by the live-in staff, DCW Rhymes. Guardian A1 reported that DCW Rhymes has "the patients of a saint" and she is so thankful that he is part of Resident A's treatment team.

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:	Resident A reported that DCW Rhymes "pushed her arm" and DCW Rhymes denied pushing Resident A's arm. DCW Rhymes reported that for his personal protection, he was moving Resident A's hands away from him while she was attempting to hit him. Caseworker Pizanis and Guardian A1 reported that Resident A does not have any marks or bruising on her body. During the unannounced investigation, I observed that the facility was well organized and free of any physical and psychological health and safety concerns therefore there is not enough evidence to conclude that DCW Rhymes pushed Resident A.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ADDITIONAL FINDING:

INVESTIGATION:

On 02/20/2019, I conducted an unannounced investigation and reviewed Resident A's record which contained an *Assessment Plan for AFC Residents* (written assessment plan) that was dated 02/07/2018 which was Resident A's admission date. Resident A's record did not contain a written assessment plan that was updated annually.

APPLICABLE RULE	
R 400.15301	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 licensee.

	A licensee shall maintain a copy of the resident's written assessment plan on file in the home.
ANALYSIS:	Resident A's record did not contain a written assessment plan that was updated annually. The last written assessment plan was completed over one year past the date of this investigation.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Contingent upon receipt of an acceptable corrective action plan I recommend no change in the status of the license.

Julie Elkins

03/19/2019

Julie Elkins
Licensing Consultant

Date

Approved By:

Dawn Timm

03/22/2019

Dawn N. Timm
Area Manager

Date