



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

November 8, 2019

Janis Meredith-Kelterborn
Birchwood Meadows LLC
5573 St Andrew
Clarkston, MI 48348

RE: License #: AM250086017
Investigation #: 2019A0501052
Birchwood Meadows

Dear Ms. Kelterborn:

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:

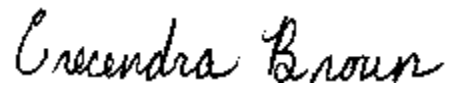
- How compliance with each rule will be achieved.
- Who is directly responsible for implementing the corrective action for each violation.
- Specific time frames for each violation as to when the correction will be completed or implemented.
- Indicate how continuing compliance will be maintained once compliance is achieved.
- Be signed and dated.

A six-month provisional license is recommended. If you do not contest the issuance of a provisional license, you must indicate so in writing; this may be included in your corrective action plan or in a separate document. If you contest the issuance of a provisional license, you must notify this office in writing and an administrative hearing will be scheduled. Even if you contest the issuance of a provisional license, you must still submit an acceptable corrective action plan.

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 that reads "Crecendra Brown".

Crecendra Brown, Licensing Consultant
Bureau of Community and Health Systems
4809 Clio Road
Flint, MI 48504
(810) 931-0965

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AM250086017
Investigation #:	2019A0501052
Complaint Receipt Date:	09/19/2019
Investigation Initiation Date:	09/19/2019
Report Due Date:	11/18/2019
Licensee Name:	Birchwood Meadows LLC
Licensee Address:	5573 St Andrew Clarkston, MI 48348
Licensee Telephone #:	(248) 620-8890
Administrator:	Jean Cheney
Licensee Designee:	Janis Meredith-Kelterborn
Name of Facility:	Birchwood Meadows
Facility Address:	2304 W. Frances Rd. Mt Morris, MI 48458
Facility Telephone #:	(810) 564-3160
Original Issuance Date:	09/18/1999
License Status:	REGULAR
Effective Date:	08/27/2018
Expiration Date:	08/26/2020
Capacity:	12
Program Type:	DEVELOPMENTALLY DISABLED AGED

II. ALLEGATION(S)

	Violation Established?
Licensee Designee Janis Kelterborn gave Resident A a Norco and Xanax that was prescribed to Resident B.	Yes

III. METHODOLOGY

09/19/2019	Special Investigation Intake 2019A0501052
09/19/2019	Special Investigation Initiated - Letter
09/19/2019	APS Referral Genesee County Adult Protective Services Tiffany Williams.
09/20/2019	Contact - Telephone call made Complainant 1.
09/25/2019	Contact - Telephone call made Staff Annie Smith.
09/25/2019	Contact - Telephone call made Staff Lisa Willingham.
09/30/2019	Contact - Document Received Genesee County Adult Protective Services Tiffany Williams.
10/17/2019	Contact - Face to Face Staff Jennifer Hoard.
10/17/2019	Inspection Completed On-site Staff Amanda Chiszar, Staff Lisa Willingham, Resident A and Resident B.
10/18/2019	Contact - Telephone call received Administrator Jean Cheney.
10/22/2019	Contact - Telephone call made Licensee Designee Janis Kelterborn.
10/23/2019	Contact - Telephone call made Staff Denise Tucker.

10/23/2019	Contact - Telephone call made Guardian A.
10/23/2019	Exit Conference Licensee Designee Janis Kelterborn.

ALLEGATION:

Licensee Designee Janis Kelterborn gave Resident A a Norco and Xanax that was prescribed to Resident B.

INVESTIGATION:

On September 20, 2019, I conducted a phone interview with Complainant 1. Complainant 1 stated that Licensee Designee Janis Kelterborn gave Resident A Norco and Xanax medication that was not prescribed to him to control his behavior. Complainant 1 stated that the Norco and Xanax medication was prescribed to Resident B. Complainant 1 stated that the Genesee County Sheriff's Department has been contacted and Detective Lt. Kennamer is looking into what is going on. Complainant 1 stated that Licensee Designee Janis Kelterborn is the guardian for Resident B because he is her husband's uncle. Complainant 1 stated that Licensee Designee Kelterborn is instructing staff to give Resident A medications from Resident B's prescribed medications. Complainant 1 stated that they have an audio recording of Licensee Designee Kelterborn admitting to the allegation.

I listened to the audio recording. You can clearly hear Licensee Designee Janis Kelterborn talking on the audio recording. Licensee Designee Kelterborn states on the audio recording that she gave Resident A one of Resident B's Norco medications because of his behaviors and she didn't have an order for it, but it calmed him down.

On September 25, 2019, I conducted a phone interview with Staff Annie Smith. Staff Annie Smith answered the phone and I asked to speak to her. Staff Annie Smith asked who was calling and I identified myself. Staff Annie Smith then said she was Annie Smith. I told her I was conducting an investigation on the facility. Staff Annie Smith stated that she could barely hear me and then hung the phone up. I called her back and the phone went right to voicemail. I left her a voice message and to date, I have not received a return phone call.

On September 25, 2019, I attempted to conduct a phone interview with Staff Lisa Willingham. I left Staff Lisa Willingham a voice message. To date, I did not receive a return phone call.

On September 30, 2019, I received an email from Genesee County Adult Protective Services Tiffany Williams. Ms. Williams reported that she heard Licensee Designee Janis Kelterborn on the audio recording stating that she gave Resident A Norco and Xanax medications from other residents' medications. Ms. Williams reported that she will be substantiating against Licensee Designee Kelterborn. Ms. Williams reported that she interviewed Licensee Designee Kelterborn on the phone and she denied everything. Ms. Williams reported that she interviewed Staff Denise Tucker and Staff Tucker told her that they have a "house Xanax" they give residents with behaviors.

On October 17, 2019, I interviewed Staff Jennifer Hoard at Birchwood II. Staff Jennifer Hoard stated that she works at Birchwood II and Birchwood Meadows. Staff Jennifer Hoard stated that the allegation was not true. Staff Hoard stated that staff do not give residents medications that they are not prescribed. Staff Hoard stated that Adult Protective Services has been out to both homes. Staff Hoard stated that disgruntle ex-employees are making false allegations against the home.

On October 17, 2019, I conducted an onsite investigation at Birchwood Meadows. Staff Amanda Chiszar, Staff Lisa Willingham, Resident A and Resident B were interviewed.

Staff Amanda Chiszar stated that she didn't know anything about the allegation. Staff Chiszar stated that she had never heard the allegation before. Staff Chiszar stated that Resident A is prescribed his own Xanax medication, but no Norco medication. Staff Chiszar stated that she has never been told to give any residents medications that they have not been prescribed. Staff Chiszar stated that she has never heard of any other staff being told to give residents that are not prescribed to them. Staff Chiszar stated that Resident A does have behaviors and he is on hospice. Staff Chiszar stated that Resident A and Resident B both have dementia.

Staff Lisa Willingham stated that she didn't know anything about the allegation. Staff Willingham stated that she had never heard the allegation before. Staff Willingham stated that she has never been told to give residents medications that they are not prescribed. Staff Willingham stated that she has never seen any other staff do that either. Staff Willingham stated that Resident A has dementia and yells sometimes. Staff Willingham stated that Resident A is on hospice.

Resident A was clean and laying in his bed. Resident A started yelling some profanity when I spoke to him and was not appropriate for interviewing. Resident A's room was clean and he was wrapped in a blanket.

Resident B was clean and dressed appropriately. Resident B was resting in his room waiting to eat dinner. Resident B did not understand my questions and was not appropriate for interviewing. Resident B's room was clean.

I reviewed Resident A's and Resident B's medication logs. Resident A is prescribed Xanax 0.5mg 1 tablet twice a day and Xanax 0.5mg 1 tablet PRN, but no Norco. Resident B is prescribed Xanax .25mg PRN, Xanax .25mg 1 tablet 3 times a day,

Hydrocodone (Norco) 1 tablet twice a day PRN and Hydrocodone (Norco) 1 tablet 1 time a day.

On October 18, 2019, I received a phone call from Administrator Jean Cheney. Administrator Jean Cheney stated that she wanted a copy of the Adult Protective Services Report. Administrator Jean Cheney stated that Valley Area Agency on Aging moved 6 residents out of their homes because of the investigation.

On October 22, 2019, I conducted a phone interview with Licensee Designee Janis Kelterborn. Licensee Designee Janis Kelterborn stated that she did not know she was being recorded. Licensee Designee Kelterborn stated that she has had some disgruntle employees. Licensee Designee Kelterborn stated that Resident A is on hospice and has a lot of pain. Licensee Designee Kelterborn stated that she did tell staff to give Resident A Norco medication from Resident B's prescribed Norco medication. Licensee Designee Kelterborn stated that it was only one pill and she never gave Resident A any other residents' Xanax medication. Licensee Designee Kelterborn stated that she knows what she did was wrong, but Resident A was in a lot of pain. Licensee Designee Kelterborn stated that she didn't know the conversation she was having about the situation was being recorded. Licensee Designee Kelterborn stated that she is Resident B's Durable Power of Attorney along with her husband. Licensee Designee Kelterborn stated that Resident B is her cousin. Licensee Designee Kelterborn stated that Resident B has cancer and is on hospice. Licensee Designee Kelterborn stated that she replaced the Norco pill she took from Resident B's medications.

On October 23, 2019, I attempted to conduct a phone interview with Staff Denise Tucker. Staff Denise Tucker did not answer the phone and I left a voice message. To date, I have not received a return phone call.

On October 23, 2019, I conducted a phone interview with Guardian A. Guardian A stated that Adult Protective Services contacted her about what happened with Resident A. Guardian A stated that she doesn't have any current concerns about Resident A's care in the home, but she did not authorize the home to give Resident A medications that are not prescribed to him. Guardian A stated that Resident A is always clean and treated well. Guardian A stated that she has tried to move Resident A but was unable to find him another placement. Guardian A stated that Resident A has dementia and is on hospice. Guardian A stated that Resident A is having problems with swallowing and his brain is diminishing. Guardian A stated that Resident A can't go to the bathroom on his own anyone so staff help him. Guardian A stated that Resident A will be staying at Birchwood Meadows for now.

On October 23, 2019, I conducted a phone exit conference with Licensee Designee Janis Kelterborn. I informed Licensee Designee Janis Kelterborn that a corrective action plan would be requested for the violation and a six-month provisional license would be recommended. Licensee Designee Janis Kelterborn stated that she was not sure if she was going to accept the provisional license.

APPLICABLE RULE	
R 400.14312	Resident medications.
	<p>Resident medications.</p> <p>(1) Prescription medication, including dietary supplements, or individual special medical procedures shall be given, taken, or applied only as prescribed by a licensed physician or dentist. Prescription medication shall be kept in the original pharmacy-supplied container, which shall be labeled for the specified resident in accordance with the requirements of Act No. 368 of the Public Acts of 1978, as amended, being {333.1101 et seq. of the Michigan Compiled Laws, kept with the equipment to administer it in a locked cabinet or drawer, and refrigerated if required.</p> <p>(2) Medication shall be given, taken, or applied pursuant to label instructions.</p> <p>(3) Unless a resident's physician specifically states otherwise in writing, the giving, taking, or applying of prescription medications shall be supervised by the licensee, administrator, or direct care staff.</p> <p>(4) When a licensee, administrator, or direct care staff member supervises the taking of medication by a resident, he or she shall comply with all of the following provisions:</p> <p style="padding-left: 40px;">(a) Be trained in the proper handling and administration of medication.</p> <p style="padding-left: 40px;">(b) Complete an individual medication log that contains all of the following information:</p> <p style="padding-left: 80px;">(i) The medication.</p> <p style="padding-left: 80px;">(ii) The dosage.</p> <p style="padding-left: 80px;">(iii) Label instructions for use.</p> <p style="padding-left: 80px;">(iv) Time to be administered.</p> <p style="padding-left: 80px;">(v) The initials of the person who administers the medication, which shall be entered at the time the medication is given.</p> <p style="padding-left: 40px;">(vi) A resident's refusal to accept prescribed medication or procedures.</p> <p style="padding-left: 40px;">(c) Record the reason for each administration of medication that is prescribed on an as needed basis.</p> <p style="padding-left: 40px;">(d) Initiate a review process to evaluate a resident's condition if a resident requires the repeated and prolonged use of a medication that is prescribed on an as needed basis. The review process shall include the resident's prescribing physician, the resident or his or her designated representative, and the responsible agency.</p>

	<p>(e) Not adjust or modify a resident's prescription medication without instructions from a physician or a pharmacist who has knowledge of the medical needs of the resident. A licensee shall record, in writing, any instructions regarding a resident's prescription medication.</p> <p>(f) Contact the appropriate health care professional if a medication error occurs or when a resident refuses prescribed medication or procedures and follow and record the instructions given.</p> <p>(6) A licensee shall take reasonable precautions to ensure that prescription medication is not used by a person other than the resident for whom the medication was prescribed.</p> <p>(7) Prescription medication that is no longer required by a resident shall be properly disposed of after consultation with a physician or a pharmacist.</p>
ANALYSIS:	<p>Complainant 1 stated that Licensee Designee Janis Kelterborn gave Resident A Norco medication that was prescribed to Resident B.</p> <p>I listened to an audio recording of Licensee Designee Janis Kelterborn stating that she gave Resident A one of Resident B's Norco medications because of his behaviors and she didn't have an order for it, but it calmed him down.</p> <p>I reviewed Resident A's and Resident B's medication logs. Resident A is prescribed Xanax 0.5mg 1 tablet twice a day and Xanax 0.5mg 1 tablet PRN, but no Norco. Resident B is prescribed Xanax .25mg PRN, Xanax .25mg 1 tablet 3 times a day, Hydrocodone (Norco) 1 tablet twice a day PRN and Hydrocodone (Norco) 1 tablet 1 time a day.</p> <p>On October 22, 2019, I conducted a phone interview with Licensee Designee Janis Kelterborn. Licensee Designee Janis Kelterborn stated that she did tell staff to give Resident A Norco medication from Resident B's prescribed Norco medication.</p>
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Upon the receipt of an acceptable and approved corrective action plan, a six-month provisional license is recommended.

Crecendra Brown

November 8, 2019

Crecendra Brown
Licensing Consultant

Date

Approved By:

Mary Holton

November 8, 2019

Mary E Holton
Area Manager

Date