



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

May 10, 2021

Darlene Duguay
1341 638 E Hwy
Rogers City, MI 49779

RE: License #: AF710005331
Investigation #: 2021A0360021
Birch Lane Adult Foster Home

Dear Ms. Duguay:

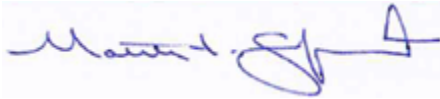
Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- 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 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 (989) 732-8062.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Soderquist", with a stylized flourish at the end.

Matthew Soderquist, Licensing Consultant
Bureau of Community and Health Systems
Ste 3
931 S Otsego Ave
Gaylord, MI 49735
(989) 370-8320

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AF710005331
Investigation #:	2021A0360021
Complaint Receipt Date:	04/12/2021
Investigation Initiation Date:	04/12/2021
Report Due Date:	05/12/2021
Licensee Name:	Darlene Duguay
Licensee Address:	1341 638 E Hwy Rogers City, MI 49779
Licensee Telephone #:	(989) 734-2989
Administrator:	N/A
Licensee Designee:	Darlene Duguay
Name of Facility:	Birch Lane Adult Foster Home
Facility Address:	1341 638 E Hwy Rogers City, MI 49779
Facility Telephone #:	(989) 734-2989
Original Issuance Date:	05/02/1978
License Status:	REGULAR
Effective Date:	12/02/2020
Expiration Date:	12/01/2022
Capacity:	6
Program Type:	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL, AGED

II. ALLEGATION(S)

	Violation Established?
The licensee's health has declined, and she is unable to operate the AFC.	No
The home's bathroom is being renovated and residents have no bathroom to use.	Yes

III. METHODOLOGY

04/12/2021	Special Investigation Intake 2021A0360021
04/12/2021	Special Investigation Initiated - Telephone APS worker Sarah Purol
04/13/2021	Inspection Completed On-site licensee Darlene Duguay, DCW Philae Goetz, DCW Rohde, Contractor Ben Cortman
04/13/2021	Contact - Telephone call received licensee's daughter Lisa Ciarkowski
04/29/2021	Contact - Telephone call received licensee Darlene Duguay
05/04/2021	Inspection Completed On-site licensee Darlene Duguay, direct care staff Philae Goetz
05/05/2021	Inspection Completed On-site licensee Darlene Duguay, direct care staff Philae Goetz
05/05/2021	Contact – Face to Face Relative 1-A
05/10/2021	Exit Conference With Darlene Duguay

ALLEGATION: The licensee's health has declined, and she is unable to operate the AFC.

INVESTIGATION: On 4/12/2021 I was assigned a complaint from the LARA online complaint system.

On 4/12/2021 I contacted Sarah Purol with Presque Isle County Adult Protective Services. Ms. Purol stated she did not have any cases open on any of the residents at Birch Lane AFC.

On 4/13/2021 I conducted an unannounced on-site inspection at the facility. The licensee Darlene Duguay stated she got very sick about two months ago, was hospitalized and referred for hospice care in home. Ms. Duguay was oriented to person, place, and time. She stated she has the home staffed 24/7 with direct care workers. She stated even though she is not doing any of the direct care of the residents in the home she still makes all the decisions regarding the AFC home. Ms. Duguay stated once she is unable to make the decisions regarding the day-to-day operations of the AFC home she plans on closing. She stated her Responsible Person Sherry Misiak is still available to manage the home temporarily if anything happens that prevents her from operating the AFC home. I provided Ms. Duguay a medical clearance request and she stated she would contact her physician to get it completed.

While at the home on 4/13/2021 I interviewed the direct care staff Philae Goetz. Ms. Goetz stated Ms. Duguay makes all the decisions regarding the AFC home. She stated there are direct care staff at the home 24/7. Ms. Goetz stated she provides direct care, does the grocery shopping, and does all the medication coordination. Ms. Goetz stated Ms. Duguay's daughter, Lisa Ciarkowski, has started to assist Ms. Duguay with her finances.

While at the home on 4/13/2021 I attempted interviews with Resident A, B and C. They were not oriented to place, person, or time. All three of the residents appeared clean, well groomed, and cared for. I then interviewed Resident D. Resident D stated she does not interact very much with Ms. Duguay. She stated all the staff are helpful and provide good care. She stated all her needs are met. I then interviewed Resident E. Resident E stated she used to play cards with Ms. Duguay in the kitchen but she hasn't been out in the kitchen very often lately. She stated the staff provide all of her care needs. I then interviewed Resident F. Resident F was not oriented to time. He appeared clean and well groomed. He was unable to answer any questions regarding Ms. Duguay.

On 4/13/2021 I received a phone call from Ms. Duguay's daughter, Lisa Ciarkowski. Ms. Ciarkowski stated she has been helping with her mother's care including reviewing her finances with her. She stated she reviews all of the bills with her mother, but her mother still makes all of the decisions and writes the checks to make the payments. She stated Ms. Goetz does all the shopping for the home and medication management.

On 4/29/2021 I received a phone call from Ms. Duguay. Ms. Duguay stated she has had her medical clearance request completed. I informed Ms. Duguay I would pick the form up on 5/4/2021.

On 5/4/2021 I conducted another on-site inspection. Ms. Duguay was sitting at the kitchen table and provided me a copy of the medical clearance request. The medical clearance request noted that Ms. Duguay has a physical/mental condition or health

problem that exists that would not limit the ability to work with or around dependent adults. There was an explanation in the comments describing her medical condition and that she was alert and oriented and able to supervise daily the ongoing care and organization of the AFC home. The medical clearance was signed 4/16/2021 and documented that Ms. Duguay's last examination was 4/13/2021.

On 5/5/2021 I conducted another on-site inspection. Ms. Duguay provided me with the resident information and identification record for each resident.

While at the facility on 5/5/2021 I interviewed Relative 1-A. Relative 1-A stated she was the daughter of Resident A. She stated her brother visits the home every Saturday. She stated her stepmom also visits the home weekly. She stated she had no concerns regarding the care of her father. She stated they make very nice home cooked meals and it is always clean and comfortable.

APPLICABLE RULE	
R 400.1405	Health of a licensee, responsible person, and member of the household.
	(1) A licensee, responsible person, and a member of the household shall be in such physical and mental health so as not to negatively affect either the health of the resident or the quality of his or her care.
ANALYSIS:	<p>The complaint alleged the licensee's health has declined, and she is unable to operate the AFC home.</p> <p>The licensee stated she suffered an illness in February 2021 and was referred to hospice care in home. She stated she continues to manage the day-to-day operations of the AFC home with assistance from her staff.</p> <p>Ms. Duguay provided a medical clearance request documenting that she has a physical/mental condition or health problem that exists that would not limit the ability to work with or around dependent adults. There was an explanation in the comments describing her medical condition and that she was alert and oriented and able to supervise daily the ongoing care and organization of the AFC home.</p> <p>All six residents appeared clean and well cared for during each on-site inspection.</p> <p>There is not a preponderance of evidence that the licensee's physical or mental health is negatively affecting the health of the residents or the quality of their care.</p>

CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION: AFC bathroom is being renovated and residents have no bathroom to use.

INVESTIGATION: On 4/13/2021 I conducted an unannounced on-site inspection at the home. The licensee Ms. Duguay stated she was having the bathroom renovated. She stated because this is the only bathroom on the main floor of the home and the residents are not able to use the bathroom on the second floor of the home, she had a porta-potty delivered to the residence. She stated the porta-potty is mainly for staff and contractor use. She stated the residents are utilizing commodes they each have in their bedroom. She stated the bathroom renovation began at the beginning of April and is expected to be finished in two weeks. She stated the residents are each getting a daily sponge bath in their rooms and a weekly hair wash at the kitchen sink.

While at the home on 4/13/2021 I interviewed the direct care staff Philae Goetz. Ms. Goetz confirmed all the residents are using commodes in their bedroom and are receiving daily sponge baths and weekly hair washes in the kitchen sink. I then interviewed the direct care staff Sarah Rohde. Ms. Rohde confirmed the bathroom is being renovated and unable to use for a couple of weeks. She stated they have been providing "bed baths" and residents are using the commodes in their bedroom to use the toilet. She stated several of the residents regularly utilized the commodes during the evening even when the bathroom was working. I then interviewed the contractor, Ben Cortman. Mr. Cortman stated he started work on the bathroom about 3 weeks ago. He stated he anticipates he can finish the project in about 2 weeks.

While at the home on 4/13/2021 I attempted interviews with Resident A, B and C. They were not oriented to place, person, or time. All three of the residents appeared clean, well groomed, and cared for. I then interviewed Resident D. Resident D stated they have not had access to the bathroom for about 2 ½ weeks. She stated they have been using commodes in their bedroom and taking sponge baths. She stated once a week they have their hair washed at the kitchen sink. I then interviewed Resident E. Resident E stated the bathroom renovation started about 2 ½ weeks ago. She stated she has used a commode in her bedroom since the bathroom renovations started. I then interviewed Resident F. Resident F was not oriented to time. He appeared clean and well groomed. He was unable to answer any questions.

On 5/4/2021 I conducted an on-site inspection at the facility. I observed the bathroom to be finished and functional.

On 5/4/2021 I conducted another on-site inspection at the facility. I interviewed Relative 1-A. Relative 1-A states she was aware of the bathroom renovations and that the residents did not have access to a working bathroom for the past month and

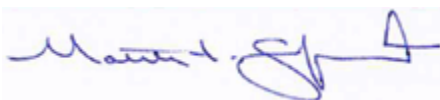
have been utilizing a commode in his bedroom. She stated her stepmom and brother visit the home weekly and her father has always been clean and well cared for.

APPLICABLE RULE	
R 400.1430	Bathrooms.
	(3) A home shall have a minimum of 1 toilet, 1 lavatory, and 1 bathing facility for each 8 occupants of the home.
ANALYSIS:	<p>The complaint alleged the AFC bathroom is being renovated and residents have no bathroom to use.</p> <p>There is only one bathroom on the main floor of the home. The second floor of the home has a bathroom but is mainly used for storage and is inaccessible to residents. The licensee started a bathroom renovation around the beginning of April 2021. The bathroom renovation was completed May 4, 2021. During that time, the residents had to use portable commodes located in their bedroom. They received daily sponge baths and weekly hair wash at the kitchen sink. A porta-potty was brought in for contractor and staff use which was located outside the back door to the AFC home.</p> <p>The bathroom renovations are now completed, however there was a month or more in which there was not at least one toilet, lavatory and bathing facility available for resident use.</p>
CONCLUSION:	VIOLATION ESTABLISHED

On 05/10/2021 I conducted an exit conference with the licensee Darlene Duguay. Ms. Duguay concurred with the findings of the investigation.

IV. RECOMMENDATION

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



05/10/2021

Matthew Soderquist
Licensing Consultant

Date

Approved By:

A handwritten signature in blue ink, appearing to read "Jerry Hendrick".

05/10/2021

Jerry Hendrick
Area Manager

Date