



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

April 28, 2021

Ryan Boutell
Rose Adult Foster Care, LLC
4904 Onsikamme St
Montague, MI 49437

RE: License #: AM640397153
Investigation #: 2021A0340015
Rose Care LLC

Dear Mr. Boutell:

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 (616) 356-0183.

Sincerely,



Rebecca Piccard, Licensing Consultant
Bureau of Community and Health Systems
Unit 13, 7th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503
(616) 446-5764

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AM640397153
Investigation #:	2021A0340015
Complaint Receipt Date:	03/25/2021
Investigation Initiation Date:	03/25/2021
Report Due Date:	05/24/2021
Licensee Name:	Rose Adult Foster Care, LLC
Licensee Address:	4904 Onsikamme St Montague, MI 49437
Licensee Telephone #:	(231) 670-9475
Administrator:	Ryan Boutell
Licensee Designee:	Ryan Boutell
Name of Facility:	Rose Care LLC
Facility Address:	1318 S Oceana Dr Shelby, MI 49455
Facility Telephone #:	(231) 670-9475
Original Issuance Date:	02/25/2019
License Status:	REGULAR
Effective Date:	08/25/2019
Expiration Date:	08/24/2021
Capacity:	12
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL AGED

II. ALLEGATION(S)

	Violation Established?
There are staff working who are only 17 years old.	No
There are no staff on the floor after 7:00 pm.	Yes
The home is dirty. The floors are not clean, the bathrooms are very dirty.	No
There is a bedroom window that is cracked and leaking air, making the room cold.	Yes
The dog at the home peed on one of the resident's bed and even after being cleaned it still smells like urine.	Yes
Additional Findings	Yes

III. METHODOLOGY

03/25/2021	Special Investigation Intake 2021A0340015
03/25/2021	APS Referral
03/25/2021	Special Investigation Initiated - Telephone Ryan Boutell
03/30/2021	Inspection Completed On-site
03/30/2021	Inspection Completed-BCAL Sub. Compliance
03/30/2021	Contact – Telephone call made Licensee Ryan Boutell
03/30/2021	Exit Conference Licensee Ryan Boutell

ALLEGATION: There are staff working who are only 17 years old.

INVESTIGATION: On March 25, 2021, a complaint was received from the BCAL Online Complaints stating that there are staff working who are only 17 years old.

On March 30, 2021 I conducted an unannounced on-site inspection. I asked staff JJ Byler if he knew anyone who might fit that description. He stated that his niece will sometimes come to the home with her mom Kassandra who also works there. She will help out with cleaning or laundry, but does not take care of residents. The other girl is the daughter of licensee Ryan Boutell. She also helps out, but does not

provide resident care when her dad is at the home and is not employed by the home. He believes both girls to be 17.

On March 30, 2021 I conducted an exit conference with licensee Ryan Boutell. He confirmed that his daughter, who is 17 does sometimes come to the home with him. He denied that she is ever left there on her own. She cleans and helps prepare meals. His daughter does not provide care for the residents. He was also aware that staff Kassandra Counterman also occasionally brings her daughter who is 17 and that she will help with cleaning and food prep while her mom is there, but is not employed and is not there on her own. Mr. Boutell stated that the child does not provide care for any residents.

APPLICABLE RULE	
R 400.14204	Direct care staff; qualifications and training.
	(1) Direct care staff shall not be less than 18 years of age and shall be able to complete required reports and follow written and oral instructions that are related to the care and supervision of residents.
ANALYSIS:	During the investigation it was discovered that there are two 17-year-old girls who do occasionally come to the home to help their parents, but they are not employed and do not provide care for the residents and do not work there on their own.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION: There are no staff on the floor after 7:00 pm.

INVESTIGATION: On March 25, 2021 I received a complaint from the BCAL Online Complaints regarding staff JJ Byler going upstairs to his personal quarters at 7:00 pm and not coming down until 7:00 am. If residents need something after he has gone to his own living quarters he reportedly refuses to come down between those hours.

On March 25, 2021 I contacted licensee Ryan Boutell and asked for a copy of the staff schedule. He provided me with a copy which had one staff name per day. I asked if staff work a 24-hour shift. He clarified that staff work 7:00 am to 7:00 pm and no one is scheduled from 7:00 pm to 7:00 am. Mr. Boutell stated that staff JJ Byler lives upstairs and there is a doorbell in case residents need anything for emergencies. He stated Mr. Byler is available for emergencies and residents have been informed to contact him in such emergencies.

On March 30, 2021 I conducted an unannounced home inspection. Staff JJ Byler was present. He confirmed that he stays in the upstairs portion of the home during

his non-working hours. I asked him who is working when he is upstairs. Mr. Byler stated that after 7:00 pm “no one is working” but he is “available for emergencies.” There is a doorbell at the bottom of the stairs and residents ring that if they need him. I explained the allegation that residents have called for him to come down and he refused. Mr. Byler stated that he only needs to come down if there is an emergency “like if someone was having a heart attack” otherwise, he stated he will not come downstairs. I asked Mr. Byler how he would know if the request was an emergency if he did not come downstairs. He stated that the residents tell him what they want. I asked Mr. Byler if any of the current residents need a medication passed after 7:00 pm if that would qualify as something he would attend to. He stated that there are no medication passes in the evening. I asked him if a resident had a headache and wanted a PRN if that would qualify and he said he would come down to give someone Tylenol.

On March 30, 2021 I spoke with Licensee Ryan Boutell. I informed him that the schedule he has in place does not provide for 24-hour supervision. It is not acceptable for no one to be on the schedule for the 12 hours between 7:00 pm and 7:00 am, even if someone is upstairs at the home in case of emergency.

APPLICABLE RULE	
R 400.14206	Staffing requirements.
	(2) A licensee shall have sufficient direct care staff on duty at all times for the supervision, personal care, and protection of residents and to provide the services specified in the resident's resident care agreement and assessment plan.
ANALYSIS:	Mr. Byler confirmed that his shift is over at 7:00 pm and he goes to his living quarters until 7:00 am. He stated he will only come down for emergencies. Licensee Ryan Boutell sent a copy of the staff schedule which I reviewed. I spoke with Mr. Boutell to clarify that no one was scheduled to work between the hours of 7:00 pm and 7:00 am. He stated during that time Mr. Byler is in the home in case of emergency.
CONCLUSION:	VIOLATION ESTABLISHED

ALLEGATION: The home is dirty. The floors are not clean, the carpet is worn, and the bathrooms are very dirty.

INVESTIGATION: On March 25, 2021, a complaint was received through the BCAL Online Complaints. It stated that the home has worn down carpet, the floors are dirty and the bathrooms are very dirty.

On March 25, 2021 I contacted Licensee Ryan Boutell. I requested a copy of the staff schedule and it included a list of responsibilities for staff to complete.

On March 30, 2021 I conducted an unannounced home inspection. I spoke with staff JJ Byler. I asked him if there was a chart or list of things which were to be completed during each shift. He showed me the staff schedule that included the list of requirements of cleaning to be done. I walked through the home and did not notice any flooring to be dirty or in need of repair. I observed the home bathrooms and found them to be clean and in good condition.

APPLICABLE RULE	
R 400.14403	Maintenance of premises.
	(1) A home shall be constructed, arranged, and maintained to provide adequately for the health, safety, and well-being of occupants.
ANALYSIS:	An unannounced inspection was completed and I observed the home to be clean and in good repair.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION: There is a bedroom window that is cracked and leaking air, making the room cold.

INVESTIGATION: On March 25, 2021 I receive a complaint from the BCAL Online complaints. It stated the residents' rooms are cold and there is a crack in at least one of the windows that lets cold air in.

On March 30, 2021 I conducted an unannounced on-site inspection. I walked through the home and found one bedroom window, the furthest down the hall on the right, to have cracked glass and to not be securely installed in the window frame. Mr. Byler attempted to open the window and found it to be very poorly attached and feared it would fall out and further break if he attempted to open it. The rooms did not feel cold on this day, but it is possible for cold air to leak through.

APPLICABLE RULE	
R 400.14408	Bedrooms generally.
	(7) Bedrooms shall have at least 1 easily openable window.

ANALYSIS:	I conducted an unannounced inspection and found a window in the far right bedroom to have broken glass and not secure in the frame to easily open or close.
CONCLUSION:	VIOLATION ESTABLISHED

ALLEGATION: The dog at the home peed on one of the resident's bed and even after being cleaned it still smells like urine.

INVESTIGATION: On March 25, 2021 I received a complaint from the BCAL Online Complaints. It stated the mattresses that the residents sleep on are dirty and old. The mattresses are used after they have been used by a previous resident who is incontinent and the mattresses smell. The dog in the home wet on a bed and the manager told a resident to just spray it with cleaner and put a towel on the mattress to absorb the urine.

On March 30, 2021 I conducted an unannounced on-site inspection. I asked staff JJ Byler if he was aware that the dog had urinated on one of the resident's mattresses. He said he did know about this incident. Mr. Byler brought me to the room where this happened. Upon entering the bedroom I was hit with a very pungent smell of urine. After lifting the bedding and inspecting the mattress, I did observe a large stain on the mattress. I advised Mr. Byler that this mattress needed to be thrown out and obtain a new one for this resident. He stated that would not be a problem since there are extra mattresses located in storage on the property. While in this room I saw another bed and observed the condition of that mattress and box springs to be in very poor shape. I advised Mr. Byler that he should replace both beds in that room. I did not observe any other beds to be in such poor condition.

APPLICABLE RULE	
R 400.14410	Bedroom furnishings.
	(5) A licensee shall provide a resident with a bed that is not less than 36 inches wide and not less than 72 inches long. The foundation shall be clean, in good condition, and provide adequate support. The mattress shall be clean, comfortable, in good condition, well protected, and not less than 5 inches thick or 4 inches thick if made of synthetic materials. The use of a water bed is not prohibited by this rule.
ANALYSIS:	During my unannounced inspection staff Byler acknowledged that he was aware that his dog had urinated on a resident's bed. He showed me the mattress in the bedroom to the right of the living area which had visible stains and tremendous odor of

	urine. The other mattress in the room was also found to be dirty and in a dilapidated condition.
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDINGS: Residents are given dinner at 4:00 pm and breakfast at 7:00 am.

INVESTIGATION: During my inspection on March 30, 2021 it was brought to my attention that residents are given dinner at 4:00 pm and breakfast at 7:00 am, making it 15 hours between meals.

On March 30, 2021 during a conversation with Licensee Ryan Boutell, he confirmed that meal times are breakfast at 7:00 am, lunch at 11:00 am and dinner at 4:00 pm.

APPLICABLE RULE	
R 400.14313	Resident nutrition.
	A licensee shall provide a minimum of 3 regular, nutritious meals daily. Meals shall be of proper form, consistency, and temperature. Not more than 14 hours shall elapse between the evening and morning meal.
ANALYSIS:	Residents are given dinner at 4:00 pm and breakfast at 7:00 am, which amounts to 15 hours between meals.
CONCLUSION:	VIOLATION ESTABLISHED

On March 30, 2021 I conducted an exit conference with Licensee Ryan Boutell. I explained the allegations and violations found. He agreed to send a Corrective Action Plan.

IV. RECOMMENDATION

Upon receiving an acceptable Corrective Action Plan, I recommend no change to the current license status.

 April 28, 2021

Rebecca Piccard
Licensing Consultant

Date

Approved By:



April 28, 2021

Jerry Hendrick
Area Manager

Date