



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

June 29, 2021

Ramchandra Mishra  
Kozy Komfort Battle Creek AFC LLC  
439 W Columbia Ave  
Battle Creek, MI 49015

RE: License #: AS130403443  
Investigation #: 2021A0577032  
Kozy Komfort Battle Creek AFC LLC

Dear Mr. Mishra:

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 cursive script that reads "Bridget Vermeesch".

Bridget Vermeesch, Licensing Consultant  
Bureau of Community and Health Systems  
1919 Parkland Drive  
Mt. Pleasant, MI 48858-8010  
(989) 948-0561

enclosure

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

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	AS130403443
<b>Investigation #:</b>	2021A0577032
<b>Complaint Receipt Date:</b>	05/18/2021
<b>Investigation Initiation Date:</b>	05/19/2021
<b>Report Due Date:</b>	07/17/2021
<b>Licensee Name:</b>	Kozy Komfort Battle Creek AFC LLC
<b>Licensee Address:</b>	261 Beachfield Dr Battle Creek, MI 49015
<b>Licensee Telephone #:</b>	(269) 359-5606
<b>Administrator:</b>	Midhi Mishra
<b>Licensee Designee:</b>	Ramchandra Mishra
<b>Name of Facility:</b>	Kozy Komfort Battle Creek AFC LLC
<b>Facility Address:</b>	261 Beachfield Dr Battle Creek, MI 49015
<b>Facility Telephone #:</b>	(269) 964-4580
<b>Original Issuance Date:</b>	11/17/2020
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	05/17/2021
<b>Expiration Date:</b>	05/16/2023
<b>Capacity:</b>	6
<b>Program Type:</b>	PHYSICALLY HANDICAPPED MENTALLY ILL AGED ALZHEIMERS

## II. ALLEGATION(S)

	<b>Violation Established?</b>
Licensee designee's minor children are administering resident's medications.	Yes
Residents are in care who require two-person assistance when transferring but there is only one direct care staff member working.	No
Direct care staff are rough with the residents when providing care.	No
Direct care staff are not properly trained in administering medications.	No
Owner's dog urinates and defecates on the facility floor and it is not cleaned up.	No

## III. METHODOLOGY

05/18/2021	Special Investigation Intake 2021A0577032
05/19/2021	Special Investigation Initiated - Telephone Interview with Complainant.
05/20/2021	Contact - Document Sent Email to Ram Mishra, LD requesting copies of resident's assessment plans, staff names-contacts, and training records.
05/21/2021	Contact - Document Received Documentation of assessment plans and medication trainings.
05/27/2021	Inspection Completed On-site Physical Plant inspection, interview with staff and residents.
05/27/2021	Inspection Completed-BCAL Sub. Compliance
06/01/2021	Exit Conference with Ramchandra Mishra, LD.

**ALLEGATION: Licensee designee's minor children are administering resident's medications.**

### **INVESTIGATION:**

On May 21, 2021, a complaint was received alleging that while Complainant was at the facility, a direct care staff members asked a 14-year-old minor male if he could

deliver medications to the resident's room at 4:00pm. Licensee designee Ramchandra Mishra, who is the minor child's parent, was at the facility when the incident occurred. Complainant stated the direct care staff said to the minor child, "your sister always does it." Complainant reported the sister is younger than the male minor child but both are underage and do not work at the facility.

On May 27, 2021, I conducted an unannounced onsite investigation and I interviewed Resident A, Resident B and Resident C. Resident A and Resident B both reported they have received their prescribed medications in a cup delivered to them by both of licensee designee Ramchandra's minor children. Resident C reported she does not believe she has received her medications from any minor children at the facility.

On May 27, 2021, I interviewed direct care staff Tancy Vosburg who reported she does not have anyone administer or deliver resident medication other than herself. Ms. Vosburg reported she works alone most of the time so has not witnessed any minor children, including those of licensee designee Ramchandra Mishra, administering medications to the residents. Ms. Vosburg reported she has not heard of this happening either.

On May 27, 2021, I received an email from Ramchandra Mishra, licensee designee (LD) stating, "my kids have been around Kozy for 4yrs now and are usually in their rooms. Even my daughter was there yesterday morning in her room. She is a smart kid, future doctor like her mom, but she does not do any medications. I am not sure what that was about. Kids are always around helping when we need help with cleaning, laundry, and organization, they are good with residents." Mr. Mishra reported he did speak with his employees, Ms. Mishra-Administrator and his daughter and they all reported his daughter does not administer or deliver any medications to residents. Mr. Mishra reported direct care staff will ask his minor child for assistance when employees cannot find something and the minor child also checks that things are "okay" on behalf of administrator Midhi Mishra. Mr. Mishra stated, "is it possible my daughter helped out without knowing, yes, so I have reminded her and everyone not to break any rules."

<b>APPLICABLE RULE</b>	
<b>R 400.14204</b>	<b>Direct care staff; qualifications and training.</b>
	<b>(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.</b>

<b>ANALYSIS:</b>	Based on the information gathered during the investigation, there was enough evidence found to support the allegation of Ramchandra Mishra minor children administering resident medications. Complainant witnessed the action happening while at the facility during a visit along with Resident A and Resident B reporting minor children have brought them their medications at times. The minor children cannot be direct care staff because they do not meet the age requirement of 18 years old and above.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**ALLEGATION: Residents are in care who require a two-person assistance when transferring but there is only one direct care staff member working.**

**INVESTIGATION:**

On May 18, 2021, a complaint was received alleging there is a resident who had a stroke and requires a two-person lift assistance when transferring but is only given one direct care staff member to assist her.

On May 18, 2021, I interviewed Complainant who stated, “[Resident B] is a 2 person assist when transferring and uses a Sit-to-Stand to assist with transferring but some of the direct care staff will transfer [Resident B] by themselves.” Complainant stated, “I feel this is unsafe for [Resident B]” and direct care staff should use the Sit-to-Stand to prevent falls.

On May 20, 2021, I contacted Ramchandra Mishra, LD and requested copies of the resident *Assessment Plans for AFC Residents* and all medical documentation regarding the current residents in care needing a two person assistance when transferring. Mr. Mishra wrote back reporting the facility currently has three residents in care and none of these residents in care require a two person assistance when transferring or for any reason.

On May 21, 2021, I received copies of the *Assessment Plans for AFC Residents* for the three residents in care. Resident A’s *Assessment Plans for AFC Residents* was completed on January 05, 2021, documenting Resident A uses a walker for mobility. Resident B’s *Assessment Plans for AFC Residents* was completed on February 1, 2021, documenting Resident A uses a Sit-to-Stand Lift and a wheelchair to assist with mobility due to having a recent stroke. Resident C’s *Assessment Plans for AFC Residents* was completed on February 02, 2021, documenting Resident C uses a walker and direct care staff assistance for mobility.

On May 27, 2021, during my onsite investigation, I interviewed DCS Tancy Vosburg who reported Resident B recently had a stroke and uses a Sit-to-Stand to assist

direct care staff members with transferring Resident B. Ms. Vosburg reported no resident in care requires two people to assist with mobility and transferring.

On May 27, 2021, I interviewed Resident A, Resident B, and Resident C who each reported none of them require two people to assist when transferring or when walking. Resident B reported she uses a Sit to Stand lift, but this requires assistance with one direct care staff member.

<b>APPLICABLE RULE</b>	
<b>R 400.14303</b>	<b>Resident care; licensee responsibilities.</b>
	<b>(2) A licensee shall provide supervision, protection, and personal care as defined in the act and as specified in the resident's written assessment plan.</b>
<b>ANALYSIS:</b>	Based on the information gathered during the investigation and per Resident A's, Resident B's, and Resident C's <i>Assessment Plans for AFC Residents</i> none of the residents require two-person assistance when transferring or for mobility. Resident B does have a Sit-to-Stand to assist direct care staff when transferring Resident B which requires one direct care staff member to assist.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION: Direct care staff are rough with the residents when providing care.**

**INVESTIGATION:**

The complaint received on May 18, 2021, reported concerns regarding the quality of care that is provided to the residents. Residents have complained of direct care staff being rough with them.

On May 27, 2021, during the onsite investigation, DCS Tancy Vosburg reported Resident A and Resident C have reported in the past about two direct care staff who no longer work at the facility being rough when providing care. Ms. Vosburg reported she personally has not witnessed any direct care staff being rough with residents. Ms. Vosburg reported she works by herself most of the time unless she is training new staff.

On May 27, 2021, I interviewed Resident A, Resident B and Resident C regarding direct care staff being rough. Resident A reported there were a couple of direct care staff who were rough but they no longer work at the facility. Resident A reported they would say, "here take your medication, get dresses, and yank shirts on when assisting." Resident B reported no direct care staff are rough, but then stated,

“they no longer work here anyway.” Resident C reported direct care staff are good, but sometimes have attitudes, are in a rush, which makes them be rough when providing care. Resident C reported most of the direct care staff who are rough no longer work. Resident A, Resident B, and Resident C each clarified that the current direct care staff employed are good staff, provide good care and are nice to the residents.

<b>APPLICABLE RULE</b>	
<b>R400.14305</b>	<b>Resident Protection.</b>
	<b>(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.</b>
<b>ANALYSIS:</b>	Based on the information provided during the investigation, Resident A, Resident B and Resident C reported there were some direct care staff who were rough when providing care, but these staff are no longer working at the facility. Resident A, Resident B, and Resident C reported the current staff employed provide good care and are not rough when providing care. It has been found the residents are treated with dignity and his or her personal needs, including protection and safety are attended to at all times.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION: Direct care staff are not properly trained in administering medications.**

**INVESTIGATION:**

The complaint received on May 18, 2021, alleged direct care staff members were not properly trained on administering medications. The complaint stated there may be some questionable practices involving medication at the facility.



On May 18, 2021, I interviewed Complainant who stated she was supposed to be trained on passing medication by Tancy Vosburg, the facility manager. Complainant said she was taken to the medication cabinet and told to pass medication and no one stood over her to make sure she knew what she was doing. Complainant reported she has former AFC experience so she knows how to pass medication but felt like she should have been trained on how to pass medication at this facility. Complainant stated medications are pre-set on the kitchen counter for residents to take with breakfast. Complainant stated Resident A has a bubble sheet with written changes on it and she does not believe the changes have been authorized by Resident A's doctor. Complainant stated, "the medications at the facility are screwed up" but was not able to specify how they are "screwed" up.

On May 20, 2021, I requested copies of training records for direct care staff from Ramchandra Mishra, LD who provided me with a list of current direct care staff members and copies of their medication administration training records. Mr. Mishra reported they currently have seven direct care staff employed who have been trained in passing medications and four new hires who have not been trained in passing medications. The documents provided by Mr. Mishra, LD are *Medication Administration and Documentation Performance Test and Medication Administration and Documentation Written Test* for the seven direct care staff currently passing medications.

On May 27, 2021, I interviewed DCS Tancy Vosburg who reported she was a direct care staff at a previous facility prior to working at her current position so has been trained in passing medications at both jobs. Ms. Vosburg reported all direct care staff are provided training regarding the passing of medications at the facility. While at the facility on May 27, 2021, I completed a full medication reconciliation of the three residents in care and did not find any errors, missing medications, or areas of concern.

<b>APPLICABLE RULE</b>	
<b>R 400.14312</b>	<b>Resident medications.</b>
	<b>(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: (a) Be trained in the proper handling and administration of medication.</b>

<b>ANALYSIS:</b>	Based on the information gathered during the investigation, licensee designee Mr. Ramchandra Mishra has seven direct care staff and provided documentation of medication administration training records for the seven employees. There was insufficient evidence found to support the allegations of direct care staff not being properly trained in handling and administering the medications for residents.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION: Licensee designee Ramchandra Mishra’s dog urinates and defecates on the facility floor and it is not cleaned up.**

**INVESTIGATION:**

The complaint received on May 18, 2021, reported there is a dog at the facility who urinated and defecated inside the facility.

On May 18, 2021, Complainant reported she heard Nidhi Mishra, Administrator telling her son to clean up urine and feces at the front door as the dog had an “accident.” Complainant stated, “I did not see the feces but I assume the son cleaned up the feces and urine immediately.” Complainant stated this has never happened before and she has not observed urine and or feces throughout the facility.

On May 27, 2021, I completed an onsite investigation and during my investigation I completed a physical plant inspection and found the facility to be clean, orderly, and flooring in good condition with no physical evidence of dog feces or urine on the flooring or odors of feces or urine in the facility. I interview DCS Tancy Vosburg who reported the owners of the facility have dog Astro who is at the facility most of the time. Mr. Vosburg reported Astro does not urinate or defecate on the floor. Ms. Vosburg reported if Astro is sick and has an accident, licensee designee’s Mr. Mishra’s children clean it up immediately.

On May 27, 2021, I interviewed Resident A, Resident B, and Resident C who all denied the allegations of any dog urinating and defecating on the facility floor and it not being cleaned up. Resident A, Resident B, and Resident C reported they have not ever seen dog urine or feces on the floor in the facility.

<b>APPLICABLE RULE</b>	
<b>R 400.14403</b>	<b>Maintenance of premises.</b>
	<b>(2) Home furnishings and housekeeping standards shall present a comfortable, clean, and orderly appearance.</b>

<b>ANALYSIS:</b>	Based on the information gathered during the onsite inspection, the facility was found to be comfortable, clean, and orderly in appearance. I did not find any evidence of dog feces or urine in the facility; the facility flooring was in good condition and there were no odors in the facility.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**IV. RECOMMENDATION**

Upon the receipt of an acceptable corrective action plan, it is recommended that the current status of the license remains unchanged.

*Bridget Vermeesch*

06/07/2021

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Bridget Vermeesch  
Licensing Consultant

Date

Approved By:

*Dawn Timm*

06/29/2021

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Dawn N. Timm  
Area Manager

Date