



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

September 7, 2021

Teresa Fowler  
Vineyard Assisted Living, LLC  
14420 S. Helmer Rd.  
Battle Creek, MI 49015

RE: License #: AH390391941  
Investigation #: 2021A1028040  
Vineyard Assisted Living

Dear Ms. Fowler:

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 (616) 356-0100.

Sincerely,  
Julie Viviano, Licensing Staff  
Bureau of Community and Health Systems  
Unit 13, 7th Floor  
350 Ottawa, N.W.  
Grand Rapids, MI 49503  
Cell (616) 204-4300

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

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	AH390391941
<b>Investigation #:</b>	2021A1028040
<b>Complaint Receipt Date:</b>	08/19/2021
<b>Investigation Initiation Date:</b>	08/19/2021
<b>Report Due Date:</b>	09/18/2021
<b>Licensee Name:</b>	Vineyard Assisted Living, LLC
<b>Licensee Address:</b>	8170 Vineyard Parkway Kalamazoo, MI 49009
<b>Licensee Telephone #:</b>	(269) 775-0001
<b>Administrator and Authorized Representative:</b>	Teresa Fowler
<b>Name of Facility:</b>	Vineyard Assisted Living
<b>Facility Address:</b>	8170 Vineyard Parkway Kalamazoo, MI 49009
<b>Facility Telephone #:</b>	(269) 775-0001
<b>Original Issuance Date:</b>	10/31/2018
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	04/30/2021
<b>Expiration Date:</b>	04/29/2022
<b>Capacity:</b>	70
<b>Program Type:</b>	AGED

## II. ALLEGATION(S)

	<b>Violation Established?</b>
Inspection of new construction revealed residents living in building without licensing approval.	Yes

## III. METHODOLOGY

08/19/2021	Special Investigation Intake 2021A1028040
08/19/2021	Special Investigation Initiated - Letter 2021A1028040
08/19/2021	APS Referral APS referral emailed to Centralized Intake
08/17/2021	On-site Inspection completed
08/17/2021	Contact – Face to Face Interviewed Authorized Representative/Administrator, Terri Fowler at the facility
08/24/2021	Contact – Telephone call made Interviewed facility owner Scott Ganton by telephone
09/07/2021	Exit Interview

### **ALLEGATION:**

**Inspection of new construction revealed residents living in building without licensing approval.**

### **INVESTIGATION:**

On 8/19/21, the Bureau open the special investigation based on an on-site inspection.

On 8/19/21, I emailed an Adult Protective Services (APS) referral to Centralized Intake.

On 8/17/21, I completed an on-site inspection of the new construction at the request of Terri Fowler and Scott Ganton. The inspection was to determine if the facility's new construction met the applicable licensing guidelines to meet the facility request to increase occupancy. During the inspection, it was noted two residents were already living in a shared apartment and six residents were living in the single apartments in the new construction, prior to my inspection and prior to licensing approval.

I interviewed administrator Terri Fowler at the facility. Ms. Fowler reported the eight residents moved into the new construction on 7/23. Ms. Fowler reported "Scott [Ganton] made the executive decision to move the residents in on 7/23".

On 8/24/21, I interviewed facility owner Scott Ganton by telephone. Mr. Ganton reported that he made the executive decision to move residents into the new construction of the facility on 7/23, prior to licensing completing an inspection and prior to licensing approval. Mr. Ganton reported he made the decision from a business point of view and that families were waiting to move in their loved ones at that time.

On 8/23/21, I reviewed the facility documentation and communication of the request to increase occupancy which revealed the following:

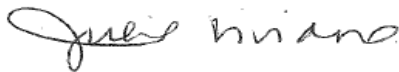
- On 7/12, per email communication, Ms. Fowler requested an inspection from the licensing department of the new construction to increase occupancy by 15. Ms. Fowler requested the inspection be made before 7/23 due to the "*plan is to open on July 23, 2021.*" HFES was scheduled to conduct their inspection of the new construction on 7/13 and the BFS was scheduled to conduct their inspection of the new construction on 7/19. In a return email on 7/12, I informed Ms. Fowler that my inspection could not be completed until HFES and BFS completed their inspections first and until approvals were provided first by those departments.
- Also on 7/12, when reviewing items for the requested occupancy increase, it was noted that the facility never submitted an application to the licensing department to request an increase in occupancy. I emailed Ms. Fowler, Mr. Ganton and Mr. Scott Ganton to inquire about their application, with Ms. Fowler replying via email that she was "*unable to locate the form we would use to request an increase in facility beds. Can you provide me with the form number?*" I subsequently sent Ms. Fowler, Mr. Ganton, and Mr. Seth Ganton the application form to complete. The application was completed and returned by Ms. Fowler to the licensing department on 7/12.

- On 7/20, I received a voicemail from Ms. Fowler stating that HFES and BFS had completed their inspections and that the facility was given approval by both departments.
- The licensing department reached out to HFES about the occupancy increase and approvals via email because the licensing department did not have any communication or documentation at that time about the facility receiving approval from HFES and BFS. Mr. Austin Webster of HFES replied that the HFES report was in progress, but his department was still *“waiting on local electrical and building finals as well as BFS final approval”*. Mr. Webster stated in the return email that the *“salon also did not have a negative pressure relationship with respect to the corridor that I am not sure is fixed yet. I emailed Scott this morning and have not heard back. Once all of that is resolved, I will send you the required paperwork as soon as possible.”*
- I emailed Ms. Fowler, Mr. Ganton, and Mr. Seth Ganton to inform them that HFES and BFS were still working on their reports and once I had their approval reports, I would contact them to schedule an on-site inspection.
- Mr. Ganton then sent a separate email to HFES, BFS, and the department stating *“Thank you team Lansing for your professionalism and assistance in getting this new wing open. We literally have families this week from out of town, hoping to move their loved ones in asap. Whatever you can do to help us in that goal would be greatly appreciated! Thank you for your passion and interest in allowing us the privilege of providing the best that Assisted Living can be. We remain committed to our residents and families.”*
- On 7/29, Ms. Fowler sent me an email inquiring to see if the department had received the necessary approvals for the inspection.
- I replied via email to Ms. Fowler, Mr. Ganton, and Mr. Seth Ganton that the HFES and BFS approval reports are still in progress and once my department receives them, I would schedule the on-site inspection immediately.
- On 8/13, the department received the final approval reports from HFES and BFS and subsequently scheduled an inspection with Ms. Fowler, Mr. Ganton, and Mr. Seth Ganton to be completed on 8/17.

<b>APPLICABLE RULE</b>	
<b>R 325.1917</b>	<b>Compliance with other laws, codes, and ordinances.</b>
	<b>(1) A home shall comply with all applicable laws and shall furnish such evidence as the director shall require to show compliance with all local laws, codes, and ordinances.</b>
<b>ANALYSIS:</b>	<p>An on-site inspection by the department of the new facility construction was completed on 8/17/21 at the request of Scott Ganton and Terri Fowler to increase occupancy by 15.</p> <p>Upon inspection, it was noted eight residents were already living in the new construction. Ms. Fowler and Mr. Ganton reported the residents move in date was 7/23, prior to licensing inspection and approval of new construction.</p> <p>The facility did not comply with all applicable laws, codes, or ordinance. The facility did not have the approval of the licensing department prior to moving in eight residents on 7/23.</p>
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

#### IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, I recommend this license remain unchanged.

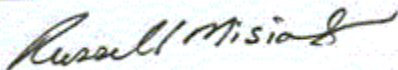


8/24/21

Julie Viviano  
Licensing Staff

Date

Approved By:



9/3/21

Russell B. Misiak  
Area Manager

Date