



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

October 1, 2021

Frances McKay  
7092 Johnson Rd  
Flushing, MI 48433

RE: License #: AF250001792  
Investigation #: 2021A0582039  
Frances McKay AFC Home

Dear Ms. McKay:

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. If I am not available, and you need to speak to someone immediately, please contact the local office at (517) 284-9727.

Sincerely,

A handwritten signature in cursive script that reads "Derrick L. Britton".

Derrick Britton, Licensing Consultant  
Bureau of Community and Health Systems  
611 W. Ottawa Street  
P.O. Box 30664  
Lansing, MI 48909  
(517) 284-9721

enclosure

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

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	AF250001792
<b>Investigation #:</b>	2021A0582039
<b>Complaint Receipt Date:</b>	08/12/2021
<b>Investigation Initiation Date:</b>	08/13/2021
<b>Report Due Date:</b>	10/11/2021
<b>Licensee Name:</b>	Frances McKay
<b>Licensee Address:</b>	7092 Johnson Rd Flushing, MI 48433
<b>Licensee Telephone #:</b>	(810) 659-1250
<b>Administrator:</b>	N/A
<b>Licensee:</b>	Frances McKay
<b>Name of Facility:</b>	Frances McKay AFC Home
<b>Facility Address:</b>	7092 Johnson Road Flushing, MI 48433
<b>Facility Telephone #:</b>	(810) 659-1250
<b>Original Issuance Date:</b>	04/25/1977
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	05/15/2021
<b>Expiration Date:</b>	05/14/2023
<b>Capacity:</b>	6
<b>Program Type:</b>	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED AGED

## II. ALLEGATIONS

	<b>Violation Established?</b>
Resident A had her phone taken away from her, and she is not allowed to use it.	No
Resident A's medications are running out, and she would be without medications on 08/17/2021 and 08/18/2021.	No
Licensee Frances McKay is leaving her granddaughter McKayla Vickers at home to watch the residents. McKayla Vickers is not cleared to work in the home with residents.	Yes
There are cameras in questionable locations in the home, such as in the bathroom.	Yes
Additional Finding	Yes

## III. METHODOLOGY

08/12/2021	Special Investigation Intake 2021A0582039
08/13/2021	Special Investigation Initiated - On Site
08/13/2021	Contact - Face to Face With Resident A
08/13/2021	Contact - Face to Face With Frances McKay, Licensee
09/22/2021	Inspection Completed On-site With Frances McKay, Licensee
09/22/2021	Contact - Telephone call made With Guardian B1
09/23/2021	Contact - Telephone call made With Relative C1
09/28/2021	Inspection Completed-BCAL Sub. Compliance
09/28/2021	Exit Conference With Frances McKay, Licensee

09/28/2021	Corrective Action Plan Requested and Due on 10/14/2021
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**ALLEGATION:**

**Resident A had her phone taken away from her, and she is not allowed to use it.**

**INVESTIGATION:**

I received this complaint on 08/12/2021. On 08/13/2021, I conducted an unannounced, onsite inspection at the facility. I interviewed Resident A, who stated that her phone, which was taken away, was given back to her. Resident A stated that she was locked out of the phone and could not use it. Resident A stated that she does not have a charger for the phone and does not know the phone number. Resident A stated that she will be getting a new phone. Resident A stated that she had access to a phone in the home that she could use.

On 08/13/2021, I interviewed Licensee Frances McKay. Ms. McKay stated that Resident A had a government phone but used up all the minutes. Ms. McKay stated that a case manager came out to meet with Resident A, and Ms. McKay tried to give the phone to the worker. Ms. McKay stated that the worker said she did not know what to do with the phone and did not want to be responsible for it. Ms. McKay stated that she kept the phone on her desk in the home, since Resident A could not use it. Ms. McKay stated that she did not know how to put minutes on the phone. Ms. McKay stated she gave the phone back to Resident A yesterday. Ms. McKay stated that she had no intent on not allowing Resident A to use the phone, since it could not be used. Ms. McKay stated that Resident A can use the house phone just like other residents.

<b>APPLICABLE RULE</b>	
<b>R 400.1409</b>	<b>Resident rights; licensee responsibility.</b>
	<p><b>(1) Upon a resident's admission to the home, the licensee shall inform and explain to the resident or the resident's designated representative all of the following resident rights:</b></p> <p><b>(e) The right of reasonable access to a telephone for private communications. A licensee may charge a resident for long distance telephone calls. A pay telephone shall not be considered as meeting this requirement.</b></p>

<b>ANALYSIS:</b>	Based on interviews with Resident A and Ms. McKay, Resident A had a cell phone that she was locked out of, did not have a charger, did not know the phone number, and the minutes on the phone were used up. Resident A was not denied the use of a telephone for private communications. Both Resident A and Ms. McKay stated that Resident A had access to a phone in the home for telephone calls.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION:**

**Resident A's medications are running out, and she would be without medications on 08/17/2021 and 08/18/2021.**

**INVESTIGATION:**

I received this complaint on 08/12/2021. On 08/13/2021, I conducted an unannounced, onsite inspection at the facility. I interviewed Resident A, who stated that she was about to run out of medications. Resident A stated that she takes Trazadone 300 mg for sleep, but was only give 200 mg.

I reviewed Resident A's medication for Trazadone and her Medication Administration Record (MAR). Resident A's prescription for Trazadone 100 MG documented instructions to "Take 1 to 3 tablets at bedtime to initiate sleep." I observed Resident A's other medications which were all available. Resident A's MAR was completed appropriately with no missed medications indicated.

I interviewed Licensee Frances McKay, who stated that for Resident A's Trazadone, she administered her two 100 mg pills at night. Ms. McKay stated that Resident A "threw a fit" about wanting a third pill, which was prescribed. Ms. McKay stated that she has previously administered two 100 mg pills to Resident A. Ms. McKay denied that Resident A had ever run out of medications.

<b>APPLICABLE RULE</b>	
<b>R 400.1418</b>	<b>Resident medications.</b>
	<b>(2) Medication shall be given pursuant to label instructions.</b>

<b>ANALYSIS:</b>	Based on my observations of Resident A's Medication Administration Record, Resident A's medications on hand, and interview with Ms. McKay, there was no indication that Resident A would be without medications.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION:**

**Licensee Frances McKay is leaving her granddaughter McKayla Vickers at home to watch the residents. McKayla Vickers is not cleared to work in the home with residents.**

**INVESTIGATION:**

I received this complaint on 08/12/2021. I reviewed the Bureau Information Tracking System (BITS), which documented that the license only has the roles of Licensee Frances McKay and Responsible Person Vicky DuVall listed. On 08/13/2021, I conducted an unannounced, onsite inspection at the facility. I interviewed Resident A, who stated that McKayla, who is the granddaughter of Licensee Frances McKay, works at the home. Resident A stated that she does not know if McKayla is cleared to provide care for residents.

On 08/13/2021, I interviewed Ms. McKay, who stated that her daughter Vicky DuVall and granddaughter McKayla Vickers both live and work in the home. Ms. McKay stated that McKayla Vickers is 20 years old. Ms. McKay stated that McKayla Vickers did not have a background clearance. I reviewed training documentation which was appropriate. I provided Ms. McKay with the AFC Licensing Information Request form to have Ms. Vickers completed. Ms. McKay stated that she would have Ms. Vickers complete fingerprinting as soon as possible.

On 09/22/2021 I conducted an unannounced, onsite inspection at the facility. I received documentation from Ms. McKay for the completed AFC Licensing Information Request for McKayla Vickers as Responsible Person and Angel Flores as Member of Household.

<b>APPLICABLE RULE</b>	
<b>MCL 400.734b</b>	<b>Employing or contracting with certain employees providing direct services to residents; prohibitions; criminal history check; exemptions; written consent and identification; conditional employment; use of criminal history record information; disclosure; failure to conduct criminal history check; automated fingerprint identification system database; report to legislature; costs; definitions.</b>
	<b>(2) Except as otherwise provided in this subsection or subsection (6), an adult foster care facility shall not employ or independently contract with an individual who has direct access to residents until the adult foster care facility or staffing agency has conducted a criminal history check in compliance with this section or has received criminal history record information in compliance with subsections (3) and (11). This subsection and subsection (1) do not apply to an individual who is employed by or under contract to an adult foster care facility before April 1, 2006. On or before April 1, 2011, an individual who is exempt under this subsection and who has not been the subject of a criminal history check conducted in compliance with this section shall provide the department of state police a set of fingerprints and the department of state police shall input those fingerprints into the automated fingerprint identification system database established under subsection (14). An individual who is exempt under this subsection is not limited to working within the adult foster care facility with which he or she is employed by or under independent contract with on April 1, 2006 but may transfer to another adult foster care facility, mental health facility, or covered health facility. If an individual who is exempt under this subsection is subsequently convicted of a crime or offense described under subsection (1)(a) to (g) or found to be the subject of a substantiated finding described under subsection (1)(i) or an order or disposition described under subsection (1)(h), or is found to have been convicted of a relevant crime described under 42 USC 1320a-7(a), he or she is no longer exempt and shall be terminated from employment or denied employment.</b>



<b>ANALYSIS:</b>	Based on my interview with Ms. McKay, review of BITS, and review of facility files, McKayla Vickers had not been fingerprinted, but was providing direct care to residents in the home.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**ALLEGATION:**

**There are cameras in questionable locations in the home, such as in the bathroom.**

**INVESTIGATION:**

I received this complaint on 08/12/2021. On 08/13/2021, I conducted an unannounced, onsite inspection at the facility. I interviewed Resident A, who was very overly suspicious of speaking with me near a door alarm camera outside of the home. We walked away from the door to speak in the backyard, and Resident A stated that Ms. McKay can hear everything residents say because cameras are all over the house.

On 08/13/2021, I interviewed Licensee Frances McKay, who stated that she has baby monitor in one of the bedrooms for Resident B and a camera in another bedroom for Resident C for safety reasons. Ms. McKay stated that she sleeps upstairs and monitors these residents in case of falls in the night. Ms. McKay stated that she has cameras in the living room, dining room, and kitchen area. Ms. McKay denied having cameras in the bathroom.

On 09/22/2021 I conducted an unannounced, onsite inspection at the facility and observed cameras in the living room area, dining room and kitchen. I observed Resident B's shared room, which had a baby monitor. I observed Resident C's shared room, which had a camera. Ms. McKay stated that the camera was only pointed at Resident C. I did not observe a camera in the bathroom.

On 09/22/2021 I interviewed Guardian B1, who stated that she was aware of the baby monitor being in Resident B's room and thought that it was appropriate for safety reasons. Guardian B1 stated that the home is one of the best homes she has been associated with since Resident B has been in care.

On 09/23/2021 I interviewed Relative C1, Power of Attorney for Resident C. Relative C1 stated that he was aware of a camera being in Resident C's room for safety concerns. Relative C1 stated that he has no concerns about Resident C's care in the home and Ms. McKay does a great job.

<b>APPLICABLE RULE</b>	
<b>R 400.1409</b>	<b>Resident rights; licensee responsibility.</b>
	<b>(1) Upon a resident's admission to the home, the licensee shall inform and explain to the resident or the resident's designated representative all of the following resident rights:</b> <b>(o) The right to be treated with consideration and respect, with due recognition of personal dignity, individuality, and the need for privacy.</b>
<b>ANALYSIS:</b>	Based on my observations and interviews with Ms. McKay, Guardian B1, and Relative C1, there is a baby monitor in the room of Resident B and a camera in the room of Resident C. Ms. McKay stated that the monitor and camera are used for safety precautions; Guardian B1 and Relative C1 reported that they were aware of the devices being used. However, Resident B and Resident C both share their respective rooms with other residents, which does not afford them privacy. There is no evidence to confirm that a camera is in the bathroom. There was no written agreement between the licensee and residents/guardians to have cameras in the common areas, nor written consent to have a baby monitor in Resident C's room.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**ADDITIONAL FINDINGS:**

**INVESTIGATION:**

On 08/13/2021, I conducted an unannounced, onsite inspection at the facility. I interviewed Frances McKay, Licensee. Ms. McKay stated that her grandson Angel Flores, who is 21 years old, lives in the home, but does not provide supervision and care for residents. Ms. McKay stated that Angel Flores had not had any background clearance. I provided Ms. McKay with the BCHS-100 AFC Licensing Information Request form to have Mr. Flores complete.

<b>APPLICABLE RULE</b>	
<b>R 400.1404</b>	<b>Licensee, responsible person, and member of the household; qualifications.</b>
	<b>(5) All responsible persons and members of the household shall be of good moral character and suitable temperament to assure the welfare of residents.</b>

<b>ANALYSIS:</b>	Based on interviews with Ms. McKay and review of BITS, Ms. McKay's grandson Angel Flores resides in the home. However, Mr. Flores had not been screened through Licensing.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

On 09/28/2021 I conducted an Exit Conference with Frances McKay, Licensee. Ms. McKay stated that fingerprinting for Ms. Vickers was completed. I informed Ms. McKay that she would need permission from the residents or their designated representatives in a written agreement in order to have cameras in the common area. Ms. McKay stated that she would be removing all cameras from the home.

**IV. RECOMMENDATION**

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




09/28/2021

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Derrick Britton  
Licensing Consultant

Date

Approved By:



10/01/2021

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Mary E Holton  
Area Manager

Date