



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

January 21, 2022

Patti Holland
801 W Geneva Dr.
Dewitt, MI 48820

RE: License #: AM330073582
Investigation #: 2022A0783013
Simken Adult Foster Care

Dear Patti Holland:

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 (517) 284-9730.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Herrguth".

Leslie Herrguth, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(517) 256-2181

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AM330073582
Investigation #:	2022A0783013
Complaint Receipt Date:	11/23/2021
Investigation Initiation Date:	11/24/2021
Report Due Date:	01/22/2022
Licensee Name:	Patti Holland
Administrator:	Patti Holland
Licensee Address:	801 W Geneva Dr. Dewitt, MI 48820
Licensee Telephone #:	(517) 669-8457
Name of Facility:	Simken Adult Foster Care
Facility Address:	3600 Simken Lansing, MI 48910
Facility Telephone #:	(517) 394-3058
Original Issuance Date:	03/12/1997
License Status:	REGULAR
Effective Date:	03/15/2020
Expiration Date:	03/14/2022
Capacity:	12
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL AGED

ALZHEIMERS

ALLEGATION(S)

	Violation Established?
Facility staff members brought an unauthorized visitor into the home to visit with Resident A.	Yes
Staff member Salina Morris did not properly supervise Resident A and a male visitor and Resident A was sexually assaulted at the facility.	No

II. METHODOLOGY

11/23/2021	Special Investigation Intake – 2022A0783013
11/24/2021	Special Investigation Initiated – Telephone call to Resident A
11/24/2021	Contact - Telephone call made to Resident A
11/29/2021	Contact - Telephone call made to assigned adult protective services (APS) investigator Talaina Cummins
12/03/2021	Contact - Telephone call made to direct care staff member Salina Morris
12/03/2021	Contact - Document Received – Resident A's written Assessment Plan for AFC Residents
12/06/2021	Contact - Telephone call made to direct care staff member Lilly Goodlow
01/13/2022	Contact - Telephone call made to direct care staff member Chastity Johnston
01/13/2022	Contact - Telephone call made to Guardian A1
01/13/2022	Contact - Telephone call made to Citizen 1's assigned public guardian
01/13/2022	Contact - Telephone call made to Sharon Farris
01/21/2022	Contact - Telephone call made to Citizen 1

01/21/2022	Exit Conference with Patti Holland
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ALLEGATION:

Facility staff members brought an unauthorized visitor into the home to visit with Resident A.

INVESTIGATION:

On November 23, 2021 I received a complaint via centralized intake that stated Resident A is a 21 year old who is cognitively impaired and has a guardian. The complaint stated Resident A has been talking to Citizen 1 over the phone and on or about November 20, 2021 staff member Lilly Goodlow transported Citizen 1 to the facility to visit Resident A.

On November 24, 2021 I spoke to Resident A who said staff member Lilly Goodlow went to the adult foster care home where Citizen 1 resides and brought him to Simken Adult Foster Care to visit with Resident A. Resident A said when the visit was over, direct care staff member Chastity Johnston drove Citizen 1 back to the facility where he resided. Resident A said she requested staff members bring Citizen 1 to the facility to visit with her which was discussed with her case manager but not her guardian.

On November 24, 2021 and December 21, 2021 I spoke to Liesel Reinke who is Resident A's case manager and therapist through Community Mental Health. Ms. Reinke said a staff member at the facility asked if Resident A was "allowed" to have visitors and Ms. Reinke told them Resident A can have visitors at the facility. Ms. Reinke denied that she knew anything about Citizen 1 coming to visit Resident A. Ms. Reinke said she completed Resident A's written *Assessment Plan for AFC Residents* when Resident A moved into the facility and marked "yes" on the form indicating Resident A can have visitors. Ms. Reinke acknowledged that she specified only Resident A's parents would visit her at the facility.

On December 3, 2021 I interviewed direct care staff member Salina Morris who stated she spoke to Ms. Reinke who told her it would be a violation of Resident A's resident rights to decline to go pick up Citizen 1 and bring him to the facility to visit with Resident A. Ms. Morris said on November 20, 2021 direct care staff member Lilly Goodlow went to the facility where Citizen 1 resides and brought him back to Simken Adult Foster Care to visit with Resident A at the facility. Ms. Morris denied that she discussed the visit with Guardian A1. Ms. Morris stated the visit occurred for approximately five hours.

On December 6, 2021 I spoke to direct care staff member Lilly Goodlow who said on or about November 20, 2021 she drove to the adult foster care facility where Resident A resides and brought him back to Simken Adult Foster Care to visit with

Resident A. Ms. Goodlow said it was her understanding that the visit was arranged between Resident A, staff member Salina Morris, and Ms. Reinke.

On January 13, 2022 I spoke to direct care staff member Chastity Johnston who said she transported Resident A from Simken Adult Foster Care to the facility where he resides after he visited with Resident A on or about November 20, 2021. Ms. Johnston did not know anything about how the visit was arranged.

On January 13, 2022 I spoke to Guardian A1 who said Resident A's written *Assessment Plan for AFC Residents* which was completed when Resident A moved into the home approximately 6 months ago stated only Guardian A1 or Relative A1 are to visit with Resident A at the facility. Guardian A1 denied that she received a telephone call nor anything in writing requesting permission for Resident A to visit with Citizen 1 at the facility. Guardian A1 stated she would not have authorized the visit without safety precautions in place, which were not in place when Citizen 1 came to Simken Adult Foster Care to visit with Resident A.

On December 3, 2021 I reviewed Resident A's written Assessment Plan for AFC Residents which was dated June 25, 2021 and was signed by Resident A and case manager Liesel Reinke. The written assessment plan was not signed by Guardian A1 nor the licensee. The document indicated that Ms. Reinke and Guardian A1 completed the written assessment plan. The "family and friends" portion of the assessment which assesses visitors for residents stated "yes" and specified Guardian A1 and Relative A1.

APPLICABLE RULE	
R 400.14303	Resident Care; licensee responsibilities
	(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
ANALYSIS:	Based on statements from Resident A, Ms. Reinke, Ms. Morris, Ms. Goodlow, Ms. Johnston, and Guardian A1 along with written documentation in Resident A's resident record I concluded that Resident A's written <i>Assessment Plan for AFC Residents</i> indicated Guardian A1 and Relative A1 would be the only family and friends to visit Resident A at the facility. Staff member Salina Morris arranged for Citizen 1 to come to Simken Adult Foster Care via transportation provided by Simken Adult Foster Care staff members without discussing the visit with Guardian A1 nor seeking an update to the written assessment plan.
CONCLUSION:	VIOLATION ESTABLISHED

ALLEGATION:

Staff member Salina Morris did not properly supervise Resident A and a male visitor and Resident A was sexually assaulted at the facility.

INVESTIGATION:

On November 23, 2021 I received a complaint via centralized intake that stated Citizen 1 and Resident A were not supervised properly by staff member Salina Morris when the two went into Resident A's bedroom and Citizen 1 tried to kiss Resident A while she said no. The complaint stated Citizen 1 undressed himself and Resident A undressed as Resident A continued to tell him no, and Resident A thinks they had sex. The complaint stated staff at the facility knew what happened but did not tell Guardian A1 nor was Resident A taken to the hospital for evaluation.

On November 29, 2021 I spoke to assigned adult protective services investigator Talaina Cummins who said her investigation revealed that Resident A and Citizen 1 did not have sexual intercourse and she would not substantiate the abuse or neglect of Resident A. Ms. Cummins said the Lansing Police Department looked into the matter and did not move forward with prosecution and Resident A participated in a sexual assault nurse examiner evaluation which indicated Resident A did not have sexual intercourse.

On November 24, 2021 I spoke to Resident A who said she established a romantic relationship with Citizen 1 over the telephone and requested that staff member Salina Morris arrange for Citizen 1 to come to the facility and visit with Resident A. Resident A said when Citizen 1 came to the facility on November 20, 2021 the two went into her bedroom and "started kissing." Resident A said next Citizen 1 pulled her close and asked her for sex and then pulled down his pants and asked if he could pull Resident A's pants down while the two were standing up. Resident A said she did not answer Citizen 1 but the two of them then moved to the bed and Resident A "felt something touching [her] vagina." Resident A said she believed Citizen 1 inserted his penis into her vagina. Resident A said at no point during the encounter did she tell Citizen 1 "no" or anything else that would indicate Resident A was not a willing participant. Resident A said she felt "pressured" by Citizen 1 to engage in sexual activity with him, but she denied that she asked him to stop, called for a staff member, nor attempted to get away from Citizen 1. Resident A said she told Guardian A1 a few days later that she Citizen 1 "wanted sex," when he came to visit her at the facility and that she was "not hurt." Resident A said after the sexual encounter was over, she and Resident A watched a movie and played video games and Citizen 1 was taken home at the predetermined time and she did not request that staff members remove him from the home after the sexual encounter. Resident A said Citizen 1 sent her a text message later that night breaking off the relationship. Resident A said Ms. Morris and Ms. Goodlow looked in on Resident A several times during the visit but the bedroom door was not open all the way.

On December 3, 2021 I interviewed direct care staff member Salina Morris who stated she was working on November 20, 2021 when Citizen 1 came to Simken Adult Foster Care to visit Resident A. Ms. Morris said Resident A was at Simken Adult Foster Care for approximately five hours in total on November 20, 2021. Ms. Morris stated when Citizen 1 arrived at Simken Adult Foster Care he and Resident A went into Resident A's bedroom where the door was left cracked so the two could be monitored. Ms. Morris said she was looking into the bedroom every 15 minutes and each time Resident A and Citizen 1 were sitting up on the bed watching a movie. Ms. Morris stated she could also hear Resident A and Citizen 1 while they were in Resident A's bedroom with the door cracked. Ms. Morris said Resident A and Citizen 1 came into the common area for dinner between 5:00 pm and 6:00 pm and both appeared "happy" as they were laughing and interacting with other residents. Ms. Morris said after dinner Resident A and Citizen 1 returned to Resident A's bedroom. Ms. Morris said when it was time for Citizen 1 to return to his home, Resident A "insisted" on riding along to take him home. Ms. Morris said she is certain Resident A and Citizen 1 did not have intercourse because she could hear them the entire time Citizen 1 was there, and she made visual contact with them every 15 minutes. Ms. Morris said every time she entered the bedroom Resident A and Citizen 1 were fully clothed, had no physical contact, and were sitting up on the bed. Ms. Morris said after Resident A returned from dropping off Citizen 1, Resident A received a text message from Citizen 1 saying he was in love with another girl and Resident A became very upset. Ms. Morris said Resident A told her that she and Citizen 1 kissed and hugged one another and that they never had their clothing off. Ms. Morris said Resident A thought hugging and kissing were the same as sex, and Resident A told her she had sex. Ms. Morris said after questioning Resident A she determined that she and Citizen 1 did not have sex. Ms. Morris said Resident A never mentioned that she felt pressured or forced to hug and kiss Citizen 1, but that she did state she thought Guardian A1 and Relative A1 would be "mad at" her. Ms. Morris said there were 11 other residents at home at the time of the visit and none of them reported hearing or seeing any indication that Resident A was assaulted by Citizen 1.

On December 6, 2021 I spoke to direct care staff member Lilly Goodlow who stated she worked at the facility until 6:00 pm on November 20, 2021 and that she transported Citizen 1 to Simken Adult Foster Care from his home. Ms. Goodlow said while the visit was occurring starting at 2:00 pm and until she left at 6:00 pm she and direct care staff member Salina Morris visually checked on Resident A and Citizen 1 every 15 minutes. Ms. Goodlow said Resident A and Citizen 1 were in Resident A's bedroom with the bedroom door open during the visit. Ms. Goodlow said in addition to visually monitoring Resident A and Citizen 1 she and Ms. Morris could hear Resident A and Citizen 1 in the bedroom. Ms. Goodlow said each time she looked in the bedroom Resident A and Citizen 1 were sitting across from one another on the bed. Ms. Goodlow said she never saw any physical contact between Resident A and Citizen 1. Ms. Goodlow described Citizen 1 as "nice and respectful." Ms. Goodlow said when she left at 6:00 pm Resident A and Citizen 1 were in the common area of the home eating, and both were "happy and smiling."

On January 13, 2022 I spoke to direct care staff member Chastity Johnston who said she came to the facility at approximately 8:00 pm on November 20, 2021 and transported Citizen 1 back to his home. Ms. Johnston said Resident A requested to ride along in the backseat with Citizen 1 while she took him to his home approximately five miles away. Ms. Johnston said Resident A and Citizen 1 kissed in the backseat and Resident A did not show any indication that she was uncomfortable with Citizen 1. Ms. Johnston said Resident A was “very much a willing participant.” Ms. Johnston described Citizen 1’s demeanor as “relaxed and normal.” Ms. Johnston said when they arrived at Citizen 1’s home, he and Resident A “kissed goodbye and said they would call each other.” Ms. Johnston denied that Resident A said anything to her about the two having sex nor that she felt pressured by Citizen 1 to engage in sexual activity with him.

On January 13, 2022 I spoke with Guardian A1 who said she was present when Resident A was evaluated by a sexual assault nurse examiner it was determined that she did not have sexual intercourse with Citizen 1. Guardian A1 said on approximately November 23, 2021 Resident A sent her a text message indicating that she and Citizen 1 had sexual intercourse at Simken Adult Foster Care when Citizen 1 was brought there for a visit. Guardian A1 said Resident A did not indicate she was sexually assaulted by Citizen 1, but since Resident A is guarded, she cannot consent to sex. Guardian A1 said she does not believe the staff members at Simken Adult Foster Care adequately supervised Resident A and Citizen 1 during the unauthorized visit on November 20, 2021.

On January 21, 2022 I spoke to Citizen 1 who stated he and Resident A had a consensual romantic relationship with Resident A and that Resident A asked him to have sexual intercourse with her before they ever met. Citizen 1 said he and Resident A “hugged and kissed” but that they did not have sexual intercourse. Citizen 1 said while he was at Simken Adult Foster Care he and Resident A were in Resident A’s bedroom watching a movie and “cuddling.” Citizen 1 said the bedroom door was open while he was on Resident A’s bedroom and staff members at Simken Adult Foster Care “checked in” with them regularly. Citizen 1 said Resident A asked him to have sexual intercourse with her, but he was “scared” because the staff members at the facility were supervising the visit. Citizen 1 said Resident A rode in the backseat with him when a staff member from Simken Adult Foster Care took him home and that they “cuddled” in the backseat. Citizen 1 said he did not sexually assault Resident A nor pressure her into engaging in sexual activity with him.

On January 13, 2022 I spoke with Citizen 1’s assigned public guardian who said Citizen 1 has no history of sexually acting out in any way. Citizen 1’s guardian said Citizen 1 graduated from public high school and has lived in several adult foster care homes and has never been accused of touching anyone in an inappropriate manner. Citizen 1’s guardian said Citizen 1 has no specific supervision requirements and that he goes into the community independently. Citizen 1’s guardian said she spoke to Citizen 1 regarding Resident A and Citizen 1 denied that he and Resident A had sexual intercourse nor that he pressured Resident A in any way into pulling their

pants down, which was all that happened. Citizen 1’s guardian pointed out that Resident A telephoned Citizen 1 on several occasions after November 20, 2021. Citizen 1’s guardian said Citizen 1 indicated staff members at Simken Adult Foster Care supervised the visit.

On January 13, 2022 I spoke to Sharon Farris who is a direct care staff member at the adult foster care facility where Resident A resides. Ms. Farris said Citizen 1 moves independently in the community and has no history of sexually acting out that she observed or was aware of. Ms. Farris said Citizen 1 had a consensual romantic relationship with Resident A who seemingly did not take it well when Citizen 1 ended the relationship. Ms. Farris said Citizen 1 had to “block” Resident A from telephoning him after the alleged incident on November 20, 2021 because Resident A “kept calling” Citizen 1.

On December 3, 2021 I received a copy of Resident A’s current written *Assessment Plan for AFC Residents* which did not indicate that Resident A has any specific supervision requirements while inside the adult foster care facility.

APPLICABLE RULE	
R 400.14305	Resident protection.
	(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.
ANALYSIS:	Based on statements from Ms. Cummins, Resident A, Ms. Morris, Ms. Goodlow, Ms. Johnston, Guardian A1, Citizen 1 and his public guardian as well as Ms. Farris there is lack of evidence to indicate that Resident A and Citizen 1 engaged in sexual intercourse on November 20, 2021 or that Resident A was assaulted by Citizen 1. There is lack of evidence to indicate a lack of supervision from facility staff members who by all accounts maintained constant auditory supervision and consistent visual monitoring.
CONCLUSION:	VIOLATION NOT ESTABLISHED

III. RECOMMENDATION

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

Leslie Herrguth

01/21/2022

Leslie Herrguth
Licensing Consultant

Date

Approved By:

Dawn Timm

01/21/2022

Dawn N. Timm
Area Manager

Date