



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

March 17, 2022

Laura Hatfield-Smith
ResCare Premier, Inc.
Suite 1A
6185 Tittabawassee
Saginaw, MI 48603

RE: License #:	AS250300908
Investigation #:	2022A0872020
	ResCare Premier Holly

Dear Ms. Hatfield-Smith:

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 (906) 226-4171.

Sincerely,

A handwritten signature in black ink that reads "Susan Hutchinson". The signature is written in a cursive, flowing style.

Susan Hutchinson, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(989) 293-5222

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS250300908
Investigation #:	2022A0872020
Complaint Receipt Date:	01/31/2022
Investigation Initiation Date:	01/31/2022
Report Due Date:	04/01/2022
Licensee Name:	ResCare Premier, Inc.
Licensee Address:	9901 Linn Station Road Louisville, KY 40223
Licensee Telephone #:	(989) 791-7174
Administrator:	Laura Hatfield-Smith
Licensee Designee:	Laura Hatfield-Smith
Name of Facility:	ResCare Premier Holly
Facility Address:	4242 W Baldwin Road Grand Blanc, MI 48439
Facility Telephone #:	(810) 655-0354
Original Issuance Date:	05/27/2009
License Status:	REGULAR
Effective Date:	02/03/2022
Expiration Date:	02/02/2024
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL TRAUMATICALLY BRAIN INJURED

II. ALLEGATION(S)

	Violation Established?
Resident A has Covid-19. Staff was supposed to pick up Resident A's medications on 1/28/22 but they could not because they did not have the \$10 copay.	Yes
Resident A is not receiving his spending money as he is supposed to.	Yes

III. METHODOLOGY

01/31/2022	Special Investigation Intake 2022A0872020
01/31/2022	Special Investigation Initiated - Letter I emailed the licensee designee, Laura Hatfield-Smith about this complaint
01/31/2022	Contact - Telephone call received I interviewed the licensee designee, Laura Hatfield-Smith
02/02/2022	Inspection Completed On-site Virtual via FaceTime
02/04/2022	Contact - Document Received Email received from Guardian A1
03/08/2022	Contact - Document Sent I emailed the LD and home manager, Ellen Porter requesting information related to this complaint
03/08/2022	APS Referral I made an APS complaint via email
03/08/2022	Contact - Telephone call received I received a call from Ms. Hatfield-Smith
03/14/2022	Contact - Document Sent I exchanged emails with Guardian A1
03/14/2022	Contact - Telephone call made I left a voicemail message for Payee A1

03/15/2022	Contact - Telephone call made I interviewed Resident A's payee
03/17/2022	Contact - Telephone call made I spoke to Guardian A1
03/17/2022	Inspection Completed-BCAL Sub. Compliance
03/17/2022	Exit Conference I conducted an exit conference with the licensee designee, Laura Smith, via telephone

ALLEGATIONS:

- **Resident A has Covid-19. Staff was supposed to pick up his medications on 1/28/22 but they could not because they did not have the \$10 copay.**
- **Resident A is not receiving his spending money as he is supposed to.**

INVESTIGATION: An onsite inspection was not conducted due to active Covid-19 cases at the facility.

On 1/31/22, I received a phone call from the licensee designee, Laura Hatfield-Smith. She confirmed that on Friday, 1/28/22 Resident A was diagnosed with Covid-19. According to Ms. Hatfield-Smith, the residents at ResCare Premier-Holly are very active in the community and several residents and staff have tested positive during the pandemic. I asked her if it is ResCare policy that staff is required to wear masks and she said yes. She said that she conducts unannounced inspections at ResCare Premier-Holly and every time she has done so, she has never found any of the staff to be unmasked. Ms. Hatfield-Smith said that the last time she was at this facility was on 1/17/22 and at that time, all staff were masked.

Ms. Hatfield-Smith said that Resident A has a payee, and he receives \$75 in spending money each month. He uses the facility's pharmacy and whenever there is a charge at the pharmacy, the pharmacy bills the payee directly. According to Ms. Hatfield-Smith, on 1/30/22 the home manager, Ellen Porter found out that Resident A's doctor had sent his prescription to a different pharmacy than the facility pharmacy. Therefore, on 1/30/22, staff went to pick up the prescription from the pharmacy but were told that Resident A had a \$10 copay. Resident A's personal spending account showed that he only had a balance of \$7 so staff did not pick up the medication.

Ms. Hatfield-Smith said that she was informed of the situation today, so she began looking into it and found that for the month of January 2022, Resident A's spending money was mistakenly put into another resident's account (both residents have the same last name.) Ms. Hatfield-Smith said that once she realized the error, she

contacted Resident A's payee and is in the process of having the \$75 put back in Resident A's account. In addition, staff went and picked up Resident A's prescription and the facility paid the copay.

On 02/02/22, I conducted a FaceTime interview with ResCare Premier-Holly's home manager, Ellen Porter and Resident A. Ms. Porter confirmed that ResCare policy states that all staff must wear masks in the facility unless they are eating. Ms. Porter told me that she works full time at this facility and staff is always masked. While Ms. Porter walked me through the facility, I observed several staff, and they were all wearing masks.

According to Ms. Porter, on 01/19/22, Resident A was tested for Covid-19. On 01/21/22 the facility received his results which were positive. Ms. Porter was told to call Resident A's doctor if he develops a cough so on 01/26/22, when she heard Resident A cough, she called his PCP, Dr. Scilanga. Ms. Porter said that Resident A's cough did not seem to trouble him, and it was not persistent, she simply called Dr. Scilanga because she was told to. On 01/28/22, Dr. Scilanga's secretary called to say that Dr. Scilanga was going to call in a script to the Meijer's pharmacy on Hill Rd. On 01/30/22, Guardian A1 emailed the facility to let them know that she had received a message from Meijer's letting her know that the prescription has been filled and is ready for pick up. Ms. Porter said that this is the first time the facility was notified that Resident A's prescription was ready. Later, on 01/30/22, staff went to Meijer's pharmacy to pick up Resident A's prescription. Resident A had two prescriptions ready for pick up. There was a \$10 copay for the cough medicine and staff did not have a means of payment, so staff only picked up the other prescription. On 01/31/22, staff picked up the medication and began administering it to him per bottle instructions. On 02/01/22, staff found out the instructions on the bottle did not match the doctor's order, so they held the medication until they received the correct dosing instructions from the doctor.

I asked Ms. Porter about Resident A's spending money. She said that Resident A gets a check for \$75 per month and it usually comes in the middle of the month. Ms. Porter said when the check comes in, she cashes it and gives the money directly to Resident A minus the check cashing fee. Ms. Porter said in the beginning of January 2022, requested Resident A's spending money but was told that he only had \$7 in his account. She said that she kept waiting for the money, but it did not come so she finally found out that Resident A's spending money had accidentally been put into another resident's account. Ms. Porter said once ResCare discovered the issue, they rectified the problem and told her that his money would be sent.

I interviewed Resident A via FaceTime while he was sitting in a chair in his room. I asked him if staff administers his medications and he said yes. I asked him if staff wears masks when interacting with him and he said yes. I asked Resident A about his spending money, and he said he does not know anything about that, but he has not received his spending money "in a long time." Resident A appeared to be clean and dressed appropriate during this interview.

On 02/04/22, I received an email from Guardian A1. According to Guardian A1, Resident A has not received his spending money for January or February 2022. She said that at the beginning of each month, Resident A's payee sends the facility his rent and spending money. The facility then gives Resident A his spending money in cash. According to Guardian A1, when she asked staff about Resident A's spending money, she was told that they have a computer issue, but she is concerned because the facility has been having problems with Resident A's spending money for months.

On 03/08/22, I emailed Ms. Porter and Ms. Hatfield-Smith and asked them to email me paperwork related to this complaint.

On 03/08/22, I spoke to Ms. Hatfield-Smith via telephone. Ms. Hatfield-Smith said that Resident A's personal funds situation has been sorted out and Resident A was given his spending money for January and February 2022. According to Ms. Hatfield-Smith, at the first of every month, Resident A's payee sends ResCare's corporate office a check for Resident A's rent and spending money. The money is deposited into an account and the business manager puts in a request for the \$75 spending money. Once the approval is received, a check is mailed to the facility in the name of the home manager. Once the home manager receives the check, she cashes it and then gives the money to Resident A. Ms. Hatfield-Smith said that it usually takes up to two weeks for Resident A to receive his spending money because of this process but he does receive his spending money every month.

On 3/14/22, I exchanged emails with Guardian A1. According to Guardian A1, Resident A has not yet received his spending money for the month of March 2022. She said that it is her understanding that his payee sends his spending money at the same time she sends his rent check. She has asked Resident A if he would use a debit card, but he said he prefers to have cash.

I reviewed Resident A's Personal Funds from October 2021 through February 2022. According to the form, Resident A did not receive his personal funds for October and November 2021 until 12/13/21. He received his personal funds for January and February 2022 on 02/09/22.

I reviewed Resident A's medication logs for January and February 2022. According to the log, Resident A began taking 200mg of Molnupiravir on 1/31/22 at 10pm. He took this medication two times per day for five days.

Resident A's medication log indicated that he was prescribed 100 mg of Benzonatate to take up to three times per day "as needed for cough." Resident A was administered this medication for the first time on February 4, 2022, at 8pm. I reviewed a copy of the original prescription dated 1/27/22 at 11:13pm. According to the prescription, Resident A is prescribed 100 mg capsule of Benzonatate "three times a day as needed for cough."

On 3/15/22, I interviewed Resident A’s representative payee, Kathy Ostby, via telephone. Ms. Ostby said that Resident A receives two checks each month—one from SSI and one from SSDI. She must wait for both checks to come in before she is able to send his money, so she mails his rent and personal funds check on the 3rd of each month to ResCare Premier in Saginaw, MI. It is her understanding that once the Saginaw office of ResCare receives the money, they mail the personal funds check to the facility in Grand Blanc. Ms. Ostby said that she was told that Resident A ends up getting his spending money around the middle of the month. According to Ms. Ostby, currently Resident A receives \$75 in spending money each month. Ms. Ostby confirmed that she was told that a few months ago, Resident A’s money was mistakenly put into another resident’s account, and he did not receive his spending money for that month until the next month. Ms. Ostby said that to her knowledge, this is the only time there has been an error regarding Resident A’s money.

On 3/17/22, I spoke to Guardian A1 via telephone. I discussed the results of my investigation and explained the process for Resident A to receive his spending money. I suggested that if Resident A wants a specific date when he receives his money, he needs to reconsider agreeing to a debit card so the money can be deposited directly. I also explained that ResCare Premier has the right to refuse to handle Resident A’s spending money.

On 3/17/22, I conducted an exit conference with the licensee designee, Laura Hatfield-Smith via telephone. I discussed the results of my investigation and told her which rule violations I am substantiating. I suggested to Ms. Hatfield-Smith that if ResCare cannot guarantee a date Resident A receives his spending money and if Resident A refuses to accept a debit card to alleviate this problem, ResCare may want to consider not handling Resident A’s spending money anymore. Ms. Hatfield-Smith agreed to complete and submit a corrective action plan upon the receipt of my investigation report.

APPLICABLE RULE	
R 400.14310	Resident health care.
	(1) A licensee, with a resident's cooperation, shall follow the instructions and recommendations of a resident's physician or other health care professional with regard to such items as any of the following: (a) Medications.
ANALYSIS:	On 01/30/22, staff received notification that Resident A had prescriptions at the pharmacy that needed to be picked up. On 01/30/22, staff went to the pharmacy but did not pick up one of the medications (Benzonatate) because they did not have the \$10 copay. Staff ended up picking up this medication on 01/31/22 and Resident A was first administered it on 02/04/22.

	<p>According to Resident A's medication log and doctor's prescription, Resident A's doctor sent Resident A's prescriptions to the pharmacy on 01/27/22. According to Resident A's medication log, the home manager, Ellen Porter, and the licensee designee, Laura Hatfield-Smith the medication Benzonatate was not available to Resident A until 01/31/22.</p> <p>I conclude that there is sufficient evidence to substantiate this rule violation at this time.</p>
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14315	Handling of resident funds and valuables.
	(7) A resident shall have access to and use of personal funds that belong to him or her in reasonable amounts, including immediate access to not less than \$20.00 of his or her personal funds. A resident shall receive up to his or her full amount of personal funds at a time designated by the resident, but not more than 5 days after the request for the funds. Exceptions to this requirement shall be subject to the provisions of the resident's assessment plan and the plan of services.
ANALYSIS:	<p>According to the licensee designee, Laura Hatfield-Smith, Resident A's monthly spending money was accidentally put into another resident's account (same last name) for the month of January 2022.</p> <p>According to Guardian A1, Resident A's spending money has not been received consistently and he has had to wait over a month for it.</p> <p>According to Resident A's representative payee, Kathy Ostby a few months ago, Resident A did not receive his spending money for the month until the next month because his money was accidentally put into another resident's account.</p> <p>According to Resident A's personal Funds Part II form, Resident A did not receive his personal funds for October and November 2021 until 12/13/21. He received his personal funds for January and February 2022 on 02/09/22.</p>

	I conclude that there is sufficient evidence to substantiate this rule violation at this time.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

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

Susan Hutchinson

March 17, 2022

Susan Hutchinson Licensing Consultant	Date
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Approved By:

Mary Holton

March 17, 2022

Mary E Holton Area Manager	Date
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