



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

March 18, 2022

Leone Swanberg
5329 McCords
Alto, MI 49302

RE: License #: AM410008670
Investigation #: 2022A0467025
Swanberg AFC - Springwood

Dear Ms. Swanberg:

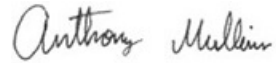
Attached is the Special Investigation Report for the above referenced facility. Due to the violation identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- How compliance with the rule will be achieved.
- Who is directly responsible for implementing the corrective action for the violation.
- Specific time frames for the 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 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) 356-0183.

Sincerely,

A handwritten signature in cursive script that reads "Anthony Mullins".

Anthony Mullins, Licensing Consultant
Bureau of Community and Health Systems
Unit 13, 7th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AM410008670
Investigation #:	2022A0467025
Complaint Receipt Date:	03/03/2022
Investigation Initiation Date:	03/03/2022
Report Due Date:	05/02/2022
Licensee Name:	Leone Swanberg
Licensee Address:	5329 McCords Alto, MI 49302
Licensee Telephone #:	(616) 893-6613
Administrator:	Ben Visel
Licensee Designee:	Leone Swanberg
Name of Facility:	Swanberg AFC - Springwood
Facility Address:	1158 Springwood Drive SE Kentwood, MI 49508-6055
Facility Telephone #:	(616) 532-0356
Original Issuance Date:	08/01/1979
License Status:	REGULAR
Effective Date:	10/15/2020
Expiration Date:	10/14/2022
Capacity:	12
Program Type:	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL AGED

II. ALLEGATION(S)

	Violation Established?
It is cold all throughout the home.	Yes

III. METHODOLOGY

03/03/2022	Special Investigation Intake 2022A0467025
03/03/2022	Special Investigation Initiated - Telephone
03/07/2022	Inspection Completed On-site
03/18/2022	I conducted an exit conference with licensee designee, Leone Swanberg

ALLEGATION: It is cold all throughout the home.

INVESTIGATION: On 3/3/22, I received a Recipient Rights complaint stating that it is cold all throughout the home and the owner has shut the heat off.

On 3/3/22, I commenced the investigation by speaking to the complainant. The complainant confirmed the allegation and stated that the administrator, Ben Visel reportedly controls the thermostat from his phone and the women in the home are having to sleep in their coats to stay warm.

On 3/3/22, I received a voicemail from an unknown resident at the home confirming that the home is cold. The unknown resident stated that some of the women in the home are sick and having to use cough medicine due to being cold. The unknown resident stated that the issue needs to be taken care of as soon as possible.

On 3/5/22, I received a voicemail from Resident A stating that her room is cold, there is no heat in her room at all and she had to turn her heated blanket up to the highest level.

On 3/7/22, I made an unannounced onsite investigation to the facility. Present with me was recipient rights officer, Melissa Gekeler from Network 180. Upon arrival to the home, live-in staff member Neva James allowed entry into the home and agreed to discuss the allegation.

Ms. James stated that the thermostat on the main floor of the home is for her area only. Ms. James stated that Mr. Visel texted her on 2/16/22 stating that he doesn't want the temperature past 72 degrees and he told her to find out whoever changed the temperature and tell them to stop. Ms. James showed me the thermostat, which indicated that the temperature was set at 72 degrees Fahrenheit. It should be noted that the thermostat was observed to have a locked cover over it, which Ms. James

stated was put in place by Ben Visel to prevent her from adjusting the temperature. Ms. James confirmed that Mr. Visel controls the thermostat from his phone. Ms. James stated that Mr. Visel covered the heat vents in the living room of the home approximately 3 to 4 weeks ago to push the heat to the basement. After doing so, the residents that sleep upstairs began to complain about their room being too cold as well. Mr. Visel reportedly covered the vents in the upstairs bedrooms as well but the residents removed them to help with the heat. Ms. James stated that this is a big house and this has been a chronic problem since she began working here in 2014.

Ms. James stated that Mr. Visel plans to have someone come out to the home to have a thermostat placed in the basement. She was unsure as to when exactly this will occur, but she believes it will be in a few weeks. Mr. Visel also reportedly stated that he was contacting the furnace company to see what they're able to do about this issue. Ms. James stated that ladies in the basement are having to sleep with their coats on due to being cold. She explained that the back room where Resident A and B sleep is the coldest. Ms. James stated that she had to take Resident C to the hospital this past Friday due to being sick from the cold basement. In addition to taking Resident C to the hospital on 3/4/22, Ms. James stated that she had to take other residents to the hospital on 2/28/22 due to suffering from colds and respiratory issues.

Ms. James stated that last night she checked the basement temperature with a portable thermostat and the temperature was 37 degrees Fahrenheit. Ms. James stated that she went into Resident B and C's room and she was shaking from being too cold. This led to Ms. James reportedly texting Mr. Visel about her concerns. Ms. James stated that Mr. Visel has a device behind a picture on the wall in the basement that reads the temperature and he stated the temperature was 60 degrees Fahrenheit as opposed to 37 degrees. Ms. James stated that she did not physically see a temperature reading of 60 degrees.

After speaking to Ms. James, Ms. Gekeler and I went to the basement to speak to Resident B. Immediately upon entering the basement, Ms. Gekeler and I could both feel the difference in the temperature. It was colder in the basement than it was on the main floor. Resident B stated that there have been issues with the heating in the home since she's been at the facility, which has not been long. Resident B stated that she has resided in nine different group homes in the past and she has never had an issue like this occur with the heat. Due to her room being so cold, Resident B stated that she has had to sleep in the downstairs living room on the couch approximately three times because it's warmer. Resident B denied sleeping in her coat but she did state that she has to sleep in her robe and double layers of clothing to help keep herself warm. Resident B stated that she expressed her concerns to Ms. James but she was unable to help as she couldn't turn the thermostat up because its locked.

After speaking to Resident B, Ms. Gekeler and I spoke to Resident C. Resident C stated that she has lived in the home for approximately 2-3 years. She has had her

room upstairs in the past and recently moved back to the basement approximately 1-2 months ago. Resident C stated that her room has been very cold and she had to go to the hospital due to having a cold last week and she is just now getting over it. Hospital staff reportedly told Resident C to try to stay warm. Resident C denied that she has ever slept in her coat or had to use double layers, but she did share that she has been sleeping in her robe to help stay warm. Resident C stated that she and her roommate don't get heat in their room. Resident C stated that she and her roommate don't like to sleep with their door open but they have to if they want to get heat in. Resident C has reportedly addressed this concern with Ms. James and was told to relay her concerns to her case manager, mother, and teacher. Resident C shared that her supports attempted to contact Mr. Visel to discuss this concern but he hasn't been answering his phone. Resident C stated that the vent in her room doesn't blow anything out. Resident C confirmed that she and her roommate have had to sleep in the basement living room because it's warmer than their room.

After speaking to Resident C, Ms. Gekeler and I spoke to Resident A. Resident A stated that her room is upstairs in the home and she is not used to the cold. Resident A stated that her last home was not this cold. Resident A stated that her heat vent was covered since last Tuesday. Resident A removed the vent cover to allow heat to enter her room and she still did not feel heat coming out of the vent. Resident A stated that she expressed her concern with Ms. James and she doesn't know what to say or do because Mr. Visel has the thermostat locked up and will complain if the temperature is changed. Resident A stated that Mr. Visel is controlling the temperature from his phone. Resident A stated she has never had to sleep with her coat on or wear double layers of clothing, but she has had to put two sheets on her bed to help stay warm.

After speaking to Resident A, Ms. Gekeler and I entered Resident B and C's room with their permission. I was able to place my hand on the vent that was attached to the ceiling. I was able to feel very little heat entering the room. Resident B and C had a 'Doqaus digital indoor thermometer' on their dresser, which indicated the room temperature was 68.5 degrees. Resident C stated that this is the warmest that the room has ever been, and it was previously between 30 and 40 degrees. It should be noted that I was able to check the vents outside of Resident B and C's room, as well as the vents in the basement living room and these vents pushed out significantly more heat than the bedroom.

Ms. Gekeler and I knocked on the other bedroom downstairs and briefly spoke with Residents D and E. This room was noticeably warmer than Resident B and C's room. Resident D and Resident E denied any concerns with the temperature of their room. Ms. Gekeler and I made our way to the top floor of the home and spoke to Resident F. Resident F denied any concerns related to her room temperature.

I then spoke to Resident G in her room. Resident G stated that her vents were covered, which led to her uncovering them to feel heat. After doing so, Resident G stated that she still could not feel heat in her room. There was a fan observed in use

in the room and Resident G stated that she uses it to circulate heat in her room. Resident G acknowledged that her room was warm during my inspection and added that she has had to wear her robe and a coat in the past to stay warm. After speaking to Resident G, Ms. Gekeler and I spoke to Resident H in her room. Resident H acknowledged that her room does get cold. However, she stated, "it ain't that bad. Maybe a little bit." Resident G stated that she has worn a robe to sleep to feel comfortable at times.

On 3/11/22, I received additional information via email regarding residents' concerns related to the cold temperature in the home. The additional information listed concerns regarding the home temperature ranging between 50 and 65 degrees. The complainant stated that when the "state" was at the home, referring to me as the licensing consultant, the landlord reportedly adjusted the thermostat to increase the temperature to a comfortable range. The complainant added that when the "state" left the home, the landlord turned the heat back down. The complainant stated that the landlord controls the temperature directly from his phone. Residents have reportedly requested that the temperature be increased but the landlord refuses. The complainant state that residents have to wrap up in multiple blankets and layers in attempt to keep warm.

On 3/18/22, I spoke to the Ben Visel, administrator at the facility. I informed Mr. Visel of the investigation and asked him to provide input regarding the situation. Mr. Visel stated that when he was first notified of the temperature issue in the home, he went to the home and looked at the thermostat, which is in the living room of the live-in staff member, Ms. James. Mr. Visel stated that the thermostat was not operational, which led to him replacing it with a different one. Mr. Visel stated that the thermostat he installed worked better than the previous one, but it was still not performing the way he needed it to. Mr. Visel stated that having one thermostat in the home made it difficult to heat the home. Due to this, Mr. Visel added another a thermostat in the home that can communicate the temperature in the home through an application on his phone. Mr. Visel stated that he reviewed the data on his phone this morning and the temperature in the main floor living room was 76 degrees Fahrenheit. The temperature in the hallway on the 2nd floor was 76 degrees Fahrenheit as well. The temperature in the basement common area was 71 degrees Fahrenheit.

I asked Mr. Visel if he was aware that residents were sent to the hospital due to having colds and respiratory issues related to the home being cold. Mr. Visel stated that this information was only relayed to him this past Tuesday (3/15/22) or Wednesday (3/16/22) as opposed to when he was first told about the cold temperatures in the home. Mr. Visel stated that he was told residents wanted to go to the doctor due to being cold, not that they went.

Mr. Visel denied any knowledge of residents having to sleep on the couch in the basement living room due to their room being too cold. He also denied any knowledge of residents having to wear coats, robes, and/or double layers of clothing in an attempt to stay warm. I asked Mr. Visel why the thermostat in the home is

locked. He stated that Ms. James or someone else in the home was turning the temperature down because it was getting too warm in their area. When the temperature was turned down, it would make it difficult to heat the basement. I explained to Mr. Visel that Ms. James made the opposite statement, referring to her desire and attempts to turn the heat up. Mr. Visel then added that the thermostat was being adjusted up and down, making it difficult to regulate the temperature throughout the home. Mr. Visel stated he did not want the thermostat adjusted to allow him to collect data in the home. Therefore, he locked the thermostat. The purpose of the locked thermostat was to get an accurate reading on the temperature, which led to him purchasing additional thermostats.

I explained to Mr. Visel that Ms. James informed me that she checked the basement temperature on the night of 3/6/22 and it was reportedly 37 degrees. Mr. Visel stated that he checked the records on his wireless thermometer, and it indicated that the basement was “60 something degrees,” not 37. Mr. Visel acknowledged that the back room in the basement was colder until he made improvements with the new thermostats he has in the home. Mr. Visel stated that he had a house meeting with residents this past Tuesday or Wednesday this week. The residents appeared to be satisfied after the meeting and he is not aware of any complaints since.

On 03/18/22, I conducted an exit conference with licensee designee, Leone Swanberg. She was informed of the investigative findings and stated that Mr. Visel will address the corrective action plan needed for this investigation.

APPLICABLE RULE	
R 400.14406	Room temperature.
	All resident-occupied rooms of a home shall be heated at a temperature range between 68 and 72 degrees Fahrenheit during non-sleeping hours. Precautions shall be taken to prevent prolonged resident exposure to stale, noncirculating air that is at a temperature of 90 degrees Fahrenheit or above. Variations from the requirements of this rule shall be based upon a resident's health care appraisal and shall be addressed in the resident's written assessment plan. The resident care agreement shall address the resident's preferences for variations from the temperatures and requirements specified in this rule.
ANALYSIS:	Resident A, B, C, G, and H all expressed concern regarding the temperature in their rooms and throughout the home. Resident B and C stated that they've had to sleep in the basement living room on the couch due to their bedroom being too cold. Resident B, C, G, and H stated that they've had to wear their robes, coat, or double layers of clothing in an attempt to stay

	<p>warm. Resident A stated that she had to put two sheets on her bed in attempt to stay warm.</p> <p>Live-in staff Neva James stated that she has expressed concern to the administrator, Ben Visel about the cold temperatures in the home, especially Resident B and C’s room in the basement. Ms. James stated that on 3/6/22, she checked the basement temperature with a portable thermostat and stated it was 37 degrees. On the same night, Ms. James went into Resident B and C’s room and it was so cold that it caused her to shake. Ms. James stated she is unable to adjust the thermostat due to it having a lock box cover and being controlled from Mr. Visel’s phone.</p> <p>I observed Resident B and C’s digital thermostat in their room and it showed the temperature to be 68.5 degrees. Resident C was adamant that on the day of the inspection, that was the warmest her room has ever been and it typically reads between 30-40 degrees.</p> <p>Mr. Visel acknowledged that the home was cold, especially the basement room prior to him adding a wireless thermometer. Mr. Visel acknowledged that at one point, the basement temperature was “60 something degrees” and that the back bedroom temperature was likely lower due to having windows.</p> <p>Based on the statements made by five of the home’s residents and Ms. James that the home and their rooms are cold, as well as Mr. Visel acknowledging an issue with the temperature prior to purchasing wireless thermometers, there is a preponderance of evidence to support the allegation.</p>
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

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

Anthony Mullins

03/18/2022

Anthony Mullins
Licensing Consultant

Date

Approved By:



03/18/2022

Jerry Hendrick
Area Manager

Date