



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

March 24, 2022

Kathryn Simpson
Progressive Lifestyles Inc
Suite 11A
6600 Highland Rd
Waterford, MI 48327

RE: License #: AS630296962
Investigation #: 2022A0605022
Bigelow CLF

Dear Mrs. Simpson:


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 (248) 975-5053.

Sincerely,

A handwritten signature in cursive script that reads "Frodet Dawisha". The signature is written in dark ink on a white background.

Frodet Dawisha, Licensing Consultant
Bureau of Community and Health Systems
3026 West Grand Blvd
Ste 9-100
Detroit, MI 48202
(248) 303-6348

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS630296962
Investigation #:	2022A0605022
Complaint Receipt Date:	02/07/2022
Investigation Initiation Date:	02/07/2022
Report Due Date:	04/08/2022
Licensee Name:	Progressive Lifestyles Inc
Licensee Address:	Suite 11A - 6600 Highland Rd Waterford, MI 48327
Licensee Telephone #:	(248) 666-1365
Administrator:	Jennifer Bohne
Licensee Designee:	Kathryn Simpson
Name of Facility:	Bigelow CLF
Facility Address:	10539 Bigelow Davisburg, MI 48350
Facility Telephone #:	(248) 620-8807
Original Issuance Date:	08/29/2008
License Status:	REGULAR
Effective Date:	01/30/2022
Expiration Date:	01/29/2024
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL

II. ALLEGATION(S)

	Violation Established?
Direct care staff (DCS) Aaron Benjamin worked with DCS Avery Bishop on 02/02/2022 at 4PM. Avery passed Resident A's medications and approximately 10 mins later, Avery was still dealing with meds. The next meds were not scheduled until 8PM. Aaron observed that Resident B's 8PM medications were already removed from packaging and all meds were in a Dixie cup except for two blue (Clonazepam 1MG Tab) pills were missing.	Yes

III. METHODOLOGY

02/07/2022	Special Investigation Intake 2022A0605022
02/07/2022	Special Investigation Initiated - Letter I referred this intake to Office of Recipient Rights (ORR) Kathleen Garcia.
02/07/2022	Contact - Document Received I received an email from ORR Kathleen Garcia stating she is investigating these allegations.
02/08/2022	Contact - Document Sent I emailed licensee Kathryn Simpson advising her that I will be conducting an on-site investigation on 02/09/2022 and will need to interview the home manager Matthew Howard, direct care staff (DCS) Avery Bishop and Aaron Benjamin. Ms. Simpson emailed back stating she will be reaching out to staff.
02/09/2022	Inspection Completed On-site I conducted an on-site investigation and interviewed the home manager Matthew Howard, assistant home manager Anthony Williams, DCS Avery Bishop and Aaron Benjamin and the director of Progressive Lifestyles Callen Fillio. I also reviewed Resident A's medications, medication logs and a simulated medication pass.

02/09/2022	Contact - Document Received I received an email from Aaron Benjamin with pictures of Resident A's blister pack medications and the cup the pills were in.
02/18/2022	Contact - Document Received I received an email from licensee Kathryn Simpson with DCS Avery Bishop's drug screen results.
03/03/2022	Exit Conference I conducted the exit conference with licensee Kathryn Simpson via telephone with my findings.

ALLEGATION:

Direct care staff (DCS) Aaron Benjamin worked with DCS Avery Bishop on 02/02/2022 at 4PM. Avery passed Resident A's medications and approximately 10 mins later, Avery was still dealing with meds. The next meds were not scheduled until 8PM. Aaron observed that Resident B's 8PM medications were already removed from packaging and all meds were in a Dixie cup except for 2 blue (Clonazepam 1MG Tab) pills were missing.

INVESTIGATION:

On 02/07/2022, intake #184965 was assigned for investigation after receiving an incident report (IR) regarding Resident A's Clonazepam pills were missing after DCS Avery Bishop popped out the pills from the blister pack at 4PM when this medication was not scheduled until 8PM.

On 02/07/2022, I made a referral to Office of Recipient Rights (ORR) worker Kathleen Garcia who stated that she will be investigating these allegations.

On 02/07/2022, I received an email from ORR Kathleen Garcia stating that she spoke with Callen Fillis, the Program Director of Progressive Lifestyles and was informed that DCS Avery Bishop had been sent for a drug screen.

On 02/08/2022, I emailed licensee designee Kathryn Simpson regarding the allegations and advised her that I would be conducting an on-site investigation on 02/09/2022 and will need DCS Avery Bishop and Aaron Benjamin present in addition to the home manager Matthew Howard.

On 02/09/2022, I conducted an on-site investigation at Bigelow CLF. The following individuals were interviewed, home manager Matthew Howard, DCS Avery Bishop and Aaron Benjamin, the assistant home manager Anthony Williams and the Program Director, Callen Fillio, and Resident A.

On 02/09/2022, I interviewed Resident A regarding the allegations. Resident A stated he knows both DCS Avery Bishop and Aaron Benjamin. Resident A stated that staff bring his medications to him in his bedroom and then stated, "I take it by myself." Resident A stated there are no concerns with his medications and no concerns when "Avery, gives me my pills." Resident A was unable to provide any further details.

On 02/09/2022, I interviewed the home manager Matthew Howard. Mr. Howard stated on 02/03/2022 he arrived at Bigelow CLF and DCS Aaron Benjamin and Avery Bishop were working. Mr. Bishop left his shift and Mr. Benjamin said to Mr. Howard, "I have to talk to you." Mr. Benjamin told Mr. Howard, "After the 4PM medications were passed by Mr. Bishop, I (Mr. Benjamin) went into the medication room and noticed that Resident A's 8PM medications were already popped and placed in Dixie Cup, but Resident A's blue pills (Clonazepam) were missing." Mr. Howard advised Mr. Benjamin to write a statement of what Mr. Benjamin observed. Mr. Howard then contacted the Program Director, Callen Fallis and advised her what happened. Ms. Fallis then called Mr. Benjamin and told Mr. Benjamin to write an IR, which Mr. Benjamin did. Mr. Howard stated that Mr. Benjamin should have contacted the on-call pager after Mr. Benjamin discovered that Resident A's Clonazepam pills were missing and not just call the assistant home manager Anthony Williams.

On 02/09/2022, I interviewed DCS Avery Bishop regarding the allegations. Mr. Bishop has worked for Progressive Lifestyles since 2017. He works Wednesdays 4:30PM-9:30AM and Saturdays 9AM-9PM. Mr. Bishop stated on 02/02/2022 around 7PM Mr. Benjamin was preparing dinner, so Mr. Bishop decided to prepare all the residents' medications. Mr. Bishop went into the medication room, popped each of the residents' medications individually and placed each residents' medications in their own Dixie cups with their names written on each cup. Mr. Bishop stated, "I popped Resident A's 8PM medications including the Clonazepam and placed all the 8PM pills in the Dixie cup and then placed the cup back into the cabinet and locked the cabinet." Afterwards, Mr. Bishop stated he assisted with the residents' having dinner, then assisted with the residents' pajama's and at 8PM, Mr. Bishop passed medications. Mr. Bishop stated he grabbed Resident A's Dixie cup, went into Resident A's bedroom and handed the Dixie cup to Resident A without confirming that all the 8PM pills were in the Dixie cup. Mr. Bishop then supervised Resident A take his medications. Mr. Bishop stated after Resident A took his medications, Mr. Bishop returned to the medication book and initialed the medication log. Mr. Bishop stated he then left to get dinner from McDonalds and was gone for about 10 minutes. When Mr. Bishop returned, Mr. Benjamin did not report anything to Mr. Bishop regarding Resident A's medications. The next day, Mr. Benjamin still did not report anything to Mr. Bishop. Mr. Bishop stated he had no idea about Resident A's missing Clonazepam until Ashley Jennings, the other licensee called him stating he needed to submit to a drug screen. Mr. Bishop stated he was "confused," about the drug screen because he did not know what happened for him to be sent for this drug screen, but he obliged and submitted to the drug screen. Mr. Bishop stated he did not take Resident A's Clonazepam and to his knowledge, the pills were in the Dixie cup when he handed the cup to Resident A, even though he did not confirm all the 8PM pills were in the cup. Mr. Bishop stated he completed medication training and should

have never popped the pills from the blister pack prior to passing medications and he did this to “save time.” Mr. Bishop stated this has never happened before and he knows Progressive Lifestyles policy regarding medication administration, but again he “just wanted to save time,” therefore, he popped the pills out before 8PM. Mr. Bishop stated he never saw Mr. Benjamin enter the medication room; therefore, he cannot say that Mr. Benjamin took the Clonazepam from the medication cabinet because Mr. Bishop never confirmed the Clonazepam was in the cup prior to Resident A taking his medications.

On 02/09/2022, I interviewed DCS Aaron Benjamin regarding the allegations. Mr. Benjamin has worked for Progressive Lifestyles since 06/26/2021. Mr. Benjamin also works Wednesdays 4:30PM-9:30AM and Saturdays 9AM-9PM. On 02/02/2022, Mr. Benjamin arrived at his shift and the assistant home manager Anthony Williams was present but then left around 4PM after Mr. Bishop passed medications. Around 4:07PM, Mr. Benjamin was in the kitchen and heard that Mr. Bishop was still in the medication room messing with the blister packs. Mr. Bishop was in there for about five minutes, then came out of the medication room and said he was going to McDonalds to get dinner. Around 4:15PM, Mr. Benjamin called the assistant home manager Anthony Williams advising Mr. Williams, “Avery already passed Resident B’s medications but was still in the medication room messing with the blister packs.” Mr. Williams told Mr. Benjamin while Mr. Williams was still on the phone to go into the medication room and check all the blister packs. Mr. Benjamin opened the medication cabinet and saw a Dixie cup sitting on Resident A’s medication basket. Mr. Benjamin looked in the Dixie cup and saw Resident A’s medications in the cup. Mr. Benjamin then pulled Resident A’s 8PM medications and verified what pills were in the cup. Mr. Benjamin told Mr. Williams that Mr. Bishop popped Resident A’s 8PM medications and put them in the cup, but that the “blue pills,” were missing. Mr. Benjamin stated the blue pills were the Clonazepam that were not in the Dixie cup but had been popped out of the blister pack for 02/02/2022. Mr. Williams told Mr. Benjamin to take a picture of the Dixie cup and then to take pictures of the blister packs, which Mr. Benjamin did. Mr. Benjamin emailed me the pictures he took on 02/02/2022 which were time stamped 4:36PM. Mr. Williams then instructed Mr. Benjamin to let the home manager Matthew Howard know what happened on 02/03/2022, which Mr. Benjamin did.

Mr. Benjamin stated that Mr. Bishop returned from McDonalds about 10-15 minutes later, but Mr. Benjamin did not tell Mr. Bishop that Resident A’s Clonazepam were missing. At 8PM, Mr. Bishop passed Resident A’s medications in Resident A’s bedroom. Mr. Benjamin stated the timeframe given by Mr. Bishop was incorrect as dinner is never prepared around 7PM, but usually around 5:30PM and on 02/02/2022, dinner had not been prepared yet. Mr. Benjamin stated he did not take the Clonazepam from Resident A’s Dixie cup or from the blister pack. Mr. Benjamin stated he did not mention what he observed to Mr. Bishop because, “I felt it was not in my place.” Mr. Benjamin stated Progressive Lifestyles policy is to pop medications at the time medication is to be administered and not before like Mr. Bishop did. Mr. Benjamin stated after Mr. Bishop returned from McDonalds, Mr. Bishop did not appear to be under the influence of any substance and was “acting normal.”

On 02/09/2022, I interviewed the assistant home manager Anthony Williams regarding the allegations. Mr. Williams has worked for Progressive Lifestyles for seven years. He works daily at Bigelow CLF. Mr. Williams worked on 02/02/2022 and left around 4PM after DCS Avery Bishop and Aaron Benjamin showed up for their shifts. Mr. Williams stated he received a call from Mr. Benjamin around 4:15PM stating that, "he (Mr. Benjamin) thinks Avery took some pills." Mr. Williams told Mr. Benjamin, "Go look and see if he did." While Mr. Williams was on the phone with Mr. Benjamin, Mr. Benjamin checked the residents' medications and told Mr. Williams, "He (Mr. Bishop) did take Resident A's blue pills." Mr. Williams told Mr. Benjamin to take pictures and to show these pictures to the home manager Matthew Howard tomorrow. Mr. Williams stated he has worked with Mr. Bishop and during their shift, there has never been any missing medications. Mr. Williams stated policy for medication administration is to pop out the pills from the blister pack at the time of passing medications and not before; therefore, Mr. Bishop did not follow policy. Mr. Williams stated he did not speak with Mr. Bishop regarding the missing medications and that there is no reason for him to suspect Aaron Benjamin of taking the pills. Mr. Williams denied seeing Mr. Bishop under the influence of any substance while on shift. Mr. Williams stated no other staff has complained to Mr. Williams about missing medications until 02/02/2022.

On 02/09/2022, I interviewed the Program Director Callen Fillio regarding the allegations. Ms. Fillio stated she was contacted by the home manager Matthew Howard on 02/03/2022 regarding what Mr. Benjamin discovered during his shift on 02/02/2022. Ms. Fillio sent Mr. Bishop for a drug screen and Mr. Bishop has been reprimanded and will be attending counseling. Ms. Fillio stated she provided Mr. Bishop with the substance abuse policy and will be in-serviced on medication administration. Ms. Fillio acknowledged that the incident was not properly handled by Mr. Benjamin and Mr. Williams as neither of them called the on-call pager immediately after discovering Resident A's missing medications. Ms. Fillio will be in-servicing both Mr. Benjamin and Mr. Williams regarding Progressive Lifestyles policy on reporting. Ms. Fillio will forward Mr. Bishop's drug screen results once they are available.

On 02/09/2022, I reviewed Resident A's medications and medication logs and the 8PM blister packs on 02/02/2022 were popped out including Resident A's Clonazepam. The medication log had the initials of Avery Bishop indicating he passed the medication to Resident A even though Mr. Bishop could not confirm if the medication Clonazepam was in the Dixie cup at the time, he administered the medications to Resident A. I reviewed Resident B's medications and medication logs and there were no errors.

On 02/09/2022, DCS Aaron Benjamin emailed me the pictures of Resident A's 8PM blister pack medications and a picture of the pills in the Dixie cup. I reviewed the pictures and in the Dixie cup there were the following pills: two long orange pills (Oxcarbazepine 500 TAB), one long peach capsule (Ziprasidone 50MG CAP) and one round white tablet (Melatonin 0.5MG). The two round blue pills (Clonazepam 1MG) were not observed in the Dixie cup, but I reviewed the blister pack for 8PM and the pills were popped out for 02/02/2022.

On 02/09/2022, I reviewed both DCS Aaron Benjamin and Avery Bishop's statements regarding the missing medication on 02/02/2022. Mr. Benjamin's statement is the following, "Mr. Benjamin worked on 02/02/2022 when Mr. Benjamin witnessed Mr. Bishop pass Resident B's medication. Approximately 10 minutes later, Mr. Benjamin could hear Mr. Bishop still dealing with medication. The next set of pills were not scheduled to be given until 8PM. Mr. Benjamin felt that something was off, so he called the assistant manager, Anthony Williams. Mr. Williams instructed Mr. Benjamin to check the medications. Upon checking, Mr. Benjamin observed Resident A's medications already removed from the packaging. All the medication was in a Dixie cup except two blue (Clonazepam 1MG Tab) pills were missing. Mr. Williams told Mr. Benjamin to take pictures of the medication and to let the house manager Matthew Howard know in the morning. On 02/03/2022, Mr. Benjamin informed Mr. Howard what happened. Mr. Howard told Mr. Benjamin he had to report this incident to the office and that Mr. Benjamin needed to write a statement."

Mr. Bishop's statement is the following: "Mr. Bishop worked on 02/02/2022, he was responsible for passing the medications to the guys. At around 7PM, Mr. Bishop set up the guy's medications and wrote their names on each cup and locked them in the medical cabinet. After the guys completed dinner and got changed into their pajamas, I passed their medications at 8PM. I passed their medications one individual at a time just assuming they (pills) were all there from 7PM when I set them up. At no time while working with my coworker Aaron, he did not express concerns or issues about missing medications."

On 02/18/2022, licensee Kathryn Simpson emailed me Avery Bishop's drug screen results. Mr. Bishop completed a drug screen at Michigan Urgent Care located in Waterford on 02/04/2022 and the results were negative for all drugs.

On 03/03/2022, I conducted the exit conference with licensee designee Kathryn Simpson with my findings. I expressed concerns regarding the assistant home manager Anthony Williams and DCS Aaron Benjamin not following Progressive Lifestyles policy regarding calling the on-call pager immediately after Mr. Benjamin discovered that Resident A's Clonazepam pills were missing. Ms. Simpson acknowledged and stated she will be completing an in-service with all staff regarding policy to report incidents such as medication errors to the on-call pager immediately to ensure residents are receiving their medications as prescribed. Ms. Simpson agreed to submit a corrective action plan and within the correction action plan, Ms. Simpson will be including the in-service regarding staff reporting issues/concerns to the on-call pager immediately.

APPLICABLE RULE	
R 400.14312	Resident medications.
	(1) Prescription medication, including dietary supplements, or individual special medical procedures shall be given, taken, or

	applied only as prescribed by a licensed physician or dentist. Prescription medication shall be kept in the original pharmacy-supplied container, which shall be labeled for the specified resident in accordance with the requirements of Act No. 368 of the Public Acts of 1978, as amended, being {333.1101 et seq. of the Michigan Compiled Laws, kept with the equipment to administer it in a locked cabinet or drawer, and refrigerated if required.
ANALYSIS:	Based on my investigation and the information gathered, DCS Avery Bishop did not keep Resident A's 8PM medications Oxcarbazepine 500 TAB, Ziprasidone 50MG CAP and Melatonin 0.5MG in their original blister pack. Mr. Bishop stated he popped these medications prior to the scheduled time and placed the pills in a Dixie cup and not in their original pharmacy packaging.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14312	Resident medications.
	(2) Medication shall be given, taken, or applied pursuant to label instructions.
ANALYSIS:	Based on my investigation and information gathered, Resident A did not receive his medication Clonazepam 1MG Tablet, take two tablets by mouth at bedtime as prescribed at 8PM on 02/02/2022. Mr. Bishop stated he popped the Clonazepam from the package prior to 8PM and placed the pills in a Dixie cup; however, DCS Aaron Bishop took a picture of the Dixie cup at 4:36PM on 02/02/2022 and the pills Clonazepam were not in the cup. In addition, Mr. Bishop stated he did not confirm at 8PM when he administered the medications to Resident A if the two round pills were in the cup.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14312	Resident medications.
	(6) A licensee shall take reasonable precautions to ensure that prescription medication is not used by a person other than the resident for whom the medication was prescribed.

ANALYSIS:	Based on my investigation and information gathered, Resident A's Clonazepam 1MG Tab went missing on 02/02/2022 and it is unknown who used this medication other than Resident A. DCS Avery Bishop popped the Clonazepam prior to the scheduled time of 8PM and stated he put all the pills including the Clonazepam in the Dixie cup; however, the Clonazepam pills went missing according to pictures taken by DCS Aaron Benjamin at 4:36PM. I observed the picture of the Dixie cup taken by Mr. Benjamin and there were no two round blue pills in the cup. I observed a picture of the blister pack for the Clonazepam and on 02/02/2022, the pills were popped out of the package. Mr. Bishop denied taking the Clonazepam, but Mr. Bishop did not confirm if the Clonazepam was in the cup prior to administering the medications to Resident A.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

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

Frodet Dawisha

03/07/2022

Frodet Dawisha
Licensing Consultant

Date

Approved By:

Denise Y. Nunn

03/24/2022

Denise Y. Nunn
Area Manager

Date