



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

June 14, 2022

James Hoerberling
A Ewing Country Estate AFC Inc.
10686 Wacousta Road
DeWitt, MI 48820

RE: License #: AM190391046
Investigation #: 2022A1029039
A Ewing Country Estate AFC, Inc.

Dear Mr. Hoerberling:

Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan was required. On June 7, 2022, you submitted an acceptable written corrective action plan.

It is expected that the corrective action plan be implemented within the specified time frames as outlined in the approved plan.

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 (231) 922-5309.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Browning".

Jennifer Browning, Licensing Consultant
Bureau of Community and Health Systems
Browningj1@michigan.gov - (989) 444-9614

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AM190391046
Investigation #:	2022A1029039
Complaint Receipt Date:	05/10/2022
Investigation Initiation Date:	05/12/2022
Report Due Date:	07/09/2022
Licensee Name:	A Ewing Country Estate AFC Inc.
Licensee Address:	10686 Wacousta Road DeWitt, MI 48820
Licensee Telephone #:	(810) 922-2938
Administrator:	James Hoerberling
Licensee Designee:	James Hoerberling
Name of Facility:	A Ewing Country Estate AFC, Inc.
Facility Address:	10686 Wacousta Road DeWitt, MI 48820
Facility Telephone #:	(517) 626-6763
Original Issuance Date:	01/08/2018
License Status:	REGULAR
Effective Date:	07/08/2020
Expiration Date:	07/07/2022
Capacity:	12
Program Type:	MENTALLY ILL AGED

II. ALLEGATION(S)

	Violation Established?
Direct care staff member Lindsay Rue worked at the facility during the month of May 2022 despite being excluded from employment in an adult foster care home via the Michigan Workforce Background Check system due to her criminal history.	Yes

III. METHODOLOGY

05/10/2022	Special Investigation Intake 2022A1029039
05/12/2022	Special Investigation Initiated - On Site with direct care staff members Lisa Boyer, Victoria Ramirez, and Resident A at Ewing Country Estate
05/12/2022	Contact - Telephone call received to James Hoeberling, Licensee designee
05/12/2022	Contact - Telephone call received from Julie Elkins, AFC Licensing consultant
05/16/2022	Contact - Document Received - Emailed documents received from James Hoeberling
06/02/2022	Contact - Telephone call made to Jennifer Novakoski, home manager
06/02/2022	Contact - Telephone call made to direct care staff member, Lindsay Rue
06/02/2022	Contact - Document Sent to James Hoeberling, Licensee designee
06/06/2022	Contact - Telephone call made to direct care staff member, Lindsay Rue. Left a message for her.
06/06/2022	Exit conference with Licensee designee James Hoeberling. Left a message for him and send him an email.

ALLEGATION:

Direct care staff member Lindsay Rue worked at the facility during the month of May 2022 despite being excluded from employment in an adult foster care home via the Michigan Workforce Background Check system due to her criminal history.

INVESTIGATION:

On May 10, 2022, a complaint was received via the BCHS online complaint system that there was an employee, Lindsay Rue, working in the adult foster care facility and she was wearing a tether due to her criminal history.

On May 12, 2022, I conducted an unannounced onsite investigation at A Ewing Country Estate AFC, Inc. I reviewed the direct care staff member schedules from February 14, 2022 to May 15, 2022, and a person named Lindsay Rue was not documented on the schedule. I reviewed the employee records for direct care staff members Mamie Pearce, Adam Pearce, Lisa Boyer, Victoria Ramirez, Wendy Keith, and Jennifer Novakoski. All of these employee records included an eligibility letter from Michigan Workforce Background Check stating they were eligible to work in an adult foster care home.

I interviewed direct care staff members Lisa Boyer and Victoria Ramirez who were working at the time of the onsite investigation. Both stated they were not familiar with a direct care staff member named Lindsay Rue. Both confirmed they were unaware if an employee at A Ewing Country Estate had a criminal history of was currently on probation. Ms. Boyer stated she has never observed an employee wearing a tether while they were at work.

On May 12, 2022, during the onsite investigation, Ms. Boyer called direct care staff member Jenny Novakoski, whose role is a home manager. Ms. Novakoski told Ms. Boyer that Ms. Rue applied to work at the facility but she did not pass the background clearance so she did not work at the facility.

On May 12, 2022, I interviewed Resident A who stated he has resided at the home for a few years and had a good experience with the staff. He said they work good together and always provide him what he needs. Resident A stated there was an employee named Lindsay Rue who worked the weekend prior and on May 11, 2022. Resident A stated Ms. Rue worked at the facility for "a while, left for a minute, and then came back. She was here about a month." Resident A stated she was a good staff member and real nice to him. Resident A stated he noticed that she had a tether on her while she was working the weekend prior.

I reviewed the employee record for Lindsay Rue. According to the records, Ms. Rue applied for employment on February 7, 2022 and had an appointment for her background check on February 10, 2022. Ms. Rue denied that she had a felony

conviction or had been convicted of a crime on her employee application. There was no eligibility letter from Michigan Workforce Background Check in her employee record.

On May 12, 2022, I received a phone call from adult foster care licensing consultant, Julie Elkins. Ms. Elkins stated she received an exclusion notice which she forwarded to Mr. Hoeberling on February 14, 2022, notifying him of Ms. Rue's inability to work in the adult foster care home. I reviewed the employment disqualification notice dated on February 14, 2022, from Michigan Workforce Background Check stating that Ms. Rue is not eligible to work in a job that involves direct access or provides direct services to a resident in an adult foster care facility before July 27, 2024.

On May 12, 2022, I spoke to James Hoeberling, licensee designee for A Ewing Estates. Mr. Hoeberling stated Ms. Rue applied in the past but came back as ineligible to work in an AFC facility. He stated there is a private duty home care company he oversees and sometimes when a potential employee comes back as ineligible but he believes the person would be a good staff, that person is offered a position in the private duty care business instead of the adult foster care facility. Mr. Hoeberling stated this was the case with Lindsay Rue. Mr. Hoeberling also stated direct care staff members are responsible for finding their own direct care staff member to cover if the direct care staff member is unable to work so they will utilize the private duty caregivers for coverage. Mr. Hoeberling stated one of these adult foster care employees called Ms. Rue to provide coverage from a list of phone numbers to contact for adult foster care coverage. Mr. Hoeberling did inform Ms. Rue that she cannot work at the adult foster care home any longer but can remain working for the private duty agency. Mr. Hoeberling stated he will update the listing for coverage call ins and take her off so she is not called in for coverage again. Mr. Hoeberling stated he will also notify the other direct care staff members that she cannot call her for coverage.

On May 16, 2022, I received an email from licensee designee, James Hoeberling with the new "Caregiver Sub List" attached and Ms. Rue's name was not included on the list. There is also a sign with the call list posted in the facility which states, "Attention Staff – Lindsay Rue CANNOT work in our AFC in any capacity. Please remove her name from your contacts. Thank you."

On June 2, 2022, I interviewed direct care staff member, Jennifer Novakoski who has worked there six years in the role as home manager. Ms. Novakoski stated the procedure when a new employee applies is to send them for a background check. She stated usually the results are back within one or two days. Ms. Novakoski stated she did not realize Ms. Rue's name was on the list employees could call if they needed someone to fill their shift in case of an emergency. Ms. Novakoski stated she was not sure how often Ms. Rue worked at the facility but she was not employed full time. Ms. Novakoski stated that sometimes Mr. Hoeberling will email her the background check eligibility letter and sometimes she will print them off so she is not sure why she did not see the eligibility letter for her to realize that Ms. Rue could not cover shifts.

APPLICABLE RULE	
MCL 400.734b	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.
	(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.

ANALYSIS:	Based on statements from Ms. Novakoski, licensee designee James Hoeberling, and Resident A along with written documentation maintained at the facility, Ms. Rue applied to work as a direct care staff member on February 7, 2022 and the exclusion notice was received by Mr. Hoeberling on February 14, 2022. The investigation revealed Ms. Rue had consistent and ongoing access to residents and their personal information as part of her employment as a substitute direct care staff member at A Ewing Country Estate AFC. Ms. Rue worked at the facility during the month of May 2022 despite being excluded from working in a job that involves direct access and provides services to residents in an adult foster care home until July 27, 2024, based on her criminal history.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

An acceptable corrective action plan was received; therefore, I recommend no change in the license status.

Jennifer Browning

Jennifer Browning
Licensing Consultant

06/07/2022

Date

Approved By:

Dawn Timm

06/14/2022

Dawn N. Timm
Area Manager

Date