



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

September 16, 2022

Simbarashe Chiduma  
Open Arms Link  
Suite 130  
8161 Executive Court  
Lansing, MI 48917

RE: License #: AM190409578  
Investigation #: 2022A1029053  
Open Arms Stoll

Dear Mr. Chiduma:

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 (231) 922-5309.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Browning". The script is cursive and fluid.

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**

<b>License #:</b>	AM190409578
<b>Investigation #:</b>	2022A1029053
<b>Complaint Receipt Date:</b>	08/01/2022
<b>Investigation Initiation Date:</b>	08/01/2022
<b>Report Due Date:</b>	09/30/2022
<b>Licensee Name:</b>	Open Arms Link
<b>Licensee Address:</b>	8161 Executive Court, Ste 130 Lansing, MI 48917
<b>Licensee Telephone #:</b>	(517) 483-4489
<b>Administrator:</b>	Simbarashe Chiduma
<b>Licensee Designee:</b>	Simbarashe Chiduma
<b>Name of Facility:</b>	Open Arms Stoll
<b>Facility Address:</b>	3285 W Stoll Rd, Ste. 130 Lansing, MI 48906
<b>Facility Telephone #:</b>	(517) 455-8300
<b>Original Issuance Date:</b>	08/25/2021
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	02/25/2022
<b>Expiration Date:</b>	02/24/2024
<b>Capacity:</b>	9
<b>Program Type:</b>	PHYSICALLY HANDICAPPED

	DEVELOPMENTALLY DISABLED MENTALLY ILL AGED
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ALLEGATION(S)

	<b>Violation Established?</b>
Resident A was supplied marijuana by direct care staff members at Open Arms Stoll.	Yes

**II. METHODOLOGY**

08/01/2022	Special Investigation Intake 2022A1029053
08/01/2022	Special Investigation Initiated – Email to complainant
08/02/2022	Contact - Document Received - Email received from Samantha Johnson
08/03/2022	Inspection Completed On-site – Face to face with Resident A, Resident B, Robin Bolling
08/09/2022	Contact - Telephone call made to Jada Moore, left a message, Interviewed Misael Saldivar and Ms. Johnson
08/11/2022	Contact - Telephone call made to licensee designee, Simbarashe Chiduma
08/15/2022	Contact – Telephone call from Samantha Johnson
09/08/2022	Referral - Recipient Rights to CEI CMH
09/08/2022	Contact - Document Sent emailed the DeWitt Township Police Department to request records
09/08/2022	Contact - Telephone calls made to interview Travon Rogers, DaVonte Vanatten, Samantha Johnson, Shawnee Santiago
09/12/2022	Contact - Document Received - documents were received from Simbarashe Chiduma and DeWitt Township Police Department.
09/15/2022	Contact - Telephone call to Relative A1, left a message.
09/15/2022	Exit conference with licensee designee Simbarashe Chiduma

## **ALLEGATION:**

**Resident A was supplied marijuana by direct care staff members at Open Arms Stoll.**

## **INVESTIGATION:**

On August 1, 2022, a complaint was received via a denied adult protective services referral from Centralized Intake. The complaint included concerns that Resident A was provided a marijuana pen to use by three direct care staff members at Open Arms Stoll. The three direct care staff members are no longer working at Open Arms Stoll.

On August 3, 2022, I completed an unannounced investigation at Open Arms Stoll and interviewed Resident B. Resident B stated Mr. Saldivar, Mr. Rogers, and Mr. VanAtten no longer work at Open Arms Stoll. Resident B stated she noticed a smell when the three of them worked at the facility because they would all stand outside near the parked van in the driveway. Resident B has never observed a resident using marijuana from a vape pen.

On August 3, 2022, I interviewed Resident A at Open Arms Stoll. Resident A stated she has resided at Open Arms Stoll for almost five years. She stated she is familiar with Mr. Saldivar, Mr. Rogers, and Mr. VanAtten because they are former employees. Resident B stated Mr. Saldivar was terminated from his position and the other two stopped working shortly after. Resident A stated when they were working at Open Arms Stoll they would let her use their marijuana vape pens while they were working. Resident A stated this occurred regularly and mostly during second shift. She stated all three of them would let her do this while they were on shift, but it was mostly Mr. Saldivar. Resident A stated she knew it was marijuana in it because Resident A “smoked pot when I was younger.” Resident A stated using marijuana helped her with heartburn, anxiety, and her back pain. Resident A stated when they stopped working at Open Arms Stoll and she did not have access to it regularly, it was hard because she was used to using it. Resident A stated, “I like pot and I am not sorry!” Resident A described herself as a nervous person and stated this helped to make her feel more relaxed. Resident A stated she was not a good judge of time so she was unable to recall a timeframe when she was able to use the vape pens from the three staff members.

On August 3, 2022, I interviewed operations manager, Robin Bolling at Open Arms Stoll. Ms. Bolling stated Resident A told her Relative A1 mailed her the vape pens but then admitted she said this because she did not want to get the direct care staff members in trouble for letting her “hit their weed pens.” Resident A asked about obtaining a medical marijuana card in the future because she feels that it has helped her. Ms. Bolling stated Mr. Saldivar was terminated from his position for “lack of performance and leadership” before these allegations came out and shortly after Mr. Rogers and Mr. VanAtten decided to leave their employment.

On August 9, 2022, I interviewed former assistant manager, Misael Saldivar. Mr. Saldivar stated he would have a regular vape pen while he was working but it did not have marijuana in it. He stated there were a few residents that would use a vape pen including Resident A. Mr. Saldivar stated Relative A1 would send vape pens in the mail for Resident A to use. Mr. Saldivar stated most of the residents would just smoke tobacco with regular cigarettes but when they used a vape pen they would also have regular tobacco in these. Mr. Sandival was not aware of anyone that has used marijuana while he was working or before they came to work and were under the influence. He stated he has never noticed Resident A to use marijuana. Mr. Saldivar stated Resident A did mention to him that she wanted to “smoke weed” and that she always used to but he did not provide marijuana to her. He has not had any concerns with Mr. Rogers or Mr. VanAtten providing marijuana to her. Mr. Saldivar denied he would provide a vape pen with marijuana or any other substance in it to any of the residents.

On August 9, 2022, I interviewed direct care staff member whose current role is home manager, Ms. Johnson. Ms. Johnson stated she contacted adult protective services and the Dewitt Township Police Department because she was very concerned it was offered and given to Resident A by direct care staff members. Mr. VanAtten and Mr. Saldivar are the former direct care staff members she stated gave her the vape pen with marijuana in it. The next day she stated that Mr. Rogers also offered her a vape marijuana pen because of her pain level. Ms. Johnson stated she will contact Resident A’s doctor and her psychiatrist to see if she is eligible for a medical marijuana card. Ms. Johnson stated this came out because she was on an outing with Resident A and when Resident A saw HomeGrown in South Lansing and mentioned she should stop and get some “weed.” Dewitt Township Police Department originally were not going to take a report but once she explained Resident A was a vulnerable adult given marijuana by a direct care staff member at an AFC facility, Officer Shellberg stated he was going to file the report and Ms. Johnson requested a forensic interview for Resident A.

On August 11, 2022, I contacted licensee designee, Simbarashe Chiduma. Mr. Chiduma stated he did not know direct care staff members offered a vape pen with marijuana to Resident A. Mr. Chiduma stated he would never allow this to occur in the home. Mr. Chiduma stated Resident A has an appointment to discuss a medical marijuana card with her primary provider. Mr. Chiduma stated Resident A is her own guardian and they will assist her in following the proper procedures.

On September 8, 2022, I interviewed former direct care staff member, Mr. Rogers. Mr. Rogers stated when he was working at Open Arms Stoll, he never observed the residents to be under the influence of any substances other than their medications. Mr. Rogers stated he does not recall any of the direct care staff members coming into work under the influence of substances (alcohol or marijuana). Mr. Rogers stated he assumes Open Arms has a policy against this because most workplaces do. Mr. Rogers stated Resident A stated she had a marijuana vape pen and her son sent it to her. Mr. Rogers stated he does not use marijuana at all and he never had one at the home to allow her to use. He has never noticed any of his coworkers having a

marijuana vape pen which they would allow Resident A to use while she was there. Resident A was in her room most of the time. Mr. Rogers does not know how often Resident A was under the influence of marijuana. Resident A never asked Mr. Rogers to get marijuana for her while he was working there.

On September 8, 2022, I interviewed former direct care staff member, Mr. VanAtten. Mr. VanAtten stated he has never observed any employees on the job using any substances while they were working. He has never been suspicious of any employees coming to work being under the influence of alcohol or marijuana. He said Resident A had a vape pen with marijuana cartridges that would be sent from her son when she would ask for him or he would bring them when visited her. Mr. VanAtten did not know how often he would send them but she would ask them to check the mail. Mr. VanAtten stated he smoked flavored electronic nicotine cigarettes called Breeze Pros and he would smoke those outside while he worked. While he was working there, he observed Resident A to be under the influence of marijuana. I asked how often and said "Everyday... I do not know." Mr. VanAtten stated there is a policy regarding direct care staff members not providing substances to the residents but if their guardians give it to them, they cannot say anything about it.

I reviewed Resident A's resident record. I reviewed Resident A's *Psychiatric Services Notes* from Community Mental Health updated July 12, 2021. According to the Treatment Plan, the only contact she has with Relative A1 is phone contact because he lives in Las Vegas and has significant physical and mental health issues. She has an extensive history of post-traumatic stress disorder, generalized anxiety disorder, and suicide attempts via overdose. Resident A had a history of polysubstance dependence per records but denied tobacco, alcohol, marijuana abuse. According to Resident A's *Assessment Plan for AFC Residents* dated 8/2/2021, it is documented that she does not smoke and that she does appropriately use alcohol and drugs.

On September 8, 2022, I interviewed direct care staff member Shawnee Santiago. Ms. Santiago stated that she was not informed of a policy regarding staff coming to work drunk or using marijuana. She has never observed staff coming to work under the influence. Ms. Santiago stated she has never seen anyone use a marijuana vape pen but one staff member did have a cigarette pen. Ms. Santiago has never observed Resident A used a weed pen or nicotine pen when she worked with her. Resident A has never asked her or another staff to obtain marijuana for her.

On September 8, 2022, I received a call from home manager, Ms. Johnson. Ms. Johnson stated a month ago Resident A did receive a package from Relative A1 with THC after this incident. Ms. Johnson stated Relative A1 has had some strokes, brain aneurysms, and medical concerns and would likely not be able to answer questions regarding the situation or recall when he sent her the vape pens in the mail. Ms. Johnson is also more comfortable with the fact the three direct care staff members are no longer working in the facility. Current staff are aware of the situation and have been reminded of the current policies regarding drug and alcohol abuse at the workplace and know to not provide substances to any residents.

I reviewed the Open Arms Stoll Employee Handbook. The handbook includes a policy regarding an Alcohol and Drug Free Workplace policy prohibiting any employee from operating a vehicle under the influence of alcohol or drugs, be in possession of alcohol or drugs, sell or distribute illegal drugs on or off the job, or work while under the influence of drugs or alcohol or with illegal drugs in one's system.

I reviewed Resident A's psychiatric evaluation completed by Dr. Schlacht from Community Mental Health on August 25, 2022 where Resident A discussed obtaining a medical marijuana card during her appointment. Resident A stated during the assessment "I have a problem – I like marijuana." The notes indicate potential risks, legalities, and current science was discussed during the appointment.

I reviewed the police report sent from DeWitt Township Police Department prepared by Officer Shellberg which indicated that on July 29, 2022, officers were dispatched to Open Arms Stoll for a complaint regarding former employees providing marijuana to a resident in the form of vape pens or pods. Officer Shellberg made contact with the home manager, Ms. Johnson who advised while on an outing she was asked about marijuana and then disclosed that she was able to get marijuana from the former staff members while they were on shift.

<b>APPLICABLE RULE</b>	
<b>R 400.14204</b>	<b>Direct care staff; qualifications and training.</b>
	<b>(2) Direct care staff shall possess all of the following qualifications:</b> <b>(a) Be suitable to meet the physical, emotional, intellectual, and social needs of each resident.</b> <b>(b) Be capable of appropriately handling emergency situations.</b>



<b>ANALYSIS:</b>	<p>Mr. VanAtten, Mr. Rogers, and Mr. Saldivar were not suitable to meet the physical, emotional, and social needs of Resident A while working at Open Arms Stoll and demonstrated this by providing marijuana vape pens to Resident A to use while they were working their shifts at Open Arms Stoll. They also were violating their employee policy of not having marijuana on the premises while they were working by having the marijuana vape pens on them while they were working their shifts.</p> <p>According to Resident A, she was provided marijuana vape pens to use from three former direct care staff members, Mr. VanAtten, Mr. Rogers, and Mr. Saldivar. Ms. Johnson, Ms. Bolling, and licensee designee Mr. Chiduma responded appropriately to this incident by contacting adult protective services, licensing, CMH case managers, and law enforcement. The three direct care staff members are no longer working at Open Arms Stoll. Resident A is in the process of obtaining a medical marijuana card through her providers.</p>
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**III. RECOMMENDATION**

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

*Jennifer Browning*

09/15/2022

Jennifer Browning  
Licensing Consultant

Date

Approved By:

*Dawn Timm*

09/16/2022

Dawn N. Timm  
Area Manager

Date