



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

September 15, 2022

Melissa Bentley
Bentley Manor Inc.
P.O. Box 460
Clio, MI 48420

RE: License #: AS250287277
Investigation #: 2022A0576046
Bentley Manor #9

Dear Ms. Bentley:

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.
- Indicate how continuing compliance will be maintained once compliance is achieved.
- Be signed and dated.

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 (517) 284-9730.

Sincerely,

A handwritten signature in cursive script that reads "C. Garza".

Christina Garza, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(810) 240-2478

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS250287277
Investigation #:	2022A0576046
Complaint Receipt Date:	07/19/2022
Investigation Initiation Date:	08/15/2022
Report Due Date:	09/17/2022
Licensee Name:	Bentley Manor Inc.
Licensee Address:	P.O. Box 460, Clio, MI 48420
Licensee Telephone #:	(810) 964-7167
Administrator:	Melissa Bentley
Licensee Designee:	Melissa Bentley
Name of Facility:	Bentley Manor #9
Facility Address:	4041 Barker St., Clio, MI 48420
Facility Telephone #:	(810) 564-3459
Original Issuance Date:	12/18/2006
License Status:	REGULAR
Effective Date:	05/08/2021
Expiration Date:	05/07/2023
Capacity:	6
Program Type:	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL AGED

II. ALLEGATION(S)

	Violation Established?
Staff, Kathy Panek makes fun of Resident A and says inappropriate things.	No
Residents are made to go on outings even if they do not want to go.	Yes
Medications are given at incorrect times.	No
Staff, Kevin Panek administers resident medications and is not trained.	No

III. METHODOLOGY

07/19/2022	Special Investigation Intake 2022A0576046
08/15/2022	Special Investigation Initiated - On Site Interviewed Home Manager, Kathy Panek
09/12/2022	Contact - Telephone call made Interviewed Case Manager, David Stachcko
09/12/2022	Contact - Telephone call made Interviewed Resident A
09/13/2022	Contact - Face to Face Interviewed Resident D, Resident B, and Resident C
09/15/2022	APS Made referral to Adult Protective Services (APS)
09/15/2022	Exit Conference Exit Conference conducted with Licensee Designee, Melissa Bentley

ALLEGATION:

It is alleged that staff, Kathy Panek makes fun of Resident A and says inappropriate things.

INVESTIGATION:

On August 15, 2022, I completed an unannounced on-site inspection at Bentley Manor #9 and interviewed live-in staff, Kathy Panek. Ms. Panek advised Resident A no longer lives at the home. Resident A resided at Bentley Manor #9 from April 29, 2022, through July 27, 2022. Ms. Panek denied saying inappropriate things to Resident A. Ms. Panek did not say mean things to Resident A or call him names. Ms. Panek discussed a time when Resident A shaved his eye brows off, and she laughed however she did not mean any harm to Resident A.

On September 12, 2022, I interviewed Resident A's Genesee Health System Case Manager, David Stachcko who reported he has been Resident A's case manager for 1 year. Mr. Stachcko advised he has 2 other residents who also live at the facility. Mr. Stachcko often visited Resident A in his home when he lived at Bentley Manor #9 and had no concerns regarding the home. According to Mr. Stachcko, "there is always something going on with Resident A" and Resident A said he wanted to get Bentley Manor #9 "shut down". Mr. Stachcko advised that Resident A is not always truthful and often makes up stories. Resident A wants to do what he wants and "likes to stir the pot". Regarding the allegations, Resident A said he had a recording of staff making inappropriate comments and yelling however Mr. Stachcko did not hear it. Mr. Stachcko never witnessed staff calling Resident A names or mistreating him in any manner. Mr. Stachcko denied any concerns for the time Resident A resided at Bentley Manor #9.

On September 12, 2022, I interviewed Resident A regarding the allegations. Resident A reported Staff, Kathy Panek was disrespectful toward him and threatened him when he lived at Bentley Manor #9. Ms. Panek made fun of Resident A, said he made no sense, and said Resident A had no rights. Resident A said he had a recording of Ms. Panek making inappropriate comments to him however he no longer has the recording. Resident A provided no further details regarding how Ms. Panek was disrespectful or threatening toward him.

On September 13, 2022, I interviewed Resident D regarding the allegations. Resident D has lived at Bentley Manor #9 since June 1, 2022. Resident D loves his home, and he believes it helps with his depression. Resident D denied anyone makes fun of him and the home is "not a bad place to live".

On September 13, 2022, I interviewed Resident B regarding the allegation, and he reported no one at the home makes fun of him or calls him names. Resident B reported he has a nickname however no one is calling him names to be mean. Resident B reported he feels safe at his home and denied being mistreated in any manner.

On September 13, 2022, I interviewed Resident C regarding the allegations. Resident C denied staff, or anyone mistreats him or picks on him. Resident C is not called names by staff, and he denied any concerns regarding his home.

APPLICABLE RULE	
R 400.14303	Resident care; licensee responsibilities.
	(1) Care and services that are provided to a resident by the home shall be designed to maintain and improve a resident's physical and intellectual functioning and independence. A licensee shall ensure that all interactions with residents promote and encourage cooperation, self-esteem, self-direction, independence, and normalization.
ANALYSIS:	<p>It was alleged that Staff, Kathy Panek made fun of Resident A and said inappropriate things to him. Upon conclusion of investigative interviews with staff and residents, there is not a preponderance of evidence to conclude a rule violation.</p> <p>Resident A reported Ms. Panek was disrespectful and threatening toward him however provided little detail. Resident A did report Ms. Panek said he made no sense. Ms. Panek denied intentionally causing any harm to Resident A and denied saying mean or inappropriate things to him. Resident D, Resident B, and Resident C denied being mistreated in any manner by staff and reported no concerns regarding their home. Resident A's Case Manager, David Stachcko denied any concerns with the home and advised Resident A is not always credible and said he wanted to get Bentley Manor #9 "shut down".</p> <p>There is not a preponderance of evidence to conclude that the interactions between staff and Resident A did not promote and encourage cooperation, self-esteem, or normalization.</p>
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION:

Residents are made to go on outings even if they do not want to go.

INVESTIGATION:

On August 15, 2022, I interviewed Kathy Panek regarding the allegations. Ms. Panek and her husband, Kevin Panek live in the home and no other staff work at the facility. Ms. Panek reported the home participates in many outings and she explains this to potential residents prior to them moving in. They often visit family members for various functions such as birthday parties and she takes the residents with her. Ms. Panek confirmed that residents have to go with her on outings or to run errands if she and her husband both decide to go and there is no other staff person at the home.

On September 12, 2022, I interviewed Resident A’s Case Manager, David Stachcko regarding the allegation and he denied any knowledge. Mr. Stachcko reported the facility often goes on outings to the store or bowling and the residents go. The home has a van for transporting residents.

On September 13, 2022, I interviewed Resident D regarding the allegation, and he reported there are times he would like to stay at home when they go on outings or run errands. However, Resident E realizes that no one is at the home to take care of him, so he understands he has to go.

On September 13, 2022, Resident B reported when there is a staff person at the home he can stay home when others go on outings or run errands. Resident B would like to stay home if someone were home however stated if he has to go, he has to go.

APPLICABLE RULE	
R 400.14304	Resident rights; licensee responsibilities.
	(1) Upon a resident's admission to the home, a licensee shall inform a resident or the resident's designated representative of, explain to the resident or the resident's designated representative, and provide to the resident or the resident's designated representative, a copy of all of the following resident rights: (m) The right to refuse treatment and services, including the taking of medication, and to be made aware of the consequences of that refusal.
ANALYSIS:	It was alleged that residents are made to attend outings. Upon conclusion of investigative interviews, there is a preponderance of evidence to conclude a rule violation.

	<p>Staff, Kathy Panek reported the home participates in many functions including many with her family. Ms. Panek confirmed residents have to go on outings if both she and her husband, Kevin Panek both decide to attend functions outside the home. Resident D and Resident B confirm that there are times they would like to stay home during outings however understand they must go as no staff will be at the home to provide them supervision.</p> <p>There is a preponderance of evidence to conclude residents are not provided the right to refuse services (i.e. participation in outings).</p>
CONCLUSION:	VIOLATION ESTABLISHED

ALLEGATION:

Medications are given at incorrect times.

INVESTIGATION:

On August 15, 2022, I completed an unannounced on-site inspection at Bentley Manor #9 and interviewed Home Manger, Kathy Panek regarding the allegations. Ms. Panek denied residents do not receive their medications as ordered. I reviewed the medication administration sheets and resident medications and there were no concerns noted.

On September 12, 2022, I interviewed Resident A’s Case Manager, David Stachcko. Mr. Stachcko reported, to his knowledge, resident medications were administered as ordered. Mr. Stachcko denied ever witnessing anything out of the ordinary with regards to medications.

On September 13, 2022, I interviewed Resident D regarding the allegations. Resident D is ordered to receive prescription medications. Resident D receives medications twice per day. Resident D reported he is provided his medications at the times he is ordered to receive them. Resident D denied any concerns regarding his medications.

On September 13, 2022, I interviewed Resident B regarding the allegations. Resident B confirmed he is prescribed medications, and he receives them in the morning and evening. Resident B did not know the names of his medications. Resident B receives his medications when he is supposed to. Resident B denied any concerns regarding his medications.

On September 13, 2022, I interviewed Resident C regarding the allegation, and he reported he is prescribed medications. Resident C gets medications several times per

day, and he receives his medications at the correct times as ordered. Resident C denied any problems or concerns regarding his medications.

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:	<p>It was alleged that resident medications are not provided at the proper times. Upon conclusion of an unannounced on-site inspection of the home and interviews with staff and residents, there is not a preponderance of evidence to conclude a rule violation.</p> <p>Staff, Kathy Panek denied residents are not provided their medications at the correct times. Resident D, Resident B, and Resident C confirm they receive their medications as ordered. During my unannounced on-site inspection to the home, I reviewed resident medications and the medication administration sheets and noted no concerns.</p> <p>There is not a preponderance of evidence to conclude resident medication and not given as ordered by the doctor.</p>
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION:

Staff, Kevin Panek administers resident medications and is not trained.

INVESTIGATION:

On August 15, 2022, I completed an unannounced on-site inspection at Bentley Manor #9. I interviewed Staff, Kathy Panek regarding the allegation. Ms. Panek reported Staff, Kevin Panek is trained to pass medications. Ms. Panek advised she would provide me documentation verifying Mr. Panek is fully trained. I reviewed the

medication administration sheets and resident medications and there were no concerns noted.

On September 12, 2022, I interviewed Resident A’s Case Manager, David Stachcko. Mr. Stachcko reported, to his knowledge, resident medications are administered as ordered. Mr. Stachcko denied ever witnessing anything out of the ordinary with regards to medications. To his knowledge, Staff, Kevin Panek is trained to administer medications however Mr. Stachcko has never witnessed Mr. Panek administer resident medications. Mr. Stachcko reported he has seen paperwork indicating Mr. Panek is fully trained as a direct care staff person.

On September 13, 2022, I reviewed documentation of training for Staff, Kevin Panek. The documentation shows that Mr. Panek is trained to administer medications.

APPLICABLE RULE	
R 400.14312	Resident medications.
	(4) When a licensee, administrator, or direct care staff member supervises the taking of medication by a resident, he or she shall comply with all of the following provisions: (a) Be trained in the proper handling and administration of medication.
ANALYSIS:	<p>It was alleged that Staff, Kevin Panek administers resident medications and is not trained. Upon conclusion of investigative interviews and a review of documentation, there is not a preponderance of evidence to conclude a rule violation.</p> <p>An unannounced on-site inspection of the home was completed, and a review of resident medications and medication administration sheets was completed with no concerns noted. I viewed verification of Staff, Kevin Panek’s training log, which indicated Mr. Panek has been trained to administer resident medications.</p> <p>There is not a preponderance of evidence to conclude Staff, Kevin Panek is not trained in the administration of medication.</p>
CONCLUSION:	VIOLATION NOT ESTABLISHED

On September 15, 2022, I completed an Exit Conference with Licensee Designee, Melissa Bentley. I advised Ms. Bentley I would be requesting a corrective action plan with regards to the cited rule violation.

IV. RECOMMENDATION

Contingent upon receipt of an acceptable corrective action plan, no change in the license status is recommended.

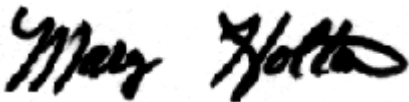


9/15/2022

Christina Garza
Licensing Consultant

Date

Approved By:



9/15/2022

Mary E. Holton
Area Manager

Date