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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

October 18, 2022

Judith Schiavone
Schiavone Enterprises Ltd
1690 N Center
Saginaw, MI 48638

RE: License #: AM730259475
Investigation #: 2022A0576056
Schiavone AFC VII

Dear Mrs. Schiavone:

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, appearing to read "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 #: | AM730259475 |
| Investigation #: | 2022A0576056 |
| Complaint Receipt Date: | 08/26/2022 |
| Investigation Initiation Date: | 08/29/2022 |
| Report Due Date: | 10/25/2022 |
| Licensee Name: | Schiavone Enterprises Ltd |
| Licensee Address: | 1690 N Center, Saginaw, MI 48638 |
| Licensee Telephone #: | (989) 992-9400 |
| Administrator: | Judith Schiavone |
| Licensee Designee: | Judith Schiavone |
| Name of Facility: | Schiavone AFC VII |
| Facility Address: | 1019 N Michigan, Saginaw, MI 48602 |
| Facility Telephone #: | (989) 753-9188 |
| Original Issuance Date: | 06/24/2005 |
| License Status: | 1ST PROVISIONAL |
| Effective Date: | 07/15/2022 |
| Expiration Date: | 01/14/2023 |
| Capacity: | 12 |
| Program Type: | DEVELOPMENTALLY DISABLED MENTALLY ILL |

II. ALLEGATION(S)

| | Violation Established? |
|---|------------------------|
| Residents have limited access to phone calls. | Yes |
| Upon calling the home for resident, staff answered call and wanted caller to identify themselves. | No |

III. METHODOLOGY

| | |
|------------|--|
| 08/26/2022 | Special Investigation Intake 2022A0576056 |
| 08/29/2022 | Special Investigation Initiated - Letter Email received from Complainant |
| 10/06/2022 | Inspection Completed On-site Interviewed Home Manager, Aundre Buckley, Resident A, and Resident B |
| 10/07/2022 | Contact - Document Received Reviewed house rules |
| 10/18/2022 | Contact - Telephone call made Interviewed Complainant |
| 10/18/2022 | Exit Conference Exit Conducted with Licensee Designee, Judy Schiavone |

ALLEGATION:

Residents have limited access to telephone calls.

INVESTIGATION:

On August 29, 2022, Complainant reported that they were told by a female staff person that residents could only be on the phone for 10 minutes.

On October 6, 2022, I completed an unannounced on-site inspection at Schiavone AFC VII and interviewed Home Manager, Aundre Buckley, Resident A, and Resident B. Regarding the allegations, Ms. Buckley reported that there is a house rule that residents have a 10-minute limit for personal calls. Ms. Buckley explained that the home phone line is also a "business line" and residents cannot "tie up" the phone. There are 10

residents that currently live at the home and Resident A and Resident B “tie up the phone”. Residents can talk for as long as they want when it is for “business” such as calls with their case manager, therapist, or guardian however personal calls to friends or relatives are limited to 10 minutes. This is a house rule according to Ms. Buckley. Recently, Resident B was on the phone for 1.5 hours with a relative and other calls were coming in however Resident B did not answer the calls. Ms. Buckley explained that staff have to use the house phone to clock in and out when they arrive or depart their shift.

On October 6, 2022, I interviewed Resident B regarding the allegations. Resident B was asked if there is a time limit to be on the telephone at her home. Resident B confirmed there was a time limit, and this is a directive of the Home Manager, Aundre Buckley. Resident B reported there is a 10-minute limit for phone calls, and this is a house rule. Resident B reported there was a time she was on the house phone “for a while” speaking with her mother and she had not spoken to her mother in while. Resident B’s call with her mother was longer than 10 minutes and other people were calling while she was on the phone as she heard the beeping. Resident A did not answer the calls that were coming in when she was talking with her mother because she did not know how to.

On October 6, 2022, I interviewed Resident A regarding the allegations. Resident A reported she can use the home phone for 5 minutes. Staff tell her she can use the phone for 5 minutes and she keeps her calls to 5 minutes because that is the rule. If Resident A’s calls, go past 5 minutes staff tell her she cannot use the phone.

On October 7, 2022, I received a fax of the house rules for Schiavone AFC VII from Licensee Designee, Judy Schiavone. The house rules are dated for December 19, 2016. On the fax cover sheet of the house rules it is documented “she has a copy also – today”. The rules document “there are 12 people using the phone at any time. A 10-minute call should be sufficient.”

On October 18, 2022, I interviewed Complainant who reported they were calling for a resident at the facility and the staff person who answered was rude. The staff person advised that the resident could be on the phone for 10 minutes as they use the phone for business purposes.

| 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: |

| | |
|--------------------|---|
| | (e) The right of reasonable access to a telephone for private communications. Similar access shall be granted for long distance collect calls and calls which otherwise are paid for by the resident. A licensee may charge a resident for long distance and toll telephone calls. When pay telephones are provided in group homes, a reasonable amount of change shall be available in the group home to enable residents to make change for calling purposes. |
| ANALYSIS: | <p>It was alleged that residents have limited access to phone calls. Upon conclusion of investigative interviews, there is a preponderance of evidence to conclude a rule violation.</p> <p>Home Manager, Aundre Buckley, Resident A, and Resident B confirm there is a time limit for residents to use the telephone at their home. Ms. Buckley and Resident B report there is a 10-minute phone call limit for residents. Resident A reported there is a 5-minute time limit for resident phone calls. A review of the house rules document there is a 10-minute call limit for residents. There is a preponderance of evidence to conclude a rule violation in that residents do not have reasonable access to a telephone for private communications.</p> |
| CONCLUSION: | VIOLATION ESTABLISHED |

ALLEGATION:

Upon calling the home for resident, staff answered call and wanted caller to identify themselves.

INVESTIGATION:

On October 6, 2022, I completed an unannounced on-site inspection at Schiavone AFC VII and interviewed Home Manager, Aundre Buckley, Resident A, and Resident B. Regarding the allegations, Ms. Buckley reported that a couple weeks ago a male called for Resident A and was swearing. The caller said that he did not have to identify who he was. The caller eventually hung up the telephone. Ms. Buckley explained they screen resident calls in efforts to keep residents safe and they do not disallow residents to speak to callers if they do not identify themselves.

On October 6, 2022, I interviewed Resident B regarding the allegations. Resident B reported staff ask who is calling when they answer the phone. Staff do not demand to know who is calling however they do ask. Resident B has never known staff to not let callers speak to the resident when the caller refused to identify themselves.

On October 6, 2022, I interviewed Resident A regarding the allegations. Resident A reported callers to the home must tell staff who they are. Resident A did not know why callers have to identify themselves to staff. Resident A did not know if residents are not allowed to speak with callers if they do not identify themselves.

On October 18, 2022, I interviewed the Complainant who reported they called the home and staff asked who was calling. Complainant questioned staff as to why they needed to know who was calling. Complainant reported understanding that there could be a resident safety issue as to why staff were asking who they were.

| APPLICABLE RULE | |
|------------------------|---|
| R 400.14304 | Resident rights; licensee responsibilities. |
| | <p>(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:</p> <p>(o) The right to be treated with consideration and respect, with due recognition of personal dignity, individuality, and the need for privacy.</p> |
| ANALYSIS: | <p>It was alleged that residents are not provided consideration as to their need for privacy given staff ask callers to identify themselves prior to speaking to residents. Upon conclusion of investigative interviews, there is not a preponderance of evidence to conclude a rule violation.</p> <p>Resident B reported when calls are received at her home, staff ask who is calling. If the caller does not identify themselves, staff do not disallow the resident to speak with the caller. Home Manager, Aundre Buckley reported staff inquire of callers who they are for safety purposes however they do mandate callers identify themselves as a condition of being allowed to speak with the residents.</p> |
| | There is not a preponderance of evidence to conclude residents are not provided consideration with respect to their need for privacy and phone calls to the home. |
| CONCLUSION: | VIOLATION NOT ESTABLISHED |

On October 18, 2022, I conducted an Exit Conference with Licensee Designee, Judy Schiavone. I advised Mrs. Schiavone I would be requesting a corrective action plan for the cited rule violation.

IV. RECOMMENDATION

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

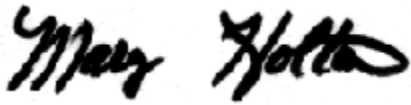


10/18/2022

Christina Garza
Licensing Consultant

Date

Approved By:



10/18/2022

Mary E. Holton
Area Manager

Date