



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

October 17, 2022

Patrice Weber
Portland Assisted Living & Memory Center, LLC
11920 W. Cutler Road
Eagle, MI 48822

RE: License #: AL340365433
Investigation #: 2022A1029058
Portland Assisted Living & Memory Center

Dear Ms. Weber:

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 October 11, 2022, you submitted an acceptable written corrective action plan. To verify your implementation and compliance with the corrective action plan:

- Please send documentation of an updated Resident Register
- Resident B's updated Assessment Plan for AFC Residents
- Schedule for October and November showing adequate staffing coverage for AL340365433

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.

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 signature is written in a cursive, slightly slanted style.

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 #:	AL340365433
Investigation #:	2022A1029058
Complaint Receipt Date:	08/23/2022
Investigation Initiation Date:	08/25/2022
Report Due Date:	10/22/2022
Licensee Name:	Portland Assisted Living & Memory Center, LLC
Licensee Address:	223 Charlotte Highway Portland, MI 48875
Licensee Telephone #:	(517) 643-2073
Administrator:	Patrice Weber
Licensee Designee:	Patrice Weber
Name of Facility:	Portland Assisted Living & Memory Center
Facility Address:	223 Charlotte Highway Portland, MI 48875
Facility Telephone #:	(517) 643-2073
Original Issuance Date:	01/20/2016
License Status:	REGULAR
Effective Date:	07/20/2022
Expiration Date:	07/19/2024
Capacity:	20
Program Type:	DEVELOPMENTALLY DISABLED ALZHEIMERS AGED

II. ALLEGATION(S)

	Violation Established?
There are not enough direct care staff members working on third shift.	Yes
Additional Findings	Yes

III. METHODOLOGY

08/23/2022	Special Investigation Intake 2022A1029058
08/25/2022	Special Investigation Initiated – Letter Email to complainant
08/29/2022	Inspection Completed On-site Met with Rachel Click
08/29/2022	Inspection Completed-BCAL Sub. Compliance
08/29/2022	Contact - Telephone call made to Amanda Ferris, left a message
08/29/2022	Contact - Telephone call received from Patrice Weber
09/30/2022	Contact - Telephone call made to Amanda Ferris (left message), Careline Physician Services NP Cody Schrauben, and Patrice Weber
10/07/2022	Contact - Telephone call made and Email from and telephone call to Amanda Ferris (left message), Bernadette Whitney, Kristin Oulette, and Ms. Weber
10/11/2022	Contact – Telephone call to Darrin Minier, Left a message.
10/11/2022	Inspection completed On-site - face to face with Ms. Weber, Resident A, Resident C, direct care staff members Madison Miller and Kylie Fedewa at Portland Assisted Living & Memory Center.
10/11/2022	Exit conference with licensee designee Patrice Weber at Portland Assisted Living & Memory Center

ALLEGATION:

There are not enough direct care staff members working on third shift.

INVESTIGATION:

On August 23, 2022, a complaint was received via the Bureau of Community and Health Systems online complaint system alleging there are not enough direct care staff members working third shift at Portland Assisted Living & Memory Center. The complaint included information there were residents requiring the assistance from a Hoyer lift and not enough direct care staff members to complete these tasks safely.

On August 29, 2022, I completed an onsite inspection at Portland Assisted Living & Memory Center. I interviewed direct care staff member whose role is lead on first shift, Rachel Click. Ms. Click stated there was currently three direct care staff members and one cook scheduled for first shift. Ms. Click stated there were currently eighteen residents residing at Portland Assisted Living & Memory Center and five residents at the adjacent licensed adult foster care facility owned by licensee. Ms. Click stated direct care staff members work in both licensed facilities on the property when they are working. Ms. Click stated being in the process of training new staff. Ms. Click stated the staffing for third shift is adequate now because someone just started but she stated there are two direct care staff member total during most third shifts. She stated in the last thirty days there were one person was assigned to Portland Assisted Living & Memory Center. Ms. Click stated Amanda Ferris is the lead direct care staff member on third shift. Ms. Click stated there were two third shift staff members that left within the last month which has made staffing harder.

I reviewed the *Health Care Appraisal and Assessment Plan for AFC Residents* for all residents residing in the facility. There was no documentation on the *Assessment Plan for AFC Residents* that any of the residents required the assistance of two direct care staff members to meet their personal care needs. Most residents' *Assessment Plan for AFC Residents* documented the required the use of a walker or wheelchair as an assistive device and have a cognitive impairment from Dementia.

I reviewed the August 2022 staff schedule for Portland Assisted Living & Memory Center. Due to the small squares, color coding, and the handwritten in names it was difficult to determine who was scheduled for Portland Assisted Living & Memory Center because there was one schedule for both licenses. According to the schedule, there was at least one direct care staff member assigned to Portland Assisted Living & Memory Center during third shift.

There have been no *AFC Incident / Accident Reports* received indicating there was not enough direct care staff members to meet the needs of the residents. I also reviewed the fire drills since January 2022 and there were no concerns the direct care staff members could not evacuate the residents timely in case of an emergency.

On September 30, 2022, I interviewed nurse practitioner (NP) Cody Schrauben from Careline Health Group who regularly sees patients at Portland Assisted Living & Memory Center as well as the adjacent licensed property operated by Ms. Weber. NP Schrauben stated she does go to the facility every other Wednesday and she is there in the mornings from about 8 a.m.-1:00 p.m. NP Schrauben stated she has not had any concerns about staffing coverage. NP Schrauben stated Ms. Click is working along with three-four additional direct care staff members. NP Schrauben did not know if all these staff were assigned to Portland Assisted Living & Memory Center or the adjacent property. NP Schrauben stated there is also janitorial and kitchen staff on site to complete those tasks. NP Schrauben stated she provides care in many different facilities, and she has never had a concern regarding the care provided at Portland Assisted Living & Memory Center. NP Schrauben stated there are two residents at Portland Assisted Living & Memory Center who she considered two person assists, and NP Schrauben listed them as Resident A and Resident B. NP Schrauben stated Resident A has a Hoyer lift and Resident A need two direct care staff members to assist with transferring and use of the Hoyer lift. Resident A primarily uses a motorized scooter for mobility. NP Schrauben stated Resident B also required two direct care staff members for personal care because her health has declined, and she cannot walk more than a few steps without collapsing. NP Schrauben stated she has not heard anything regarding third shift and the residents' care needs not being met. NP Schrauben stated Resident A is now on Hospice Care as her health has been declining. NP Schrauben stated there is nowhere to document on the *Health Care Appraisal* that a resident required two direct care staff members for personal care/transfers/or mobility. Ms. Schrauben stated she never told Ms. Weber that a resident needs a two-person assistance because she has always observed enough staff coverage.

On October 7, 2022, I called third shift direct care staff member, Bernadette Whitney. Ms. Whitney stated there is one direct care staff member during third shift assigned to Portland Assisted Living & Memory Center. Ms. Whitney stated she has never had an emergency which led to not having a staff assigned to Portland Assisted Living & Memory Center. Ms. Whitney stated there are no residents who require the assistance of two staff during the middle of the night. She stated they check the resident bedrooms every two hours or more if the residents do not feel well. Ms. Whitney stated there are no residents who are trying to elope from the facility or who have aggressive behaviors toward the direct care staff members.

On October 7, 2022, I contacted direct care staff member Kristin Oulette. Ms. Oulette stated she typically works on 1st or 2nd shift. She stated there are one or two other direct care staff members working with her at Portland Assisted Living & Memory Center during the day. Ms. Oulette stated this is not including the kitchen staff or nursing. Ms. Oulette stated she has only worked one night on third shift, and she was the only direct care staff member assigned to Portland Assisted Living & Memory Center. Ms. Oulette stated when she is working, they have the buildings split up and each one is assigned a separate section on the scheduling application. She stated the schedule was color coded with the times and tells you what building you are responsible for. Ms. Oulette stated Residents A and B both require the assistance of two direct care staff members

due to their care needs. Ms. Oulette stated Resident B also usually requires two people to assist her although sometimes she will get up with one person assisting her. Resident B uses a wheelchair for assistance with mobility. Ms. Oulette stated most of the residents require the assistance of a walker and/ or wheelchair. Ms. Oulette stated most of the residents have dementia or a cognitive impairment.

On October 7, 2022, I spoke to licensee designee, Patrice Weber. Ms. Weber stated she always has one staff assigned to Portland Assisted Living & Memory Center. Ms. Weber stated the direct care staff members who are assigned to Portland Assisted Living & Memory Center stay in that facility throughout their shift because this is indicated by a color-coding system on her scheduling application. Ms. Weber stated if the color next to their name is red, then they are responsible for medication administration. Ms. Weber stated the “medication passer” will give medications to all residents in both facilities. Ms. Weber stated if there is no color that direct care staff member is assigned to Portland Assisted Living & Memory Center and the green coded staff member is a “floating staff.” Ms. Weber stated she has hired more staff now and thinks this will help staffing for third shift. Ms. Weber stated there are residents who require a Hoyer lift and Resident A requires two direct care staff members to assist with personal care and transfers.

On October 11, 2022, I interviewed Resident A at Portland Assisted Living & Memory Center. She stated she has resided here for a little over a year. Resident A stated there are a variety of tasks the staff do for her such as bring her breakfast and caffeine, cleaning her up, bathing, catheter care, and help her to get dressed. Resident A stated she primarily uses a wheelchair now. Resident A stated she will stay in her room for meals because that is what she prefers because she feels self-conscious. Resident A stated she thinks the facility is understaffed because there are not enough direct care staff members to help her. Resident A stated Ms. Weber tries to do a good job but there is not enough help available. During the day, there is usually two–five staff members working. Resident A stated she would like to see a minimum of five people on during the day. Resident A stated during third shift, there is usually one or two working but, in her opinion, there should be at least three working during this time. Resident A stated sometimes they do not have the staff to clean her up like she needs so they will assist her the next shift.

On October 11, 2022, I interviewed Resident C who stated she really enjoys living here however she would like more staff on during third shift. Resident C said sometimes she will have to use the bathroom at night and the staff are “running like mad.” Resident C stated they will always take her to the bathroom and help her, but she feels like they are very busy at night because there is only one direct care staff member in the building. Resident C stated during the daytime the staffing is fine and there are a lot of direct care staff members, so she gets assistance whenever she needs it. Resident C stated she will count the tiles on her ceiling when she rings her bell and one time, she got up to 300 tiles before they came in to help her. Resident C stated she feels the staff are doing the best they can.

On October 11, 2022, I interviewed direct care staff member Madison Miller at Portland Assisted Living & Memory Center. Ms. Miller stated Resident A requires the assistance of two people to transfer and provide personal care. Ms. Miller stated there is adequate staff on to help them with their needs. Ms. Miller stated Portland Assisted Living & Memory Center has two or three staff assigned during the day and one on third shift. Ms. Miller stated they do one-hour checks on each resident, and they are toileted before and after meals. During third shift, most residents are changed in bed but there are a few that get up at night. Ms. Miller stated she has worked third shift and there is one person assigned to Portland Assisted Living & Memory Center. Ms. Miller stated if she needs assistance with the Hoyer lift for one of the residents during nighttime hours, she can receive help from the direct care staff member assigned to the adjacent AFC.

On October 11, 2022, I completed an onsite investigation at Portland Assisted Living & Memory Center and discussed the staffing concerns with Ms. Weber. Ms. Weber showed a paper copy of the August 2022 schedule which was still difficult to read. I was able to review the staffing application on Ms. Weber's phone for various days in October 2022 and was able to confirm there was one direct care staff member assigned to Portland Assisted Living & Memory Center. Ms. Weber stated she uses a floating direct care staff member between her two licensed properties. Ms. Weber stated in the future she is going to separate the facilities on the scheduling application so there are separate schedules which make it easier to review and to schedule Portland Assisted Living & Memory Center appropriately. Ms. Weber stated she will no longer be using a floater or have one direct care staff member administer medications for the two licenses. I complete the Exit Interview with Ms. Weber and she signed a corrective action plan addressing the violations.

APPLICABLE RULE	
R 400.15206	Staffing requirements.
	(2) A licensee shall have sufficient direct care staff on duty at all times for the supervision, personal care, and protection of residents and to provide the services specified in the resident's resident care agreement and assessment plan.

ANALYSIS:	There is not sufficient direct care staff member on duty at all times during third shift. In August 2022, the licensee had one direct care staff member assigned to Portland Assisted Living & Memory Center during third shift. Licensee designee Ms. Weber stated she uses “floating” direct care staff members from the adjacent licensed adult foster care facility to ensure the facility has adequate staffing coverage when the direct care staff member need assistance. There are at least two residents, Resident A and Resident B, who require the assistance of two direct care staff member for their personal care needs and most residents have a diagnosis of dementia or cognitive impairment.
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION:

On August 29, 2022, I completed an onsite inspection at Portland Assisted Living & Memory Center. I interviewed direct care staff member whose, role is lead on first shift, Rachel Click. When I asked Ms. Click for the *Resident Register*, she gave me one listing with all current residents for both licenses located on the property. Ms. Click stated there were currently eighteen residents residing at Portland Assisted Living & Memory Center, but they were listed with additional five residents who were residing at the other adjacent licensed adult foster care owned by the same licensee. Ms. Click stated she did not know the *Resident Register* needed to be separate for each license.

On October 4, 2022, Ms. Weber sent over an updated *Resident Register* on October 4, 2022, but it still did not include previous residents and Resident A was not listed on the *Resident Register*.

On October 11, 2022, I completed an onsite inspection at Portland Assisted Living & Memory Center. Ms. Weber did not have an updated *Resident Register* to show which included the previous residents that have resided at Portland Assisted Living & Memory Center, when they were discharged, and where they were discharged.

APPLICABLE RULE	
R 400.15210	Resident register.
	A licensee shall maintain a chronological register of residents who are admitted to the home. The register shall include all of the following information for each resident: <ul style="list-style-type: none"> (a) Date of admission. (b) Date of discharge. (c) Place and address to which the resident moved, if known.

ANALYSIS:	During the initial onsite investigation on August 29, 2022, direct care staff member Ms. Click provided me with an inaccurate <i>Resident Register</i> for Portland Assisted Living & Memory Center. The <i>Resident Register</i> did not include a license number or have any way to distinguish which residents lived under this license number, previous residents, dates of discharge, or the address where previous residents moved. Ms. Weber sent over updated <i>Resident Register</i> on October 4, 2022, which only included the residents residing at Portland Assisted Living & Memory Center however it did not include previous residents and Resident A was not listed on the <i>Resident Register</i> .
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION:

During this investigation, I reviewed the *Assessment Plan for AFC Residents* and *Health Care Appraisal* for all residents. Upon this review, I noticed that Resident B's *Assessment Plan for AFC Residents* did not indicate that she used a wheelchair as an assistive device. Ms. Weber and NP Schrauben both stated that Resident B now uses a wheelchair as an assistive device due to her health declining.

APPLICABLE RULE	
R 400.15306	Use of assistive devices.
	(2) An assistive device shall be specified in a resident's written assessment plan and agreed upon by the resident or the resident's designated representative and the licensee.
ANALYSIS:	I reviewed Resident B's <i>Assessment Plan for AFC Residents</i> , and the use of a wheelchair was not identified in this document as an assistive device as required even though Resident B now uses a wheelchair since her health has declined. NP Schrauben, direct care staff member Ms. Oulette, and licensee designee Ms. Weber all confirmed Resident B now uses a wheelchair as an assistive device.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

An approved corrective action plan corrective action plan has been received therefore I recommend no change in the license status.

Jennifer Browning

10/12/2022

Jennifer Browning
Licensing Consultant

Date

Approved By:

Dawn Timm

10/19/2022

Dawn N. Timm
Area Manager

Date