



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

November 30, 2022

Carolyn Bruning
Northeast Michigan CMH Authority
400 Johnson Street
Alpena, MI 49707

RE: License #: AS040313092
Investigation #: 2023A0360002
Walnut Home

Dear Ms. Bruning:

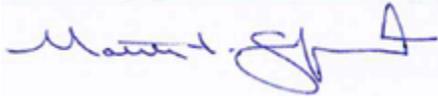
Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- 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 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 (866) 865-0006.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Soderquist", with a stylized flourish at the end.

Matthew Soderquist, Licensing Consultant
Bureau of Community and Health Systems
Ste 3
931 S Otsego Ave
Gaylord, MI 49735
(989) 370-8320

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS040313092
Investigation #:	2023A0360002
Complaint Receipt Date:	10/17/2022
Investigation Initiation Date:	10/17/2022
Report Due Date:	12/16/2022
Licensee Name:	Northeast Michigan CMH Authority
Licensee Address:	400 Johnson Street Alpena, MI 49707
Licensee Telephone #:	(198) 935-8760
Administrator:	Nicole Kaiser
Licensee Designee:	Carolyn Bruning, Designee
Name of Facility:	Walnut Home
Facility Address:	638 Walnut Street Alpena, MI 49707
Facility Telephone #:	(989) 356-1700
Original Issuance Date:	12/09/2011
License Status:	REGULAR
Effective Date:	06/08/2022
Expiration Date:	06/07/2024
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED

II. ALLEGATION(S)

	Violation Established?
Direct care staff Theresa Zbypowski yelled and pushed Resident A in the kitchen	Yes

III. METHODOLOGY

10/17/2022	Special Investigation Intake 2023A0360002
10/17/2022	Special Investigation Initiated - Letter APS
10/17/2022	APS Referral
10/20/2022	Inspection Completed On-site APS worker Lynn Budnick, Resident A, Home manager Heidi Kissane
10/20/2022	Contact - Face to Face DCS Melissa Longpre, Rights officer Rob Keyes, DCS Joy Beaubian, APS worker Lynn Budnick
10/21/2022	Contact - Telephone call received Rights officer Rob Keyes, DCS Theresa Zbypowski
11/14/2022	Contact - Telephone call made Rights officer Rob Keyes
11/29/2022	Contact - Telephone call made Guardian 1-A
11/30/2022	Exit Conference With licensee designee Carolyn Bruning

ALLEGATION: Direct care staff Theresa Zbypowski yelled and pushed Resident A in the kitchen.

INVESTIGATION: On 10/17/2022 I was assigned a complaint from the LARA online complaint system.

On 10/20/2022 I interviewed direct care staff Melissa Longpre with adult protective services worker Lori Budnick and rights officer Rob Keyes. Ms. Longpre stated on

Saturday 10/08/2022 direct care staff Theresa Zbypowski arrived on shift in the afternoon and seemed frustrated about something. She stated Resident A went into the kitchen where Ms. Zbypowski was, and she yelled at him to get out and pushed him out of the kitchen. She stated Resident A has balance issues, so you must be careful with him. She denied that he tripped or stumbled. She stated after Resident A was yelled at, he came over to her and Ms. Longpre helped him to sit down. She stated he is non-verbal and did not seem to be fazed by the interaction. She stated another direct care staff Joy Beubian witnessed the incident. I then interviewed Ms. Beaubian. Ms. Beaubian stated Resident A went into the kitchen and grabbed the dish scrubber. She stated Ms. Zbypowski then yelled at Resident A to, "get out of here!" She stated she did not see Ms. Zbypowski put her hands on Resident A. She stated she was "shocked" at how loud she had yelled at Resident A. She stated Resident A seemed confused and went to Ms. Longpre who helped him sit down.

On 10/20/2022 I conducted an onsite inspection at the facility. The home manager Heidi Kissane stated she was not at the facility during the incident and did not witness anything. She provided Resident A's guardian contact information. She stated Resident A is non-verbal due to his developmental disability. I observed Resident A sitting on the couch.

On 10/21/2022 I received a phone call from the rights officer Rob Keyes who was interviewing the direct care staff Theresa Zbypowski in his office. Ms. Zbypowski stated she came to work on 10/08/2022 and Resident A was in and out of the kitchen. She stated he likes to grab things and put them in his mouth, and she was worried about his safety. She stated she attempted to redirect Resident A using verbal commands five or six times and then she got louder and said to him, "No!" and directed him out of the kitchen with her hand on his shoulder. She denied that Resident A stumbled in any way. She stated she did raise her voice and was "firmer" but denied that she yelled at Resident A.

On 11/14/2022 I contacted the rights officer, Rob Keyes. Mr. Keyes stated he has substantiated his rights complaint and Ms. Zbypowski has resigned from employment at Northeast Michigan Community Mental Health.

On 11/29/2022 I contacted Guardian 1-A. Guardian 1-A stated she was aware of the allegation and that rights have substantiated the complaint. She stated she was told that Ms. Zbypowski has resigned. She stated she has no further concerns with the home.

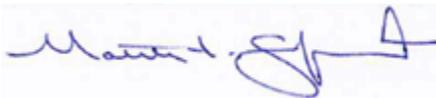
APPLICABLE RULE	
R 400.14305	Resident protection.
	(3) A resident shall be treated with dignity and his or her personal needs, including protection and safety, shall be attended to at all times in accordance with the provisions of the act.

ANALYSIS:	<p>The complaint alleged direct care staff Theresa Zbypowski yelled and pushed Resident A in the kitchen.</p> <p>Direct care staff Melissa Longpre and Joy Beaubian both stated they witnessed Ms. Zbypowski yell at Resident A. Ms. Longpre stated she witnessed her push Resident A out of the kitchen.</p> <p>Ms. Zbypowski denied yelling or pushing Resident A. She stated she told him in a firm tone, "No!" and directed him out of the kitchen by placing her hand on his shoulder.</p> <p>Recipient rights officer Rob Keyes stated he has substantiated his investigation and Ms. Zbypowski has resigned from the agency.</p> <p>There is a preponderance of evidence that Resident A was not treated with dignity and that his personal needs including protection and safety were not attended to at all times.</p>
CONCLUSION:	VIOLATION ESTABLISHED

On 11/30/2022 I conducted an exit conference with licensee designee Carolyn Bruning. Ms. Bruning stated Ms. Zbypowski has resigned and she will submit a corrective action plan for approval.

IV. RECOMMENDATION

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



11/30/2022

Matthew Soderquist
Licensing Consultant

Date

Approved By:



11/30/2022

Jerry Hendrick
Area Manager

Date