



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

January 11, 2023

Jason Schmidt
New Life Services Inc
36022 Five Mile Road
Livonia, MI 48154

RE: License #: AS630012681
Investigation #: 2023A0991005
McGinnis

Dear Mr. Schmidt:


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 (248) 975-5053.

Sincerely,

A handwritten signature in cursive script that reads "Kristen Donnay".

Kristen Donnay, Licensing Consultant
Bureau of Community and Health Systems
Cadillac Place
3026 W. Grand Blvd., Ste. 9-100
Detroit, MI 48202
(248) 296-2783

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
 BUREAU OF COMMUNITY AND HEALTH SYSTEMS
 SPECIAL INVESTIGATION REPORT
 THIS REPORT CONTAINS QUOTED PROFANITY**

I. IDENTIFYING INFORMATION

License #:	AS630012681
Investigation #:	2023A0991005
Complaint Receipt Date:	11/22/2022
Investigation Initiation Date:	11/22/2022
Report Due Date:	01/21/2023
Licensee Name:	New Life Services Inc
Licensee Address:	36022 Five Mile Road Livonia, MI 48154
Licensee Telephone #:	(734) 744-7334
Licensee Designee:	Jason Schmidt
Name of Facility:	McGinnis
Facility Address:	4473 McGinnis Holly, MI 48442-0204
Facility Telephone #:	(248) 634-1499
Original Issuance Date:	02/13/1991
License Status:	REGULAR
Effective Date:	01/19/2021
Expiration Date:	01/18/2023
Capacity:	5
Program Type:	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED

II. ALLEGATION(S)

	Violation Established?
Per incident report, on 11/18/22, direct care worker, Ashley Lee-Cancel was yelling and making threats towards Resident A.	Yes
On 11/29/22, direct care worker, Ashley Lee-Cancel slapped Resident A in the face.	Yes

III. METHODOLOGY

11/22/2022	Special Investigation Intake 2023A0991005
11/22/2022	Special Investigation Initiated - Telephone Call to Office of Recipient Rights (ORR) worker, Katie Garcia
11/22/2022	Referral - Recipient Rights
11/22/2022	APS Referral Call to Adult Protective Services (APS) centralized intake
11/23/2022	Inspection Completed On-site Unannounced onsite inspection- no response
11/23/2022	Contact - Telephone call made To home manager, Monica Vance
11/29/2022	Contact - Telephone call made From ORR worker, Katie Garcia- additional allegations received
11/29/2022	Contact - Telephone call made To APS worker, Kim Knapp- left message
11/29/2022	Contact - Telephone call made To staff, Ashley Lee-Cancel- left message
11/29/2022	Contact - Telephone call made Interviewed area manager, Lori Mitchell
11/29/2022	Contact - Telephone call made Interviewed staff, Victoria Stall

11/29/2022	Contact - Telephone call made Interviewed Resident A with assistance of Spanish interpreter
11/29/2022	Contact - Telephone call received From staff, Ashley Lee-Cancel
11/30/2022	Contact - Document Received Incident report, disciplinary action, police report number
12/05/2022	Contact - Telephone call made To Kim Knapp- APS worker
12/19/2022	Exit Conference Via telephone with vice president of New Life Services, Sheryl Schmidt

ALLEGATION:

- **Per incident report, on 11/18/22, direct care worker, Ashley Lee-Cancel was yelling and making threats towards Resident A.**
- **On 11/29/22, direct care worker, Ashley Lee-Cancel slapped Resident A in the face.**

INVESTIGATION:

On 11/22/22, I reviewed an incident report from McGinnis which stated on 11/18/22, direct care worker, Victoria Stall, witnessed another staff, Ashley Lee-Cancel, yelling, cussing, and making threats towards Resident A. I created a special investigation intake, which was assigned to me for investigation. I initiated my investigation on 11/22/22 by contacting the assigned Office of Recipient Rights (ORR) worker, Katie Garcia. I also made a referral to Adult Protective Services (APS) Centralized Intake. The investigation was assigned to APS worker, Kim Knapp. On 11/23/22, I conducted an unannounced onsite inspection at McGinnis; however, nobody was at the home.

On 11/23/22, I interviewed the home manager, Monica Vance, via telephone. Ms. Vance stated that the incident on 11/18/22 happened before she arrived at the home. She arrived at the home around 7:00am on 11/18/22. Direct care worker, Victoria Stall, who is Ms. Vance's daughter, was walking out of the home. She told Ms. Vance that she caught Ashley Lee-Cancel and Resident A "getting into it" because the lights in the back bathroom were not working. Ms. Vance stated that staff told her Ms. Lee-Cancel woke up Resident A that morning. Resident A went to the back bathroom and Ms. Lee-Cancel told her that she had to use the other bathroom, because the lights in the back bathroom were not working. Resident A continued flipping the light switch on and off. Ms. Lee-Cancel told Resident A to use the other bathroom, and Resident A got mad and yelled at her. Ms. Lee-Cancel told Resident A not to talk to her like that and said

Resident A has been rude to her for the past three months. Resident A said, "Fuck you," and started walking towards Ms. Lee-Cancel. Ms. Lee-Cancel told her to back up and said, "I already warned her once. I'm not Victoria. I already warned you once. If you hit me, I will have to put you down." Ms. Vance stated that there have been issues in the past when Resident A was physically aggressive towards Victoria Stall. Ms. Vance stated that Ms. Stall witnessed this altercation after she came in from shoveling snow. She heard Resident A screaming and saw Resident A and Ms. Lee-Cancel standing in the hallway by the bathroom. Ms. Stall intervened and gave Resident A an option to shower in the front bathroom or in the back bathroom with flashlights and lanterns. Ms. Vance stated that the lights were not working in the bathroom because the GFCI (ground fault circuit interrupter) button was tripped. Staff just had to press the button on the outlet to get the lights working again, but they did not know that at the time. Ms. Vance stated that she instructed Ms. Stall to complete an incident report. She reported the incident to the area manager, Lori Mitchell. She stated that to her knowledge, Ms. Lee-Cancel was not disciplined, and she was not removed from the schedule. She stated that this was most likely because the home is short staffed. She stated that she will probably review Resident A's plan of service and crisis plan with staff. The crisis plan indicates that staff should talk to Resident A in a calm manner when she starts to get upset. They should not yell, as it will make her more upset.

On 11/29/22, I received additional allegations from the assigned ORR worker, Katie Garcia. Ms. Garcia stated that she received an incident report which indicated that earlier that morning, direct care worker, Ashley Lee-Cancel, slapped Resident A in the face. Staff, Victoria Stall, witnessed and reported the incident. I shared the additional allegations with the assigned APS worker, Kim Knapp.

On 11/29/22, Ms. Garcia and I interviewed the area manager, Lori Mitchell, via telephone. Ms. Mitchell stated that she received a phone call from Victoria Stall around 8:00am that morning. Ms. Stall told her that Resident A was in the bathroom getting ready for the day. Ms. Stall was by the linen closet and witnessed Ms. Lee-Cancel slap Resident A across the face for no reason. Ms. Stall asked Ms. Lee-Cancel why she did that. Ms. Lee-Cancel said that Resident A deserved it and that it was a reflex. Ms. Stall told Ms. Mitchell that Ms. Lee-Cancel was trying to get another resident in for their shower, but Resident A was not done in the bathroom. Ms. Lee-Cancel was yelling, "Fuck her. I'm not afraid of her. I've been doing this for 18 years." Ms. Mitchell stated that Resident A had a red mark on her face. The home manager reassured her that she was safe, and that Ms. Lee-Cancel was not coming back. Resident A went to workshop following the incident.

Ms. Mitchell stated that she was aware of the previous incident that occurred between Ms. Lee-Cancel and Resident A on 11/18/22. She stated that they got into a verbal altercation. Ms. Lee-Cancel was not disciplined following the verbal altercation. Ms. Mitchell stated that the home manager might have written her up. She stated that everything was quiet and fine in the home after that incident until the physical altercation occurred on 11/29/22.

On 11/29/22, Ms. Garcia and I interviewed direct care worker, Victoria Stall, via telephone. Ms. Stall stated that she has worked at McGinnis since 2016. On 11/18/22, she was outside shoveling snow. As she was walking up to the house to go inside, she could hear yelling. She went in and walked down the hall, where she observed staff, Ashley Lee-Cancel, standing in a “buffed up” position. Her chest was puffed up and her hands were balled up. Ms. Lee-Cancel said to Resident A, “I’ll fucking drop you. I’m not scared of you.” Ms. Stall stated that they were arguing because the lights in the back bathroom were not working, and Ms. Lee-Cancel told Resident A to use the bathroom up front. Resident A does not like the front bathroom because it gets too hot. Ms. Lee-Cancel continued to make comments stating that Resident A “thinks she’s somebody.” She told Ms. Stall, “She (Resident A) doesn’t know me. I don’t care who she is. I will knock her ass out.” Resident A was standing next to them and heard these comments. Ms. Stall stated that she tried to de-escalate the situation. She got flashlights and put them in the back bathroom so that Resident A could shower. Resident A finished getting ready for the day and there were no other incidents. Prior to this incident, Ms. Stall never witnessed Ms. Lee-Cancel being verbally aggressive towards Resident A or any of the residents in the home. Ms. Stall stated that Resident A does not usually interact with Ms. Lee-Cancel much. Nobody else witnessed the altercation. The other residents in the home are non-verbal.

Ms. Stall stated that this morning around 5:45am, she was getting another resident ready because they had a doctor’s appointment. Resident A was in the shower. Ms. Lee-Cancel began banging on the door for Resident A to get out of the bathroom. Resident A got out of the shower and was getting dressed. Ms. Lee-Cancel went into the bathroom with another resident’s hygiene products. Ms. Stall asked her if Resident A was done in the bathroom and Ms. Lee-Cancel responded, “I don’t give a fuck if she is done. She’s done now.” Ms. Stall told her to leave Resident A’s stuff alone and use the other bathroom. Ms. Stall stated that Resident A walked into the bathroom and was looking at herself in the mirror. Her hands were on the counter. Ms. Stall saw Ms. Lee-Cancel “slap the shit out of her (Resident A).” Ms. Stall stated that Ms. Lee-Cancel said, “She’s going to learn that I’m not scared of her.” Ms. Stall stated that Ms. Lee-Cancel took the other resident’s stuff into the front bathroom and then tried to go back into the back bathroom. She was saying, “I’m going to teach her a lesson.” Ms. Stall was blocking the door so that Ms. Lee-Cancel could not go near Resident A again. Ms. Lee-Cancel stated, “I don’t give a fuck. I won’t be back.” She went to punch out on the time clock. As she was leaving, Ms. Lee-Cancel told Ms. Stall that slapping Resident A was a reflex. She told her it was just a reaction, and it was an accident. Ms. Stall told Ms. Lee-Cancel that Resident A has assaulted her in the past and she never put her hands on Resident A. Ms. Lee-Cancel stated, “I’m not you. She’s going to learn. I fight back.” Ms. Stall stated that the right side of Resident A’s cheek was red. She took a picture of it. Ms. Stall reiterated that Resident A did not do anything to provoke Ms. Lee-Cancel. She was just waiting for her to get out of the way so that she could finish getting ready. Ms. Stall wrote an incident report, and they contacted the area manager, Lori Mitchell. Ms. Stall stated that Ms. Lee-Cancel does not get along well with any of the staff in the home. Ms. Lee-Cancel has worked there for a few months and just completed her

training. Ms. Stall stated that if Resident A is agitated, staff are supposed to try to redirect her. They can ask her if she wants to go to her room, or they walk away if they cannot de-escalate the situation.

On 11/29/22, Ms. Garcia and I interviewed Resident A via telephone with the assistance of an interpreter, as Spanish is Resident A's primary language. Resident A stated that she knows staff, Ashley Lee-Cancel. She does not like her because, "This morning she hit me on my face under the eye." Resident A stated that she was in the bathroom getting ready for the day and Ms. Lee-Cancel came in and started yelling at her. She raised her hand and hit Resident A. Nobody else was there when Ms. Lee-Cancel hit Resident A. Resident A shouted and staff, Victoria, came. Resident A stated that she hit Ms. Lee-Cancel back after Ms. Lee-Cancel hit her. Resident A stated that this was the second time Ms. Lee-Cancel hit her. There was another incident when Resident A was in the bathroom and there was no light. Ms. Lee-Cancel came by and started yelling at her. She said, "many things" and "many bad words". Resident A stated, "I told her there are two bathrooms and she needs to go to the bathroom in the front. That's when she hit me and Victoria came." Resident A could not provide specific details regarding what Ms. Lee-Cancel said when she was yelling. She stated again that Ms. Lee-Cancel said, "many bad words." Resident A stated that she feels afraid when Ms. Lee-Cancel is in the home, but she is okay when Ms. Lee-Cancel is not in the home.

On 11/29/22, I interviewed direct care worker, Ashley Lee-Cancel via telephone. Ms. Lee-Cancel stated that she has worked at McGinnis since July 2022. She is fully trained. Ms. Lee-Cancel stated that since she started working at the home in July, Resident A has been "nothing but mean" towards her. She stated that Resident A always has a nasty attitude towards her. Ms. Lee-Cancel stated that Resident A's favorite male staff quit, and Resident A does not like her because she thinks they had a relationship. Ms. Lee-Cancel stated that the male staff is her godbrother. Ms. Lee-Cancel stated that this morning she was getting the residents up at 5:45am. Resident A was in the bathroom, so she was waiting patiently because another resident needed to use the bathroom. She asked Resident A if she was done. Resident A rolled her eyes then turned around and slapped the left side of Ms. Lee-Cancel's face. Ms. Lee-Cancel stated that "as a reflex, I slapped her back." Ms. Lee-Cancel stated that she should have stepped back, but she did not. Ms. Lee-Cancel stated that her co-worker (Victoria Stall) started yelling at her. Ms. Stall did not see Resident A hit Ms. Lee-Cancel, as it happened before she came around the corner. Ms. Lee-Cancel stated that Resident A has a problem with women. Since she started, she has been nasty to female staff. She jumped the manager's daughter (Victoria Stall) in the past. Ms. Lee-Cancel stated that she will be ending her nursing career and dropping out of her classes. She quit working in the home, and she will never work with disabled individuals again. There is a "stigma" that residents can do whatever they want to caregivers without any consequences. Ms. Lee-Cancel stated that she did not know verbatim what Resident A's crisis plan said regarding how to de-escalate her behaviors, but it probably says to give her space.

With regards to the incident on 11/18/22, Ms. Lee-Cancel stated that she knocked on Resident A's door at 6:30am to wake her up. Resident A did not get up, so Ms. Lee-

Cancel knocked again at 6:45am. She told Resident A that she needed to use the front bathroom because the lights were not working in the back bathroom. Ms. Lee-Cancel stated that Resident A started walking towards her yelling, "Fuck you," and she, "called me out my name." Ms. Lee-Cancel told Resident A, "Do not hit me." She told her that she was not the manager or the manager's daughter. Resident A backed up. Ms. Lee-Cancel stated that her co-worker (Victoria Stall) came in from shoveling snow as Resident A was yelling at her. Ms. Lee-Cancel told Resident A not to touch her, or she would call the police. She stated that she never told Resident A that she would drop her or "knock her ass out." Ms. Lee-Cancel stated that she told Resident A, "You don't know who I am. I will press charges." She did not make any other threats.

I reviewed copies of the incident reports completed by staff, Victoria Stall on 11/18/22 and 11/29/22. The information in the incident reports was consistent with the statements provided by Ms. Stall during our interview. I reviewed a copy of an employment termination notice from New Life Services, Inc. to Ashley Lee-Cancel dated 11/30/22. The notice indicates that Ms. Lee-Cancel was terminated following an internal investigation in which it was determined that Ms. Lee-Cancel assaulted a resident.

On 12/19/22, I conducted an exit conference via telephone with the vice president of New Life Services, Sherly Schmidt. Ms. Schmidt stated that she would submit a corrective action plan to address the violations found during the investigation. Ms. Schmidt stated that the staff was terminated, and she will conduct an in-service with the current staff in the home to review Resident A's crisis plan and strategies to address her behaviors.

APPLICABLE RULE	
R 400.14308	Resident behavior interventions prohibitions.
	(2) A licensee, direct care staff, the administrator, members of the household, volunteers who are under the direction of the licensee, employees, or any person who lives in the home shall not do any of the following: (b) Use any form of physical force other than physical restraint as defined in these rules.
ANALYSIS:	Based on the information gathered through my investigation, there is sufficient information to conclude that staff, Ashley Lee-Cancel used physical force towards Resident A when she slapped her in the face on 11/29/22. Ms. Lee-Cancel admitted to slapping Resident A, but she stated that it was a reflex after Resident A hit her. Resident A and staff, Victoria Stall, both reported that Ms. Lee-Cancel slapped Resident A in the face without being provoked. Ms. Lee-Cancel's employment was terminated for assaulting Resident A.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14308	Resident behavior interventions prohibitions.
	(2) A licensee, direct care staff, the administrator, members of the household, volunteers who are under the direction of the licensee, employees, or any person who lives in the home shall not do any of the following: (f) Subject a resident to any of the following: (ii) Verbal abuse. (iv) Threats.
ANALYSIS:	Based on the information gathered through my investigation, there is sufficient information to conclude that direct care worker, Ashley Lee-Cancel was verbally abusive and made threats towards Resident A. Resident A could not recall specifically what Ms. Lee-Cancel said to her, but she reported that Ms. Lee-Cancel said bad things and used many bad words. Direct care worker, Victoria Stall, witnessed Ms. Lee-Cancel telling Resident A, "I will fucking drop you," and stating that she will, "knock her ass out."
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

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

Kristen Donnay

12/19/2022

Kristen Donnay
Licensing Consultant

Date

Approved By:

Denise Y. Nunn

01/11/2023

Denise Y. Nunn
Area Manager

Date