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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

April 11, 2023

Connie Clauson
Assured Care Assisted Living, LLC
Suite 203
3196 Kraft Ave SE
Grand Rapids, MI 49512

RE: License #: AL110283729
Investigation #: 2023A0579022
The Willows Assisted Living #4

Dear Connie Clauson:

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 (616) 356-0183.

Sincerely,

A handwritten signature in cursive script that reads "Cassandra Duursma".

Cassandra Duursma, Licensing Consultant
Bureau of Community and Health Systems
Unit 13, 7th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503
(269) 615-5050

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AL110283729
Investigation #:	2023A0579022
Complaint Receipt Date:	02/09/2023
Investigation Initiation Date:	02/09/2023
Report Due Date:	04/10/2023
Licensee Name:	Assured Care Assisted Living, LLC
Licensee Address:	Suite 203 3196 Kraft Ave SE Grand Rapids, MI 49512
Licensee Telephone #:	(616) 285-0573
Administrator:	Lori Copeland
Licensee Designee:	Connie Clauson
Name of Facility:	The Willows Assisted Living #4
Facility Address:	3440 Niles Road St. Joseph, MI 49085
Facility Telephone #:	(269) 428-0715
Original Issuance Date:	12/11/2007
License Status:	REGULAR
Effective Date:	09/18/2022
Expiration Date:	09/17/2024
Capacity:	20
Program Type:	ALZHEIMERS AGED

II. ALLEGATION(S)

	Violation Established?
Direct care workers took and shared a photograph of Resident A.	Yes

III. METHODOLOGY

02/09/2023	Special Investigation Intake 2023A0579022
02/09/2023	Special Investigation Initiated - Letter Ander McCoy, Direct Care Worker (DCW)
02/09/2023	Contact - Document Sent Lori Copeland, Administrator
02/15/2023	Contact- Face to Face Lori Copeland, Administrator Latesha Townsend, DCW
03/16/2023	Contact- Face to Face Lori Copeland, Administrator
03/31/2023	Contact- Telephone call made Shastandra Perry, DCW
03/31/2023	Contact- Telephone call made Ander McCoy, DCW
03/31/2023	Contact- Telephone call made Aniyah Hayes, Former DCW
03/31/2023	Contact- Telephone call made Kyra Purnell, DCW
03/31/2023	Exit Conference Lori Copeland, Administrator

ALLEGATION:

Direct care workers took and shared a photograph of Resident A.

INVESTIGATION:

On 2/9/23, I received this referral through the Bureau of Community Health Systems on-line complaint system. The referral alleged multiple adult foster care homes received a photograph of Resident A lying on the ground. The photograph was reportedly taken by direct care worker, Aniyah Hayes, and posted on social media where someone obtained it and emailed it to multiple adult foster care homes. It was initially unknown which adult foster care home the photograph was taken in.

On 2/9/23, I sent an email to the person forwarding the photograph inquiring where the photo was taken and asking that out of respect for Resident A, they stop forwarding this photograph. I advised any concern for a direct care worker (DCW) inappropriately photographing a resident can be addressed through this investigation and with the administration of the home where the resident resided, without further sharing the photograph in the community.

On 2/9/23, after reaching out to other adult foster care homes who denied Resident A residing at their home, I exchanged emails with The Willows Administrator, Lori Copeland, who confirmed Resident A was a resident of The Willows prior to her death in November 2022. She reported she was recently made aware of the photo of Resident A being posted on social media but the individual who posted the photograph, Ms. Hayes, ended her employment over a month prior to posting the photograph. She stated the photograph must have been taken prior to Resident A's death in November 2022.

On 2/15/23, I completed an on-site investigation. Interviews were completed with Ms. Copeland and DCW Latesha Townsend. Ms. Copeland confirmed the email address that was forwarding the picture of Resident A was the email address of a DCW at The Willows, Ander McCoy. Ms. Copeland reported Ms. McCoy was not present today. Ms. Copeland confirmed Ms. Hayes ended her employment in December 2022.

Ms. Copeland stated she learned of the photograph of Resident A being posted on social media the weekend prior to this referral being received. She stated although Ms. Hayes ended her employment, she is a relative of Ms. Townsend and Ms. Townsend agreed to speak to Ms. Hayes and request the photograph be taken down from social media. I discussed my concern for Ms. Hayes taking the photo when she was employed at the home at some time prior to Resident A's death in November and concern for Ms. McCoy forwarding the photograph to other adult foster care homes. Ms. Copeland stated at the next DCW meeting, training on confidentiality and not photographing or sharing photographs of residents would be discussed.

Ms. Townsend stated she does not use social media, so she did not see the post from Ms. Hayes of Resident A. She stated she heard other DCWs discussing the post and agreed that since Ms. Hayes is her relative, she would speak to her. She

stated she contacted Ms. Hayes but did not receive a response. Ms. Townsend denied additional information regarding this incident.

On 3/16/23, I met with Ms. Copeland to obtain the schedule for the last two weeks Ms. Hayes worked in the home and contact information for the DCWs she worked with.

On 3/31/23, I completed a telephone interview with DCW Shastandra Perry who stated she did not see the picture of Resident A on social media but did see it when DCWs were looking at a screenshot of it and discussing that they were going to report it to Ms. Copeland. She stated she believes the picture was posted on Snapchat, so it was removed from social media within 24 hours. She stated Ms. Hayes had not worked at the home for some time prior to posting the photograph and she does not know when it was taken, aside from prior to Resident A's death in November 2022. Ms. Perry stated she worked with Ms. Hayes prior to Ms. Hayes leaving her role as a DCW and denied concerns for Ms. Hayes or any other DCW photographing residents or violating HIPAA. She stated while Ms. Hayes was rude to other DCWs, she was always "very kind" to residents so she did not expect Ms. Hayes to do something "so ugly" as posting a picture of Resident A lying on the ground on social media. She stated even prior to this photograph being posted, Ms. Copeland made it "very clear" that DCWs were not to take pictures or share resident information on social media or outside of the home. She stated this incident was addressed at a staff meeting and DCWs were again reminded they cannot photograph residents or violate HIPAA. She stated if she were to see someone violate HIPAA or were to come across a photograph of a resident on social media, she would immediately report it to Ms. Copeland like DCWs did in this incident. She denied any additional concerns.

On 3/31/23, I completed a telephone interview with Ms. McCoy. She stated she did not see the photograph of Resident A on social media, as she is not friends with Ms. Hayes on social media. She stated a relative of hers is friends with Ms. Hayes on social media and knew Ms. Hayes worked as a DCW at The Willows previously and at a different AFC home at the time the photo was shared. She stated her relative knew Ms. McCoy was a DCW at The Willows and asked if DCWs should be posting pictures of residents on social media. Ms. McCoy stated she knew DCWs should not be posting pictures of residents on social media and agreed she would forward the photograph to the AFC home Ms. Hayes presently works at, so they were aware she was posting a picture of one of their residents on social media. She stated she forwarded that picture to that AFC home. She stated the next day, she showed the photograph to manager, Crystal Gentry, at The Willows. She stated Ms. Hayes had previously worked at The Willows so she wanted to report the photograph to The Willows as well. She stated Ms. Gentry saw the picture and reported that was a resident of The Willows who had expired prior to Ms. McCoy starting at The Willows so Ms. McCoy did not know her. She stated she believes Ms. Gentry reported the photograph to Ms. Copeland once she realized it was a photograph of Resident A. Ms. McCoy stated prior to this incident, she did not have concerns for Ms. Hayes as

they “didn’t really work together” because Ms. Hayes left her role shortly after Ms. McCoy started. She stated while she did not know Ms. Hayes well, every DCW she spoke to regarding the photograph was surprised Ms. McCoy posted a picture of Resident A lying on the ground on social media. She stated during her orientation in December 2022, she was trained very clearly that DCWs may not photograph residents and that sharing resident information on social media or outside of the home was a violation of HIPAA. Ms. McCoy denied sharing the photograph of Resident A with other AFC homes to be malicious. She stated she only shared it with the home she thought the resident lived in which was the home that Ms. Hayes worked in at the time the photograph was posted just to make sure they were aware. She denied any additional concerns.

On 3/31/23, I attempted a telephone interview with Ms. Hayes at the number provided by Ms. Copeland. An automated message played stating the number was not accepting calls at this time.

On 3/31/23, I completed a telephone interview with DCW Kyra Purnell who stated she worked with Ms. Hayes. She denied any knowledge or concern for Ms. Hayes photographing residents or violating their confidentiality. She stated she was not aware of a picture of Resident A on social media and if someone had taken one on second shift, it was likely done “behind [other DCW’s] back.” She stated all staff are trained that they may not photograph residents or share resident information on social media or outside of the home. She stated if she saw someone post a photograph or resident information on social media or violate HIPAA, she would tell Ms. Copeland immediately. She denied any additional concerns.

APPLICABLE RULE	
R 400.15304	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> <p>(2) A licensee shall respect and safeguard the resident's rights specified in subrule (1) of this rule.</p>

<p>ANALYSIS:</p>	<p>Ms. Copeland confirmed she was made aware of the photograph of Resident A posted on social media on or about 2/4/23. She reported Resident A expired in November 2022, so the photograph was taken prior to then. The person who posted the photo was a former direct care worker, Aniyah Hayes, who ended her employment at The Willows in December 2022.</p> <p>Direct care workers, Ms. Perry, Ms. McCoy, and Ms. Purnell denied seeing the photo of Resident A lying on the ground on social media, but the photo was shared with Ms. Perry and Ms. McCoy. Ms. Perry reported she was shown the photo by direct care workers who reported they were notifying Ms. Copeland. Ms. McCoy stated she was shown the photo and assumed the photo was of a resident at the AFC where Ms. Hayes worked at the time she posted the photo, so she notified that AFC and then Ms. Gentry from The Willows, before learning it was a photo of Resident A who expired prior to Ms. McCoy working at the home.</p> <p>Ms. Perry, Ms. McCoy, and Ms. Purnell denied concern for Ms. Hayes or any other direct care worker photographing residents or sharing confidential information on social media. They each confirmed they were trained that it is not acceptable to take photographs of residents or share resident information on social media and if something like this was posted again, they would immediately report it to Ms. Copeland.</p> <p>Based on the interviews completed and documentation observed, there is sufficient evidence to support Resident A's right to be treated with consideration and respect, with due recognition of personal dignity, individuality, and the need for privacy was not respected or safeguarded when a former direct care worker shared a photograph of Resident A on social media.</p>
<p>CONCLUSION:</p>	<p>VIOLATION ESTABLISHED</p>

On 03/31/2023, I completed an exit conference with Ms. Copeland due to her active involvement with the investigation and knowledge of the allegations. Ms. Copeland did not dispute my findings or recommendations.

IV. RECOMMENDATION

Contingent upon receipt of an acceptable plan of corrective action, I recommend the status of the license remain the same.

Cassandra Duursma

3/31/23

Cassandra Duursma
Licensing Consultant

Date

Approved By:

Russell Misiak

4/11/23

Russell B. Misiak
Area Manager

Date