



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

March 16, 2023

Eliyahu Gabay
True Care Living
565 General Ave.
Springfield, MI 49037

RE: License #: AH130405658
Investigation #: 2023A1021024
True Care Living

Dear Mr. Gabay:

Attached is the Special Investigation Report for the above referenced facility. Due to the severity of the violations, disciplinary action against your license is recommended. You will be notified in writing of the department's action and your options for resolution of this matter.

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 that reads "Kimberly Horst".

Kimberly Horst, Licensing Staff
Bureau of Community and Health Systems
611 W. Ottawa Street
Lansing, MI 48909

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AH130405658
Investigation #:	2023A1021024
Complaint Receipt Date:	01/03/2023
Investigation Initiation Date:	01/05/2023
Report Due Date:	03/02/2023
Licensee Name:	True Care Living Limited Liability Corporation
Licensee Address:	16135 Stratford Drive Southfield, MI 48075
Licensee Telephone #:	(818) 288-0903
Administrator/ Authorized Representative/	Eliyahu Gabay
Name of Facility:	True Care Living
Facility Address:	565 General Ave. Springfield, MI 49037
Facility Telephone #:	(269) 968-3365
Original Issuance Date:	03/25/2021
License Status:	REGULAR
Effective Date:	09/25/2022
Expiration Date:	09/24/2023
Capacity:	108
Program Type:	AGED

II. ALLEGATION(S)

	Violation Established?
Facility has bed bugs.	Yes
Additional Findings	Yes

III. METHODOLOGY

01/03/2023	Special Investigation Intake 2023A1021024
01/05/2023	Special Investigation Initiated - Telephone interviewed complainant
01/05/2023	APS Referral referral sent to APS
01/06/2023	Contact - Telephone call made interviewed Orkin Pest Control
01/09/2023	Contact-Telephone call made Interviewed Rose Pest Solutions
01/12/2023	Inspection Completed On-site
01/17/2023	Contact-Telephone call made Interviewed authorized representative Eliyahu Gabay
01/17/2023	Contact-Telephone call made Interviewed GreenTech
01/19/2023	Contact-Document Received Received Medical Record

ALLEGATION:

Facility has bed bugs.

INVESTIGATION:

On 1/3/2023, the licensing department received a complaint with allegations the facility has bed bugs.

On 1/5/2023, the allegations in this report were sent to centralized intake at Adult Protective Services (APS).

On 1/5/2023, I interviewed the complainant by telephone. The complainant alleged resident from the facility have been brought to the hospital with live bed bugs on them and multiple bed bug bites. The complainant was unable to provide a resident name but did provide that the resident was a male resident that admitted to the emergency room in December 2022. The complainant alleged the male resident was in the emergency room on 12/13/22 and live bed bugs were observed on the resident. The complainant compared the resident to a dead animal on the side of the road due to the amount of bed bugs and bed bugs bites that he had on him.

I reviewed the facility licensee file which details the licensing history of the facility. On 2/19/21, the department issued a confirming letter with a rule violation of bed bugs. On 5/26/22, the facility was investigated regarding bed bugs. The facility did have bed bugs in two rooms and was working with a local pest control company.

On 1/5/2023, I interviewed Orkin Pest Control. The company reported they had not provided bed bug treatment since January 2022.

On 1/9/2023, I interviewed Rose Pest Solutions. The company reported their bed bug services were cancelled in June 2021.

On 1/12/2023, I interviewed administrator Kalina Dery at the facility. Ms. Dery reported the facility had a male resident, Resident A, that was admitted to the emergency room on 12/13/22 following a fall. Ms. Dery reported Resident A's room has been treated for bed bugs. Ms. Dery reported the facility is using heat and chemical treatments to address the bed bugs. Ms. Dery reported the facility was working with a local pest exterminator, but the company was not doing a good job, so the facility is now doing their own treatments. Ms. Dery reported there are approximately four rooms that are "hot spots" for bed bugs. Ms. Dery reported caregivers found evidence of bed bugs in a room yesterday. Ms. Dery reported the facility is trying to be proactive with dealing with the bed bugs, but it is very difficult with the resident population the facility serves. Ms. Dery reported the facility tries to prevent new residents from bringing in bed bugs by when a resident is admitted to the facility, management strongly encourages the resident not to bring in their own furniture, but the resident still has right to bring in their furniture. Ms. Dery reported management will check the resident belongings for bed bugs. Ms. Dery reported resident items can be placed in the boiler room to kill off any bed bugs. Ms. Dery reported the boiler room has a high temperature and the facility believes this will kill off any bed bugs. Ms. Dery reported care staff are to change linens in resident

rooms at least every other day and if signs of bed bugs are found, the caregiver is to put a note in the internal communication system, identified as Slack. Ms. Dery reported the maintenance department then determines course of treatment for the bed bugs.

On 1/12/2023, I interviewed staff person 1 (SP1) at the facility. SP1 reported the facility purchased the equipment to heat and chemically treat the rooms for bed bugs. SP1 reported the local pest control company was not doing a good job and therefore the facility stopped the contract. SP1 reported the facility started completing their own treatments on 6/20/22. SP1 reported the maintenance department completed a short training course. SP1 reported Mr. Gabay has connections with people in LA (Las Angeles, CA) that are available to assist, as needed. SP1 reported the treatments are alternated between heat and chemical. SP1 reported when the room is treated the resident is to be out of the room for approximately eight hours. SP1 reported it has taken some trial and error to learn how to appropriately treat the rooms, such as getting the heaters up to high temperature, but the treatments do work. SP1 reported he read and researched to learn the process. SP1 reported he is currently working on room 101N, 118N, 111S, 106S, and 105S for bed bugs. SP1 reported when bed bugs are found, care staff are to put a note in the internal facility communication program, Slack. SP1 reported when the room is being treated the caregivers have a reference guide in the medication room as to what they are to do to assist him in the treatment process. SP1 reported management has and continues to re-do rooms to address the bed bug issues. SP1 reported new flooring has been installed, rooms have been painted, and cracks have been sealed. SP1 reported the treatment for the bed bugs is difficult because the building has never been completely vacated of belongings and residents. SP1 reported the facility cannot be proactive with bed bug treatment as they are constantly responding to current bed bug issues.

On 1/12/2023, I interviewed Resident B at the facility. Resident B reported his roommate is Resident A. Resident B reported his room has been treated for bed bugs and he has had bed bugs in his room.

On 1/12/2023, I observed Resident C's room. Resident C was out of the facility. I observed dirty linen on the floor in the room. On the linen there was evidence of bed bug activity and a live bed bug.

On 1/12/2023, I interviewed Resident D at the facility. Resident D reported bed bugs were found in his room yesterday. Resident D reported his room has been treated for bed bugs, but bugs keep coming back. Resident D reported he has killed bed bugs on his bed.

On 1/17/2023, I interviewed authorized representative Eliyahu Gabay by telephone. Mr. Gabay reported the facility has worked with Orkin Pest Control, Rose Pest Control, and MidMichigan Bed Bug Specialist. Mr. Gabay reported the companies were not efficient or would not come to the facility to treat the bed bugs. Mr. Gabay

reported the facility purchased heaters from GreenTech Heat Solutions to treat the bed bugs. Mr. Gabay reported the company has technical support available and education was provided to maintenance on how to use the equipment. Mr. Gabay reported the chemicals that are used are purchased from Lowes.

On 1/17/2023, I interviewed GreenTech Heat Solutions. They did not find any purchase history from January 2022 to present day. The company reported the facility could have purchased the equipment secondhand. The company reported no records of training.

On 1/19/2023, I obtained Resident A's medical records from Bronson Battle Creek Hospital. The records read,

"Pt also decon'd for bed bugs upon arrival to ED."

I observed Resident D's room. The drawers and a picture frame were damaged from the heat treatments to the room, as confirmed by SP1.

I reviewed facility bed bug treatment records. In 2023, the facility treated room 115S, 102S, and 104S. In room 115S and 102S chemicals and fogger were used. In room 104S heat treatment was used with the highest temperature recorded of 148 degrees.

I reviewed GreenTech website. The website read,

"GreenTech Heat does not offer pest control service. We sell equipment and training for heat treatments of insects. Due to our growing popularity of many visitors to our site, some are just good folks seeking a heat treatment service provider and ask us for a referral. So, we at GreenTech Heat decided to offer those visiting for the need of a heat treatment, the opportunity to select from a sampling of our professional pest control companies that use GreenTech Heat Solutions systems across the country. Please view our growing list of service providers throughout the USA and Canada."

There were no service providers in the state of Michigan listed on the website.

On the website, it revealed the company offers training programs which includes Master Heat Technician Certification, live personal instruction with our Technical Services Professionals, and in person training.

I reviewed confirming letter dated 2/19/21 that was sent to the authorized representative. The confirming letter read,

“Interviews with Mr. Gabay revealed the facility is working with canine dogs, Mid-Michigan Bed Bug Specialist, and staff are completing heat treatments. Mr. Gabay reported staff members were to complete an “online training” in regard to heat treatment for bed bugs but not have completed said training. The infestation remains unreasonably unmanaged and a continued threat to resident wellbeing.”

The authorized representative provided a plan of correction to the licensing department on 3/1/21. The plan of corrective action read,

“TCL (True Care Living) will continue to treat rooms for bedbugs at an aggressive pace. We have made extremely significant strides and are hopeful to be bedbug-free by end of March. We will continue to have detective dogs service the building monthly until the building is entirely bedbug-free. The latest bedbug dog detection survey occurred February 26, and identified continued improvement with only 19 rooms identified, an improvement of 13 rooms since the prior inspection (January 13, 2021). A copy of the report will be provided to the licensing consultant. The next inspection is scheduled for mid-march. Rose Pest Solutions has been hired to service our building regularly for common vermin or pests such as possums, rats, mice, cockroaches, ants, flies, etc. Additionally, in the event we are not entirely bedbug-free by the end of March, Rose Pest Control is putting together a proposal plan to treat TCL. Steve Sullivan ,Director of Maintenance , is responsible for our building’s bedbug and pest control. Please find our bedbug log, attached.”

I reviewed special investigation AH130405658_SIR_2022A1028042 dated 5/18/22. The report revealed licensing consultant Julie Viviano was onsite to investigate bed bugs. It was found the facility did have bed bugs in two rooms but “The facility continues to treat appropriately and is also enrolled in a continuous extermination program to address any further issues and to prevent any future outbreak occurrences.”

I reviewed *Getting the Bed Bugs Out* published by Michigan Department of Health and Human Services with collaboration with Michigan State University. The publication read,

“Don’t use total release foggers (also called “bug bombs”) to treat bed bugs. Even fogging products that specifically claim to be for bed bugs haven’t worked well in independent tests. Because of the way they work, foggers can’t reach the tiny cracks and crevices where bed bugs hide. Foggers can, however, cause bed bugs to move into new rooms or apartments, making an infestation even harder to treat. Foggers also scatter insecticides throughout the living area, which could expose you and your children and pets to the insecticide residue.”

I reviewed *Michigan Manual for the Prevention and Control of Bed Bugs* presented by Michigan’s Bed Bug Working Group in collaboration with Michigan Department of Health and Human Services. The document read,

“Long-term care, nursing and assisted living facilities face special challenges when it comes to dealing with bed bugs. Residents often have limited mobility and may have physical or mental health difficulties that make it difficult or impossible to communicate that they are being bitten. Furthermore, residents may be hesitant to report bed bug concerns for fear of being stigmatized or evicted. Therefore, it is critical that these facilities be especially vigilant for any signs of bed bugs.

Sleeping rooms and common areas should be regularly inspected for bed bugs. See the Inspection section for specific information what to look for. Bedding can also be checked for signs of infestation when it is changed. In long-term care facilities, many patients use wheelchairs, or motorized cars for movement. These items can become infested by bed bugs and spread them to common areas or other resident’s rooms. Be aware that these items should also be inspected carefully if bed bugs are suspected.

Staff who assist residents with bathing should be trained to look for and report skin lesions. There are a number of skin conditions that can affect people in long-term care settings, including MRSA (methicillin-resistant Staphylococcus aureus), scabies, and pressure sores. Bed bug bites should be considered when a patient is experiencing inflammatory lesions in which other causes have been ruled out and typical treatments have failed.

Intake evaluations for new residents should include bed bug screening. Facilities should be very cautious about allowing residents to bring in their own furniture. If the facility allows outside furniture to be brought in, the items should be inspected to ensure that they are bed-bug free. Shared equipment like wheelchairs, trays, and carts should be stored away from sleeping areas and should be disinfected between uses.

If a bed bug infestation is suspected in a long-term care facility, it is vitally important that the facility contact a licensed pest management professional immediately. The longer an infestation is allowed to develop, the more difficult it can be to eradicate. The pest management professional should conduct a thorough inspection and work with the facility management to develop a treatment plan. Because it may not be practical to relocate the affected residents, treatment strategies should conform to an Integrated Pest Management plan so as to minimize exposure to pesticides.

When an infestation is confirmed, it is important to be sensitive to the concerns of affected residents. Residents may feel ashamed and may not want others to know that they are having a problem with bed bugs. These concerns will have to be balanced with the need to control the infestation. Reassure residents that the bed bug infestation is not their fault, and that bed bugs are not indicative of poor hygiene or housekeeping. With the resident’s consent, notify family members and

other regular visitors that bed bugs have been found in the facility, and provide them with educational materials so that they can check for bed bugs in their own homes.

In these instances, investigative work may also be helpful to determine whether visitors to the facility may be bringing bed bugs in. The point of this exercise is not to place blame, but to educate, control, and prevent bed bugs from being introduced again. If a resident's room is continuously infested after treatment attempts, the bed bugs may be being brought in by visitors. There is also a possibility they may be coming from an adjacent unit. Education and evaluation of visitors, and inspection and treatment (if necessary) of adjacent units will help to prevent infestations."

I reviewed Bed Bugs Insider article by Bed Bug Insider titled, "Will Heat Treatment Kill Bed Bugs?". The article read,

"Heat treatment works at 122 degrees Fahrenheit or higher. All bed bugs and eggs die at this temperature. However, it's possible for some bed bugs to survive by hiding in cooler places. DIY heat treatment is possible, but it's difficult to penetrate all areas of the home. Professional heat treatment is much more effective.

You can buy pesticides and other topical bed bug treatments online. However, heat treatment is far more difficult to perform by yourself. There are various methods of DIY heat treatment, including steam cleaning and laundering. However, it's almost impossible to reach every corner of your home on your own. To be sure that the infestation is gone, you need to use an exterminator.

How to Kill Bed Bugs with a Heater: Prepare your room. Follow the guidelines above for preparing your room and home for an exterminator's bed bug heat treatment. This includes moving furniture away from the walls, bagging and discarding unwanted possessions, and laundering clothes and bedding.

Put any furniture in your room on its side and lean it against the wall. This will allow more air to circulate around it, which makes the heat treatment more likely to work. There will also be fewer places for the bed bugs to hide.

Seal the room that you'll be heating. You won't be able to heat the whole house in one go, only room by room. Start by sealing any cracks in the baseboard or wall with a sealant. You'll also need to seal the crack under the door.

Place temperature monitors around the room. These mobile monitors wirelessly monitor the temperature and send the data to a computer. If you don't have these, monitor the temperatures manually.

To speed up the process, turn on any ceiling fans in your room. If you don't have ceiling fans, purchase and use a small fan. This helps circulate warm air around the room, so that it takes less time to heat up.

Allow treatment to continue for several hours. During this time, flip the furniture so that no cold spots are allowed to form underneath.

Repeat this process in each room of your house. Treating just one room will allow the bed bugs to escape to other parts of the house."

APPLICABLE RULE	
R 325.1978	Insect and vermin control.
	(1) A home shall be kept free from insects and vermin. (2) Pest control procedures shall comply with MCL 324.8301 et seq.
ANALYSIS:	Licensing staff conducted a walkthrough of the facility on 1/12/23 and noted live bed bug activity in a resident room which is occupied by a resident. Resident interviews confirm that bed bugs have been an ongoing problem at the facility for months. In May 2022, the bed bug infestation was in two rooms and the facility was working with a local pest control company. In June 2022, the facility started their own conducting their own treatment for bed bugs. Facility maintenance staff has been treating the bed bugs with heat and chemical treatment without adequate resolution. At the time of this report, the facility was treating at least five rooms for bed bug activity. The problem has been unsuccessfully remediated. Based on this information, the allegation of chronic issue with bed bugs in the home is substantiated.
CONCLUSION:	REPEAT VIOLATION ESTABLISHED [Reference Confirming letter dated 2/19/21 Corrective Action Plan (CAP) dated 3/1/21]

APPLICABLE RULE	
R 325.1921	Governing bodies, administrators, and supervisors.
	(1) The owner, operator, and governing body of a home shall do all of the following:

	<p>(b) Assure that the home maintains an organized program to provide room and board, protection, supervision, assistance, and supervised personal care for its residents.</p>
<p>For Reference: R 325.1901</p>	<p>Definitions.</p>
	<p>(16) "Protection" means the continual responsibility of the home to take reasonable action to ensure the health, safety, and well-being of a resident as indicated in the resident's service plan, including protection from physical harm, humiliation, intimidation, and social, moral, financial, and personal exploitation while on the premises, while under the supervision of the home or an agent or employee of the home, or when the resident's service plan states that the resident needs continuous supervision.</p>
<p>ANALYSIS:</p>	<p>The facility has not taken responsibility to protect the health and wellbeing of the residents with the bed bug infestation as evidenced by:</p> <p>Resident A was admitted to the emergency room with live bed bugs on his person and notable bed bug bites. Resident A had to go through decontamination in the emergency room for bed bugs.</p> <p>Review of the field file revealed the facility became aware of the bed bug issue in early February 2021. At that time, the facility attested to provide training to staff on heat treatment for dealing with bed bugs and to consult with Rose Pest Solutions if the issue was not eradicated. The facility ended their contract with Rose Pest Solutions and employees were not provided appropriate training on bed bug treatment. After 23 months, the facility still has a chronic issue with bed bugs.</p> <p>The facility ended contracts with licensed pest control companies and began to complete the treatments themselves. The staff members completing the treatments did not complete any formal training on bed bug treatments other than reading, researching, and trial and error.</p> <p>Interviews conducted revealed a few residents that have chronic bed bugs in their room have been moved to a different room whereas other residents are kept in their room. There is no</p>

	<p>sense of organization if a resident is moved or kept in their room.</p> <p>The facility has failed to develop a preventive policy to prevent bed bugs from coming into the facility and the spread of bed bugs within the facility. When new residents are admitted to the facility, resident personal items may or may not be placed in the boiler room to kill off any bugs. The resident is not checked for bed bugs nor is any of their clothing items laundered. Review of publications revealed bed bugs will often spread from room to room. When the facility treats a room for bedbugs, they do not treat adjacent rooms to prevent the continued spread of the bed bugs.</p>
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION:

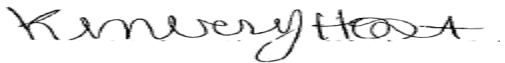
While onsite it was found Resident A and Resident C were hospitalized and were out of the facility due to medical needs. Review of received incident reports revealed the facility did not appropriately notify the department of these reportable incidents.

APPLICABLE RULE	
R 325.1924	Reporting of incidents, accidents, elopement.
	(3) The home shall report an incident/accident to the department within 48 hours of the occurrence. The incident or accident shall be immediately reported verbally or in writing to the resident's authorized representative, if any, and the resident's physician.
For Reference: R 325.1901	Definitions.
	(17) "Reportable incident/accident" means an intentional or unintentional event in which a resident suffers harm or is at risk of more than minimal harm, such as, but not limited to, abuse, neglect, exploitation, or unnatural death.
ANALYSIS:	The facility did not appropriately submit an incident report for the unplanned hospitalization of Resident A and Resident C.
CONCLUSION:	REPEAT VIOLATION ESTABLISHED

	(For Reference Special Investigation Report AH130405658_SIR_ 2022A1028042 dated 5/26/22 and CAP dated 5/27/22.)
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IV. RECOMMENDATION

I recommend the issue of a corrective notice order.



1/19/2023

Kimberly Horst
Licensing Staff

Date

Approved By:



03/10/2023

Andrea L. Moore, Manager
Long-Term-Care State Licensing Section

Date