



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

March 5, 2024

Mickey Bauchan
Michigan Community Services, Inc.
PO Box 317
Swartz Creek, MI 48473

RE: License #: AS250010706
Investigation #: 2024A0779018
River Road

Dear Mickey Bauchan:

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 (517) 643-7960.

Sincerely,

A handwritten signature in cursive script that reads "Christopher A. Holvey".

Christopher Holvey, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(517) 899-5659

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 #:	AS250010706
Investigation #:	2024A0779018
Complaint Receipt Date:	01/22/2024
Investigation Initiation Date:	01/23/2024
Report Due Date:	03/22/2024
Licensee Name:	Michigan Community Services, Inc.
Licensee Address:	5239 Morrish Rd. Swartz Creek, MI 48473
Licensee Telephone #:	(810) 635-4407
Administrator:	Sarah Burns
Licensee Designee:	Mickey Bauchan
Name of Facility:	River Road
Facility Address:	6290 River Road Flushing, MI 48433
Facility Telephone #:	(810) 733-2599
Original Issuance Date:	05/24/1983
License Status:	REGULAR
Effective Date:	02/12/2024
Expiration Date:	02/11/2026
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED

II. ALLEGATION(S)

	Violation Established?
On 1/14/24, staff Jaleeah Carter squeezed Resident A's foot and called him a "crippled bitch".	Yes

III. METHODOLOGY

01/22/2024	Special Investigation Intake 2024A0779018
01/22/2024	APS Referral Complaint was received from APS centralized intake.
01/23/2024	Special Investigation Initiated - Telephone Spoke to ORR.
01/23/2024	Contact - Telephone call made Spoke to administrator, Sarah Burns.
01/24/2024	Inspection Completed On-site
02/02/2024	Contact - Telephone call made Spoke to staff person, Jaleeah Carter.
03/01/2024	Exit Conference Held with administrator, Sarah Burns.

ALLEGATION:

On 1/14/24, staff Jaleeah Carter squeezed Resident A's foot and called him a "crippled bitch".

INVESTIGATION:

On 1/23/24, a phone conversation took place with recipient rights investigator, Pat Shepard, who confirmed that she was investigating the same allegations. Pat Shepard stated that she had interviewed staff person, Destany Kelly, who said that she had heard staff person, Jaleeah Carter, call Resident A a "crippled bitch" and witnessed Staff Carter squeeze Resident A's foot. Pat Shepard reported that she attempted to interview Resident A but he did not want to talk and would not confirm any abuse/neglect taking place. Pat Shepard stated that she has made attempts to interview Staff Carter but she has not returned her call/voicemail.

On 1/23/24, a phone conversation took place with administrator, Sarah Burns, who confirmed that she was aware of these allegations and that she had spoken to Resident A. Admin Burns stated that Resident A does not seem to want to talk about the incident and does not want to get anyone into trouble. Admin Burns stated that Resident A told her that Staff Carter touched his foot, that it hurt, but that the pain was gone. Admin Burns reported that Resident A has cerebral palsy and gout on both feet, that his feet are very sensitive and that he does not like his feet being touched at all. Admin Burns stated that unfortunately it is not unusual for staff to have to touch/move Resident A's feet when providing personal care, as Resident A's legs are restricted and contracted due to the cerebral palsy. Admin Burns said that Resident A has been known to yell out when his feet are accidentally hit or touched. Admin Burns reported that Resident A is legally blind and does not like to be rushed when doing his personal care, as he likes staff to talk him through what they are doing. Admin Burns stated that she was told that Resident A had a bowel movement at the very end of Staff Carter's shift, so Staff Carter seemed a little frustrated with having to change him, so she may have been rushing to complete the changing. Admin Burns stated that this incident did not result in any injury to Resident A's foot. Admin Burns reported that she observed interaction between Resident A and Staff Carter the day after the incident and Resident A seemed fine and comfortable with Staff Carter.

On 1/24/24, an on-site inspection was conducted and Resident A was interviewed. Resident A stated that Staff Carter was rough with him but could not provide detailed information as to what "rough" meant. Resident A stated that Staff Carter touched his foot and it hurt, but that it is good now. When asked if Staff Carter called him a "crippled bitch", Resident A hesitated and then said "No". Resident A then could either not remember or didn't understand, when asked if Staff Carter was mean or said anything mean to him, because he simply did not respond. Resident A's interview was somewhat difficult and it was unclear if Resident A actually understood some of the questioning.

Resident A's Assessment Plan For AFC Residents was reviewed. The plan stated that Resident A suffers from cerebral palsy and is legally blind. It indicates that Resident A utilizes a mechanical lift and wheelchair and requires assistance from staff to complete all activities of daily living.

On 1/24/24, an interview was conducted with staff person, Karol Robertson, who stated that on 1/14/24, she heard Resident A yelling, using the "F" word toward Staff Carter and calling Staff Carter names repeatedly. Staff Robertson stated that she has never heard Resident A use that kind of language before. Staff Robertson stated that when she asked Staff Carter about why Resident A was so angry, Staff Carter told her that she had tickled Resident A's feet. Staff Robinson reported that when having to touch Resident A's feet, Resident A may say "ouch" or grunt, but does not usually yell out. Staff Robertson stated that she did not witness Staff Robertson touch Resident A's foot or witness anything that went on inside Resident A's bedroom. Staff Robertson stated that she checked on Resident A several times throughout the day after the incident and Resident A seemed fine and did not complain about his foot hurting.

On 1/24/24, an interview took place with staff person, Destany Kelly, who stated that she was in the room and helped Staff Carter with Resident A's care on 1/14/24. Staff Kelly stated that she was assisting with helping hold Resident A up, but that Staff Carter was doing the actual cleaning of Resident A. Staff Kelly reported that she witnessed Staff Carter grab Resident A's foot and that Resident A yelled out and cussed at Staff Carter, but she is not sure if Staff Carter actually squeezed Resident A's foot. Staff Kelly stated that she cannot say if Staff Carter intentionally meant to hurt Resident A. Staff Kelly said that Staff Carter was not being rough while changing Resident A, but that Resident A was quite agitated, mad, and cussing at Staff Carter after she had touched Resident A's foot. When asked if Staff Carter called Resident A a "crippled bitch," Staff Kelly stated that she was standing right there and clearly heard Staff Carter say those exact words. Staff Kelly stated that Staff Carter was mad and said to Resident A, "For someone who can't change their self, you do too much. Crippled bitch." Staff Kelly was not sure if Resident A realized what Staff Carter called him because Resident A was so upset at the time.

On 2/2/24, an attempt was made to interview staff person, Jaleeah Carter by phone. When asked to talk about a complaint regarding Resident A at this home, Staff Carter became quite defensive and said that she knew nothing about any investigation regarding this home and does know why people keep calling her about it. Staff Carter stated that she was going to call the police about being harassed and she hung up the phone.

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.
ANALYSIS:	It was confirmed that, due to having gout, Resident A's feet are sensitive to the touch, but that due to his cerebral palsy, it is often needed for staff to touch his feet and/or move his legs. It was unclear if Resident A actually understood the questioning when he said "No", when asked if staff person, Jaleeah Carter, called him a "crippled bitch". When Resident A was then asked if Staff Carter was mean or said anything mean to him, Resident A

	could either not remember or didn't understand, because he simply did not respond. Staff person, Destany Kelly, stated that she was standing right there and said that she clearly heard Staff Carter call Resident A a "crippled bitch". Attempts were made to interview Staff Carter about this incident, but she refused to talk. There was sufficient evidence found to support the allegations that Staff Carter had verbally abused Resident A.
CONCLUSION:	VIOLATION ESTABLISHED

On 3/1/24, an exit conference was held with administrator, Sarah Burns. Admin Burns was informed of the outcome of the investigation and that a corrective action plan is required.

IV. RECOMMENDATION

Upon receipt of an approved written corrective action plan, it is recommended that the status of this home's license remain unchanged.

Christopher A. Holvey

3/5/2024

 Christopher Holvey
 Licensing Consultant

 Date

Approved By:

Mary Holton

3/5/2024

 Mary E. Holton
 Area Manager

 Date