



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

March 13, 2024

Michael Roy and Lydia Roy
13163 Southland Ct.
Holland, MI 49424

RE: License #: AF700302004
Investigation #: 2024A0350021
Noble Care

Dear Michael Roy and Lydia Roy:

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 (616) 356-0100.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Tschirhart', with a stylized flourish at the end.

Ian Tschirhart, Licensing Consultant
Bureau of Community and Health Systems
Unit 13, 7th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503
(616) 644-9526

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

I. IDENTIFYING INFORMATION

License #:	AF700302004
Investigation #:	2024A0350021
Complaint Receipt Date:	03/11/2024
Investigation Initiation Date:	03/12/2024
Report Due Date:	04/10/2024
Licensee Name:	Michael Roy and Lydia Roy
Licensee Address:	13163 Southland Ct. Holland, MI 49424
Licensee Telephone #:	(616) 786-0315
Name of Facility:	Noble Care
Facility Address:	13163 Southland Ct. Holland, MI 49424
Facility Telephone #:	(616) 786-0315
Original Issuance Date:	07/09/2009
License Status:	REGULAR
Effective Date:	12/23/2023
Expiration Date:	12/22/2025
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL AGED

II. ALLEGATION(S)

	Violation Established?
The residents are required to leave the home during the day.	Yes

III. METHODOLOGY

03/11/2024	Special Investigation Intake 2024A0350021
03/12/2024	Special Investigation Initiated - On Site I met and spoke with Lydia Roy, Co-Licensee and all 5 residents
03/13/2024	Exit Conference – Held with Lydia Roy, Co-Licensee

ALLEGATION: The residents are not allowed to be home during the day and have to be out.

INVESTIGATION: On 03/12/2024, I made an onsite inspection and met with Lydia Roy, Co-Licensee. I informed Mrs. Roy that a complaint was made and requested to speak with the residents. She told me that she has five residents and that they were all present at this time.

On 03/12/2024, I met with Resident A, Resident B, Resident C, Resident D, and Resident E together. I asked them if they had been told they are required to be out of the house during the day, and Resident A and Resident B both said that they were told that they need to be out of the house during the day. When I asked if everyone else agreed that they were told this, Resident C, Resident D, and Resident E responded in the affirmative. I asked them what time of the day they were expected to be out and what time could they return. Resident B told me that they needed to be out after breakfast (no time given) and could return after 1 p.m. I asked them if they attended any day programs and they each said they did. Some go to Life Circles and some to Lakeshore Clubhouse. To make sure I was clear on this, I asked the residents if it was their understanding that they are required to be out of the house during the day, or if they were only encouraged to be, and Resident A said that they are required. I asked the other residents if this was the case and Resident B and Resident D said yes, but Resident C and Resident E did not respond. I informed the residents that it was their right to be at home anytime they choose, except if an emergency situation arose it which it would be unsafe for them to do so.

On 03/12/2024, I met again with Mrs. Roy. I informed her that I was told by the residents that she told them they needed to be out of the house during the day, and

that this was a violation of their rights. Mrs. Roy explained that whenever a resident moves into this home, she tells them (and their Case Managers) that they need to have daytime activities outside of the house because she did not have anyone working for her and there were things she often needs to do outside of house, such as go grocery shopping, etc. I told Mrs. Roy that I understood that she needs to do things outside of the house sometimes but that she still has to honor the residents' rights to have access to their rooms and living area. Mrs. Roy told me that she encourages the residents to do things outside of the home because it would not be good for them to stay home and watch TV and smoke cigarettes all day. I agreed but reiterated their right to have reasonable access to their home. I stressed the difference between encouraging them to have day activities outside the home and demanding that they leave the home whether or not they have any place to go. Mrs. Roy understood and stated again that she made it clear to the residents (and their Case Managers) before they agreed to move it that they must be out of the home during the day on weekdays. I again informed Mrs. Roy of the residents' rights to have reasonable access to the home. Mrs. Roy explained that the residents can stay home if they are sick or injured. She then wanted to speak with the residents in my presence and we went to where they were and spoke with them.

On 03/12/2024, Mrs. Roy addressed the residents in my presence, asking them if she told them before they moved in that they needed to have daytime activities outside of the home during the week, and the residents confirmed this. Mrs. Roy told me in front of the residents that there have been times when she advised the residents not to leave the house because the weather was bad. She asked Resident A and Resident B if this was true, and they said it was. Mrs. Roy informed me that the residents like to do things outside of the home, stating that sometimes Resident A is gone for most of the day doing things he wants to do. Resident B also stated that he likes to do things outside of the home; and Resident E said he believed he was encouraged to do activities outside the home, but did not have to if he didn't want to.

On 03/13/2024, I called and held an exit conference with Lydia Roy, Co-Licensee. I informed Mrs. Roy that I was citing a violation of this rule. She asked me what she had to do in response and I gave her a brief explanation of how to do a Corrective Action Plan (CAP). I also told her that it is explained in this report what is expected in writing a CAP. Mrs. Roy then thanked me and had no further comment.

APPLICABLE RULE	
R 400.1409	Resident rights; licensee responsibilities.
	(1) Upon a resident's admission to the home, the licensee shall inform and explain to the resident or the resident's designated representative all of the following resident rights: (p) The right of access to his or her room at his or her own discretion.

ANALYSIS:	<p>All five residents confirmed that they were told to be out of the house on weekdays during the day. Although they all go to day programs, they were under the belief that they could not stay home during the day if they wanted to.</p> <p>Lydia Roy, Co-Licensee, explained that she informed each of these residents before agreeing to move in that they needed to be out of the house during the daytime on weekdays.</p> <p>I explained to Mrs. Roy that residents have a right to have access to their rooms and living spaces whenever they wanted, with the exception of emergencies that would make it unsafe for them to be in the home. I told Mrs. Roy that she could encourage her residents to do activities outside the home, but she could not demand that they do.</p> <p>My findings support that this rule had been violated.</p>
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, I recommend that the status of this home’s license remain unchanged, and that this special investigation be closed.

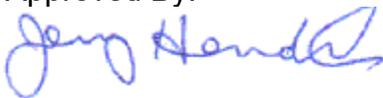


March 13, 2024

Ian Tschirhart
Licensing Consultant

Date

Approved By:



March 13, 2024

Jerry Hendrick
Area Manager

Date