



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

James Maxson
Grand Vista Properties, LLC
13711 Lyopawa Island
Coldwater, MI 49036

April 2, 2024

RE: License #: AL120406800
Investigation #: 2024A1030019
Grand Vista Properties

Dear Mr. Maxson:

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,

Nile Khabeiry, Licensing Consultant
Bureau of Community and Health Systems
Unit 13, 7th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AL120406800
Investigation #:	2024A1030019
Complaint Receipt Date:	02/15/2024
Investigation Initiation Date:	02/16/2024
Report Due Date:	04/16/2024
Licensee Name:	Grand Vista Properties, LLC
Licensee Address:	13711 Lyopawa Island Coldwater, MI 49036
Licensee Telephone #:	(517) 227-5225
Administrator:	James Maxson
Licensee Designee:	James Maxson
Name of Facility:	Grand Vista Properties
Facility Address:	99 Vista Drive Coldwater, MI 49036
Facility Telephone #:	(517) 227-5225
Original Issuance Date:	12/29/2020
License Status:	1ST PROVISIONAL
Effective Date:	11/13/2023
Expiration Date:	05/12/2024
Capacity:	20
Program Type:	AGED

II. ALLEGATION(S)

	Violation Established?
The home employed an individual prohibited employment under Michigan law.	Yes
Resident A's medication was stored at another home.	No
Additional Findings	Yes

III. METHODOLOGY

02/15/2024	Special Investigation Intake 2024A1030019
02/16/2024	Special Investigation Initiated - Telephone Interview with Staff #1
02/16/2024	Contact - Document Received Received information from Workforce Background Check Section
02/16/2024	Contact - Document Received Exclusionary Notice received
02/16/2024	Contact - Telephone call made Interview with Staff #2
02/20/2024	Contact - Telephone call made Interview staff #3
02/21/2024	Contact - Face to Face Interview with staff #4
02/21/2024	Contact - Face to Face Interview with Staff #5
02/21/2024	Contact - Face to Face Interview with Amy Flowers
02/21/2024	Contact - Face to Face Interview with Jim Maxson
02/22/2024	Contact - Telephone call made

	Interview with Staff #6
02/23/2024	Contact - Telephone call made Interview with Staff #7
02/26/2024	Contact - Document Received Received and reviewed employee file
02/26/2024	Contact - Document Received Received and reviewed Resident A's file
02/28/2024	Contact - Telephone call made Interview with Staff #5
03/05/2024	Contact - Telephone call made Interview with Staff #8
03/06/2024	Contact - Telephone call made Interview with Staff #9
03/11/2024	Exit Conference

ALLEGATION:

The home employed an individual prohibited employment under Michigan law.

INVESTIGATION:

On 2/15/24, I received information from the Workforce Background Check Section (WBCS.) According to the WBCS, the home employed, Staff #10, who was found to be ineligible for employment until 8/19/2031. In addition, her status with this home shows that they withdrew her application from the hiring process. I also received the *Exclusionary Notice* that was sent to Jim Maxson dated 11/15/22.

On 2/16/24, I interviewed Staff Member (SM) #1 by phone. SM #1 reported she worked at the home with SM #10 until she quit sometime in the fall of 2023.

On 2/21/24, I interviewed licensee designee Jim Maxson at the home. Mr. Maxson reported Staff #10 was let go last year after he discovered she was not able to work at the home. Mr. Maxson was reminded he received her exclusionary notice in 2022 and employed her into the late summer of 2023. Mr. Maxson acknowledged there was a length of time between receiving the notice and terminating her employment. Mr.

Maxson checked his employment records and reported SM #10 last date of employment was 10/28/23.

APPLICABLE RULE	
MCL 400.734b	Employing or contracting with certain individuals providing direct services to residents; prohibitions;
	<p>(1) In addition to the restrictions prescribed in sections 13, 22, and 31, and except as otherwise provided in subsection (2), an adult foster care facility shall not employ or independently contract with an individual who regularly has direct access to or provides direct services to residents of the adult foster care facility if the individual satisfies 1 or more of the following:</p> <p>(a) Has been convicted of a relevant crime described under 42 USC 1320a-7(a).</p> <p>(b) Has been convicted of any of the following felonies, an attempt or conspiracy to commit any of those felonies, or any other state or federal crime that is similar to the felonies described in this subdivision, other than a felony for a relevant crime described under 42 USC 1320a-7(a), unless 15 years have lapsed since the individual completed all of the terms and conditions of his or her sentencing, parole, and probation for that conviction before the date of application for employment or the date of the execution of the independent contract:</p> <p>(i) A felony that involves the intent to cause death or serious impairment of a body function, that results in death or serious impairment of a body function, that involves the use of force or violence, or that involves the threat of the use of force or violence.</p> <p>(ii) A felony involving cruelty or torture.</p> <p>(iii) A felony under chapter XXA of the Michigan penal code, 1931 PA 328, MCL 750.145m to 750.145r.</p> <p>(iv) A felony involving criminal sexual conduct.</p> <p>(v) A felony involving abuse or neglect.</p> <p>(vi) A felony involving the use of a firearm or dangerous weapon.</p>

	<p>(vii) A felony involving the diversion or adulteration of a prescription drug or other medications.</p> <p>(c) Has been convicted of a felony or an attempt or conspiracy to commit a felony, other than a felony for a relevant crime described under 42 USC 1320a-7(a) or a felony described under subdivision (b), unless 10 years have lapsed since the individual completed all of the terms and conditions of his or her sentencing, parole, and probation for that conviction before the date of application for employment or the date of the execution of the independent contract.</p> <p>(d) Has been convicted of any of the following misdemeanors, other than a misdemeanor for a relevant crime described under 42 USC 1320a-7(a), or a state or federal crime that is substantially similar to the misdemeanors described in this subdivision, within the 10 years immediately preceding the date of application for employment or the date of the execution of the independent contract:</p> <p>(i) A misdemeanor involving the use of a firearm or dangerous weapon with the intent to injure, the use of a firearm or dangerous weapon that results in a personal injury, or a misdemeanor involving the use of force or violence or the threat of the use of force or violence.</p> <p>(ii) A misdemeanor under chapter XXA of the Michigan penal code, 1931 PA 328, MCL 750.145m to 750.145r.</p> <p>(iii) A misdemeanor involving criminal sexual conduct.</p> <p>(iv) A misdemeanor involving cruelty or torture unless otherwise provided under subdivision (e).</p> <p>(v) A misdemeanor involving abuse or neglect.</p> <p>(e) Has been convicted of any of the following misdemeanors, other than a misdemeanor for a relevant crime described under 42 USC 1320a-7(a), or a state or federal crime that is substantially similar to the misdemeanors described in this subdivision, within the 5 years immediately preceding the date of application for employment or the date of the execution of the independent contract:</p> <p>(i) A misdemeanor involving cruelty if committed by an individual who is less than 16 years of age.</p> <p>(ii) A misdemeanor involving home invasion.</p> <p>(iii) A misdemeanor involving embezzlement.</p>
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	<p>(iv) A misdemeanor involving negligent homicide or a violation of section 601d(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.601d.</p> <p>(v) A misdemeanor involving larceny unless otherwise provided under subdivision (g).</p> <p>(vi) A misdemeanor of retail fraud in the second degree unless otherwise provided under subdivision (g).</p> <p>(vii) Any other misdemeanor involving assault, fraud, theft, or the possession or delivery of a controlled substance unless otherwise provided under subdivision (d), (f), or (g).</p> <p>(f) Has been convicted of any of the following misdemeanors, other than a misdemeanor for a relevant crime described under 42 USC 1320a-7(a), or a state or federal crime that is substantially similar to the misdemeanors described in this subdivision, within the 3 years immediately preceding the date of application for employment or the date of the execution of the independent contract:</p> <p>(i) A misdemeanor for assault if there was no use of a firearm or dangerous weapon and no intent to commit murder or inflict great bodily injury.</p> <p>(ii) A misdemeanor of retail fraud in the third degree unless otherwise provided under subdivision (g).</p> <p>(iii) A misdemeanor under part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, unless otherwise provided under subdivision (g).</p> <p>(g) Has been convicted of any of the following misdemeanors, other than a misdemeanor for a relevant crime described under 42 USC 1320a-7(a), or a state or federal crime that is substantially similar to the misdemeanors described in this subdivision, within the year immediately preceding the date of application for employment or the date of the execution of the independent contract:</p> <p>(i) A misdemeanor under part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, if the individual, at the time of conviction, is under the age of 18.</p> <p>(ii) A misdemeanor for larceny or retail fraud in the second or third degree if the individual, at the time of conviction, is under the age of 16.</p> <p>(h) Is the subject of an order or disposition under section 16b of chapter IX of the code of criminal</p>
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	<p>procedure, 1927 PA 175, MCL 769.16b.</p> <p>(i) Engages in conduct that becomes the subject of a substantiated finding of neglect, abuse, or misappropriation of property by a state or federal agency according to an investigation conducted in accordance with 42 USC 1395i-3 or 1396r.</p>
ANALYSIS:	Mr. Maxwell continued SP #10's employment knowing she was an excluded individual effective 11/15/22 until she quit on 10/28/24.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
MCL 400.734b	<p>; criminal history check; exemptions; written consent and identification; conditional employment; use of criminal history record information; disclosure; determination of existence of national criminal history;</p>
	<p>(2) Except as otherwise provided in this subsection or subsection (6), an adult foster care facility shall not employ or independently contract with an individual who has direct access to residents until the adult foster care facility or staffing agency has conducted a criminal history check in compliance with this section or has received criminal history record information in compliance with subsections (3) and (11). This subsection and subsection (1) do not apply to an individual who is employed by or under contract to an adult foster care facility before April 1, 2006. On or before April 1, 2011, an individual who is exempt under this subsection and who has not been the subject of a criminal history check conducted in compliance with this section shall provide the department of state police a set of fingerprints and the department of state police shall input those fingerprints into the automated fingerprint identification system database established under subsection (14). An individual who is exempt under this subsection is not limited to working within the adult foster care facility with which he or she is employed by or under independent contract with on April 1, 2006 but may transfer to another adult foster care facility, mental health facility, or covered health facility. If an individual who is exempt under this subsection is</p>

	subsequently convicted of a crime or offense described under subsection (1)(a) to (g) or found to be the subject of a substantiated finding described under subsection (1)(i) or an order or disposition described under subsection (1)(h), or is found to have been convicted of a relevant crime described under 42 USC 1320a-7(a), he or she is no longer exempt and shall be terminated from employment or denied employment.
ANALYSIS:	While it is unclear how long Ms. Snyder had worked at the home for certain, SM #1 attested that she had worked with SM #10 for over a year. It is clear however that SM #10 employment file revealed she completed the WFBC application on 10/11/22 and subsequently applied for employment at the home on 10/12/22. Clearly Mr. Maxon employed SM #10 for a period without her having completed an actual employment application, WFBC application and review, and only then had her complete those items around October of 2022.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.15201	Qualifications of administrator, direct care staff, licensee, and members of household;
	(2) A licensee shall have the financial and administrative capability to operate a home to provide the level of care and program stipulated in the application.
ANALYSIS:	Mr. Maxon disingenuously documented on the WFBC online application that he did not hire her and withdrew her application from the hiring process. Mr. Maxon knowingly did not comply with MCL 400.734B and therefore demonstrated a lack of administrative capability to comply with law.
CONCLUSION:	VIOLATION ESTABLISHED

ALLEGATION:

Resident A's medication was stored at another home.

INVESTIGATION:

SM #1 reported Resident A had been living in this home and denied any concerns with his medications not available in the home or that his medications missing. SM #1 denied any medication errors at this home.

On 2/21/24, I interviewed SM #4 at the home. SM #4 reported she has worked at the home for several years and currently administers medications. SM #4 denied any narcotic medications missing at this home

On 2/21/24, I interviewed SM #5 at the home. SM #5 reported she passed medications and denied medications missing now or in the past. SM #5 reported the home keeps all narcotic medications in the medication room doubled locked in the medication cart. SM #5 confirmed Resident A lived in the home for about three months and was discharged home. SM #5 reported Resident A's medications were kept at this home and had one narcotic medication that was stored in the locked narcotic area.

On 2/21/24, I interviewed Gentiva Hospice RN Amy Flowers. Ms. Flowers reported her agency serviced two residents of the home in December 2023 and she visited her patients twice per week. Ms. Flowers reported she counts her patient's narcotic medications every time she visits the home and there has never been a discrepancy in the count at this home.

Mr. Maxson reported Resident A lived in the home and was discharged home. Mr. Maxson denied storing his medications offsite at the adjacent licensed home.

On 2/22/24, I interviewed SM #6. SM #6 reported she provided care and administers medications to the residents of the home. SM #6 denied any missing medications. SM #6 reported she did work with Resident A but did not administer his medications.

On 3/5/24, I interviewed SM #8 by phone. SM #8 reported she administered medications during her shift. SM #8 denied any medication errors or any times where medications have been missing from the medication cart. SM #8 reported she cared for Resident A when he lived at the home and that his medications were also kept in the medication cart within his home.

On 3/6/24, I interviewed SM #9 by phone. SM #9 reported she usually worked third shift and administered medications. SM #9 reported the medications are all kept in the medication room and were locked in the medication cart. SM #9 reported she was not aware of any medication errors or medications missing. SM #9 reported she provided care to Resident A for a few days until he was discharged. SM #9 reported Resident A was prescribed narcotic medications, but all of his medications were kept in the medication cart with the other resident's medication within this home. SM #9 denied that Resident A's medications were stored off sight.

APPLICABLE RULE	
R 400.15312	Resident medications.
	(1) Prescription medication, including dietary supplements, or individual special medical procedures shall be given, taken, or applied only as prescribed by a licensed physician or dentist. Prescription medication shall be kept in the original pharmacy-supplied container, which shall be labeled for the specified resident in accordance with the requirements of Act No. 368 of the Public Acts of 1978, as amended, being S333.1101 et seq. of the Michigan Compiled Laws, kept with the equipment to administer it in a locked cabinet or drawer, and refrigerated if required.
ANALYSIS:	It was alleged Resident A's medication was stored at another home. Resident A resided at the home for about three months until he was discharged home with Hospice services. Based on interviews with all staff members that administer medications there was no evidence that Resident A's medications were off site.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION:

I received and reviewed Kassandra Snyder's employee file and noted there was no ending date for her employment. Mr. Maxson reported that he terminated her employment sometime in August or September of 2023.

APPLICABLE RULE	
R 400.15208	Direct care staff and employee records.
	(1) A licensee shall maintain a record for each employee. The record shall contain all of the following employee information: (g) Beginning and ending dates of employment.

ANALYSIS:	I reviewed SM #10 employee file and noted there was no ending date for her employment with the home. Licensee designee, Mr. Mason reported her last day of employment was 10/28/23.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION:

On 2/23/24, I interviewed SM #7 by phone. SM #7 reported working part-time and denied administering medications. SM #7 denied medications missing but did admit to making a medication error. SM #7 described this incident as accidentally throwing away a resident’s medications that were under a napkin on a table while she was cleaning the dining room. SM #7 reported she does not know the exact date but knows it happened in February 2024 and is unsure which resident the medication belonged to or the type of medication that was thrown in the garbage. SM #7 reported she did not complete an incident report and does not know if the other staff working did an incident report.

On 2/28/24, I interviewed SM #5 by phone. Staff #5 reported she was working with SM #7 when she accidentally threw away one of the resident’s medications. SM #5 reported she does not remember the exact day it occurred. SM #5 reported she did not complete an incident report and “could not remember” if she documented the situation. SM #5 denied knowing the resident’s name, the type of medication or how many pills were thrown in the garbage. SM #5 reported she “does not remember” if she gave the resident additional medication to replace the medication thrown away.

APPLICABLE RULE	
R 400.15312	Resident medications.
	(6) A licensee shall take reasonable precautions to ensure that prescription medication is not used by a person other than the resident for whom the medication was prescribed.

