



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

June 28, 2024

James Boyd
Crisis Center Inc - DBA Listening Ear
PO Box 800
Mt Pleasant, MI 48804-0800

RE: License #: AS370084055
Investigation #: 2024A1029047
Broadway Home

Dear Mr. Boyd:

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 (231) 922-5309.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Browning". The script is cursive and fluid, with the first letter of each word being capitalized and prominent.

Jennifer Browning, Licensing Consultant
Bureau of Community and Health Systems
browningj1@michigan.gov - 989-444-9614

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS370084055
Investigation #:	2024A1029047
Complaint Receipt Date:	05/07/2024
Investigation Initiation Date:	05/07/2024
Report Due Date:	07/06/2024
Licensee Name:	Crisis Center Inc - DBA Listening Ear
Licensee Address:	107 East Illinois, Mt Pleasant, MI 48858
Licensee Telephone #:	(989) 773-6904
Administrator:	James Boyd
Licensee Designee:	James Boyd
Name of Facility:	Broadway Home
Facility Address:	1710 E. Broadway, Mt. Pleasant, MI 48858
Facility Telephone #:	(989) 773-3329
Original Issuance Date:	04/12/1999
License Status:	REGULAR
Effective Date:	10/22/2023
Expiration Date:	10/21/2025
Capacity:	4
Program Type:	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL AGED

II. ALLEGATION(S)

	Violation Established?
Direct care staff member Debra Smith yelled at Resident A for eating leftovers.	Yes

III. METHODOLOGY

05/07/2024	Special Investigation Intake 2024A1029047
05/07/2024	Special Investigation Initiated – Letter to Katie Hohner ORR
05/07/2024	APS Referral to Centralized Intake
05/08/2024	Inspection Completed On-site Contact - Face to Face with direct care staff member Delicia Hill, Resident A, Resident B, Resident C at Broadway Home
05/10/2024	Contact - Telephone call made to Resident A, Candy Gath, Jill David, Delicia Hill, Resident B with ORR Ms. Hohner
05/13/2024	Contact - Document Received APS denial letter sent from Centralized Intake
05/14/2024	Contact - Document Sent to ORR Ms. Hohner
06/18/2024	Contact - Document Sent to Candy Gath and Jenny Jacobs
06/21/2024	Contact - Document Received from Candy Gath
06/25/2024	Contact – Telephone call to direct care staff members Ms. Jones, Debra Smith, licensee designee Jim Boyd, Maxine Theunissen, Morgan Monte, ORR Ms. Hohner
06/25/2024	Exit conference with licensee designee Jim Boyd

ALLEGATION: Direct care staff member Debra Smith yelled at Resident A for eating leftovers.

INVESTIGATION:

On May 7, 2024 a complaint was received via an assigned Office of Recipient Rights complaint with concerns that Resident A was spoken to in a disrespectful manner. The complaint alleged direct care staff member Debra Smith yelled at Resident A for eating leftovers and informed Resident A she could not eat them. According to the complaint allegations, Listening Ear Director of Residential Services Candy Gath also observed this a few weeks prior when Resident A ate all the fruit that was left out. According to the complaint allegations, Ms. Gath told Ms. Smith this was not a problem with Resident A eating the snacks and stated Resident A does not have a diet restriction, but she is trying to lose weight however supporting people with their goals, does not mean that they cannot have snacks.

On May 8, 2024, I completed an unannounced on-site investigation at Broadway Home and interviewed direct care staff member Delicia Hill. Ms. Hill stated she understood that Resident A ate the leftovers which upset Ms. Smith. Ms. Hill stated this occurred with a "snow and blueberry" dessert a couple weeks prior. Ms. Hill stated there are scheduled times for snacks at 9:30 and 3:30 which is typically candy, trail mix, or pudding. Ms. Hill stated residents will ask for a snack occasionally and can pick their snack. Ms. Hill stated she has heard Ms. Smith yell but she was not disrespectful or called any resident names in the home rather it is Ms. Smith's tone of voice which is not gentle. Ms. Hill stated all the residents are on an 1800 calorie diet and sometimes direct care staff members prompt residents to make healthy choices but it's their decision what they eat. Ms. Hill stated they do not count the calories each day but instead just try to serve healthy meals and encourage good choices.

On May 8, 2024, I interviewed Resident A at Broadway Home. Resident A stated Ms. Smith was upset with her because she ate leftovers so there was not enough food for two other residents. Resident A stated Ms. Smith yelled at her, took her 2 PM snack from her, and did not let her eat her full dinner. Resident A denied Ms. Smith swore at her or physically harmed her but she was just being "really snotty" to her. Resident A stated after this occurred, she took a long walk. Resident A stated sometimes at supper time Ms. Smith will grab Resident B's cheeks which she does not think is right. Resident A stated when Ms. Smith grabs Resident B's cheeks, she will pinch them on the sides and tell her "it's too much" referring to the food. Resident A stated when this happens Resident B tells her to stop but Ms. Smith does not stop. Resident A stated there are several days that she feels she does not get enough food so family members bring her snacks. Resident A stated Ms. Smith tells her she cannot have these snacks even though she is not on a special diet.

I interviewed Resident B. Resident B stated she has lived at Broadway Home for many years and she feels she does have adequate food to eat. Resident B stated Ms. Smith told Resident A she should not have been eating the leftovers and she was mad at her

for doing this. Resident B stated Ms. Smith just talked to Resident A about this and did not yell at her but could tell she was upset by how she sounded. Resident B stated Ms. Smith grabs her cheeks when she is eating if she does not like how Resident B is eating and says she should not be eating like that. Resident B stated she does not like it when Ms. Smith does this and has asked her to stop many times but she continues to grab her cheeks while she eats.

I also observed Resident C however due to her dementia diagnosis, she was unable to complete an interview but she appeared comfortable and in good spirits while coloring at the table.

During the on-site investigation, I reviewed Resident A's resident record. I reviewed Resident A's *Assessment Plan for AFC Residents*. Under the section titled Eating / Feeding, Resident A's *Assessment Plan for AFC Residents* documented the following: "Making healthy choices, taking her time during meals, to take small bites, and chew her food before swallowing. Uses weight shawl for 20 minutes while eating for anxiety to slow her eating, monitoring for food stealing (will try to hide it and eat it very quickly). Has choked in the past." According to her *Assessment Plan for AFC Residents* Resident A has an 1800 calorie, healthy low cholesterol / low fat diet and she struggles with weight / overeating so direct care staff members should assist in making health choices.

Ms. Gath was able to provide me with documentation confirming Ms. Smith has completed all required licensing trainings.

On May 10, 2024, ORR Ms. Hohner and I interviewed direct care staff member Jill David. Ms. David stated when Resident A goes to work her bus picks her up at 11 so she lets her have lunch at 10:30 when she is working with her. Ms. David stated Resident A typically eats a light lunch. Ms. David stated she has never heard any of the direct care staff members yell at or criticize Resident A for taking food that she should not be eating, eating too much or deny her a snack. Ms. David stated she has never observed any of the direct care staff members pinch any resident's cheeks, including Resident B, or tell them they should not be eating that much. Ms. David stated she does not work with Ms. Smith very often.

On June 25, 2024, I interviewed direct care staff member Ms. Jones. Ms. Jones stated she has observed Ms. Smith scold Resident A when she arrived to work at 3 PM because she ate the leftovers during the morning shift. Ms. Jones stated she observed Ms. Smith telling Resident A about not eating food which escalated to them being upset at each other all about the food. Ms. Jones stated they were going back and forth arguing with each other about the food. Ms. Jones stated Resident A went to her room afterward and slammed the door, threw her phone across the living room, and was swearing at them. Ms. Jones stated she has never observed Ms. Smith talking to the other three residents like this, but she has observed her to be upset and yell at Resident A. Ms. Jones stated Ms. Smith has yelled at Resident A in the past about food and Resident A being in the way when she is trying to work. Ms. Jones stated this usually

happens once per month. Ms. Jones stated Resident A does not appear to be fearful of Ms. Smith. Ms. Jones stated she has never observed anyone pinching Resident B's cheeks or saying anything to her. Ms. Jones stated she has observed Ms. Smith to correct Resident B when she pockets food by telling her to put her fork down, take a drink, take a break that will give her a prompt to not pocket her food. Ms. Jones stated right after the recipient rights interview, she and Ms. Smith went to a Recipient Rights refresher with Ms. Hohner. Ms. Jones stated Ms. Smith's demeanor toward Resident A was not correct and she needed to be sent to recipient rights refresher because she did not report what she observed.

On June 25, 2024, I interviewed direct care staff member Debra Smith. Ms. Smith stated there is "common courtesy" that if there are not enough leftovers for all the residents then the food is not offered to one resident. Ms. Smith stated Resident A ate all the leftovers two hours after she ate her breakfast. Ms. Smith stated she asked Resident A, "why are you eating lunch two hours after you eat breakfast since you don't go to work at 11?" Ms. Smith stated there were others around when she said this but did not recall who was there. Ms. Smith stated Resident A ate a blueberry dessert in front of the other residents before this and the other residents could not have any. Ms. Smith stated Resident B was upset because she could not have a blueberry dessert. Ms. Smith stated because Resident A was hungry two hours after she ate breakfast she was trying to "help with good choices" and let Resident A know that lunch was coming up soon. Ms. Smith stated residents never used to eat between meals but they do now and they are concerned about Resident A's weight because she is "constantly eating." Ms. Smith stated they had all gained weight "which is not healthy" since this incident occurred and the food is more readily available. Ms. Smith stated she was not upset with Resident A but it was a "common courtesy" to consider that other residents might want some leftovers too. Ms. Smith stated she told Resident A, "Maybe you want to think about that next time?" Ms. Smith stated one of the programs in Resident A's plan is to help her use "healthy choices" which is what she talking with Resident A about during this time.

Ms. Smith stated Resident B will pocket her food in her cheeks especially if it's something she really likes to eat. Ms. Smith stated she will remind her not to pocket her food and swallow. Ms. Smith stated some direct care staff members will verbally remind Resident B all the time. Ms. Smith stated she does not like to verbally tell Resident B several times during dinner so she will quite often just say her name or she will take her pointer finger and tap her cheek because that means "swallow". Ms. Smith stated when she does this and taps Resident B's cheek, she will swallow the food. Ms. Smith stated if Resident B looks at her, she will tap her own cheek but if she is not paying attention when she looks up or sometimes, she will tap her on the shoulder. Ms. Smith stated she did not "pinch" or "squeeze" Resident B's cheeks.

On June 25, 2024, I interviewed licensee designee Jim Boyd. Mr. Boyd stated Ms. Smith had the "wrong thought process on who has access to leftovers" and Mr. Boyd felt they overreacted about Resident A's reaction to eating the leftovers. Mr. Boyd stated after Resident A was chastised by Ms. Smith about eating the leftovers Resident A went

into her bedroom and slammed the door leading the documentation she was having a behavior but the behavior was instigated by the employee. Mr. Boyd stated he is not aware of Ms. Smith making comments to Resident A in the past regarding food prior to this incident. Mr. Boyd stated Ms. Smith described it as tapping on Resident B's cheek but another staff member described it as pinching. Mr. Boyd stated he has never observed her doing that or had any of the direct care staff members report it to him that she has grabbed her cheek. Mr. Boyd stated he does not feel like there was any intent for pain but he did not feel that it was appropriate to do. Mr. Boyd stated Ms. Smith has completed some refreshers on Recipient Rights and Gentle Teaching.

This is a repeat violation for SI# 2023A0783026 from August 15, 2023 when a violation was found because one of the direct care staff members showed a picture of children who were partially clothes or naked to a resident which was disturbing to them and violated their right to be treated with consideration and respect. A Corrective Action Plan dated October 5, 2023 stating the direct care staff member involved was terminated and that all direct care staff members would be retrained on assessments for everyone.

APPLICABLE RULE	
R 400.14304	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>

ANALYSIS:	<p>Based on the interviews with direct care staff members Ms. Smith, Ms. Jones, Ms. Hill and licensee designee Jim Boyd, there is enough evidence to show Ms. Smith did not treat Resident A with dignity and respect when she ate the leftovers during the morning shift. According to Ms. Jones and licensee designee Jim Boyd, Ms. Smith was arguing with Resident A about the food leading to the point of Resident A going to her room and throwing her phone. Ms. Smith stated she did ask Resident A both why she was eating leftovers at 9 AM two hours after she had breakfast and why she ate the leftovers when there was not enough for the other residents. Ms. Smith stated she did not think she should have the food because it was not a “healthy choice” and saving it would have been “common courtesy” since there was not enough food for all the residents.</p> <p>Ms. Smith also did not treat Resident B with respect and dignity because she admitted she taps on Resident B’s cheek when she is pocketing food to inform her it is time for her to swallow the food. Resident A, Resident B, and Ms. Hill all described this motion as pinching Resident B’s cheeks when she was eating and Resident B expressed in both interviews, she does not like this when Ms. Smith does this to her.</p> <p>Since the incident, Ms. Jones and Ms. Smith both have completed a recipient rights refresher and the food has been more accessible at Broadway Home for the residents. Mr. Boyd stated he has made it clear to the direct care staff members that there should be no food restrictions put in place for the residents if they want to eat leftovers in their home.</p>
CONCLUSION:	REPEAT VIOLATION ESTABLISHED [SIR # 2023A0783026 DATED 8/15/2023. CAP COMPLETED.]

IV. RECOMMENDATION

Upon receipt of an approved corrective action plan, I recommend no change in the license status.

Jennifer Browning

Jennifer Browning
Licensing Consultant

06/25/2024

Date

Approved By:

Dawn Timm

06/28/2024

Dawn N. Timm
Area Manager

Date