



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

December 10, 2025

James Kubicek
Rose Hill Center Inc
5130 Rose Hill Blvd
Holly, MI 48442

RE: License #: AM630009319
Investigation #: 2026A0602001
Malta House

Dear Mr. Kubicek:

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 (248) 972-9136.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Berry".

Cindy Berry, Licensing Consultant
Bureau of Community and Health Systems
3026 West Grand Blvd
Cadillac Place, Ste 9-100
Detroit, MI 48202
(248) 860-4475

enclosure

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

I. IDENTIFYING INFORMATION

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|---------------------------------------|---|
| License #: | AM630009319 |
| Investigation #: | 2026A0602001 |
| Complaint Receipt Date: | 10/03/2025 |
| Investigation Initiation Date: | 10/03/2025 |
| Report Due Date: | 12/02/2025 |
| LicenseeName: | Rose Hill Center Inc |
| Licensee Address: | 5130 Rose Hill Blvd Holly, MI 48442 |
| Licensee Telephone #: | (248) 634-5530 |
| Administrator: | James Kubicek |
| Licensee Designee: | James Kubicek |
| Name of Facility: | Malta House |
| Facility Address: | 5161 Rose Hill Boulevard Holly, MI 48442 |
| Facility Telephone #: | (248) 634-5530 |
| Original Issuance Date: | 05/11/1992 |
| License Status: | REGULAR |
| Effective Date: | 06/13/2025 |
| Expiration Date: | 06/12/2027 |
| Capacity: | 12 |
| Program Type: | MENTALLY ILL |

II. ALLEGATION(S)

| | Violation Established? |
|---|-------------------------------|
| On 9/30/25, HR Manager Samantha Huier reported that staff member Myra Porter made body-shaming comments to Resident A about her weight and clothing, after which Resident A isolated herself and began eating less. | Yes |

III. METHODOLOGY

| | |
|------------|--|
| 10/03/2025 | Special Investigation Intake 2026A0602001 |
| 10/03/2025 | Special Investigation Initiated - Telephone Call made to assigned office of recipient rights worker, Katie Garcia. |
| 11/03/2025 | Inspection Completed On-site I interviewed Resident A, Ms. Huler, and Resident B. |
| 11/05/2025 | Contact – Telephone call made I interviewed staff member, Peyton Johnson. |
| 11/05/2025 | Contact – Telephone call made I interviewed staff member, Myra Porter. |
| 12/04/2025 | Exit Conference Message left for the licensee designee, James Kubicek requesting a return call to conduct an exit conference. |
| 12/05/2025 | Contact – Telephone call received I received a voicemail message from Mr. Kubicek. |
| 12/09/2025 | Contact – Telephone call made Message left for Mr. Kubicek. |

ALLEGATION:

On 9/30/25, HR Manager Samantha Huier reported that staff member Myra Porter made body-shaming comments to Resident A about her weight and clothing, after which Resident A isolated herself and began eating less.

INVESTIGATION:

On 10/03/2025, a complaint was received and assigned for investigation alleging that on 9/30/25, HR Manager Samantha Huier reported that staff member Myra Porter made body-shaming comments to Resident A about her weight and clothing, after which Resident A isolated herself and began eating less.

On 10/03/2025, I spoke with the assigned Office of Recipient Rights worker, Katie Garcia by telephone. Ms. Garcia stated the same allegations were reported to her and she will also be investigating. Ms. Garcia provided a copy of the incident report and requested to coordinate interviews.

On 11/03/2025, I conducted an on-site investigation at which time Office of Recipient Rights worker Katie Garcia participated. I interviewed Resident A, Resident B and Ms. Huler. Resident A stated Ms. Porter is like the mother of the house. Ms. Porter told her (exact date unknown) that she was gaining a lot of weight and needed to pull her pants up. She also told her that she might need to lose a little bit of weight. Resident A said her feelings were hurt as Ms. Porter had never said anything like that to her before. She said she did not say anything to Ms. Porter about the comments. She went to her room and cried but did not tell anyone. Resident A admitted that she started eating tofu as a way to cut down on her calorie intake and spending more time in her room. Resident A went on to state that she had knee surgery in 2023 and this caused her to gain weight. Resident A stated the incident occurred in the medication room and there was no one else around to hear Ms. Porter's comments.

Resident B stated he did not hear or see anything regarding the allegations and had nothing to report.

On 11/03/2025, I received and reviewed a copy of Resident A's health care appraisal (dated 4/09/2025) and person centered plan (PCP dated 3/28/2025). According to the health care appraisal, Resident A has a diagnosis of schizoaffective disorder, knee pain, and substance use disorder. The PCP documents a diagnosis of schizoaffective disorder, depressive type, borderline personality disorder, posttraumatic stress disorder, and tobacco use disorder, moderate in early remission. I did not observe anything documented that Resident A has a diagnosis of polycystic ovary syndrome (PCOS).

Ms. Huler stated she is the Recipient Rights liaison for the Rose Center. She said she did not witness the incident as it was reported to her by another employee. It was also reported that Resident B made the comment to Resident A, "It's okay." So, he may have heard the comments that were made to Resident A.

On 11/07/2025, I conducted individual telephone interviews with staff members, Peyton Johnson and Myra Porter with the participation of Ms. Garcia. Ms. Johnson stated she has worked at Rose Hill for about 6 months. On 9/24/2025 she worked the day shift with Ms. Porter. Resident A was in the medication room with Ms. Porter receiving her

morning medication. Ms. Porter told Resident A she needed to tuck her stomach into her pants because your stomach is hanging out. Resident A responded, "I don't have clothes that fit. This is the heaviest I've ever been." Ms. Porter responded that she needs to diet and exercise because new clothes had already been purchased for her and she had outgrown them already. Resident A started crying, went to her room, changed her clothes, returned and told Ms. Porter, "I'm sorry, I've been trying to lose weight." Ms. Johnson went on to state that after the comment was made, she noticed that Resident A did not want to participate in activities as much and started limiting her food intake for about a month. Ms. Johnson asked Resident A why she was not eating and she would say she was not hungry or she did not like what was being served.

On 11/07/2025, Ms. Porter stated she has worked for the company for 11 years. She denied saying anything hurtful to Resident A about her weight. On 9/24/2025 Resident A came into the medication room to get her morning medication. There was a new employee in the room observing. As Resident A was leaving the room, Ms. Porter told her to pull her pants up. Resident A said, "Oh my God none of my clothes fit. It's because of my PCOS!" Resident A began crying and Ms. Porter told her it was okay. Resident B was coming into the medication room as Resident A was leaving out. Resident A went to her room, changed into some green sweatpants and asked Ms. Porter, "Is this better?" Ms. Porter responded, "Yes.". Later in the day Ms. Porter said she had a private conversation with Resident A. She told her she is a big girl too and they need to make sure their pants are pulled up and their shirts are pulled down.

On 12/04/2025, I left a message for the licensee designee, James Kubicek informing him of the allegations received and investigated. I also requested a return call to conduct an exit conference to discuss the findings and recommendation documented in this report.

| APPLICABLE RULE | |
|------------------------|---|
| R 400.641 | Resident behavior interventions. |
| | (6) A licensee, staff, volunteers, or any person who lives in the facility shall not do any of the following: (f) Subject a resident to any of the following: (iii) Derogatory remarks. |
| ANALYSIS: | Based on the information obtained during the investigation, there is sufficient information to determine that Ms. Porter did in fact make hurtful comments to Resident A about her weight. Resident A stated Ms. Porter told her she was gaining a lot of weight and needed to pull her pants up. She also told her that |

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| | <p>she might need to lose a little bit of weight and this hurt her feelings and made her cry.</p> <p>Ms. Johnson stated she heard Ms. Porter tell Resident A that she needed to tuck her stomach into her pants because her shirt was not covering her stomach.</p> <p>Ms. Porter stated she did tell Resident A to pull her pants up but did not tell her that she needed to lose weight.</p> <p>Although the comments may not have been intended to be hurtful or derogatory, Resident A stated they hurt her feelings and made her cry.</p> |
| CONCLUSION: | VIOLATION ESTABLISHED |

IV. RECOMMENDATION

Contingent upon receipt of an acceptable corrective action plan, I recommend no change to the status of the license.

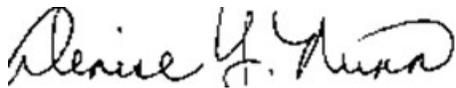


12/09/2025

Cindy Berry
Licensing Consultant

Date

Approved By:



12/10/2025

Denise Y. Nunn
Area Manager

Date