



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

November 7, 2017

Barry Bruns  
HomeLife Inc  
PMB #360  
5420A Beckley Rd.  
Battle Creek, MI 49015

RE: License #: AS390080967  
Investigation #: **2017A0578037**  
**8038 Interlochen AFC**

Dear Mr. Bruns:

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,

A handwritten signature in black ink, appearing to read "Eli DeLeon". The signature is written in a cursive style with a large initial "E" and a long horizontal stroke at the end.

Eli DeLeon, Licensing Consultant  
Bureau of Community and Health Systems  
322 E. Stockbridge Ave  
Kalamazoo, MI 49001  
(517) 281-9913

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**

<b>License #:</b>	AS390080967
<b>Investigation #:</b>	2017A0578037
<b>Complaint Receipt Date:</b>	09/26/2017
<b>Investigation Initiation Date:</b>	09/27/2017
<b>Report Due Date:</b>	11/25/2017
<b>Licensee Name:</b>	HomeLife Inc
<b>Licensee Address:</b>	3 Heritage Oak Lane Battle Creek, MI 49015
<b>Licensee Telephone #:</b>	(269) 660-0854
<b>Administrator:</b>	Barry Bruns
<b>Licensee Designee:</b>	Barry Bruns
<b>Name of Facility:</b>	8038 Interlochen AFC
<b>Facility Address:</b>	8038 Interlochen Road Kalamazoo, MI 49009
<b>Facility Telephone #:</b>	(269) 353-6941
<b>Original Issuance Date:</b>	08/01/1998
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	02/14/2017
<b>Expiration Date:</b>	02/13/2019
<b>Capacity:</b>	6
<b>Program Type:</b>	TRAUMATICALLY BRAIN INJURED MENTALLY ILL DEVELOPMENTALLY DISABLED

## II. ALLEGATION(S)

	<b>Violation Established?</b>
Resident A became verbally and physically aggressive related to food and had to be restrained. Staff antagonized Resident A during the altercation, asking Resident A if she was a “murderer” and a “lesbian” and asked Resident A to hit her.	Yes

## III. METHODOLOGY

09/26/2017	Special Investigation Intake 2017A0578037
09/26/2017	APS Referral Completed -Kalamazoo Office of Recipient Rights
09/27/2017	Special Investigation Initiated - Telephone ORR Kalamazoo
10/02/2017	Inspection Completed On-site Face to face interviews with Resident A, staff member Marcy Hagan, staff member Kayla Humphries and staff member AJ Zoulek
10/13/2017	Document Review AFC Incident/Accident Report, 09/22/2017
11/08/2017	Exit Conference -Completed with licensee Barry Bruns. Mr. Bruns did not disagree with the findings of this investigation.

### **ALLEGATION:**

**Resident A became verbally and physically aggressive related to food and had to be restrained. Staff antagonized Resident A during the altercation, asking Resident A if she was a “murderer” and a “lesbian” and asked Resident A to hit her.**

### **INVESTIGATION:**

On 09/28/2017, I reviewed an *AFC Incident/Accident Report* dated 09/22/2017 regarding an incident that resulted in the physical restraint of Resident A. The report described provoking behavior demonstrated by staff member Kayla Humphries towards Resident A during a behavioral incident. The report stated that Resident A became verbally and physically aggressive related to this provoking behavior and had to be restrained after attempting to retaliate against the staff. The report documented that during the crisis, Ms. Humphries asked Resident A if she was a “murderer” and “a lesbian” and asked Resident A to hit her.

On 09/27/2017, I reviewed the details of the case with Adult Protective Services (APS) worker Michael Hartman. Mr. Hartman stated that he had interviewed Resident A and the staff member and found no evidence of abuse or neglect. Mr. Hartman stated that Resident A described the situation as a misunderstanding which resulted in an argument over spaghetti. Resident A acknowledged yelling at Ms. Humphries. Resident A reported to APS that Ms. Humphries was encouraging Resident A to physically assault Ms. Humphries, so she did. Resident A couldn't recall if she hit or slapped Ms. Humphries and identified this as the first time such an incident had occurred.

Mr. Hartman stated he interviewed staff member Kayla Humphries who denied calling Resident A any names including a "lesbian" or "murderer" or provoking her in any manner.

On 10/02/2017, Kalamazoo Recipient Rights Officer Lisa Smith and I completed an on-site investigation at the home. Ms. Smith and I interviewed Resident A regarding the allegations. Resident A agreed that she was involved in a physical restraint with staff members Kayla Humphries and Marcy Hagan. Resident A stated that she is sometimes forgetful and the situation was a misunderstanding. Resident A stated that she had purchased the same type of food the facility purchases but she had forgotten to put her initials on the package. Resident A identified this food as a box of spaghetti and stated the outcome was her fault. Resident A added that staff member Kayla Humphries was "encouraging" Resident A to come after her. When asked to clarify what Resident A meant by "encouraging", Resident A stated that Ms. Humphries was calling her a "lesbian" and a "murderer", and clarified that if Ms. Humphries had not made these comments, Resident A would not have attempted to physically harm Ms. Humphries. Resident A stated she didn't mean to grab Ms. Humphries by the breast, rather she had intended to grab her by the arm. Resident A clarified this was when Ms. Humphries asked her if she was a "lesbian." Resident A stated she made a verbal threat towards Ms. Humphries only, because she in fact did not have possession of a knife at that time. Resident A stated this was when Ms. Humphries asked if she was a "murderer."

Resident A stated when she had finally calmed down she went to her room. Resident A stated some time later that Ms. Humphries came to her room and apologized. Resident A stated her name was then put on the box of spaghetti that did indeed belong to her. Resident A stated that she has "let it go" and is ready to move on.

Mrs. Smith and I interviewed staff member Kayla Humphries regarding the allegations. Ms. Humphries agreed that she was working with Resident A and staff member Marcy Hagan on the day of the incident. Ms. Humphries stated she was cleaning out the food pantry when Resident A observed a box of spaghetti in a bin designated for her personal food. Ms. Humphries stated she informed Resident A the box of spaghetti did not have her name on it and did not belong to her when

Resident A became upset and stated she had forgotten to put her name on it because she was in a rush. Ms. Humphries stated that staff member Ms. Hagan became involved when Resident A began asking Ms. Hagan to help identify to whom the food belonged. Ms. Humphries stated that Resident A then rushed towards Ms. Humphries and attempted to hit her. Ms. Humphries stated this occurred in the living room by the oval counter. Ms. Humphries stated that Resident A slapped at her face and grabbed Ms. Humphries arms and spit on her. Ms. Humphries denied being injured during the altercation.

Ms. Humphries stated while Resident A was yelling at her, she was asking for help from Ms. Hagan, who did not respond until after the third request. Ms. Humphries stated at that time Ms. Hagan utilized a Mandt, Inc., "side body hug" with Resident A. Ms. Hagan stated that Resident A asked to be let go and when she was, she again attempted to assault Ms. Humphries. Ms. Humphries stated Ms. Hagan stepped in between the two, which ended the altercation with Resident A backing away and stepping outside for a cigarette.

Ms. Humphries acknowledged that Resident A grabbed her by the shirt and breast, stating she had used a Mandt, Inc., "clothing release" to free herself from Resident A. Ms. Humphries denied attempting to antagonize Resident A or calling her a "lesbian" or anything else. Ms. Humphries acknowledged that Resident A threatened to stab her but did not have a knife. Ms. Humphries denied calling Resident A "murderer", or saying "murderer" in any other context. Ms. Humphries denied using an elevated tone of voice and denied any of her statements could have been misunderstood. Ms. Humphries denied calling Resident A, "Lesbian" or "Murderer" at any time. Ms. Humphries acknowledged asking Resident A if she was going to kill her and making statements about not being afraid. Ms. Humphries stated the only other witnesses were staff member Macy Hagan and Resident B.

Ms. Humphries was asked why other interviews indicated she was taunting Resident A, and had called Resident A "lesbian" and "murderer". Ms. Humphries stated that Ms. Hagan had not intervened as soon as she should have and was probably attempting to put the blame on her.

Kalamazoo Recipient Rights Officer Lisa Smith and I interviewed staff member Marcy Hagan regarding the allegations. Ms. Hagan agreed that she was working with Resident A and staff member Kayla Humphries on the day of the incident. Ms. Hagan stated Resident A had observed a box of spaghetti in a bin designated for her personal food items. Ms. Hagan provided Resident A with the box of spaghetti as requested. Ms. Hagan stated that staff member Kayla Humphries observed the box of spaghetti and prompted Resident A to return it since it did not belong to her. Resident A disagreed with this, stating the grocery item was hers, and she simply forgot to put her initials on it when she returned to the home with it. Ms. Hagan stated she had entered the basement of the home to retrieve a spice when she could hear yelling at the top of the stairs. Ms. Hagan stated she went back upstairs to find Resident A and staff member Kayla Humphries yelling at each other from

across the room. Ms. Hagan stated Resident A was asking her if she could obtain the grocery receipts for that week to prove the grocery item was hers. Ms. Hagan stated that Ms. Humphries was yelling across the room that Resident A was lying. Ms. Hagan stated that Resident A had responded to Ms. Humphries by stating something similar to "Don't make me come over there". Ms. Hagan stated that Ms. Humphries responded to Resident A by yelling at her to "come over here" several times. Ms. Hagan stated that Resident A then went after Ms. Humphries. Ms. Hagan stated that she didn't know what to do and was hesitant in intervening due to Ms. Humphries intentionally escalating the situation and never having used physical intervention techniques before.

Ms. Hagan stated that Resident A had put her hands on Ms. Humphries hands and they were pushing against each other. Ms. Hagan stated she tried to verbally redirect Resident A while Ms. Humphries was able to get away. Ms. Hagan stated that Resident A went after Ms. Humphries again and grabbed her by the hands. Ms. Hagan stated that Resident A was then trying to push Ms. Humphries. Ms. Hagan stated when verbal techniques did not work, she utilized a Mandt, Inc. "side body hug" with Resident A. Ms. Hagan stated she was nervous and had never physically restrained anyone before and didn't want use the restraint in the wrong way.

Ms. Hagan stated while they were separated, Resident A called Ms. Humphries a "Bitch" and a "Nigger". Ms. Hagan denied that Ms. Humphries had called Resident A anything derogatory in return. Ms. Hagan stated that Resident A went after Ms. Humphries again and grabbed her by the breast. Ms. Hagan stated that Ms. Humphries responded by asking Resident A if she was a "lesbian". Ms. Hagan stated that Ms. Humphries was able to get away again when she made the statement to Resident A, "I want you to hit me". Ms. Hagan clarified that Ms. Humphries tone of voice sounded "angry". Ms. Hagan stated Resident A threatened to stab Ms. Humphries, despite not having any type of weapon. Ms. Hagan stated that Resident B approached Resident A and told her to stop, which she then did.

Ms. Hagan denied observing this type of behavior before and agreed this behavior was out of character for Ms. Humphries. Ms. Hagan stated she did not tell Ms. Humphries to leave the area because she is a supervisor and has more seniority.

Ms. Smith and I attempted to interview Resident B regarding the allegations but she refused to be interviewed.

Mrs. Smith and I interviewed staff member AJ Zoulek, who stated he was not aware of any previous negative interactions between Resident A and staff member Kayla Humphries, and denied having any insight as to why the interviews between the two staff members were different. Mr. Zoulek stated that Ms. Humphries had worked at the home a long time and was a shift supervisor, while Ms. Hagan had worked at the home for almost one hundred days.

I reviewed *AFC Incident/Accident Report* dated 09/22/2017 and completed by staff member Macy Hagan, which included the following statements:

“...While I was downstairs, I heard screaming from upstairs so I came up as quickly as I could and when I reached the top of the stairs [Resident A] was standing at the banister. [Resident A] was crying, looking distressed and red in the face. [Resident A] seemed very hurt emotionally. [Resident A] wanted me to advocate for her against KH (Kayla Humphries). I told [Resident A] that if she didn't have initials on the spaghetti that there is no way to know that the spaghetti belonged to her. While we were talking, KH was at the entrance door by the kitchen table. She was yelling across the room telling [Resident A] that she was wrong...”

“...KH was still talking over [Resident A] from across the room and this elevated [Resident A] even more. [Resident A] turned around and threatened to go after KH. KH then said “Go ahead [Resident A]! Come after me. I want you to hit me! Hit me [Resident A]! I'm not afraid of you”. As a result [Resident A] ran after her...”

“...[Resident A] grabbed KH's breast. KH then said to [Resident A] ‘What, are you a lesbian? Are you a lesbian now?’...”

“...[Resident A] told KH to ‘Shut up nigger, don't make me come after you! (SP) KH said ‘I'm not afraid [Resident A] I don't care!’ [Resident A] told KH that she would kill her with a knife. KH laughed and said, ‘So you're a murderer now huh?’ [Resident A] said, ‘what are you laughing at? Its not funny!’ KH said, ‘its funny to me’...”

<b>APPLICABLE RULE</b>	
<b>R 400.14304</b>	<b>Resident rights; licensee responsibilities.</b>
	<p><b>(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:</b></p> <p style="padding-left: 40px;"><b>(o) The right to be treated with consideration and respect, with due recognition of personal dignity, individuality, and the need for privacy.</b></p> <p><b>(2) A licensee shall respect and safeguard the resident's rights specified in subrule (1) of this rule.</b></p>

<p><b>ANALYSIS:</b></p>	<p>During the on-site investigation, Resident A reported that staff member Kayla Humphries was provoking Resident A to physically assault her, and directly questioned Resident A if she was a “lesbian” and “murderer”.</p> <p>Staff member Marcy Hagan corroborated the statements made by Resident A, adding that Ms. Humphries tone of voice sounded “angry” and made statements to Resident A such as, “I want you to hit me”.</p> <p>Staff member Kayla Humphries denied making any provoking comments, but acknowledges asking Resident A if she was going to “kill” the staff.</p> <p>A review of the <i>AFC Incident/Accident Reports</i> completed by Ms. Hagan related to this incident documents the use of physical restraint with Resident A directly related to this event.</p> <p>Ms. Humphries language was intentionally degrading and disrespectful in attempt to provoke Resident A, leading to a physical altercation and subsequent restraint. Ms. Humphries behavior exposed Resident A to an unnecessary serious risk of physical harm and did not treat her with dignity and consideration.</p>
<p><b>CONCLUSION:</b></p>	<p><b>VIOLATION ESTABLISHED</b></p>

**IV. RECOMMENDATION**

Contingent upon receipt of an acceptable written plan of correction, it is recommended that this license continues on regular status.



10/30/2017

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Eli DeLeon  
Licensing Consultant

Date

Approved By:



11/07/2017

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Dawn N. Timm  
Area Manager

Date