



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

August 8, 2018

David Schnoor
P.O. Box 1251
185 E. Main St., Ste 1251
Benton Harbor, MI 49023

RE: License #: AM110091925
Investigation #: **2018A0461037**
Eau Claire Residence

Dear Mr. Schnoor:

Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan was required. On July 9, 2018, you submitted an acceptable written corrective action plan.

It is expected that the corrective action plan be implemented within the specified time frames as outlined in the approved plan.

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 (517) 284-9720.

Sincerely,

A handwritten signature in black ink that reads "Karen Hodge".

Karen Hodge, Licensing Consultant
Bureau of Community and Health Systems
401 Eighth Street
P.O. Box 1407
Benton Harbor, MI 49023
(269) 363-1742

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

License #:	AM110091925
Investigation #:	2018A0461037
Complaint Receipt Date:	06/29/2018
Investigation Initiation Date:	06/29/2018
Report Due Date:	08/28/2018
Licensee Name:	Spectrum Community Services
Licensee Address:	185 E. Main St., Ste 1251 Benton Harbor, MI 49022
Licensee Telephone #:	(269) 927-3472
Administrator:	David Schnoor
Licensee Designee:	David Schnoor
Name of Facility:	Eau Claire Residence
Facility Address:	2860 M-140 Eau Claire, MI 49111
Facility Telephone #:	(269) 944-1927
Original Issuance Date:	05/19/2000
License Status:	REGULAR
Effective Date:	06/12/2017
Expiration Date:	06/11/2019
Capacity:	12
Program Type:	MENTALLY ILL

II. ALLEGATION(S)

	Violation Established?
Complainant was told that a staff member got in a screaming match with Resident A because he had wet himself and the staff member was trying to make him shower.	Yes

III. METHODOLOGY

06/29/2018	Special Investigation Intake 2018A0461037
06/29/2018	Special Investigation Initiated - On Site
06/29/2018	Contact - Face to Face Basil Scott, Recipient Rights Officer; Joyce Divis, Spectrum Assistant Dir.; Resident A; Tequila Smith, Vickie Dickens, Angela Holmes, Eau Claire Residence direct care staff members; Resident B
07/09/2018	Contact – Document Received Corrective Action Plan from David Schnoor
08/03/2018	Contact - Telephone call made Basil Scott
08/03/2018	Inspection Completed-BCAL Sub. Compliance
08/08/2018	Exit Conference – David Schnoor, by telephone

ALLEGATION: Complainant was told that a staff member got in a screaming match with Resident A because he had wet himself and the staff member was trying to make him shower.

INVESTIGATION: On June 29, 2018 I received a complaint that a staff member at Eau Claire Residence had a shouting match with a resident because he was incontinent. Apparently three staff members witnessed the exchange.

On June 29, 2018 I met with Basil Scott, Recipient Rights Officer for Riverwood Mental Health Authority. Mr. Scott told me he had been notified there had been a shouting match between Resident A and Vicky Dickens, direct care staff member. He notified Joyce Divis, Assistant Director of Spectrum, who joined us during interviews.

First, we met with Resident A. He told us that both he and a staff member were shouting at each other this morning. He said he told her “fuck you” and she responded with “fuck you.” He told us the staff member, Vicky Dickens, wanted him to take a shower, but he didn’t want to because his shower day is tomorrow. He said he tried to talk to her about showering tomorrow, and said he asked her “can you excuse me for today?” He said she got mad and upset, so he cussed at her. He said after that, Ms. Dickens took his cigarette away and everyone else was out smoking. He said he asked her for his cigarette and she said “no, you’re not getting it cuz you didn’t shower”. He said he kept telling her his goal is a shower tomorrow, and she responded “pissy, pissy” and “you’re wet” and “you stink.” He said everyone was around and heard these comments. He said he knows that taking his cigarettes is not part of his treatment plan. He said something kept telling him to keep calm and have peace, so he sat down and waited for her to come out and give him his cigarette and she never did. He said another staff member came out and talked with him, Annie, he thinks, and she offered him a warm wash cloth with soap and water to wash his bottom and she told him she’d give him a cigarette after he washed up, so he did it. He said Annie heard Ms. Dickens say she wasn’t giving him a cigarette. He said she encouraged him to remain calm and just go along with her. We asked him to characterize how he was treated by Ms. Dickens and he said, “like a dog.”

We next interviewed Tequila Smith, direct care staff. She told us she saw Resident A heading to the restroom and he didn’t make it and urinated on himself. As he was walking, he was talking about not being able to make it in time. She said she heard Ms. Dickens saying, “you’re going to take a shower” and Resident A resisted this. She said this went back and forth and Resident A finally said, “fuck you” and Ms. Dickens said it back. She said the exchange kept getting louder and louder. She told us that right from the beginning, Ms. Dickens approached Resident A telling him he was going to shower. Ms. Smith said Ms. Dickens always talks in a demanding or commanding manner, she’s loud and she believes residents feel intimidated by her. She said her response to Resident A was very loud and everyone likely was able to hear it. She said there have been some previous exchanges like this, but not to this degree. Ms. Smith told us Resident A came into the dining area and sat down and wet all over the chair and Ms. Dickens began yelling at him about how he “pissed all over the chair” and she was very loud about it. She said she heard Resident A say he would shower tomorrow because that was his shower day. She said one of the other staff members went and talked sweetly with him, telling him we’re going to get it taken care of and she helped him remain calm.

We reviewed a written statement provided by Ms. Dickens that says she “went to Resident A’s room and asked him to get up for breakfast and as he was getting up she asked him to go to the bathroom. Then, she wrote that when “he came to eat – as he was passing by me – I saw he was wet – I asked him to change – I also asked him did he wet himself – he said a little – then he said he was having a hard time pulling his pants down”. Then she writes “he was in his room changing, I was in the

dining rm and saw the chair he was sitting in was soak & wet. I went to his rm & asked him to get in the shower; he began to argue. I explained to him that is one of his goals to shower when he wets himself. He said “fuck my rules, fuck the shower while I was in the rm. I was by the office & I heard him say fuck me or he said fuck the rules or fuck the shower”. Ann intervene & talked to him. He calmed down & Ann help him wash his bottom. I was over on the other side of the house. After he was washed up – I came to check on him but he was already outside smoking”. [sic]

Next, we interviewed Vickie Dickens, direct care staff member. Ms. Dickens told us she had worked the night shift for about six years and had only been working the day shift for three to six months. She told us Resident A was “soaking wet” so she asked him to go to the bathroom. She said she asked him to go change and he went into the dining room and got the dining room chair wet. She said she asked him to go take a shower and told him it was one of his goals and this is what you are supposed to do, if he wets himself he’s supposed to shower. Then she said she thinks it’s one of his goals. We asked if she told him he couldn’t have a cigarette and she said “no, we didn’t tell him that.” We asked about the cursing, and she said, “I didn’t hear him – I heard him but didn’t catch it – I heard something like that, he said fuck me or fuck rules or fuck showers.” She denied saying it back, she said she didn’t say anything and said sometimes Resident A “talks to himself.” She said this took place near the office where medication passes take place. We asked why her written statement says this took place in Resident A’s room and she said well, it was near the office when she heard him. We asked her why we should believe her over what Resident A was telling us and she said “well, you should believe the resident.” She told us Resident A apologized after Ann assisted him. We reviewed Resident A’s plan while Ms. Dickens was present. The plan says Resident A “will shower every other day with less than three prompts”. Ms. Dickens then said, Resident A was in his room. I went to his room to wake him up and asked him to go to the bathroom. She did not see any sign of wetness, so she went back to the kitchen when she saw that he was getting up. He came to the kitchen, sat down, ate, and put his dishes in the sink. That is when she noticed he was wet. She asked, “are you wet” and he said, “a little”, and he asked, “can I get a Depends?” She said “yes, I have to get it from the office.”, and Ann got it for him and he went back to his room. When she was wiping the dining table, she saw that the chair he had been sitting in was soaking wet, so she went to his room and said, “hey, you’re soaking wet, can you get into the shower?” and he started to yell. She denied hearing him say it wasn’t his day for a shower and denied hearing him say that he would take his shower the next day.

Next, we interviewed Angela Holmes who said she has worked at Eau Claire Residence for one year. She said she had heard a commotion this morning. She said Resident A always wakes up already wet. She said she was in the kitchen when she heard him hollering and she heard Ms. Dickens telling him to get in the shower and that’s when Resident A started to curse about the rules. She said she heard Ms. Dickens tell another resident not to share a cigarette with Resident A until

he showers and told Resident A he had to shower for a cigarette. Ms. Holmes told us, "you have to give respect to get respect" and said Resident A didn't have to shower. She characterized the responses from Ms. Dickens as disrespectful. She said she offered to help Resident A get cleaned up. She said she heard Ms. Dickens saying, "it's your goal, it's in your book, you should shower." She said she got Resident A to get cleaned up because she approached him differently, asking him to do something instead of telling him to and he cooperated.

Next, we talked with Resident B, whom we were told witnessed the exchange between Ms. Dickens and Resident A. She said she heard Ms. Dickens say "fuck you" to Resident A at least three times. She said she has heard her talk this way to other residents at times also. She said Ms. Dickens has held back cigarettes from him before and she has heard her say "you can't have an f'ing cigarette for at least two hours" *[sic]* which makes her frustrated as she does not think that is the approach that should be used.

We obtained a written statement from staff member Joyce Vliek which stated: "I witness Vickie Dickens yelling loudly at" Resident A "that he pissed himself and he needed to get in the shower because of being so pissy." Resident A "declined to shower and began to argue back at Vickie". Resident A "was very agitated he told her fuck you she said no fuck you she was coming out of his bedroom. This is very unacceptable. Then they were up in living room and we heard her tell" Resident A "fuck you again". *[sic]*

We obtained a written statement from staff member Melanie Sutton which stated, "I witnessed Vickie Dickens yelling at the top of her lungs at" Resident A "because he had urinated on himself in a dining room chair. Due to her yelling at" Resident A "he said fuck you and Vickie yelled back no fuck you. After leaving" Resident A's room" he said fuck you again and Vickie yelled it back down the hall at him."

We obtained a written statement from Tequila Smith which stated she "was happen to be in training in the med room witnessed Vickie Dickson yelling to the top of her lungs at" Resident A "telling him that he need to shower or he wasn't getting cigarettes today which made him very upset. So, he yelled fuck you and the worker Vickie Dickson yelled to the resident fuck you!! which I know is not acceptable but yelled through the hall afterwards as well." *[sic]*

Next, we more thoroughly reviewed the Person-Centered Plan for Resident A on file in the home. Goal 2 for Resident A has two components. 1) Resident A will change his clothes at least 1 time daily or more as needed due to incontinence with less than three prompts from staff. And 2) Resident A will shower at least every other day with less than three prompts by AFC staff, or more as needed due to incontinence. There is no specific strategy outlined in the plan other than prompting. There is nothing in the plan regarding the withholding of cigarettes to gain compliance. One of the items under the "Authorized Service" section states "personal care will include: provide daily for all basic needs and assure his health and safety at all times,

including to treat Resident A with dignity and respect.” It goes on to say physical assistance with grooming and hygiene should be provided if he is unable to do for himself.

On July 9, 2018 I received a Corrective Action Plan from Licensee Designee David Schnoor; he wrote that he has also substantiated violations. He concurred with the findings of this investigation during the exit conference conducted on August 8, 2018.

APPLICABLE RULE	
R 400.14303	Resident care; licensee responsibilities.
	(1) Care and services that are provided to a resident by the home shall be designed to maintain and improve a resident's physical and intellectual functioning and independence. A licensee shall ensure that all interactions with residents promote and encourage cooperation, self-esteem, self-direction, independence, and normalization.
ANALYSIS:	Resident A had urinary incontinence and Ms. Dickens talked to him in a disrespectful manner by cursing at him, using disrespectful terminology, telling him to shower instead of prompting him, and threatening punishment by taking away his cigarette. In addition to this, her approach was confrontational and was done within hearing of other residents. This approach did not promote and encourage cooperation, self-esteem, self-direction, independence, and normalization as required.
CONCLUSION:	VIOLATION ESTABLISHED

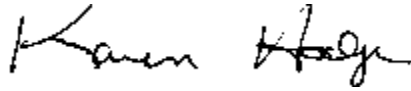
AND

APPLICABLE RULE	
R 400.14308	Resident behavior interventions prohibitions.
	(1) A licensee shall not mistreat a resident and shall not permit the administrator, direct care staff, employees, volunteers who are under the direction of the licensee, visitors, or other occupants of the home to mistreat a resident. Mistreatment includes any intentional action or omission which exposes a resident to a serious risk or physical or emotional harm or the deliberate infliction of pain by any means.

ANALYSIS:	According to Resident A and multiple witnesses, Resident A was subjected to cursing, disrespectful terminology, a demanding approach, and punishment by a staff member that was overheard by other residents and staff. He characterized it by saying he felt he was "treated like a dog". This was an intentional action by a trained direct care staff member which exposed Resident A to emotional harm, which is prohibited.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

I recommend this facility continue on regular status.



08/08/2018

Karen Hodge
Licensing Consultant

Date

Approved By:



08/10/2018

Dawn N. Timm
Area Manager

Date