



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

June 27, 2019

Cynthia Taplin
The Legacy at the Oaks
706 North Avenue
Battle Creek, MI 49017-3251

RE: License #: AH130297466
Investigation #: 2019A0461034
The Legacy at the Oaks

Dear Ms. Taplin:

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) 356-0100.

Sincerely,

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

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

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

I. IDENTIFYING INFORMATION

License #:	AH130297466
Investigation #:	2019A0461034
Complaint Receipt Date:	05/02/2019
Investigation Initiation Date:	05/07/2019
Report Due Date:	06/01/2019
Licensee Name:	Trilogy Healthcare of Battle Creek, LLC
Licensee Address:	303 N. Hurstbourne Pkwy #2, Suite 200 Louisville, KY 40222
Licensee Telephone #:	(502) 213-1710
Administrator:	Cynthia Taplin
Authorized Representative:	Cynthia Taplin
Name of Facility:	The Legacy at the Oaks
Facility Address:	706 North Avenue Battle Creek, MI 49017-3251
Facility Telephone #:	(269) 964-4655
Original Issuance Date:	11/21/2008
License Status:	REGULAR
Effective Date:	08/26/2018
Expiration Date:	08/25/2019
Capacity:	30
Program Type:	AGED, ALZHEIMERS

II. ALLEGATION(S)

	Violation Established?
Resident A's service plan was not developed specific enough to appropriately meet his personal care needs.	Yes

III. METHODOLOGY

05/02/2019	Special Investigation Intake 2019A0461034
05/07/2019	Special Investigation Initiated - Telephone to APS - Katy Mann
05/07/2019	APS Referral referral to APS; via email
05/07/2019	Contact - Telephone call made to complainant, left message
05/09/2019	Contact - Telephone call received Relative A1
05/16/2019	Contact - Face to Face Angie Winter, RN. Resident A moved from this facility (NorthPointe Woods Assisted Living) on 3.1.19 due to wandering, social inappropriateness.
05/21/2019	Contact - Telephone call made Justin Milcher, LPN. confirmed Resident A is resident of The Legacy, eff. 3.1.19; gathered information
06/18/19	Contact – Telephone call made Heather Coston, Adult Protective Services
06/18/19	Contact – Telephone call made Relative A2
06/18/19	Contact – Telephone call made Randy Dobbertein, LPN
06/18/19	Contact – Telephone call made Kim Montgomery, RN

06/19/19	Contact – document received Email from Ron Monte
06/19/19	Contact – document received Service plan, summary, agreement, menus, via email from Karen Marzec
06/21/19	Contact – Face to Face Relative A1
06/21/19	Inspection Completed – Onsite
06/21/19	Contact – Face to Face Jym Garman; nurse Karen Marzec; Resident A
06/21/19	Contact – Documents Received Checklist, service plan, DPOA
06/27/2019	Exit Conference – by telephone Cynthia Taplin

ALLEGATION:

Resident A's service plan has not been developed specific enough to appropriately meet his personal care needs.

INVESTIGATION:

On 5/2/19, a telephone complaint was received. Complainant stated that Resident A's bed was made with soiled sheets. Complainant stated Resident A has blood on his sheets from a bloody nose and the sheets were not changed or laundered. Complainant stated Resident A was left in soiled overalls when he was supposed to leave the facility for an appointment. Complainant stated Resident A does not eat pork and has not been fed because the facility forgot to feed him when they were serving pork. Complainant stated Resident A's room was not cleaned for a long time after an incontinence episode.

On 5/7/19, I contacted John Wheeler with Adult Protective Services (APS). Mr. Wheeler stated there was no open complaint regarding Resident A.

On 5/7/19, I made a referral to APS regarding Resident A.

On 5/7/19, I attempted to reach Complainant by telephone and left a message.

On 5/9/19, I interviewed Relative A1 by telephone. Relative A1 stated she was concerned regarding the care Resident A was receiving at the facility. Relative A1 stated Resident A has nasal problems related to dryness. Relative A1 stated she has to fill his humidifier daily and that the facility is not taking care of this. Relative A1 stated this is leading to Resident A having nosebleeds. Relative A1 stated one day she arrived and there was blood "all over" the bedspread and the staff on duty told her they would take care of it. Relative A1 stated the bedspread just got turned around because she found the same blood spot in a different location on the bedspread later. Relative A1 stated she observed blood spots on Resident A's pillowcase, and she took the pillowcases to the previous director to show her. Relative A1 stated one day she arrived and discovered that there was feces in Resident A's sheets. Relative A1 stated the next day she examined the bed and discovered that feces had seeped through underneath the sheets and had not been cleaned up. Relative A1 stated she referred her concerns to the police department. The complaint was originally received on Northpointe Woods which is not associated with The Legacy at the Oaks but is adjacent to the building.

On 5/16/19, I interviewed Angie Winter at NorthPointe Woods. Ms. Winter informed me that Resident A had moved out of this facility on 3/1/19. Ms. Winter stated Resident A was continually wandering, entering other resident rooms, and was not acclimating well to their community. Ms. Winter stated Resident A was transitioned to memory care at The Legacy at the Oaks. Ms. Winter stated Relative A1 arrived on the day Resident A was being discharged. Ms. Winter stated Relative A1 was quite upset about Resident A moving unexpectedly. Ms. Winter stated on that date Relative A1 told her she was concerned about some cleanliness issues from the day Resident A moved in. Ms. Winter stated these concerns had not been brought to her attention previously. Ms. Winter stated Resident A had a nosebleed on 3/1/19, but she was unaware of any prior to that date.

On 5/16/19, I interviewed nurse Justin Milcher by telephone. Mr. Milcher confirmed that Resident A had been admitted to The Legacy at the Oaks on 3/1/19. Mr. Milcher stated Relative A1 told him Resident A had a "dry nose" but there was nothing specified in the care plan or nursing assessment relative to this dryness. Mr. Milcher stated he was familiar with an incident that occurred on 4/29/19 when he was advised by a staff member that Resident A's family member was calling the police. Mr. Milcher stated he had learned that Resident A had been having bowel incontinence and placing his soiled clothing back in the closet. Mr. Milcher stated Resident A had been experiencing loose stool, which is now being clinically treated. Mr. Milcher stated Resident A had taken soiled clothing out of the closet and put them on prior to Relative A1 arriving to take him to an appointment. Mr. Milcher stated he had been contacted by a nurse on duty on 4/29/19 that Relative A1 was "irate" because Resident A's sheets were not properly on his bed and he had some food on his face when she arrived. Mr. Milcher stated Relative A1 expressed being upset because Resident A had not been showered that morning prior to her arrival. Mr. Milcher stated he had walked over to see Resident A and Relative A1 and found Relative A1 very emotional, very loud, using inappropriate words and she was

upsetting other residents. Mr. Milcher stated Relative A1 told him she had been told that Resident A would be getting a shower in the morning. Mr. Milcher stated Relative A1 told him she was very upset about Resident A's clothing. Mr. Milcher stated he talked to the caregiver that assisted Resident A, who was on her third day of working independently. Mr. Milcher stated the care giver told him Resident A had asked to wear a particular outfit, so she helped him get dressed. Mr. Milcher stated he found out from Relative A1 that he had worn that outfit the previous day. Mr. Milcher stated the caregiver did not know Resident A had worn that outfit the previous day and simply helped him get dressed in clothing he chose to wear. Mr. Milcher also determined that Resident A had a small amount of toothpaste on his face and not food, which was easily remedied. Mr. Milcher stated Resident A had some favorite overalls that he wanted to wear all the time. Mr. Milcher stated that it was more difficult to assist Resident A with continence care when wearing the overalls, and with input from the family, overalls have been removed from Resident A's closet. Mr. Milcher stated that a new check-sheet has been implemented to ensure that staff are examining bedding completely before making Resident A's bed, and to ensure that staff members have a system for checking Resident A's clothing in the evening so that he cannot put on clothing again after wearing an item. Mr. Milcher stated the director at the time had tried to discuss the concerns with Relative A1 and thought everything was resolved, although she was still upset. Mr. Milcher stated they were all surprised when the police arrived to investigate this incident. Mr. Milcher stated Relative A1 is upset because Relative A2 has restricted her visits and prevented her from taking Resident A out of the facility. Mr. Milcher stated this was to assist Resident A in acclimating to the facility. Mr. Milcher stated Relative A2 was not even aware that Relative A1 was taking Resident A out for an appointment on 4/29/19. Mr. Milcher stated a reason Relative A1 was so upset was because she had arrived to take Resident A out and he was wearing previously worn clothes and had an episode of bowel incontinence just prior to her arrival. Mr. Milcher stated Relative A1 had come to him one day and said that three days' prior, she had discovered a spot of blood on Resident A's chair. Mr. Milcher stated he encouraged Relative A1 to come to a manager immediately with concerns like that so they could be remedied immediately. Mr. Milcher stated this was a small, nearly indiscernible spot, which was immediately cleaned.

On 6/18/19, I interviewed APS specialist Heather Coston by telephone. Ms. Coston stated she had investigated and unsubstantiated the complaint regarding Resident A. Ms. Coston stated she reviewed the menu at the facility and found many substitutions available when pork was served. Ms. Coston stated she reviewed Resident A's specific menu and found "No Pork" written on any time that pork was served. Ms. Coston stated for each menu, there was at least two choices and that there were many other options available to meet resident preferences. Ms. Coston stated Relative A2 told her he was "incredibly happy" with the care Resident A was receiving. Ms. Coston stated Resident A was clean and appropriately dressed when she saw him. Ms. Coston stated she asked Resident A where his clothes were kept, and he opened the bathroom door. Ms. Coston stated Resident A's room was neat and clean.

On 6/18/19, I interviewed Relative A2 by telephone. Relative A2 stated he is the Durable Power of Attorney for Resident A. Relative A2 stated he has no concerns regarding Resident A's care, and stated he is very satisfied with the facility. Relative A2 stated Resident A was at a different facility initially, and his only concern was that he felt Resident A didn't fit in well with the other residents. Relative A2 stated he feels the current arrangements are very suitable for Resident A. Relative A2 stated he has no concerns regarding menu options and no concerns regarding Resident A receiving all his meals. Relative A2 stated he visits with Resident A two to three times per week. Relative A2 stated Resident A and his room have always been clean when he is visiting. Relative A2 stated he has observed Resident A eating in the dining room and being offered options for his meals. Relative A2 stated he thought the pork was only a preference issue for Relative A1, and he is not concerned about what Resident A is served.

On 6/18/19, I interviewed nurse Randy Dobbertien from NorthPointe Woods. Mr. Dobbertien stated at NorthPointe Woods, there are multiple selections available for each meal. Mr. Dobbertien stated he had done the intake assessment for Resident A and pork was never addressed as a dislike or dietary restriction. Mr. Dobbertien stated a resident can order from an alternate menu at any time and can order any kind of sandwich at any time for substitutions if a resident does not care for an entrée choice. Mr. Dobbertien stated he had never observed Resident A in dirty overalls. Mr. Dobbertien stated he had never observed blood on Resident A's bedding. Mr. Dobbertien stated he was aware that on the day Resident A moved out of the facility he had a nose-bleed but that it was dried and cleaned up by the time he left.

On 6/18/19, I interviewed nurse Kim Montgomery by telephone. Ms. Montgomery stated that significant efforts have been made to address all concerns raised by Relative A1 but that she remains dissatisfied. Ms. Montgomery stated Relative A2 has expressed satisfaction with Resident A's care and has expressed no concerns. Ms. Montgomery stated there has been increased staff training to examine all linens before making the bed to ensure complete cleanliness. Ms. Montgomery stated Resident A was placing soiled clothing in his closet and now staff are examining his closet regularly to find and remove any soiled clothing. Ms. Montgomery stated Relative A1 told her that Resident A has a pork allergy and Relative A2 told her it was a preference to not eat pork. Ms. Montgomery stated that Resident A occasionally expresses a preference to eat a pork option when meals are being served and Resident A is served pork at those times, per his choice. Ms. Montgomery stated there was no pork allergy per the physician record. Ms. Montgomery stated Resident A has an electronically signed order from his primary care practitioner for a regular diet.

On 6/19/19, I received an email from administrator Ron Monte from NorthPointe Woods. The email read that Resident A was a resident of NorthPointe Woods from 2/11/19 to 3/1/19. The email read one day he was incontinent of stool but was

showered. The email read there were no other incontinent episodes reported. The email read on 3/1/19 Resident A had a bloody nose and it dried before he left. The email read Resident A had no recommended treatment for a dry nose. Mr. Monte attached a signed diet order from the physician which had a line for special diet orders which read "none". There was another spot which read "allergies" with a line under it which was blank.

On 6/21/19, I interviewed Relative A1 in person. Relative A1 told me that on 4/27/19, she arrived for a visit and discovered urine on the bathroom floor of Resident A's room. Relative A2 stated she walked and got an aid, then she stated she went and found a nurse, and told the nurse that Resident A's floor needed to be cleaned. Relative A1 stated she was at the nursing station and the employee told her "I'll have to see because housekeeping leaves at 8:00pm". Relative A1 stated it was 7:30pm. Relative A1 stated she waited until after 8:00pm when someone came and helped get things out of the wash-room and got supplies for Resident A's shower. Relative A1 stated she was upset when she discovered Resident A had been showered and she was sitting in the common area and no one told her he was done with the shower. Relative A1 stated Resident A had a doctor's appointment scheduled for 4/30/19. Relative A1 stated she told a staff member the night before about the appointment and expected Resident A to be ready in the morning. Relative A1 stated she arrived on 4/30/19 shortly after 9:00am and Resident A was sitting in his room and he was not clean. Relative A1 stated Resident A was wearing the same pants he had on two days previous and they were soiled with feces. Relative A1 stated she was upset because the staff on duty were unaware of the appointment and did not have Resident A ready to go. Relative A1 stated she found blood spots on Resident A's sheets on more than one occasion. Relative A1 stated she found feces on Resident A's sheets and showed pictures she had taken. Relative A1 showed a picture of the mattress cover that had fecal stains after the sheets had been changed. Relative A1 stated there have been multiple incidences when she has found Resident A unclean or his sheets unclean. Relative A1 stated the facility is not honoring Resident A's preference to not eat pork but had no specific date or time when this occurred. Relative A1 said one time she arrived while Resident A was eating juice and a dessert. Relative A1 stated a caregiver told her they couldn't find Resident A's menu. Relative A1 stated she believed he was not fed a regular dinner.

On 6/21/19, I interviewed neighborhood director Jym Garman and nurse Karen Marzec at the facility. Mr. Garman stated that they are aware of Relative A1's complaints regarding cleanliness. Mr. Garman stated he has met with Relative A1 on several occasions and he believes they are actively addressing her concerns. Mr. Garman and Ms. Marzec stated Resident A is incontinent and that he was putting soiled clothing in his closet and other places in his room. Mr. Garman stated they have implemented a check-sheet for staff members to inspect Resident A's room and bedding and address any uncleanliness each shift. I was provided a copy of this checklist via email by Ms. Marzec and received a printed copy during this discussion. Mr. Garman stated he has also talked with Relative A2 who states he is

satisfied with the care being provided to Resident A. Ms. Marzec stated there is definite differences in the family members relative to Resident A's care needs. Ms. Marzec stated that Relative A2 has asked that Relative A1's contact and outings be restricted. Mr. Garman and Ms. Marzec stated that they are working diligently to ensure that Resident A, his clothes and his bedding are kept clean. Mr. Garman stated that Resident A changes his clothes independently frequently and might put on four outfits before breakfast. Mr. Garman stated caregivers are now examining Resident A's closet more thoroughly as he was putting soiled garments back in his closet rather than in the laundry.

On 6/24/19, I observed Resident A in the dining room of the facility. He was clean, wearing a hat, jacket and pajama pants.

On 6/24/19, I inspected Resident A's room. I found it very neat, very clean, and tidy. The bed was neatly made. I pulled down the sheets, and observed the sheets, blanket, pillowcase and bedspread to be clean and free from spots or stains. The room did not have any unpleasant odor. I observed the bathroom to be neat and clean. I observed the closet which appeared clean but somewhat disheveled, with undergarments and washcloths hung up or stuffed on a hanger. Mr. Garman stated Resident A often puts things in his closet this way.

On 6/24/19, I interviewed Resident A at the facility. Resident A stated living here was "alright but like this too much, but it's better than a chewed furnace". Resident A told me the food was "all good; ok". Resident A stated he doesn't eat pork. I asked Resident A why he doesn't eat pork and he stated "when I was just a little runt, my dad tried to give me some. He said well you can eat it, but it was bad, and ever since I don't eat pork". "I don't like the smell". Resident A stated at the facility "they are good people". I asked Resident A if he had a family member he trusted to help him and he stated "well, it depends on how big they are. They mess around, that's when I have to lay the law down". Resident A stated, "I don't have any complaints".

On 6/24/19, I reviewed the service plan for Resident A. Regarding eating, in the checkbox for level of assistance required, the plan read "independent". Under the section titled service plan, the document read "no pork" and this is underlined three times. Regarding dressing/grooming, in the checkbox for level of assistance required, the plan read "independent". In the section titled service plan the document read "ensure resident is dressed for the appropriate season". Regarding housekeeping/laundry in the checkbox for level of assistance required, the plan read "manages with regularly scheduled housekeeping". In the section titled service plan the document read "ensure all clothing is labeled" and "check and change linens every morning, 3/11/19". Under the section titled toileting the service plan read "continent, independent". The original service plan was signed 3/1/19.

On 6/24/19, I reviewed a check-list provided by Ms. Marzec that has Resident A's name and room number at the top. The top of the document read "by initialing this

page I state I have checked his bed linen, and clothes in his closet and they are clean, not soiled. This is to be signed and initialed every shift by Nurse/QMA and the aide caring for this resident.” The document had columns labeled “first, second, third, housekeeping, floor, notes”. The document for May 2019 had 33 boxes that did not have initials in them; 6 under second, 7 under third, 4 under housekeeping, and 16 under floor that did not have initials. The document for June 2019 had 43 boxes that did not have initials. There were 4 under first, 13 under second, 10 under third, 2 under housekeeping and 14 under floor. On 6/25/19, I asked Ms. Marzec via email what the column labeled ‘floor’ meant. Ms. Marzec wrote this meant the floor was vacuumed and mopped.

On 6/25/19, I interviewed Relative A1 by telephone. Relative A1 stated she was visiting Resident A on 6/24/19 and discovered stains on his sheets. Relative A1 stated she believed these were fecal stains that were not removed when the sheets were laundered. Relative A1 stated she brought this to the attention of the caregiver on duty. Relative A1 sent pictures of these stains to me. I observed several brownish spots on a white sheet.

APPLICABLE RULE	
R 325.1931	Employees; general provisions.
	(2) A home shall treat a resident with dignity and his or her personal needs, including protection and safety, shall be attended to consistent with the resident's service plan.
For Reference: R 325.1901	Definitions.
	(21) “Service plan” means a written statement prepared by the home in cooperation with a resident and/or the resident’s authorized representative or agency responsible for a resident’s placement, if any, and that identifies the specific care and maintenance, services, and resident activities appropriate for each individual resident’s physical, social, and behavioral needs and well-being and the methods of providing the care and services while taking into account the preferences and competency of the resident.
ANALYSIS:	<p>The service plan for Resident A read that he is independent with eating and no pork is specified. Ms. Montgomery contradicted this by stating Resident A is served pork when he specifies a preference for it.</p> <p>The service plan read that Resident A is independent with dressing and the facility is to “ensure resident is dressed for the appropriate season”. Interviews with Relative A1, Mr. Monte, Ms. Montgomery, Mr. Milcher, Mr. Garman and Ms. Marzec</p>

	<p>demonstrate that Resident A has placed soiled clothing in his closet and has chosen to wear clothing that is not clean. Staff responsibilities to intervene with this behavior were not addressed in the plan.</p> <p>The service plan read that Resident A “manages with regularly scheduled housekeeping”. The plan read “check and change linens every morning; 3/11/19”. Mr. Garman and Ms. Marzec presented a staff check list which read that staff members should be checking linens at least every shift. Interviews with Relative A1, Ms. Marzec, and Mr. Milcher demonstrated that Resident A places soiled clothing in his closet, that he has incontinence episodes in or on his bed and on his floor. Resident A requires more than the currently outlined routine assistance.</p> <p>Resident A’s service plan read under the section titled toileting read “continent, independent”. Multiple interviews and pictures demonstrate that Resident A is not independent nor continent.</p> <p>The facility implemented a checklist for staff to ensure that Resident A’s linens and clothing are examined for cleanliness at least every shift. There were at least 40 instances in May and June when there was no initial in the checkbox indicating a staff member had done the checks on linen and clothing. This checkbox method was not found on the service plan.</p> <p>The service plan does not adequately address the specific care and maintenance, services, and resident activities appropriate for resident A’s physical, social, and behavioral needs and well-being. Also, the methods of providing care and services to Resident A are not taking into account the preferences and competency of Resident A. Therefore, the facility is not in compliance with this rule.</p>
CONCLUSION:	VIOLATION ESTABLISHED

On 6/27/19, I conducted an exit conference with Cynthia Taplin and Karen Marzec by telephone. Ms. Taplin and Ms. Marzec did not dispute the findings in this investigation and agreed to submit a Corrective Action Plan.

IV. RECOMMENDATION

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

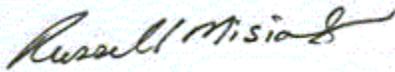


6/26/19

Karen Hodge
Licensing Staff

Date

Approved By:



6/26/19

Russell Misiak
Area Manager

Date