



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

July 19, 2019

Albert Sarkar  
1622 Lake Street  
Niles, MI 49120

RE: License #: AF110304834  
Investigation #: 2019A0579046  
Kathy AFC Home

Dear Mr. Sarkar:

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 cursive script that reads "Cassandra Duursma".

Cassandra Duursma, Licensing Consultant  
Bureau of Community and Health Systems  
322 E. Stockbridge Ave  
Kalamazoo, MI 49001  
(269) 615-5050

enclosure

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

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	AF110304834
<b>Investigation #:</b>	2019A0579046
<b>Complaint Receipt Date:</b>	06/13/2019
<b>Investigation Initiation Date:</b>	06/17/2019
<b>Report Due Date:</b>	08/12/2019
<b>Licensee Name:</b>	Albert Sarkar
<b>Licensee Address:</b>	1622 Lake Street Niles, MI 49120
<b>Licensee Telephone #:</b>	(269) 684-5834
<b>Administrator:</b>	N/A
<b>Licensee Designee:</b>	N/A
<b>Name of Facility:</b>	Kathy AFC Home
<b>Facility Address:</b>	1622 Lake Street Niles, MI 49120
<b>Facility Telephone #:</b>	(269) 684-5834
<b>Original Issuance Date:</b>	11/30/2009
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	07/03/2018
<b>Expiration Date:</b>	07/02/2020
<b>Capacity:</b>	6
<b>Program Type:</b>	DEVELOPMENTALLY DISABLED MENTALLY ILL ALZHEIMERS

	AGED TRAUMATICALLY BRAIN INJURED
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## II. ALLEGATION(S)

	Violation Established?
Resident A is required to toilet her roommate.	No
The bathroom has feces smeared on the toilet seat and urine all over the floor.	No
Resident A was not provided towels and had to dry herself with her clothing after bathing.	Yes

## III. METHODOLOGY

06/13/2019	Special Investigation Intake 2019A0579046
06/17/2019	Special Investigation Initiated - Letter Emails with Complainant.
06/18/2019	Contact - Document Received Email from Complainant.
06/18/2019	Contact - Face to Face Unannounced on-site investigation.
06/18/2019	Contact- Documentation sent Email to Complainant.
07192019	Exit Conference with Albert Sarkar.

**ALLEGATION:** Resident A is required to toilet her roommate.

**INVESTIGATION:** On 06/13/2019, I received this complaint through the BCHS on-line complaint system.

On 06/17/2019, I exchanged emails with Complainant confirming the allegations.

On 06/18/2019, I completed an unannounced investigation at Kathy Home AFC. Interviews were completed privately with Resident A and licensee Mr. Albert Sarkar.

Resident A stated her roommate, Resident B, has a lot of needs and behaviors. She stated at night Resident B would remove her soiled brief and throw it on the floor in their bedroom. She stated one night, she found gloves in the bathroom and picked the soiled brief up, so she did not have to wake up a direct care staff member to take

care of it. Resident A stated she asked Mr. Sarkar to put more gloves in the bathroom so she could assist Resident B as needed. Resident A stated she was not asked to assist Resident B by Mr. Sarkar or any direct care staff member rather she just chose to do it and it happened only one time. Resident A denied that she is required or asked by Mr. Sarkar or any direct care staff member to assist Resident B with toileting or any part of Resident B's toileting process.

During the unannounced on-site investigation, Resident A was observed picking up garbage that another resident had dropped without being asked or informing the resident or Mr. Sarkar that garbage had been dropped.

Mr. Sarkar stated he did not request that Resident A take care of Resident B's soiled brief. He stated he did not learn that Resident A had taken care of Resident B's soiled brief until after it had occurred. He stated if a direct care staff member is informed, they would take care of the soiled briefs and Resident A does not have to.

On 06/18/2019, I observed Resident A's *Resident Care Agreement* which outlined that the licensee would provide Resident A with personal care, supervision and protection along with room and board. I did not review any documentation in Resident A's resident record, including the *Resident Care Agreement*, that documented she was required to clean up after her roommate or assist her with toileting.

On 06/18/2019, I exchanged emails with Complainant advising that based on my interview with Resident A, she seems to be higher functioning than her peers in the home, her peers seem to look up to her, she seems to enjoy taking care of others, and that she may need to be reminded that direct care staff members are there to care for her and the other residents in the home, she does not have to care for her peers.

<b>APPLICABLE RULE</b>	
<b>R 400.1407</b>	<b>Resident admission and discharge criteria; resident assessment plan; resident care agreement; house guidelines; fee schedule; physicians instructions; health care appraisal.</b>
	<b>(5) At the time of a resident's admission, a licensee shall complete a written resident care agreement which shall be established between the resident or the resident's designated representative, the responsible agency, and the licensee. A department form shall be used unless prior authorization for a substitute form has been granted in writing by the department. A resident shall be provided the care and services as stated in the written resident care agreement.</b>

<b>ANALYSIS:</b>	Resident A had a valid <i>Resident Care Agreement</i> in place at the time of this investigation and was provided with the services outlined in that agreement. Resident A confirmed that she was not asked to clean up the soiled brief that her roommate took off in their room and that she did it on her own accord in order to not wake the direct care staff member up. Licensee Albert Sarkar denied that Resident A was asked or required to take care of her roommate’s soiled brief. Based on the interviews completed, there is insufficient evidence that Mr. Sarkar is not providing residents with care and services as stated in the <i>Resident Care Agreement</i> .
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION:** The bathroom has feces smeared on the toilet seat and urine all over the floor.

**INVESTIGATION:** On 06/18/2019, I received an email from Complainant stating someone advised Mr. Sarkar of the allegations so the home conditions may be improved prior to me coming out to the home.

On 06/18/2019, I observed the bathroom in the home to be neat, clean, and free of feces and urine. There were no odors in the bathroom, and it appeared in adequate condition.

Resident A stated her roommate, Resident B, was sick and is now hospitalized. She stated prior to Resident B being hospitalized, Resident B would sometimes leave feces or urine on the toilet seat or the floor from her brief. Resident A stated if she used the restroom after Resident B had left urine or feces on the toilet seat or on the floor, she would clean the bathroom so direct care staff members did not have to do it and so she did not have to wait to use it. Resident A denied that direct care staff members asked her to clean the bathroom.

Mr. Sarkar stated he regularly cleans the bathroom in the home. He denied there being feces or urine left on the toilet seat or the floor. He stated Resident B would, at times, leave the bathroom “a mess” but he would clean it. He stated residents are advised to tell him if the bathroom needs to be cleaned prior to them using it and he will clean it. He stated if Resident A cleaned the bathroom, it was because she wanted to, not because she was expected to do so.

<b>APPLICABLE RULE</b>	
<b>R 400.1426</b>	<b>Maintenance of premises.</b>
	<b>(1) The premises shall be maintained in a clean and safe condition.</b>

<b>ANALYSIS:</b>	I observed the resident bathroom of the home to be free of feces, urine, and odors and to be in adequate condition. Resident A advised she would clean the bathroom if Resident B made a mess because she did not want to wait for direct care staff members to clean it. Mr. Sarkar denied that Resident A was asked or expected to clean the bathroom and agreed he cleaned the bathroom if he was aware it needed to be cleaned.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION:** Resident A was not provided towels and had to dry herself with her clothing after bathing.

**INVESTIGATION:** On 06/18/2019, Resident A stated when she first moved into the home, she was drying herself with her clothing because she did not have funds to purchase washcloths and towels and they were not provided for her. She stated she now has washcloths and towels because she saved to purchase them at Goodwill.

Mr. Sarkar stated he does not provide towels or washcloths for residents and they must purchase their own.

<b>APPLICABLE RULE</b>	
<b>R 400.1434</b>	<b>Linens.</b>
	<b>(2) A licensee shall provide towels and washcloths which shall be changed at least weekly or more often if soiled.</b>
<b>ANALYSIS:</b>	Mr. Sarkar confirmed he does not provide washcloths or towels to residents. Resident A reported she had to use her clothing to dry off until she could obtain funds to purchase her own towels and washcloths. Therefore, the violation is established.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

On 07/19/2019, I completed an exit conference with licensee, Mr. Albert Sarkar, who did not dispute my findings or recommendations. He stated Resident B did not return to Kathy AFC Home from the hospital and was transferred to a nursing home.

**IV. RECOMMENDATION**

Upon receipt of an acceptable plan of corrective action, I recommend the status of the license remain the same.

*Cassandra Duursma*

07/19/2019

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Cassandra Duursma  
Licensing Consultant

Date

Approved By:

*Dawn Timm*

07/19/2019

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Dawn N. Timm  
Area Manager

Date