



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

July 30, 2019

Shirley Marsh
7142 N Bray Road
Mt Morris, MI 48458

RE: License #: AF250365608
Investigation #: 2019A0580034
Genesis AFC

Dear Ms. Marsh:

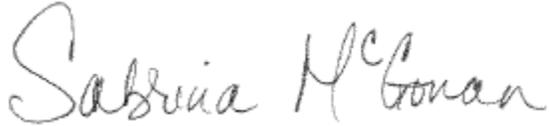
Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- 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 (810) 787-7031.

Sincerely,

A handwritten signature in cursive script that reads "Sabrina McGowan". The signature is written in black ink and is positioned above the typed name and contact information.

Sabrina McGowan, Licensing Consultant
Bureau of Community and Health Systems
4809 Clio Road
Flint, MI 48504
(810) 835-1019

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AF250365608
Investigation #:	2019A0580034
Complaint Receipt Date:	06/10/2019
Investigation Initiation Date:	06/14/2019
Report Due Date:	08/09/2019
Licensee Name:	Shirley Marsh
Licensee Address:	7142 N Bray Road Mt Morris, MI 48458
Licensee Telephone #:	(810) 686-7514
Administrator:	N/A
Licensee Designee:	N/A
Name of Facility:	Genesis AFC
Facility Address:	7142 N Bray Road Mt Morris, MI 48458
Facility Telephone #:	(810) 686-7514
Original Issuance Date:	03/02/2016
License Status:	REGULAR
Effective Date:	09/02/2018
Expiration Date:	09/01/2020
Capacity:	4
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL

II. ALLEGATION(S)

	Violation Established?
Resident did not feel well and wanted to stay home from the day program. Staff stated she could not stay home because staff had other things planned and staff wouldn't be available in the home.	No
Additional Findings	Yes

III. METHODOLOGY

06/10/2019	Special Investigation Intake 2019A0580034
06/14/2019	Special Investigation Initiated - Telephone A phone call was to the complainant.
07/23/2019	Inspection Completed On-site An onsite inspection was conducted at Genesis AFC. Contact was made with Ms. Shirley Marsh, licensee.
07/23/2019	Contact - Telephone call made A phone call was made to Ms. Melissa Lawler, responsible person in the home.
07/23/2019	Contact - Telephone call received A follow-up phone call received from Ms. Melissa Lawler.
07/25/2019	Contact-Document Received A faxed copy of Genesis House rules was received.
07/26/2019	Contact-Face to face A face to face contact was attempted with Resident A.
07/26/2019	Contact-Telephone call made A telephone interview was conducted with Resident A.
07/26/2019	Contact-Telephone call made A phone call was made to Ms. Sally Birchmeier, GHS Case manager for Resident A.

07/26/2019	APS Referral An online referral was made for APS.
07/26/2019	Exit Conference An exit conference was held with the responsible person, Ms. Melissa Lawler.

ALLEGATION:

Resident did not feel well and wanted to stay home from the day program. Staff stated she could not stay home because staff had other things planned and staff wouldn't be available in the home.

INVESTIGATION:

On 06/11/19, I received a complaint, via BCAL Online complaints.

On 06/14/19, I spoke on the phone with the complainant. The complainant indicated that a call was received from Resident A's day program indicating that Resident A was informed that she has to attend program due to no one being at the home. The complainant expressed that Resident A was having Diarrhea issues that were hindering her ability to work and should have stayed home. The complainant also expressed concern regarding the AFC policy requiring all residents to attend day program 5 days a week.

On 07/23/19, I conducted an onsite inspection at Genesis AFC. Contact was made with the licensee, Ms. Shirley Marsh. Ms. Marsh stated that she does not recall telling Resident A that she to go to program due to lack of staff.as alleged.

Resident A was away at Day Program.

On 07/23/19, I spoke on the phone with the responsible person, Ms. Melissa (Busha) Lawler. Ms. Lawler indicated that Resident A utilizes Your Ride for transportation and was at risk of losing her ride if she cancelled the scheduled pick-up. She shared that on the day in question, Resident A chose to go at the last minute, she was not forced to attend. Furthermore Ms. Lawler expressed that resident and their case manager are aware that in order to reside in the home, the resident must attend some sort of program. She also expressed that residents sign the house rules upon entry into the home, agreeing to the policy. Sick residents are not forced to go to program.

On 07/23/19, I received a follow-up phone call from the license responsible person, Ms. Melissa Lawler inquiring as to who made the complaint. Ms. Lawler was informed that the information is confidential.

On 07/26/19, I attempted a face-to-face contact with Resident A while she was attending day program. Resident A was out and would not be returning until later in the day.

On 07/26/19, I spoke with Resident A over the phone. Resident A was upset that a complaint had been made on the licensee and responsible person. Resident A indicated that she knew she had to attend. She denies saying that the staff in the home said she could not stay home. Resident A shared that she is usually transported to program by Your Ride, four times a week.

APPLICABLE RULE	
R 400.1410	Resident protection.
	A licensee or responsible person shall always be on the premises when a resident is in the home.
ANALYSIS:	<p>It was alleged that Resident A did not feel well and wanted to stay home from the day program. Staff stated she could not stay home because staff wouldn't be available in the home.</p> <p>The licensee, Ms. Shirley Marsh stated that she does not recall telling Resident A that she to go to program as alleged due to lack of staff.</p> <p>Responsible person, Ms. Melissa Lawler indicated that on the day in question, Resident A chose to go at the last minute, she was not forced to attend. Sick residents are not forced to go to program.</p> <p>Resident A denies saying that the staff in the home said she could not stay home.</p> <p>Based on the information gathered in this investigation, there is insufficient evidence to support the rule violation.</p>
CONCLUSION:	VIOLATION NOT ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION:

On 07/23/19, responsible person, Ms. Melissa Lawler expressed that residents sign the house rules upon entry into the home, agreeing to attend day programs as a condition of residency.

On 07/25/19, I received a faxed copy of the house rules for Genesis AFC. Rule #4 indicates that residents are required to participate in day programs Monday through Friday.

On 07/26/19, I conducted a phone call with Ms. Sally Birchmeier, assigned GHS case manager for Resident A. Ms. Birchmeier expressed that Resident A is her own guardian. She has no additional concerns.

On 07/26/19, I made an online referral to APS.

On 07/26/19, I held an exit conference with the responsible person, Ms. Melissa Lawler. Ms. Lawler was informed that although there was insufficient evidence to support the rule violation, an additional violation was found. Ms. Lawler was informed of the rule violation. A CAP was requested within 15 days of the report. It was suggested that the house rules be re-written, eliminating rule 4.

APPLICABLE RULE	
R 400.1409	Resident rights; licensee responsibility.
	(1) Upon a resident's admission to the home, the licensee shall inform and explain to the resident or the resident's designated representative all of the following resident rights: (h) The right to participate in the activities of social, religious, and community groups at his or her own discretion.
ANALYSIS:	Responsible person, Ms. Melissa Lawler indicated that all residents sign the house rules upon entry into the home, agreeing to attend day programs. A copy of the house rules indicate that residents will attend day programs Monday through Friday. Based on the information gathered during this investigation, there is sufficient evidence to support the rule violation.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Upon the receipt of an approved corrective action plan, I recommend no changes to the status of the license.



July 26, 2019

Sabrina McGowan
Licensing Consultant

Date

Approved By:



July 26, 2019

Mary E Holton
Area Manager

Date