



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

September 18, 2020

Casey Somerville
Grace Pointe Assisted Living LLC
5130 Edgelake Dr
Pinckney, MI 48169

RE: License #: AS470389158
Investigation #: 2020A0466036
Grace Pointe Assisted Living

Dear Ms. Somerville:

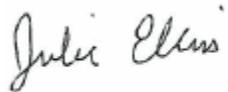
Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- 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 (517) 284-9727.

Sincerely,

A handwritten signature in cursive script that reads "Julie Elkins".

Julie Elkins, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS470389158
Investigation #:	2020A0466036
Complaint Receipt Date:	07/27/2020
Investigation Initiation Date:	07/28/2020
Report Due Date:	09/25/2020
Licensee Name:	Grace Pointe Assisted Living LLC
Licensee Address:	5130 Edgelake Dr Pinckney, MI 48169
Licensee Telephone #:	(734) 564-6455
Administrator:	Jeffery Lotz
Licensee Designee:	Casey Somerville
Name of Facility:	Grace Pointe Assisted Living
Facility Address:	1575 Kellogg Brighton, MI 48114
Facility Telephone #:	(810) 522-5753
Original Issuance Date:	11/16/2017
License Status:	REGULAR
Effective Date:	05/16/2020
Expiration Date:	05/15/2022
Capacity:	6
Program Type:	AGED ALZHEIMERS

II. ALLEGATION:

	Violation Established?
Facility has hidden cameras placed throughout the home, including in every resident's bedroom.	No
Additional Findings	Yes

III. METHODOLOGY

07/27/2020	Special Investigation Intake 2020A0466036
07/28/2020	Special Investigation Initiated - Telephone Complainant interviewed.
07/29/2020	Inspection Completed On-site
07/29/2020	Contact - Document Received from Jeff Lotz.
07/30/2020	Contact - Document Received from Jeff Lotz
07/31/2020	Contact - Document Received from Jeff Lotz.
08/01/2020	Contact - Document Received from Jeff Lotz.
09/16/2020	Exit Conference with Jeff Lotz.

ALLEGATION: Facility has hidden cameras placed throughout the home, including in every resident's bedroom.

INVESTIGATION:

On 07/27/2020, Complainant reported that the facility has hidden cameras placed throughout the home, including in every resident bedroom. Complainant reported that there are both regular "obvious" cameras in the main areas of the home, as well as "hidden" cameras that appear to look like smoke detectors. Complainant reported that family and residents are unaware that hidden cameras have been placed in resident bedrooms.

On 07/28/2020, I interviewed Complainant who reported that the facility has smoke detectors that are spyware and reported that they these spyware cameras are located in both the hallways and in resident bedrooms. Complainant reported noticing that the smoke detectors sometimes had a red flashing light, a slow green flashing light or a solid green light. Complainant reported that the smoke detectors are hard wired into the electricity of the facility. Complainant reported that she

thought that a smoke detector needed a new battery so she twisted it off and could not find where the battery went. Complainant then realized that the markings on the smoke detectors are the same marking that she saw on spyware where cameras were hidden. Complainant reported additionally that there are obvious “nest” brand cameras in the main areas of the facility.

On 07/29/2020, I conducted an unannounced on-site investigation and inspected every smoke detector in the facility. I did not find any evidence that the smoke detectors had cameras in them. I looked at three smoke detectors in the new addition of the facility, two were in resident bedrooms and one was in the hallway. I looked at a smoke detector in the kitchen, two in the hallway of the old wing of the facility and four in the resident bedrooms in that same wing. I found no evidence of cameras in any of the smoke detectors.

I interviewed direct care worker (DCW) Angela Marker and DCW Jennifer Simpson who were both on duty at the time of the investigation. Both reported that the facility has cameras in the common areas of the facility which include the kitchen, family room, sitting room and basement. Both DCW Marker and DCW Simpson reported that they did not have any knowledge that the facility had any spyware nor that there were cameras in the smoke detectors. Both DCW Marker and DCW Simpson reported that they had no knowledge of there being any cameras in the resident bedrooms or bathrooms.

I interviewed administrator Jeffery Lotz who reported that the facility does have cameras in the common areas of the facility which include the kitchen, family room, sitting room and basement. Mr. Lotz reported that the facility does not have cameras in any resident bedroom, restroom nor does that facility have any spyware including cameras in the smoke detectors. At the time of inspection, Mr. Lotz did not provide a camera policy or documentation that the residents and their designated representative had agreed to having cameras in common areas of the facility.

On 07/29/2020, Mr. Lotz emailed me a copy of the facilities camera policy that stated “At Grace Pointe Assisted Living Facility we utilize security cameras in the common areas for the safety and security of our residents. The cameras are located in the common areas including the kitchen, living room, dining room and family room. The cameras are Nest brand and clearly visible in each of these areas.” Mr. Lotz reported that the security camera notice is given to the residents at admission, however families did not sign the acknowledgement. Mr. Lotz did not have a copy of the facilities camera policy accessible at the time of the unannounced inspection.

Between 07/29/2020 and 08/01/2020, Mr. Lotz forwarded me emails written by the residents designated representatives that documented that Resident A, Resident B, Resident C, Resident D, Resident E, and Resident F were all aware and agreed to the cameras in the facility and in common areas upon admission. The emails documented that all of the families were made aware upon move-in that the facility

used cameras in the common areas, dining room, living room and kitchen, to help keep the residents safe. The emails stated that the family members feel that by monitoring the activity in the home, residents' well-being is being given top priority and that they were in agreement with the use of cameras in these areas.

APPLICABLE RULE	
R 400.14304	Resident rights; licensee responsibilities.
	<p>(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:</p> <p style="padding-left: 40px;">(o) The right to be treated with consideration and respect, with due recognition of personal dignity, individuality, and the need for privacy.</p> <p>(2) A licensee shall respect and safeguard the resident's rights specified in subrule (1) of this rule.</p>
ANALYSIS:	<p>On 07/28/2020, I conducted an unannounced on-site investigation and inspected every smoke detector in the facility. Although Complainant reported that the facility has hidden cameras placed throughout the facility, including in every resident's bedroom I was not able to find any evidence of any spyware or any hidden cameras while at the facility. DCW Marker, DCW Simpson and Mr. Lotz all reported that security cameras are in the common including the kitchen, living room, dining room and family room. Additionally, the facility has a camera policy and each resident's designated representative documented through an email that they were all aware and agreed to having cameras in the facility's common areas upon admission, therefore there is no evidence to establish a violation.</p>
CONCLUSION:	VIOLATION NOT ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION:

On 07/29/2020, I conducted an unannounced inspection and looked at every smoke detector in the facility. I noticed that the smoke detector in the kitchen was not hard wired into the electrical system nor was it in working order.

APPLICABLE RULE	
R 400.14505	Smoke detection equipment; location; battery replacement; testing, examination, and maintenance; spacing of detectors mounted on ceilings and walls; installation requirements for new construction, conversions, and changes of category.
	<p>(1) At least 1 single-station, battery-operated smoke detector shall be installed at the following locations:</p> <p>(b) On each occupied floor, in the basement, and in areas of the home that contain flame- or heat-producing equipment.</p>
ANALYSIS:	On 07/29/2020 the smoke detector in the kitchen was not hard wired into the electrical system nor was it in working order therefore a violation has been established.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Contingent upon receipt of an acceptable corrective action plan, I recommend no change in the license status.

Julie Elkins

09/16/2020

Julie Elkins
Licensing Consultant

Date

Approved By:

Dawn Timm

09/18/2020

Dawn N. Timm
Area Manager

Date