



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

GRETCHEN WHITMER
GOVERNOR

ORLENE HAWKS
DIRECTOR

May 24, 2021

Mark James
C-133
5355 Northland Dr.
Grand Rapids, MI 49525

RE: License #: AM410267205
Investigation #: 2021A0340013
Windy Acres

Dear Mr. James:

Attached is the Special Investigation Report for the above referenced facility. Due to the severity of the violations, disciplinary action against your license is recommended. You will be notified in writing of the department's action and your options for resolution of this matter.

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 blue ink that reads "Rebecca Piccard".

Rebecca Piccard, Licensing Consultant
Bureau of Community and Health Systems
Unit 13, 7th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503
(616) 446-5764

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AM410267205
Investigation #:	2021A0340013
Complaint Receipt Date:	02/11/2021
Investigation Initiation Date:	02/11/2021
Report Due Date:	04/12/2021
Licensee Name:	Mark James
Licensee Address:	C-133 5355 Northland Dr. Grand Rapids, MI 49525
Licensee Telephone #:	(616) 292-2837
Administrator:	Mark James
Licensee Designee:	Mark James
Name of Facility:	Windy Acres
Facility Address:	7728 Lessiter Ave NE Belding, MI 48809
Facility Telephone #:	(616) 292-2837
Original Issuance Date:	06/06/2006
License Status:	REGULAR
Effective Date:	06/08/2018
Expiration Date:	06/07/2020
Capacity:	11
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL, AGED

II. ALLEGATION(S)

	Violation Established?
Resident A is being verbally abused by staff Deb Pradon.	No
Resident A is not properly fed and only gets small portions.	Yes
Additional Findings	Yes

III. METHODOLOGY

02/11/2021	Special Investigation Intake 2021A0340013
02/11/2021	APS Referral
02/11/2021	Special Investigation Initiated - Telephone APS Senia Ecklebarger
03/09/2021	Inspection Completed On-site
03/09/2021	Inspection Completed-BCAL Sub. Compliance
04/27/2021	Exit Conference Licensee Mark James

ALLEGATION: Resident A is being verbally abused by staff Deb Pradon.

INVESTIGATION: On February 11, 2021 I received a complaint from Adult Protective Serviced (APS) that stated Resident A is being mentally abused by an unknown staff.

On February 11, 2021 I contacted APS worker Senia Ecklebarger. I inquired if she will be investigating the allegations and she informed me that the complaint was not assigned for investigation because it was sent to licensing.

On March 9, 2021 I conducted an unannounced on-site inspection at the Windy Acres AFC home. I interviewed Resident A outside the home to ensure he had privacy to speak freely away from the two staff people who work in the home.

I informed Resident A of the reason for my visit. He stated he was aware that a complaint had been filed. I asked him which staff person he was having problems with and he stated it was "Deb". I asked Resident A to tell me what has been happening. Resident A told me that staff Deb Pradon "mentally abuses" him. I asked him to give me specific examples and Resident A stated she is "sarcastic" and "puts me down". I asked how she puts him down and he stated that she tells him to

“be quiet”. I asked Resident A to tell me about a time when she told him to be quiet. He stated that he was talking to another resident at the home and she told him to be quiet. I asked Resident A if there were any other ways that Ms. Pradon was mentally abusive to him. He said he could not think of anything. Resident A then asked if I could help him find a new home. His guardian at the Servants Center told him that if he doesn’t continue to reside at this home, he will be homeless. I informed Resident A that I unable to assist in moving to another home and that it is up to his guardian.

On March 9, 2021 I interviewed staff Deb Pradon. I informed her of the allegations. I asked her to tell me about Resident A. She stated that Resident A will “get into everyone else’s business” so she tells him to “keep quiet”. She added that “He’s a big guy and will intimidate the other guys”. Last Sunday, March 7th 2021, another resident was humming and Resident A repeatedly “cut him down” and was giving him a “hard time” so Ms. Pradon told Resident A that he needs to walk away from the other resident if he is bothering him and that he needs to “mind your own business”.

Resident A is a very large man, approximately 6’ 4” and over 300 pounds. He was observed to have a confident demeanor and was seen to loom over anyone else in the home. The two women who work in the home are of a much smaller stature. While it is possible Ms. Pradon’s words could be sharp when used toward Resident A, his behavior did not indicate any mental anguish or concerns of mental abuse.

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 stated that staff Deb Pradon is mentally abusing him. I asked Resident A how and he stated that she tells him to “be quiet”. Ms. Pradon stated that Resident A interrupts when she is trying to talk to other residents, and she tells him to be quiet and not to interrupt. Resident A will also reportedly pick on other residents and they can be intimidated by Resident A because he is a big guy. She has told Resident A to go to his room when he was being relentless against another resident.

	This does not rise to the level of mental abuse and there is not a preponderance of evidence to warrant a violation.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION: Resident A is not being properly fed and is only given small portions. He has lost weight since moving to the home.

INVESTIGATION: On February 11, 2021 a complaint was received from APS. It stated that staff are not feeding Resident A well and they are denying him food. He is fed every day, but they are small portions. He has lost significant weight since being in the home and has lost 12 pounds in 5 months.

On March 9, 2021 I conducted an unannounced home inspection. I interviewed Resident A outside the home to ensure privacy so he could speak freely. I asked Resident A to tell me about the meals that are provided at Windy Acres. He stated that he does not get enough to eat. The staff make up their plates and there are no seconds. He said he has lived at Windy Acres for about six months and he thinks he has lost 20 pounds. I asked Resident A if he is weighed regularly to know how much he has lost and he said he is not weighed. I asked how he knows he has lost weight and he said his pants fit better. I asked Resident A if he is supposed to be on a diet in order to lose weight and Resident A stated he is not on a diet. Resident A stated he used to weigh around 340 pounds.

On March 9, 2021 I interviewed staff Mary Mayhue who is the staff person during the week. I asked to see Resident A's Health Care Appraisal. Ms. Mayhue stated there is no Health Care Appraisal in the home for Resident A, therefore, I was unable to determine if a special diet has been ordered for Resident A. I asked Ms. Mayhue if she gives Resident A a different meal or portion than the other residents and she stated that she gives everyone the same thing. I asked Ms. Mayhue if seconds are available to the residents and she stated that she does not make enough food for there to be seconds. Ms. Mayhue stated she was not aware that anyone wanted seconds.

On March 9, 2021 I interviewed staff Deb Pradon who only works weekends but resides in the upstairs of the home. I asked Ms. Pradon about the meal portions provided to the residents. She stated she does not make extra food at every meal and does not serve seconds to the residents. Ms. Pradon stated she does not remember anyone complaining about wanting more food.

APPLICABLE RULE	
R 400.14313	Resident nutrition

	(3) Special diets shall be prescribed only by a physician. A resident who has been prescribed a special diet shall be provided such a diet.
ANALYSIS:	Resident A stated he does not get enough to eat and he has lost weight since moving to Windy Acres. I am unable to assess if Resident A is eating enough due to there being no documents to review.
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION: During the process of investigating the above allegations I discovered that resident weight records are not maintained in the home. On March 9, 2021 I asked staff Mayhue for the weight record for Resident A and she informed me that she has does not ever weigh the residents and there is no weight chart maintained for any of them.

APPLICABLE RULE	
R 400.14316	Resident records.
	(1) A licensee shall complete, and maintain in the home, a separate record for each resident and shall provide record information as required by the department. A resident record shall include, at a minimum, all of the following information: (g) Weight record.
ANALYSIS:	While in the home on 3/9/2021 I was unable to locate Resident A's weight record in the home. Ms. Mayhue informed me that there are no resident weight records recorded or maintained for any of the home's residents.
CONCLUSION:	VIOLATION ESTABLISHED

On April 27, 2021 I conducted an exit conference with Licensee Mark James. I informed him of the allegations and of the violations found. He agreed to send a corrective action plan and had no further questions at this time.

IV. RECOMMENDATION

A previous recommendation to refuse the renewal of the license of this facility which occurred after inspections were completed on 3/9/21 and 3/18/21 remains in effect. The findings of this investigation will be included with those prior findings and recommendation.



May 24, 2021

Rebecca Piccard
Licensing Consultant

Date

Approved By:



May 24, 2021

Jerry Hendrick
Area Manager

Date