



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

January 21, 2022

Nelima Hazra
712 Hickory Street
Niles, MI 49120

RE: License #: AF110363351
Investigation #: 2022A1030013
Elijah AFC Home

Dear Ms. Hazra:

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) 284-9730.

Sincerely,

A handwritten signature in black ink that reads "Nile Khabeiry, LMSW". The signature is written in a cursive style.

Nile Khabeiry, 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 #:	AF110363351
Investigation #:	2022A1030013
Complaint Receipt Date:	12/03/2021
Investigation Initiation Date:	12/08/2021
Report Due Date:	02/01/2022
Licensee Name:	Nelima Hazra
Licensee Address:	712 Hickory Street Niles, MI 49120
Licensee Telephone #:	(269) 340-5113
Administrator:	N/A
Licensee:	Nelima Hazra
Name of Facility:	Elijah AFC Home
Facility Address:	712 Hickory Street Niles, MI 49120
Facility Telephone #:	(269) 340-4999
Original Issuance Date:	11/16/2015
License Status:	REGULAR
Effective Date:	05/16/2020
Expiration Date:	05/15/2022
Capacity:	5
Program Type:	MENTALLY ILL AGED

II. ALLEGATION(S)

	Violation Established?
Residents are not provided with nutritious meals.	No
Elijah AFC does not have an effective pest control program.	Yes
Elijah AFC's kitchen was found to have unsanitary conditions	Yes
Additional Findings	Yes

III. METHODOLOGY

12/03/2021	Special Investigation Intake 2022A1030013
12/08/2021	Special Investigation Initiated - Face to Face
12/08/2021	Contact - Face to Face Interview with Resident A
12/08/2021	Contact - Face to Face Interview with Resident B
12/08/2021	Contact - Telephone call received Interview with Ruby Ellsworth
01/03/2022	Exit Conference with licensee by phone

ALLEGATION:

Residents are not provided with nutritious meals.

INVESTIGATION:

On 12/8/2021, I conducted an on-site investigation at Elijah AFC Home at 712 Hickory Street Niles, MI. I contacted Aldrin Mazumder who lives and works at the facility. Mr. Mazumder reported his mother is the licensee and is currently out of the country for a family funeral. Mr. Mazumder reported his mother will be back in the United States on 12/21/2021. Mr. Mazumder reported they provide three meals per day to the residents as well as snacks throughout the day. I observed the food served to the residents (I noted canned and packaged foods that appeared to be ethnic and was informed that this food is for he and his mother) and noted there were bananas, snacks, frozen meat (chicken, hamburger) and vegetables. I also noted the facility had a freezer full of pre-packaged food such as frozen pizzas, sandwiches, and dinners. Mr. Mazumder reported he and his mother cook meals and the resident's favorite food is chicken.

On 12/8/2021, I interviewed Resident A regarding the allegations. Resident A reported she has lived at Elijah AFC Home since March 2020. Resident A reported the residents are provided fresh and frozen food and gets three meals per day. Resident A reported they also gets snacks throughout the day.

On 12/8/2021, I interviewed Resident B regarding the allegations. Resident B reported she does not know how long she has lived at the facility however believes she has been here for a “few years.” Resident B reported that facility provides meals everyday and always gets enough to eat. Resident B reported the owner or her son cook dinner every night.

On 12/8/2021, I received a call from Ruby Ellsworth regarding the allegations. Ms. Ellsworth reported she is “helping out” and cooks’ meals for the residents. Ms. Ellsworth reported that they serve fresh and frozen meals for the residents, and they also provide snacks daily such as fruit or cookies.

On 1/3/2022, I called Aldrin Mazumder to speak with licensee, Nelima Hazra. Mr. Mazumder reported his mother is still in Bangladesh and will not return until 1/21/2022. Mr. Mazumder indicated he will have her call me.

On 1/3/2022, I received a phone call from licensee, Nelima Hazra from Bangladesh phone number and confirmed she will not be in the United States until 1/21/2022. I spoke with Ms. Hazra regarding the allegations and for an exit conference. Ms. Hazra reported she does provide the residents with nutritious meals although they also provide frozen meals as it’s quicker and easier to prepare. Ms. Hazra reported she also makes snacks available to the residents every day.

APPLICABLE RULE	
R 400.1419	Resident nutrition.
	(1) A licensee shall provide a minimum of 3 regular nutritious meals daily. Not more than 14 hours shall elapse between the evening and morning meal.

ANALYSIS:	Based on my investigation which includes my personal observations of the facility and interviews with Aldrin Mazumder, Resident A, Resident B, Ruby Ellsworth and Nelima Hazra this violation will not be established. Upon inspection of the kitchen and pantry I observed fresh and frozen food including meats and vegetables. I also observed frozen meals and snacks sufficient to feed five residents. In addition, Resident A and Resident B indicated they get three nutritious meals per day as well and snacks.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION:

Elijah AFC Home does not have an effective pest control program.

Elijah AFC Home’s kitchen was found to have unsanitary conditions.

INVESTIGATION:

On 12/8/2021, I conducted an on-site investigation at Elijah AFC Home 712 Hickory Street Niles, MI. I made contact with Aldrin Mazumder who lives and works at the facility. Mr. Mazumder reported his mother is the licensee and is currently out of the country for a family funeral. I toured the home including the kitchen and noted it was unclean with grease and food debris throughout the kitchen. I also observed live and dead cockroaches in drawers, cabinets and throughout the kitchen. I noted a dead cockroach body squished inside of the microwave. Mr. Mazumder reported they are having a problem with cockroaches but are “spraying” to eradicate the problem. Mr. Mazumder did not have any pest control products on-site to verify the facility has been performing any type of pest control program.

On 12/8/2021, I interviewed Resident A regarding the allegations. Resident A reported she has lived at Elijah AFC Home since March 2020. Resident A reported she has noted “bugs” at the facility. Resident A reported she “thinks” they are spraying but they still have a problem with cockroaches.

On 12/8/2021, I interviewed Resident B regarding the allegations. Resident B reported she does not know how long she has lived at the facility however believes she has been here for a “few years.” Resident B reported the facility has a problem with cockroaches and she has even saw a “mouse” a couple weeks ago. Resident B reported the owners do not use a professional pest control company and does not know if they spray themselves.

On 12/8/2021, I received a call from Ruby Ellsworth regarding the allegations. Ms. Ellsworth reported she is “helping out” and cooks meals for the residents. Ms. Ellsworth

acknowledged seeing cockroaches and was told the facility has been spraying but has not witnessed anyone spraying. Ms. Ellsworth also acknowledged the kitchen is not clean, however was never asked to clean the kitchen during any of her shifts.

On 1/3/2022, I called Aldrin Mazumder to speak with licensee, Nelima Hazra. Mr. Mazumder reported his mother is still in Bangladesh and will not return until 1/21/2022. Mr. Mazumder indicated he will have her call me.

On 1/3/2022, I received a phone call from licensee, Nelima Hazra from a Bangladesh phone number and confirmed she will not be in the United States until 1/21/2022. I spoke with Ms. Hazra regarding the allegations and for an exit conference. Ms. Hazra acknowledged the cockroaches and unsanitary conditions at Elijah AFC and indicated she will address the problems when she re-enters the country after 1/21/2022.

APPLICABLE RULE	
R 400.1424	Environmental health.
	(4) Effective measures shall be taken to protect against the entrance of vermin into the home and against the breeding or presence of vermin on the premises.
ANALYSIS:	Based on my investigation which includes my personal observations of the facility and interviews with Aldrin Mazumder, Resident A, Resident B, Ruby Ellsworth and Nelima Hazra this violation will be established. During an on-site investigation on 12/8/2021, I observed live and dead cockroaches throughout the kitchen on the counter tops, on canned goods and inside kitchen drawers and cabinets. I also observed a squished cockroach body inside the microwave which was part of the original complaint received on 12/3/2021. In addition, the facilities kitchen was unsanitary and had grease, food debris and crumbs on the counter tops, stove, refrigerator, inside the microwave, kitchen drawers and cabinets and all over floor. I did not observe any pest control products during on-site inspection. Based on the number of live and dead cockroaches and the unsanitary conditions of the facility the pest control program is not effective.
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION:

On 12/8/2021, I conducted an on-site investigation at Elijah AFC Home 712 Hickory Street Niles, MI. I made contact with Aldrin Mazumder who lives and works at the facility. Mr. Mazumder reported his mother is the licensee and is currently out of the country for a family funeral. Mr. Mazumder reported there are two people who have been “helping out” while his mother is out of the country. Mr. Mazumder reported a woman named Robin Jordan and her mother have been working however Mr. Mazumder does not know the name of the other person. Mr. Mazumder denied having any background checks, TB tests or any other employee files on either individual and stated “this is a family adult foster care home.” Mr. Mazumder reported he did not have contact information for either woman but will have Ms. Jordan contact me this afternoon. I informed Mr. Mazumder that anyone who provides direct care to the residents needs to comply with Adult Foster Care licensing requirements which includes background checks, medical clearance, and a TB test within the last three years. Mr. Mazumder did not have any employee information for Ruby Ellsworth, Robin Jordan, and/or any other person working at the facility.

On 12/8/2021, I received a call from Ruby Ellsworth. Ms. Ellsworth reported she is “helping out” while Aldrin Mazumder’s mother is out of town. Ms. Ellsworth reported she has been working Monday through Thursday 11:00am to 7:00pm and helps the residents with meals and passes medications. Ms. Ellsworth reported she has previous experience in the health care field but did not receive any special training for this facility, pass a background check, medical clearance, or get a TB test before working at Elijah AFC.

On 1/3/2022, I received a phone call from licensee, Nelima Hazra from a Bangladesh phone number. Ms. Hazra clarified there was only one individual, Ruby Ellsworth, providing care to residents who did not meet the requirements to be employed at Elijah AFC but they were only “preparing meals and passing medications” and were not providing any other type of care. I informed Ms. Hazra that she cannot employ anyone who does not meet the Adult Foster Care licensing requirements for employment at Elijah AFC and passes a background check. I informed Ms. Hazra this included a fingerprint clearance, TB test result and healthcare statement (medical clearance) from a physician attesting to the employee’s ability to work with vulnerable adults.

APPLICABLE RULE	
MCL 400.734b	<p>Employing or contracting with certain individuals providing direct services to residents; prohibitions; criminal history check; exemptions; written consent and identification; conditional employment; use of criminal history record information; disclosure; determination of existence of national criminal history; failure to conduct criminal history check; automated fingerprint identification system database; electronic web-based system; costs; definitions. Sec. 34b.</p>
	<p>(2) Except as otherwise provided in this subsection or subsection (6), an adult foster care facility shall not employ or independently contract with an individual who has direct access to residents until the adult foster care facility or staffing agency has conducted a criminal history check in compliance with this section or has received criminal history record information in compliance with subsections (3) and (11). This subsection and subsection (1) do not apply to an individual who is employed by or under contract to an adult foster care facility before April 1, 2006. On or before April 1, 2011, an individual who is exempt under this subsection and who has not been the subject of a criminal history check conducted in compliance with this section shall provide the department of state police a set of fingerprints and the department of state police shall input those fingerprints into the automated fingerprint identification system database established under subsection (14). An individual who is exempt under this subsection is not limited to working within the adult foster care facility with which he or she is employed by or under independent contract with on April 1, 2006 but may transfer to another adult foster care facility, mental health facility, or covered health facility. If an individual who is exempt under this subsection is subsequently convicted of a crime or offense described under subsection (1)(a) to (g) or found to be the subject of a substantiated finding described under subsection (1)(i) or an order or disposition described under subsection (1)(h), or is found to have been convicted of a relevant crime described under 42 USC 1320a-7(a), he or she is no longer exempt and shall be terminated from employment or denied employment.</p>

ANALYSIS:	Based on my investigation which includes my personal observations of the facility and interviews with Aldrin Mazumder, Ruby Ellsworth and Nelima Hazra this violation will be established. Mr. Mazumder, Ms. Ellsworth, and Ms. Hazra all acknowledged Ms. Ellsworth had been providing direct care to the residents of Elijah AFC, including preparing meals and passing medications, without completed the required workforce background fingerprint check as required. There was also no workforce background fingerprint check for Robin Jordan available for review.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.1404	Licensee, responsible person, and member of the household; qualifications.
	(5) All responsible persons and members of the household shall be of good moral character and suitable temperament to assure the welfare of residents.
ANALYSIS:	Based on my investigation which includes my personal observations of the facility and interviews with Aldrin Mazumder, Ruby Ellsworth and Nelima Hazra this violation will be established. Mr. Mazumder, Ms. Ellsworth, and Ms. Hazra all acknowledged Ms. Ellsworth had been providing direct care to the residents of Elijah AFC, including preparing meals and passing medications, without establishing she is of good moral character and passing a background check.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.1405	Health of a licensee, responsible person, and member of the household.
	(2) A licensee shall have on file with the department a statement signed by a licensed physician or his or her designee with regard to his or her knowledge of the physical health of the licensee and each responsible person. The statement shall be signed within 6 months before the issuance of a license and at any other time requested by the department.

ANALYSIS:	Based on my investigation which includes my personal observations of the facility and interviews with Aldrin Mazumder, Ruby Ellsworth and Nelima Hazra this violation will be established. Mr. Mazumder, Ms. Ellsworth, and Ms. Hazra all acknowledged Ms. Ellsworth had been providing direct care to the residents of Elijah AFC Home, including preparing meals and passing medications, without having a health care screening completed by a licensed physician.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.1405	Health of a licensee, responsible person, and member of the household.
	(3) A licensee shall provide the department with written evidence that he or she and each responsible person in the home is free from communicable tuberculosis. Verification shall be within the 3-year period before employment and verification shall occur every 3 years thereafter.
ANALYSIS:	Based on my investigation which includes my personal observations of the facility and interviews with Aldrin Mazumder, Ruby Ellsworth and Nelima Hazra this violation will be established. Mr. Mazumder, Ms. Ellsworth, and Ms. Hazra all acknowledged Ms. Ellsworth had been providing direct care to the residents of Elijah AFC Home, including preparing meals and passing medications, without having a negative TB test result within the last three years.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Based on the acceptance of an approved corrective action plan, I recommend no change in the license status.

Nile Khabeiry, LMSW

01/21/2022

Nile Khabeiry
Licensing Consultant

Date

Approved By:

Dawn Timm

01/21/2022

Dawn N. Timm
Area Manager

Date