



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

January 06, 2021

Kent VanderLoon
McBride Quality Care Services, Inc.
P.O. Box 387
Mt. Pleasant, MI 48804-0387

RE: License #: AS340397979
Investigation #: 2022A0466008
McBride Pearl Street AFC

Dear Mr. VanderLoon:

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**

THIS REPORT CONTAINS SEXUALLY EXPLICIT CONTENT

I. IDENTIFYING INFORMATION

License #:	AS340397979
Investigation #:	2022A0466008
Complaint Receipt Date:	11/08/2021
Investigation Initiation Date:	11/08/2021
Report Due Date:	01/07/2022
Licensee Name:	McBride Quality Care Services, Inc.
Licensee Address:	3070 Jen's Way Mt. Pleasant, MI 48858
Licensee Telephone #:	(989) 772-1261
Administrator:	Kent VanderLoon
Licensee Designee:	Kent VanderLoon
Name of Facility:	McBride Pearl Street AFC
Facility Address:	13332 Pearl Street Lake Odessa, MI 48849
Facility Telephone #:	(989) 772-1261
Original Issuance Date:	04/04/2019
License Status:	REGULAR
Effective Date:	10/04/2021
Expiration Date:	10/03/2023
Capacity:	6
Program Type:	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED

II. ALLEGATION:

	Violation Established?
Direct care worker (DCW) Emmalee Leiter was having an inappropriate sexual relationship with Resident A which was not addressed timely by the facility administration.	No

III. METHODOLOGY

11/08/2021	Special Investigation Intake 2022A0466008.
11/08/2021	Special Investigation Initiated – Telephone call to Jennifer Browning, the assigned licensing consultant.
11/08/2021	Contact - Document Received - Incident Report.
11/09/2021	Contact - Telephone call made to ORR; Jennifer Morgan interviewed.
11/10/2021	Contact – Document received ORR Jennifer Morgan.
11/13/2021	Contact – Document received ORR Jennifer Morgan.
11/15/2021	Inspection Completed On-site.
12/02/2021	Contact - Telephone received from ORR Jennifer Morgan.
12/07/2021	Contact – Document received from APS worker Vicki Pohl.
12/07/2021	Contact – Document sent to APS worker Vicki Pohl.
12/27/2021	Contact - Telephone call made to ORR Jennifer Morgan.
12/28/2021	Contact - Telephone call made to Victoria Ellsworth, Resident A's Case Manager, interviewed.
12/28/2021	Contact- Document sent to house manager Jamie Demaray.
12/28/2021	Contact - Telephone call made to Emmalee Leiter, message left.
12/29/2021	Contact - Telephone call made to Emmalee Leiter, interviewed with ORR Jennifer Morgan.
12/29/2021	Contact – Document received from Carrie Todd, Assistant Director of Service (ADOS).

01/06/2021	Exit Conference with licensee designee Kent VanderLoon.
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ALLEGATION: Direct care worker (DCW) Emmalee Leiter was having an inappropriate sexual relationship with Resident A which was not addressed timely by facility administration.

INVESTIGATION:

On 11/08/2021, Complainant reported DCW Emmalee Leiter was having an inappropriate sexual relationship with Resident A.

On 11/08/2021, AFC licensing consultant Jennifer Browning reported that house manager Jamie Demaray sent her an incident report (IR) regarding Resident A touching DCW Emmalee Leiter on Friday 11/5/2021 around 11 pm. Mrs. Browning reported DCW Demaray stated she went to the facility immediately arriving shortly after midnight (early morning hours of 11/6/2021). Mrs. Browning reported DCW Demaray spoke with DCW Leiter along with DCW Ronda Cron, assistant home manager. Mrs. Browning reported that Resident A told his caseworker Victoria Ellsworth that he thought it was okay to touch DCW Leiter like that because he had sex with DCW Leiter when she first started working there in May 2021. Mrs. Browning reported DCW Demaray and Resident A allegedly had sexual intercourse in the laundry room of the AFC home.

On 11/08/2021, I reviewed a written *AFC Licensing Division- Incident/Accident Report (IR)* completed by house manager Jamie Demaray and DCW Leiter dated 11/05/2021 at 11:15 pm, it stated:

“On 11/5/2021, [Resident A] came out into the dining room about 11:16 PM. He looked around and stopped and looked at me. He started to walk over and stood by me. He started touching and running his hand over my right arm. He proceeded to run his hand on my back, then I could hear him mess with his pants. He ran his hand down to the top of my butt. He leaned down and told me that he loved me and I had a nice body for him. I told and asked to please stop. He kept pushing on me to have me feet [sic] his groin area on my arm. He took his hand and reach down between the seat and back of the chair and put his hand on my butt. I tried to move further away from him towards the counter. He moved over towards me so I was pressed against the counter. I did tell him to stop and he hurting [sic] me. He moved away and went outside. He came back in about 11:18 PM. He walked over back to me and put his hand on the back of my arm. He ran his hand on my arm to the top of my jumper. He tried to pull it down along with my bra strap. I moved my bra and jumper back up and asked him to stop. He proceeded to the other side again I asked him to stop. He started to kiss my neck and moving his hand down the top under my jumper and brought on the side of my boob. I tried to move his hand and move away from him. He did put his hand back but moved further down my breast. I asked him to stop it and asked him why he was doing this. His response was because he loved my body and he loved me. At 11:21 I sent a message to the other staff (Katelyn) Please

hurry when he was kissing my neck and he put his hand under my butt between the seat and my butt. I did try to push him away he did finally leave when the other staff pulled in. Staff came into the house and I told her I'm going to the bathroom. I proceeded to go outside while he went into his room and I called Klista and told her everything, she then hung up with me and called Jamie."

In the "corrective measures" section of the report it stated "Emmalee has been transferred out until the investigation is complete. Contacted guardian and police."

On 11/09/2021, I interviewed Jennifer Morgan, Recipient Rights Officer with The Right Door for Hope, Recovery & Wellness reported that she spoke with the police officer assigned to this case at the Lake Odessa Police Department who gave permission for the DCWs that worked at the facility with DCW Leiter to be interviewed. Ms. Morgan reported the Lake Odessa Police Department had asked for all outside agencies to delay in interviewing DCW Leiter until law enforcement is able to complete their interview with her. Ms. Morgan reported that she was waiting to hear back from licensee designee/administrator Kent VanderLoon as he requested to be present at these interviews as well.

On 11/10/2021, I interviewed Ms. Morgan who reported that Resident A was interviewed on 11/09/2021 and stated he and DCW Leiter had sexual intercourse twice, but that Resident A was not sure of the dates. Ms. Morgan reported Resident A did recall the first sexual encounter happening in 05/2021, when she first started working at the facility. Ms. Morgan stated Resident A reported he and DCW Leiter began flirting with each other and that is when the sexual encounter occurred. Ms. Morgan reported Resident A stated DCW Leiter did not try to get away from him and that the sexual intercourse was consensual. Ms. Morgan reported Resident A was a reliable reporter and that he does not have a history of making this type of allegation. Ms. Morgan reported Police Officer Eric Tollefson was assigned to this case.

On 11/15/2021, I conducted an unannounced investigation and reviewed Resident A's record which contained a written *Assessment Plan for Adult Foster Care (AFC) Residents* dated 1/14/2021 that was signed by Guardian A1. Resident A's *Assessment Plan for AFC Residents* documented in the "Controls Sexual Behavior" section of the report that Resident A has, "No history of not controlling sexual behavior, if it becomes a concern or issue, staff will contact his case manager at the Right Door." Resident A's *Assessment Plan for AFC Residents* documented Resident A is independent in the community, can verbalize his needs and Resident A is able to understand verbal prompts. Resident A's *Assessment Plan for AFC Residents* documented Resident A is independent with self-care and can attend to all of his own activities of daily living.

On 11/15/2021, I interviewed Resident A who reported he and DCW Leiter were "pretty close." Resident A reported they would flirt with each other and that he "liked her, but not like that, he liked her like a friend." Resident A reported he had sexual intercourse with DCW Leiter twice, both times in the laundry room. Resident A

reported that both times was on third shift when they were alone. Resident A reported he would flirt with DCW Leiter, she would flirt back and “next thing I know, we are having sexual intercourse.” Resident A stated he thought that this would be their secret but reported that DCW Leiter told on him last week. Resident A reported DCW Leiter was flirting back with him the day she told on me. Resident A reported they did not have sex the day that DCW Leiter told on him, they were just flirting. Resident A reported they did not have sex recently, just flirting with each other. Resident A reported he did not tell anyone because DCW Leiter told him that she would get fired if anyone knew. Resident A reported he is not having sex with any other DCW, just DCW Leiter.

On 11/15/2021, I interviewed DCW Mary Brooks who reported DCW Leiter was a good employee who did her job. DCW Brooks reported DCW Leiter worked third shift. DCW Brooks reported that most of the time the facility has two DCWs on third shift. DCW Brooks reported she knows that something happened with DCW Leiter because she is not working here any longer, but she does not know what happened. DCW Brooks reported Resident A never talked with her about any of his relationships nor has Resident A ever acted inappropriate with her.

On 11/15/2021, I interviewed DCW Ann Swift who reported that on Friday 11/05/2021, DCW Leiter reported to Carrie Todd, assistant director of service (ADOS) that Resident A touched her inappropriately. DCW Swift reported DCWs were told not to talk to Resident A about it. DCW Swift reported Resident A has never talked about this incident with her. DCW Swift reported she is not supposed to have any contact with DCW Leiter. DCW Swift reported being friends with DCW Leiter’s mom. DCW Swift reported she has worked third shift with DCW Leiter for a while and she was good with the residents. DCW Swift reported DCW Leiter worked a lot and most of the time there were two DCWs on shift even overnight. DCW Swift reported DCW Leiter did do the required cleaning on the overnight shift. DCW Swift reported Resident A has never discussed with her the incident that involved DCW Leiter. DCW Swift reported Resident A has never discussed with her his relationships nor has he ever been inappropriate with her.

On 11/15/2021, I interviewed DCW Dana Whitecotten who reported DCW Leiter always worked the evening/overnight shifts. DCW Whitecotten reported that it appeared that DCW Leiter liked her job and the residents as she talked with the residents and played cards with them. DCW Whitecotten reported DCW Leiter interacted appropriately with the residents. DCW Whitecotten reported that typically the facility has two DCWs on shift even overnight. DCW Whitecotten reported Resident A has never discussed with her his relationships nor has he ever been inappropriate with her.

On 11/15/2021, I interviewed DCW Demaray who reported that on Friday 11/05/2021, the facility was short staffed because one of the DCWs cars broke down so, DCW Katelyn Brighton, a midnight DCW left DCW Leiter at the facility alone with the residents while she took another DCW home. DCW Demaray reported that the

facility rarely has one DCW on shift even during the overnight shift. DCW Demaray reported when she learned Resident A was touching staff member Emmalee Leiter, she went to the facility immediately and arrived around midnight on 11/05/2021. DCW Demaray reported she and DCW Rhonda Cron spoke with DCW Leiter about the incident. DCW Demaray reported that DCW Leiter was immediately asked to leave the facility and was put on leave pending the outcome of the investigation. DCW Demaray stated that she recorded the interview with DCW Leiter's permission and is willing to provide a copy of the interview. DCW Demaray reported that on 11/09/2021, after caseworker Ellsworth was notified of the situation, she came to the facility to talk with Resident A. DCW Demaray reported Resident A told caseworker Ellsworth that he thought it was okay to touch DCW Leiter like that because he had sex with DCW Leiter when she first started working there in May 2021. DCW Demaray reported Resident A told case worker Ellsworth about having sexual intercourse with DCW Leiter in the laundry room of the facility on two occasions in May and June 2021. DCW Demaray confirmed DCW Leiter is not currently working at the facility and has not been available for an interview as of 11/09/2021.

On 12/02/2021, Ms. Morgan reported Kendra Backing of the Lake Odessa Police Department was now overseeing this criminal case. According to Ms. Morgan, DCW Leiter has been hospitalized for a second time, so law enforcement has not had the ability to interview her yet. Ms. Morgan reported that the police are asking to have the opportunity to interview DCW Leiter first and therefore asking AFC Licensing not to interview her at this time.

On 12/28/2021, I interviewed case manager Ellsworth who reported working with Resident A for the past year. Case manager Ellsworth reported she received an IR from the facility documenting Resident A inappropriately touching DCW Leiter on 11/05/2021. Case manager Ellsworth reported she and DCW Cron talked with Resident A together and Resident A told her that he and DCW Leiter had sexual intercourse in the laundry room of the facility during third shift. Case manager Ellsworth reported that Resident A did not disclose how many times this occurred or who initiated the sexual actions. Case manager Ellsworth reported that although Resident A has a developmental disability, he answered her questions with confidence. Case manager Ellsworth reported Resident A is always very protective of women and demands that others respect them. Case manager Ellsworth reported Resident A does not have a history of making allegations against DCWs or of acting inappropriately towards any direct care staff members. Case manager Ellsworth does believe that Resident A understands what sexual intercourse is. Case manager Ellsworth reported Resident A does have a history of controlling his sexual behavior.

On 12/29/2021, Ms. Morgan and I interviewed DCW Leiter who reported she started to work at the facility in either May or June of 2021. DCW Leiter reported she completed an IR on 11/05/2021 after Resident A touched her inappropriately by running his hand over her arm, back, buttocks, and breasts. DCW Leiter reported

she was working alone with the residents because DCW Brighton had to drive a DCW home. DCW Leiter reported when DCW Brighton came back to the facility, she called DCW Klista Gillean and told her everything. DCW Leiter reported that DCW Gillean called house manager DCW Demaray. DCW Leiter reported that DCW Demaray and assistant manager Cron interviewed her about the interaction with Resident A just after midnight on 11/06/2021. DCW Leiter reported that ADOS Todd and DCW Demaray told her to go home during her shift on 11/06/2021. DCW Leiter reported she had a good working relationship with Resident A as Resident A was respectful but he lacked boundaries. DCW Leiter reported that an example of Resident A's lack of boundaries was that he wanted to hug everyone and that he also tells everyone that he loves them. DCW Leiter reported telling Resident A back that she loved him because all of the other DCWs do that also. DCW Leiter reported she did have an inappropriate sexual relationship with Resident A while working at the AFC facility. DCW Leiter reported that one night when she was working alone, prior to 11/05/2021, Resident A asked her to go into the laundry room so that he could show her something. DCW Leiter reported that she did not know the date/month this incident occurred. DCW Leiter reported while in the laundry room, Resident A pulled her pants down and tried to put his penis inside her. DCW Leiter reported Resident A did not penetrate her but he tried. DCW Leiter reported both her and Resident A's pants and underwear were at their ankles. DCW Leiter reported that Resident A was pressed up against her and his front was holding her down. DCW Leiter reported that he was thrusting himself against her. DCW Leiter reported that she fell to the floor from leaning against the washer and was on the floor on her hands and knees. DCW Leiter reported that Resident A let up and starting to touch himself and that is when she was able to get away. DCW Leiter reported that she did not want to have sex with Resident A but that she was scared/afraid of him and did not want to fight him. DCW Leiter reported that although she did not want to have sex with Resident A, she never said "no" to him nor did she yell or scream during the encounter. DCW Leiter reported she tried to stop Resident A but that he is stronger than she is. DCW Leiter reported she never yelled as she was scared and not sure what to do/say. DCW Leiter reported Resident A never threatened her. DCW Leiter reported that when Resident A came out of the laundry room, nothing was said and he went to his room. DCW Leiter reported all of the other residents were also in bed and that she did not see Resident A in the morning before she left her shift. DCW Leiter reported her and Resident A never talked about these incidents, nor did she report them to anyone prior to 11/05/2021. DCW Leiter reported she never touched Resident A in a sexual way nor did he ask her to do so.

DCW Leiter reported that another time, prior to 11/05/2021, Resident A put his hand in her pants while they were in the kitchen. DCW Leiter reported that Resident A would ask for a "quickie" and would be touching her trying to get into her shirt. DCW Leiter reported she would try to verbalize for him to stop but he did not. DCW Leiter reported she never reciprocated touching with Resident A nor did she ever touch his genitals. DCW Leiter described Resident A was a flirt. DCW Leiter reported Resident A would only have physical contact with her when she was the only DCW

in the building. DCW Leiter reported she would tell Resident A he has a girlfriend and she had a boyfriend. DCW Leiter reported that sometimes Resident A would then say sorry and walk away. DCW Leiter reported that she did not tell anyone about these incidents as she was scared. DCW Leiter reported that she did tell everything to the Lake Odessa Police when they questioned her. DCW Leiter affirmed she was unavailable to be questioned by both the police and the rest of the investigators because of two separate hospitalizations for personal reasons.

DCW Leiter reported Resident A made inappropriate advances towards her on four occasions in the facility and once while he was in the hospital and asked that she be the DCW that took him to the hospital. DCW Leiter reported two of the incidents were in the kitchen, one in the dining room and one in the laundry room. DCW Leiter reported these instances consisted of Resident A touching her and pressing up against her with her clothes on. DCW Leiter reported she and Resident A only had their clothes off once when they were in the laundry room. DCW Leiter reported Resident A never attempted to have sexual intercourse with her again after that one incident. DCW Leiter reported she wished that she had done more to stop the situation. DCW Leiter reported Resident A only made advances while she was the only DCW on shift and DCW Leiter reported that there were a lot of times she worked alone. DCW Leiter reported that she was scared, thought she would get in trouble and worried that she had done something wrong. DCW Leiter reported she tried to stop Resident A, but he did not stop. DCW Leiter denied they had oral sex but reported that Resident A is probably aware of what oral sex is. DCW Leiter reported Resident A never asked her to perform oral sex on him nor did he perform oral sex on her. DCW Leiter reported she believed that Resident A knew what sexual intercourse is and that Resident A wanted to have sexual intercourse with her. DCW Leiter reported she never told Resident A that he could not tell anyone that he was touching her.

DCW Leiter reported Resident A and Resident B reported that they were boyfriend and girlfriend but that she never saw them touching each other holding hands nor did she see/hear that they were having sexual relations with each other.

On 12/29/2021, ADOS Todd provide me with DCW Leiter's training records which were dated 05/04/2021. Additionally, DCW Leiter had a completion certificate dated 06/07/2021 which documented that she completed Initial Resident Right Training at the Right Door for Hope, Recovery and Wellness. This certificate was signed by Jennifer Morgan.

On 01/04/2021, Lisa Torres, human resources provided a Michigan Workforce Background check for DCW Leiter which was dated 05/10/2021 and documented that she was eligible for employment in an adult foster care facility.

On 01/04/2021, Ms. Morgan reported that she was the ORR officer that facilitated DCW Leiter's Initial Recipient Rights Training on 6/7/21. Ms. Morgan reported that

in this training she discusses that any sexual contact or penetration with a resident is abuse and cannot happen.

APPLICABLE RULE	
R 400.14305	Resident protection.
	(3) A resident shall be treated with dignity and his or her personal needs, including protection and safety, shall be attended to at all times in accordance with the provisions of the act.
ANALYSIS:	<p>Resident A reported to case manager Ellsworth, DCW Cron and me that he and DCW Leiter had sexual intercourse in the laundry room of the facility during third shift. Resident A reported that he did not tell anyone because DCW Leiter told him she would get fired if anyone knew.</p> <p>DCW Leiter admitted she had an inappropriate sexual relationship with Resident A. DCW Leiter reported that Resident A made sexual advances towards her on four occasions in the facility and once while he was in the hospital. DCW Leiter reported that Resident A would only have physical contact with her when she was the only DCW in the building. DCW Leiter reported although these sexual advances by Resident A were not wanted, she did not tell anyone about these incidents until 11/05/2021 as she was scared.</p> <p>Upon DCW Demaray learning of the inappropriate touching between Resident A and DCW Leiter, she immediately responded by going to the facility and relieving DCW Leiter of her duties pending the outcome of the investigation.</p> <p>Although the licensee took swift action to assure residents were protected from any further harm by removing DCW Leiter from the schedule, DCW Leiter did not attend to Resident A's protection and safety needs when she did not immediately report or seek guidance for the inappropriate touching to facility administration.</p>
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

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

Julie Elkins

01/04/2022

Julie Elkins
Licensing Consultant

Date

Approved By:

Dawn Timm

01/06/2022

Dawn N. Timm
Area Manager

Date