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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

February 7, 2022

Jonathan Harland
Community Home & Health Services LLC
657 Chestnut Ct
Gaylord, MI 49735

RE: License #: AS690382149
Investigation #: 2022A0009014
White Pines

Dear Mr. Harland:

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 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 (231) 922-5309.

Sincerely,

A handwritten signature in cursive script that reads "Adam Robarge".

Adam Robarge, Licensing Consultant
Bureau of Community and Health Systems
Suite 11
701 S. Elmwood
Traverse City, MI 49684
(231) 350-0939

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS690382149
Investigation #:	2022A0009014
Complaint Receipt Date:	01/11/2022
Investigation Initiation Date:	01/11/2022
Report Due Date:	02/10/2022
Licensee Name:	Community Home & Health Services LLC
Licensee Address:	657 Chestnut Ct Gaylord, MI 49735
Licensee Telephone #:	(989) 732-6374
Administrator:	Jonathan Harland
Licensee Designee:	Jonathan Harland
Name of Facility:	White Pines
Facility Address:	1835 Murner Rd Gaylord, MI 49735
Facility Telephone #:	(989) 732-1938
Original Issuance Date:	05/27/2016
License Status:	REGULAR
Effective Date:	11/27/2020
Expiration Date:	11/26/2022
Capacity:	6
Program Type:	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL

II. ALLEGATION(S)

	Violation Established?
Direct care worker Ms. Ashley Styles was allowed to work at the facility after she was deemed not eligible.	Yes
Direct care worker Ms. Ashley Styles caused bruising on Resident A after picking her up off the floor inappropriately. She also confined Resident B and Resident C to their rooms.	Yes

III. METHODOLOGY

01/11/2022	Special Investigation Intake 2022A0009014
01/11/2022	Special Investigation Initiated – Telephone received from Community Mental Health (CMH) recipient rights officer Ms. Brandy Marvin
01/12/2022	Contact – Telephone call made to administrator Ms. Sue Knaggs, Community Home & Health Services LLC
01/12/2022	Contact – Telephone call made to Ms. Katelyn Haskin, Department of Licensing and Regulatory Affairs (LARA) Fingerprint Unit
01/12/2022	Contact – Telephone call made to administrator Ms. Sue Knaggs, Community Home & Health Services LLC
01/12/2022	APS Referral
01/14/2022	Inspection Completed On-site Interviews with home manager Ms. Dawn Young and direct care worker Ms. Brianna Harbin Face to face contact with Resident A, Resident B and Resident C
02/03/2022	Contact – Telephone call made to direct care worker Ms. Amy Rollins
02/03/2022	Contact – Telephone call made to CMH recipient rights officer Ms. Brandy Marvin
02/03/2022	Contact – Telephone call made to former direct care worker Ms. Ashley Stiles

02/03/2022	Contact – Telephone call made to licensee designee/administrator Mr. Jonathan Harland
02/03/2022	Exit conference with licensee designee/administrator Mr. Jonathan Harland

ALLEGATION: Direct care worker Ms. Ashley Styles was allowed to work at the facility after she was deemed not eligible.

INVESTIGATION: I spoke with Community Mental Health (CMH) recipient rights officer Ms. Brandy Marvin by phone on January 11, 2022. She stated that she was investigating the matter of Community Home & Health Services LLC continuing to employ direct care worker Ms. Ashley Styles after she was deemed ineligible. The original Michigan Workforce Background Check that indicated that she “Is Eligible” was received by the agency on August 25, 2021. The second Michigan Workforce Background Check was received by them on November 23, 2021. The second notice indicated that Ms. Styles was “Not Eligible”. Apparently, Ms. Styles was involved in some type of criminal activity that led to her no longer being eligible to work in an adult foster care (AFC) setting. Ms. Styles did submit a “Request for Redetermination” but should not have been working in the home after the date of the second notice.

I spoke with administrator Ms. Sue Knaggs with Community Home & Health Services by phone on January 12, 2022. She said that she is trying to get a hold of someone with the Department of Licensing and Regulatory Affairs (LARA) fingerprint unit to determine whether or not Ms. Styles could work. I told Ms. Knaggs that if the last notice they received indicated Ms. Styles was ineligible, she cannot work as soon as they receive that notice. Ms. Knaggs stated that there was some confusion because Ms. Styles only had a misdemeanor on her record, not a felony. I explained that there are several misdemeanor offenses which prohibit one from working in the AFC setting. I said that if all they had was the last notice making Ms. Styles ineligible, then she cannot work in an AFC setting and shouldn’t be working right now. Ms. Knaggs indicated that she understood and stated that she would make sure that Ms. Styles was no longer working.

I spoke with Katelyn Haskin with the Department of Licensing and Regulatory Affairs (LARA) fingerprint unit by phone on January 11, 2022. Ms. Haskin stated that Ms. Styles committed an offense and was made ineligible on November 23, 2021. A letter was mailed to the agency about her being ineligible as well as an immediate email being sent. She reiterated that in no circumstances can a person continue to work in an AFC setting after being determined ineligible. A person can request a redetermination to have the issue looked at again. Usually, there are other documents or information that might change the determination. Ms. Haskin stated that Ms. Styles did not provide any additional documentation that changed the determination so Ms. Styles continues to be ineligible. I asked if the charge had

been “dismissed” would that change the determination. Ms. Haskin replied that Ms. Styles has not provided that information if it, in fact, were true. She would need to do another request for redetermination if she believed she had that information. Ms. Haskin stated that she would be willing to speak with administrator Ms. Sue Knaggs about this issue and reported that I could provide Ms. Knaggs with her contact information.

I spoke with Ms. Knaggs again by phone on January 12, 2022. I told her what Ms. Haskin had shared and gave her the contact information. Ms. Knaggs stated that she had contacted Ms. Styles after my call and told her that she is “off the schedule”. She clarified that meant Ms. Styles would not be working in any AFC setting until she was eligible.

I made an unannounced site visit to White Pines AFC home on January 14, 2022. I wore personal protection equipment to protect myself and others. Home manager Ms. Dawn Young was present and agreed to speak with me. She confirmed that Ashley Styles had been working full-time at the facility until January 12, 2021, when she was “taken off the schedule”. She said that Ms. Styles had told her last year that she went to Court and was on probation. Ms. Young stated that she passed that information onto administrator Ms. Kris Rambo. Ms. Rambo spoke with Ms. Styles about it and told her that she could still work there.

I spoke with former direct care worker Ashley Styles by phone on February 3, 2022. She stated that she did “get in trouble” during the time that she worked at the White Pines AFC home. She said that all the charges against her were dropped except one. She told me what that was. She said that she had notified administrators at Community Home & Health Services about all of it. She had provided documentation to them as well. She had been told by them that she could keep working.

I spoke with licensee designee/administrator Mr. Jonathan Harland by phone on February 3, 2022. He acknowledged that they received notification that Ms. Styles was no longer eligible to work in the AFC setting. Ms. Styles provided documentation to them that the charges against her had been dropped except one. When he and his administrative staff had looked at the convictions that exclude someone from working in the AFC setting, they did not see that particular conviction listed. When Ms. Styles asked for the Request for Redetermination the box was checked that the agency also receive the results but that did not happen. He agreed that as soon as they received the notice that she was no longer eligible, she should not have been working until such time as they received another notice that she was eligible.

APPLICABLE RULE	
MCL 400.734b	<p>Employing or contracting with certain employees providing direct services to residents; prohibitions; criminal history check; exemptions; written consent and identification; conditional employment; determination of existence of national criminal history; use of criminal history record information; disclosure; failure to conduct criminal history check; automated fingerprint identification system database; electronic web-based system; costs; definitions.</p>
	<p>(1) In addition to the restrictions prescribed in sections 13, 22, and 31, and except as otherwise provided in subsection (2), an adult foster care facility shall not employ or independently contract with an individual who regularly has direct access to or provides direct services to residents of the adult foster care facility if the individual satisfies 1 or more of the following:</p> <p>(a) Has been convicted of a relevant crime described under 42 USC 1320a-7(a).</p> <p>(b) Has been convicted of any of the following felonies, an attempt or conspiracy to commit any of those felonies, or any other state or federal crime that is similar to the felonies described in this subdivision, other than a felony for a relevant crime described under 42 USC 1320a-7(a), unless 15 years have lapsed since the individual completed all of the terms and conditions of his or her sentencing, parole, and probation for that conviction before the date of application for employment or the date of the execution of the independent contract:</p> <p>(i) A felony that involves the intent to cause death or serious impairment of a body function, that results in death or serious impairment of a body function, that involves the use of force or violence, or that involves the threat of the use of force or violence.</p> <p>(ii) A felony involving cruelty or torture.</p> <p>(iii) A felony under chapter XXA of the Michigan penal code, 1931 PA 328, MCL 750.145m to 750.145r.</p> <p>(iv) A felony involving criminal sexual conduct.</p> <p>(v) A felony involving abuse or neglect.</p> <p>(vi) A felony involving the use of a firearm or dangerous weapon.</p> <p>(vii) A felony involving the diversion or adulteration of a prescription drug or other medications.</p> <p>(c) Has been convicted of a felony or an attempt or conspiracy to commit a felony, other than a felony for a relevant crime described under 42 USC 1320a-7(a) or a felony described under subdivision (b), unless 10 years have lapsed since the individual completed all of the terms and conditions of his or her</p>

sentencing, parole, and probation for that conviction before the date of application for employment or the date of the execution of the independent contract.

(d) Has been convicted of any of the following misdemeanors, other than a misdemeanor for a relevant crime described under 42 USC 1320a-7(a), or a state or federal crime that is substantially similar to the misdemeanors described in this subdivision, within the 10 years immediately preceding the date of application for employment or the date of the execution of the independent contract:

(i) A misdemeanor involving the use of a firearm or dangerous weapon with the intent to injure, the use of a firearm or dangerous weapon that results in a personal injury, or a misdemeanor involving the use of force or violence or the threat of the use of force or violence.

(ii) A misdemeanor under chapter XXA of the Michigan penal code, 1931 PA 328, MCL 750.145m to 750.145r.

(iii) A misdemeanor involving criminal sexual conduct.

(iv) A misdemeanor involving cruelty or torture unless otherwise provided under subdivision (e).

(v) A misdemeanor involving abuse or neglect.

(e) Has been convicted of any of the following misdemeanors, other than a misdemeanor for a relevant crime described under 42 USC 1320a-7(a), or a state or federal crime that is substantially similar to the misdemeanors described in this subdivision, within the 5 years immediately preceding the date of application for employment or the date of the execution of the independent contract:

(i) A misdemeanor involving cruelty if committed by an individual who is less than 16 years of age.

(ii) A misdemeanor involving home invasion.

(iii) A misdemeanor involving embezzlement.

(iv) A misdemeanor involving negligent homicide or a violation of section 601d(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.601d.

(v) A misdemeanor involving larceny unless otherwise provided under subdivision (g).

(vi) A misdemeanor of retail fraud in the second degree unless otherwise provided under subdivision (g).

(vii) Any other misdemeanor involving assault, fraud, theft, or the possession or delivery of a controlled substance unless otherwise provided under subdivision (d), (f), or (g).

(f) Has been convicted of any of the following misdemeanors, other than a misdemeanor for a relevant crime described under 42 USC 1320a-7(a), or a state or federal crime that is substantially similar to the misdemeanors described in this

	<p>subdivision, within the 3 years immediately preceding the date of application for employment or the date of the execution of the independent contract:</p> <p>(i) A misdemeanor for assault if there was no use of a firearm or dangerous weapon and no intent to commit murder or inflict great bodily injury.</p> <p>(ii) A misdemeanor of retail fraud in the third degree unless otherwise provided under subdivision (g).</p> <p>(iii) A misdemeanor under part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, unless otherwise provided under subdivision (g).</p> <p>(g) Has been convicted of any of the following misdemeanors, other than a misdemeanor for a relevant crime described under 42 USC 1320a-7(a), or a state or federal crime that is substantially similar to the misdemeanors described in this subdivision, within the year immediately preceding the date of application for employment or the date of the execution of the independent contract:</p> <p>(i) A misdemeanor under part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, if the individual, at the time of conviction, is under the age of 18.</p> <p>(ii) A misdemeanor for larceny or retail fraud in the second or third degree if the individual, at the time of conviction, is under the age of 16.</p> <p>(h) Is the subject of an order or disposition under section 16b of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.16b.</p> <p>(i) Engages in conduct that becomes the subject of a substantiated finding of neglect, abuse, or misappropriation of property by a state or federal agency according to an investigation conducted in accordance with 42 USC 1395i-3 or 1396r.</p>
ANALYSIS:	<p>It was confirmed through this investigation that Community Home & Health Services did continue to employ Ms. Ashley Styles after being notified that she was “ineligible” to work in an adult foster care setting. The agency was notified on or about November 23, 2021 of Ms. Styles’ ineligibility. Ms. Styles was allowed to continue working until January 12, 2022 when she was taken off the schedule.</p>
CONCLUSION:	VIOLATION ESTABLISHED

ALLEGATION: Direct care worker Ms. Ashley Styles caused bruising on Resident A after picking her up off the floor inappropriately. She also confined Resident B and Resident C to their rooms.

INVESTIGATION: I asked home manager Ms. Dawn Young about the report of Ms. Styles causing bruising to Resident A. She said that in early December of 2021, she had the day off but was still helping out. I asked her if the day might have been December 8, 2021. She said that sounded about right. Ms. Young went on to say that direct care workers Ashley Styles and Brianna Harbin were working. She informed them that they needed to work together to get the residents to their appointments that day. Ms. Harbin had taken one of the residents into the emergency department at the local hospital. The agency van was parked at the hospital so Ms. Young offered to go get the van and bring it to White Pines. Ms. Styles called her in the meantime and told her that Resident A was fighting her on getting up and going to her appointment. Ms. Young encouraged her to work with Resident A to try to get her going. Ms. Styles called her sometime after that and told her that Resident A had fallen. Ms. Young stated that she told Ms. Styles that she was only 10 minutes away from the home. She instructed Ms. Styles to wait until she got there so that the two of them could both lift Resident A. Ms. Styles stated that she could do it herself and hung up. Ms. Young got there 10 minutes later and observed Resident A sitting in a chair. She was upset and told Ms. Styles that Resident A required a two-person lift. Ms. Styles replied that Ms. Young was not present so she just did it herself. Ms. Young said that Ms. Styles is not the type to listen and just does what she wants. The next morning, Resident A had “fingerprint bruises” up and down both her arms. She also had a sprained left wrist. Resident A was pointing to her wrist saying “owww, owww”. Ms. Young suspected the bruising was from Ms. Young picking her up off the floor by herself as this was the only explanation for the bruising. The bruising appeared specifically to be from someone grabbing Resident A’s arms. Resident A has limited verbal skills but did say that she got the bruises when she fell and that staff “grabbed her”. I asked Ms. Young why it is that Resident A requires a two-person lift. She said that it is because Resident A is a larger person and does not help you when you try to lift her. They always use two staff to lift her so that she is not hurt in the process. They have used two staff to lift her ever since she, Ms. Young, started working in the facility. Resident A’s primary physician has also reported that Resident A needs to be lifted by two staff.

Ms. Young provided me with the “Self-Limiting Notes” for December 9, 2022. At 6:00 a.m., it read, “When (Resident A) got up to start her day, staff noticed 5 small quarter-sized bruises on both her biceps, 3 small quarter-sized bruises on her left wrist and one small quarter-sized bruise on her right wrist. (Resident A) said she fell and staff grabbed her.”

I asked Ms. Young about the other report of mistreatment. She said that near the end of December of 2021 there was another incident involving Ms. Styles. I asked her if it occurred on December 31, 2021. Ms. Young replied that sounded about right, she remembered it was on a Friday. Resident B was “having behaviors” and

“going after” other residents. Resident B is wheelchair-bound but will run her wheelchair into other residents and hit them. One way they deal with this is to ask her if she wants to go to her bedroom and watch a movie in there. When the weather is nice, they ask her if she wants to spend some time outside. On this particular day, Resident B was arguing with Resident C. Ms. Styles was frustrated about it and wheeled Resident B into her bedroom. After some time had passed, direct care worker Ms. Brianna Harbin told Ms. Styles that Resident B could not be in her bedroom all day. Ms. Styles replied, “Fine, then I’ll put (Resident C) in her bedroom.” She then put Resident C in her room.

I then spoke with Ms. Harbin while on-site. I asked her about the day that Ms. Styles put Resident B in her bedroom. She said that Resident B was upset that day. Ms. Harbin stated that they usually just leave her alone to allow her to calm down by herself. They do not usually intervene unless she is trying to harm another resident. Ms. Styles “wouldn’t let it go” and kept aggravating Resident B by arguing with her. Ms. Harbin stated that she intervened by asking Resident B if she wanted to go to her room to watch a movie. She wheeled Resident B over by the doorway of her room. Ms. Styles said that Resident B needed to go in her room and grabbed the back of her wheelchair. Resident B tried hitting Ms. Styles and did bite her arm in the process. Ms. Styles wheeled Resident B into her room and slammed the door after her. Direct care worker Amy Rollins showed up shortly after and went into the room to talk with Resident B. She got Resident B calmed down and brought her out to get something to eat. Resident B and Resident C started to argue at that point and Ms. Styles told Resident B that she was putting her back in her room. Ms. Harbin stated that she confronted and told Ms. Styles that Resident B could not be in her room all day. She told her, “Fine, then I’ll put (Resident C) in her room”. Ms. Styles said that Resident C was going to her room because, “I’m not dealing with this fucking shit today.” Ms. Styles put Resident C in her room even after Resident C made it clear she wanted to be in the living room with the rest of the residents. Resident C was in her room for about half an hour. Ms. Harbin stated that she went and got Resident C at that time and brought her out.

I spoke with direct care worker Amy Rollins by phone on February 3, 2022. She said that she did work on the day that Resident B was in her room, upset. Ms. Rollins said that she came back to the home around lunch after taking a resident to an appointment. When she got back, she heard Resident B in her room screaming and crying. Ms. Rollins could hear her through the closed door. Ms. Rollins said that she told Ms. Styles and Ms. Harbin that one can usually talk with Resident B to get her out of these types of moods. When she went into Resident B’s room, she was sitting in her wheelchair and was visibly upset. Ms. Rollins spoke with her and was able to calm her somewhat. She brought her out into the dining room area but then had to leave again. She did hear Resident B and Resident C bickering as she left. Ms. Rollins stated that she did not know what happened after that.

I then spoke with former direct care worker Ashley Styles by phone on February 3, 2022. I asked her about the day in early December of 2021 when Resident A fell.

She said that Ms. Harbin was at the emergency department with a resident and that Ms. Young was with another resident. Ms. Styles was at the facility with three residents. Ms. Young instructed her to get the residents ready for their own outings. Ms. Styles said that she was able to get two of the residents ready but that Resident A did not want to get up or go anywhere. Resident A got mad at her and “started swinging” at her. She said that she kept calling Ms. Young and telling her that she needed help. At some point, Resident A fell or threw herself on the floor. She went to get Resident A up off the floor. She said that she tried getting her up by grabbing her from behind and hoisting her up. Ms. Styles said that her own knee “popped” causing her to lose her grip on Resident A. Resident A “was falling” so she “grabbed her (Resident A) by the arm, both of them, the left one mainly”. I asked her about Ms. Young telling her that she was only 10 minutes away and to wait for her assistance before lifting Resident A. Ms. Styles stated that Ms. Young told her that after she had already lifted Resident A by herself. She said that Ms. Young will often say that she is only 10 minutes away but that it will take her half an hour, at times, to return. Ms. Styles stated that Resident A also fell out of her seat in the agency van that day and Ms. Styles had to get her up from the floor of the van. She did this again by herself having Resident A grab her, Ms. Styles’, arms. She then put her feet against Resident A’s feet and pulled her up. Ms. Styles denied that she ever saw any bruising on Resident A until she worked again a couple of days later. She did see a bruise on Resident A and saw that her wrist was wrapped. Ms. Styles stated that if the bruises were caused when she lifted Resident A, she never intended to hurt her.

I asked Ms. Styles about the day she and Ms. Harbin worked together at the end of December of 2021 when Resident B and Resident C were put in their rooms. She replied that she did remember that day. I asked her what happened. She said that it was Resident B who was giving them trouble. Resident B was screaming and yelling at her and at Resident C. They put Resident C in her room to watch television and to get away from Resident B. Ms. Styles stated that it was Ms. Harbin who put Resident C in her room, not her. She said that Resident C “wasn’t even in there for half an hour”. Ms. Styles stated that they were able to get Resident B “calmed down” and then worked on Resident C to get her calmed down. Ms. Styles did not reply when I said it had been reported that Resident C did not want to be in her room at that time.

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:	It was confirmed through this investigation that Resident A's personal needs, including protection and safety, were not attended to at all times. On December 8, 2021, a staff person decided to pick Resident A up on two occasions by herself after having been told that Resident A requires two people to lift her. This resulted in bruises to Resident A's arms and a sprained wrist.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14308	Resident behavior interventions prohibitions.
	(2) A licensee, direct care staff, the administrator, members of the household, volunteers who are under the direction of the licensee, employees, or any person who lives in the home shall not do the following: (d) Confine a resident in an area, such as a room, where egress is prevented, in a closet, or in a bed, box, or chair or restrict a resident in a similar manner.
ANALYSIS:	It was confirmed through this investigation that Resident B and Resident C were confined to their rooms on or about December 31, 2021. Resident B was put in her room at that time and not able to exit due to being wheelchair-bound. Resident C was put in her room even after expressing her wish to stay in a common area.
CONCLUSION:	VIOLATION ESTABLISHED

I conducted an exit conference with licensee designee/administrator Mr. Jonathan Harland by phone on February 3, 2022. I told him of the findings of my investigation and gave him the opportunity to ask questions.

IV. RECOMMENDATION

I recommend no change in the license status.



02/07/2022

Adam Robarge

Date

Licensing Consultant

Approved By:



02/07/2022

Jerry Hendrick
Area Manager

Date