



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

April 22, 2022

Linda Hirt and Jeffrey Hirt
6920 Austhof Woods Dt
Alto, MI 49302

RE: License #: AF410393455
Investigation #: 2022A0583023
In The Woods

Dear Linda Hirt and Jeffrey Hirt:

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 (616) 356-0183.

Sincerely,

A handwritten signature in cursive script, appearing to read "Toya Zylstra".

Toya Zylstra, Licensing Consultant
Bureau of Community and Health Systems
Unit 13, 7th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503
(616) 333-9702

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AF410393455
Investigation #:	2022A0583023
Complaint Receipt Date:	04/19/2022
Investigation Initiation Date:	04/20/2022
Report Due Date:	05/19/2022
Licensee Name:	Linda Hirt and Jeffrey Hirt
Licensee Address:	6920 Austhof Woods Dt Alto, MI 49302
Licensee Telephone #:	(616) 366-5125
Administrator:	N/A
Licensee Designee:	N/A
Name of Facility:	In The Woods
Facility Address:	6920 Austhof Woods Dr. Alto, MI 49302
Facility Telephone #:	(616) 554-9471
Original Issuance Date:	02/25/2019
License Status:	REGULAR
Effective Date:	08/25/2021
Expiration Date:	08/24/2023
Capacity:	5
Program Type:	AGED ALZHEIMERS

II. ALLEGATION(S)

	Violation Established?
Licensee Linda Hirt refused to allow Resident A to leave the facility until she received a rent payment from his guardian.	Yes

III. METHODOLOGY

04/19/2022	Special Investigation Intake 2022A0583023
04/19/2022	Contact - Telephone call received Guardian Donna Gable
04/19/2022	Contact - Document Received Guardian Donna Gable
04/20/2022	Special Investigation Initiated - Face to Face Licensee Jeffrey Hirt
04/20/2022	Inspection Completed On-site Licensee Linda Hirt
04/22/2022	Exit Conference Licensee Linda Hirt

ALLEGATION: Licensee Linda Hirt refused to allow Resident A to leave the facility until she received a rent payment from his guardian.

INVESTIGATION: On 04/19/2022 I received the above complaint allegation alleging Licensee Linda Hirt refused to allow Resident A to exit the facility on the day of his discharge until Resident A's legal guardian agreed to provide Ms. Hirt "a check in hand before he moves".

On 04/19/2022 I interviewed Donna Gable via telephone. Ms. Gabel stated she is the court appointed guardian of Resident A. Ms. Gable stated Licensee Linda Hirt recently became aware that Resident A's railroad retirement pension was more than Ms. Hirt was initially aware. Ms. Gable stated Ms. Hirt requested Ms. Gable agree to a rent increase and Ms. Gable refused. Ms. Gable stated Ms. Hirt subsequently issued Resident A a 30-day discharge notice on March 11, 2022. Ms. Gable stated she located a new placement for Resident A starting on 04/19/2022; which was 38 days since the issuance of the 30-Day discharge. Ms. Gable stated Ms. Hirt sent Ms. Gable a bill requesting Ms. Gable pay a higher rate than the resident care agreement specified for the eights additional days of care. Ms. Gable stated she refused to pay the higher rate for those eight days of care because she never signed

a new resident care agreement approving a higher rate. Ms. Gable stated she arranged for an "Uber" to pick up Resident A from the facility on 04/19/2022 at 10:00 AM and transport Resident A to the new placement. Ms. Gable stated she texted Ms. Hirt that the "Uber" driver was at the facility at approximately 10:00 AM and requested staff to send Resident A to the vehicle. Ms. Gable stated Ms. Hirt refused via text message to send Resident A to the vehicle until Ms. Hirt "received a check in hand". Ms. Gable stated the first "Uber" driver left the facility because Resident A did not come outside to the vehicle and Ms. Gable had to arrange for a second "Uber" driver to come to the facility to transport Resident A to the new placement at approximately 10:40 AM. Ms. Gable stated during the incident Ms. Hirt texted Ms. Gable numerous times demanding payment in the form of a check before she would allow Resident A to leave the premises.

On 04/19/2022 Guardian Donna Gable text messaged screen shots of conversation threads between Ms. Gable and Licensee Linda Hirt. The screen shots stated the following: *'Linda Hirt: I don't trust you will pay I want a check in hand b4 he moves, I want payment before he leaves, and I just told you we need ck in hand 1st.'* The text message threads indicated that numerous times Ms. Gable stated she would mail Ms. Hirt a check and to send Resident A to the "uber" for transport to the new facility.

On 04/20/2022 I interviewed Licensee Jeffrey Hirt face-to-face at the Alto AFC home. Mr. Hirt stated that on the morning of 04/19/2022 he worked at the In the Woods (AF410393455) facility independently. Mr. Hirt stated he did not know that the first "Uber" driver arrived at the facility at 9:45 AM. Mr. Hirt stated Licensee Linda Hirt did contact him that morning and requested he allow Resident A to leave the facility at 10:30 AM with the second "Uber" driver. Mr. Hirt stated he had no direct communication with Guardian Donna Gable on 04/19/2022 but Mr. Hirt stated numerous times he did not trust Ms. Gable to pay Resident A's rent.

On 04/20/2022 I completed an unannounced onsite investigation at the facility. Ms. Hirt stated she became aware that Resident A's railroad retirement pension was more than she was initially aware of. Ms. Hirt stated she requested Ms. Gable agree to a rent increase and Ms. Gable refused. Ms. Hirt stated she subsequently issued Resident A a 30-day discharge notice on March 11, 2022. Ms. Hirt stated Ms. Gable located a new placement for Resident A starting on 04/19/2022; which was 38 days since the issuance of the 30-Day discharge. Ms. Hirt stated she sent Ms. Gable a bill requesting Ms. Gable pay a higher rate than the resident care agreement specified for those eight days of care. Ms. Hirt stated Ms. Gable refused to pay a higher rate for eight days of care. Ms. Hirt stated on the morning of 04/19/2022 she exchanged numerous text messages with Ms. Gable. I provided Ms. Hirt with screenshots of the 04/19/2022 text messages provided to me by Ms. Gable and Ms. Hirt reviewed the text messages and confirmed that the messages were accurate. I asked Ms. Hirt if she intended to prevent Resident A from leaving the facility and deny Resident A access to his transportation to the new facility and Ms. Hirt stated, "not directly". Ms. Hirt stated she wanted Ms. Gable to write her a check before he left the facility on 04/19/2022. Ms. Hirt stated she was aware that the first "uber"

driver was at the facility at approximately 9:45 AM but acknowledged that she refused to send Resident A outside until she was provided a check. Ms. Hirt stated Resident A was subsequently allowed to exit the facility when the second “Uber” driver arrived at the facility at approximately 10:40 AM.

On 04/22/2022 I completed an Exit Conference with Licensee Linda Hirt. Ms. Hirt stated she agreed with the findings and would submit an acceptable Corrective Action Plan.

APPLICABLE RULE	
R 400.1408	Resident care; licensee responsibilities.
	(2) A licensee shall assure the availability of transportation services.
ANALYSIS:	<p>Guardian Donna Gable text messaged screen shots of a 04/19/2022 conversation thread between Ms. Gable and Licensee Linda Hirt. This communication revealed that Linda Hirt informed Resident A’s guardian that she didn’t trust that she would pay rent for the extra days Resident A remained in the home after the 30-day discharge notice had elapsed and that she wanted a “check in hand before he leaves”.</p> <p>Licensee Linda Hirt acknowledged she wanted Ms. Gable to write her a check before Resident A left the facility on 04/19/2022. Ms. Hirt stated she was aware that the first “uber” driver was at the facility at approximately 9:45 AM but refused to send Resident A outside until she was provided a check. Ms. Hirt stated Resident A was allowed to exit the facility when the second Uber driver arrived at the facility at approximately 10:40 AM.</p> <p>A preponderance of evidence supports a violation of the applicable rule. On 04/19/2022 Licensee Linda Hirt restricted Resident A’s transportation availability.</p>
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Upon receipt of an acceptable Corrective Action Plan, I recommend the license remain unchanged.



04/22/2022

Toya Zylstra
Licensing Consultant

Date

Approved By:



04/22/2022

Jerry Hendrick
Area Manager

Date