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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

May 2, 2022

Patrick Cunningham
Cunningham Trenton Senior Assisted Living
3328 Lafayette
Trenton, MI 48183

RE: License #: AS820395256
Investigation #: 2022A0116022
Cunningham Trenton Senior Assisted Living

Dear Mr. Cunningham:

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 (313) 456-0380.

Sincerely,

A handwritten signature in blue ink that reads "Pandrea Robinson". The signature is fluid and cursive, with the first name "Pandrea" and last name "Robinson" clearly legible.

Pandrea Robinson, Licensing Consultant
Bureau of Community and Health Systems
Cadillac Pl. Ste 9-100
3026 W. Grand Blvd
Detroit, MI 48202
(313) 319-9682

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS820395256
Investigation #:	2022A0116022
Complaint Receipt Date:	03/21/2022
Investigation Initiation Date:	03/21/2022
Report Due Date:	05/20/2022
Licensee Name:	Cunningham Trenton Senior Assisted Living
Licensee Address:	3321 Brookshire Trenton, MI 48183
Licensee Telephone #:	(734) 775-6192
Administrator:	Patrick Cunningham
Licensee Designee:	Patrick Cunningham
Name of Facility:	Cunningham Trenton Senior Assisted Living
Facility Address:	3321 Brookshire Trenton, MI 48183
Facility Telephone #:	(734) 672-7749
Original Issuance Date:	01/15/2019
License Status:	REGULAR
Effective Date:	07/15/2021
Expiration Date:	07/14/2023
Capacity:	6
Program Type:	AGED

II. ALLEGATION(S)

	Violation Established?
Resident A is being repeatedly physically, verbally, and mentally abused by staff Kevin Cunningham.	Yes

III. METHODOLOGY

03/21/2022	Special Investigation Intake 2022A0116022
03/21/2022	APS Referral Received.
03/21/2022	Special Investigation Initiated - Telephone Left a message for Complainant (1) requesting a return call.
03/21/2022	Contact - Telephone call made Spoke with assigned Adult Protective Services (APS) investigator Staysha Ellison.
03/21/2022	Contact - Telephone call made Spoke with Relative (1).
03/21/2022	Contact - Telephone call made Left a message for Complaint (2) requesting a return call.
03/21/2022	Contact- Telephone call received Interviewed Complainant (2)
03/22/2022	Inspection Completed On-site Interviewed Staff (1) and Resident's B-D.
04/01/2022	Contact - Face to Face Interviewed Resident A.
04/01/2022	Contact-Telephone call made Spoke with Relative (1).
04/08/2022	Contact - Telephone call made Left a message for staff, Kevin Cunningham requesting a return call.

04/08/2022	Contact - Telephone call made Left a message for APS investigator, Ms. Ellison.
04/11/2022	Contact - Telephone call received Spoke with Ms. Ellison.
04/11/2022	Contact - Telephone call made Left a message for Detective Pugh, Trenton Police.
04/12/2022	Contact - Telephone call received Spoke with Detective Pugh.
04/13/2022	Contact - Telephone call made Interviewed staff, Kevin Cunningham.
04/13/2022	Contact - Telephone call made Interviewed licensee designee Patrick Cunningham.
04/13/2022	Inspection Completed-BCAL Sub. Compliance
04/25/2022	Exit Conference With licensee designee, Patrick Cunningham.
04/27/2022	Contact - Telephone call made Spoke with Detective Pugh.

ALLEGATION:

Resident A is being repeatedly physically, verbally, and mentally abused by staff Kevin Cunningham.

INVESTIGATION:

On 03/02/22, I interviewed Complainant (2). Complainant (2) reported that staff, Kevin Cunningham is not mentally stable, is under a lot of stress and is taking his frustration out on the residents. Complainant (2) reported that staffing has been an issue which has forced Kevin Cunningham to work more hours and it has taken a toll on him. Complainant (2) reported that Kevin Cunningham is part owner of the business with his father Patrick Cunningham. Complainant (2) reported that Resident A has shared with her and multiple others that Kevin Cunningham grabs her roughly, has no patience and yells at her constantly. Complainant (2) reported that the other residents have observed his treatment of Resident A and may be willing to share their observations as well. Complainant (2) reported that Resident A

shared that on multiple occasions Kevin Cunningham has forced medication in her mouth if she refused to take it and tries to force feed her if she declines her meals.

Complainant (2) reported that Kevin Cunningham's father, Patrick Cunningham was informed of what has been going on in the home and he only makes excuses for his son's inappropriate behavior. Complainant (2) reported that adult Protective Services (APS) was at the home due to the allegations and reported that after they left, Kevin Cunningham was bragging about how he "played them" and reported by the time he finished telling them how horrible of a resident Resident A is, they were praising him. Complainant (2) reported that Kevin Cunningham is not fit to provide care to anyone and is a downright evil person.

On 03/21/22, I interviewed assigned APS worker Staysha Ellison. Ms. Ellison reported that someone from the "APS strike team" went to the home over the weekend and spoke to Kevin Cunningham and some of the residents. Ms. Ellison reported she will be following up and completing the investigation. Ms. Ellison reported that Resident A is on an APS hold at the hospital so that she is not discharged back to the home. Ms. Ellison also reported that the allegations have been referred to the Trenton Police Department.

On 03/21/22, I interviewed Relative (1) and she reported that Resident A is new to the home so she is unsure of what is really going on. Relative (1) reported that according to Kevin Cunningham Resident A was acting out, being aggressive and not listening. Relative (1) reported she initially thought that maybe Resident A had a urinary tract infection that may have been contributing to the behaviors that Kevin Cunningham was describing.

Relative (1) reported that she has been in contact with the Trenton Police Detective who reported that Resident A shared some troubling details about physical and mental abuse by Kevin Cunningham. Relative (1) reported that Resident A had been telling her and another relative that Kevin Cunningham was grabbing her, pushing her down, shoving her medication in her mouth, rubbing food all over her face, and constantly yelling at her. Relative (1) reported that she did not think it was true as she didn't want to believe that Resident A was being treated like this in the home.

Relative (1) reported that the more she thinks about it, Resident B must have been trying to tell her by her head nods that Resident A was telling the truth. Relative (1) recalled that when she went to the home to talk to Kevin Cunningham about the concerns, Resident B was nodding her head up and down in a way as if she was confirming that what Resident A had been telling her was true. Relative (1) reported feeling horrible about not initially believing Resident A.

On 03/22/22, I conducted an unscheduled onsite inspection and interviewed staff (1) and Residents B-D. Staff (1) reported that she is new to the home and denied observing Kevin Cunningham mistreat any of the residents while she was shadowing

him. Staff (1) reported that the staffing ratio is one staff to six residents, so staff works independently.

Staff (1) reported that Resident A did share with her that Kevin Cunningham mistreats her, yells at her, throws her in her bed, pushes her, forces her medication down her throat, and force feeds her if she refuses to eat. Staff (1) reported that Resident A has been consistent in her reporting of the mistreatment to everyone she has shared it with.

Resident B reported that she has observed on multiple occasions, Kevin Cunningham stuff food in Resident A's mouth when she refused to eat. Resident B reported one morning Resident A refused to eat her oatmeal and Kevin Cunningham was forcing it in her mouth and reported he smeared it all over her face. Resident B reported that Kevin Cunningham would also force her medication in her mouth if she refused to take it. Resident B reported that at times Resident A would be difficult and would yell at Kevin Cunningham and not do what he asks of her, however, reported that no one deserves to be treated that way. Resident B added that all of the residents are fearful of Kevin Cunningham and dread when he comes to work.

Resident C reported that Kevin Cunningham treats her ok. She reported that he yells a lot and is easily frustrated. Resident C reported that she thinks the long hours are taking a toll on him. Resident C reported that she also observed Kevin Cunningham stuff medication and food in Resident A's mouth. Resident C also reported that when Resident A would yell back at Kevin Cunningham or exhibit negative behaviors, he would just put her in her room. Resident C reported that at times Resident A was difficult.

Resident D reported that Resident A would not cooperate and could be difficult at times. She reported that she also observed Kevin Cunningham force medication in Resident A's mouth and reported she should take her medicine like everyone else. Resident D reported that Kevin Cunningham yells a lot and lacks patience. Resident D reported that when he would work everyone just stayed out of his way. She added it's just a bad situation.

On 04/01/22, I interviewed Resident A and she reported that she is so glad that she is out of that home. Resident A reported that Kevin Cunningham treated her horribly and reported that he would drag her on the floor, force feed her if she refused to eat, stuff medication in her mouth, make her stay in her bedroom, and would walk past her sometimes and hit her in her head for no reason. Resident A reported that Kevin Cunningham hated her. Resident A reported that she started refusing to eat and take her medication because she honestly thought that Kevin Cunningham was trying to kill her so she didn't trust what he was giving her. Resident A reported she was begging the other residents in the home to help her, but reported they were scared of Kevin Cunningham and so they offered no help to her. Resident A added that Kevin is pure evil and should not ever be allowed to work in this field again.

On 04/01/22, I spoke with Relative (1) and she reported that she has secured another placement for Resident A once she is discharged from the rehabilitation facility. Relative (1) reported that almost daily Resident A shares additional information regarding the abuse she suffered at the hands of Kevin Cunningham.

On 04/11/22, I spoke to Ms. Ellison, and she reported that she is substantiating the allegations against Kevin Cunningham for physical abuse and reported that Resident A is credible, and her story remains consistent. Ms. Ellison reported that she has been in contact with the Trenton Police and reported that are speaking with the elder abuse attorney and discussing possible charges.

On 04/12/22, I spoke with Detective Pugh, and he reported that he is still investigating, but is planning on pursuing charges against Kevin Cunningham.

On 04/13/22, I interviewed Kevin Cunningham and he denied the allegations. Kevin Cunningham reported that he did not do anything wrong.

On 04/13/22, I interviewed licensee designee, Patrick Cunningham and he reported being aware of the allegations. Mr. Cunningham reported that he interviewed Kevin Cunningham and he denied the allegations Mr. Cunningham reported he also interviewed a few of the residents and reported that they did not express any concerns. Mr. Cunningham reported that he does not believe that Kevin Cunningham would hurt or mistreat anyone. Mr. Cunningham reported that Kevin Cunningham has had to work a lot of hours due to the ongoing staffing issues and although he adds additional stress on Kevin, he does not believe that Kevin Cunningham physically, verbally, or mentally abused Resident A.

On 04/25/22, I conducted the exit conference with Mr. Cunningham and informed him of the findings. Mr. Cunningham reported that he is going to close the license and reported that all of the residents will be relocated by 04/30/22. Mr. Cunningham reported that he would submit the closure letter in lieu of the corrective action plan. Mr. Cunningham added that with the issues with staffing he cannot continue to operate this home.

APPLICABLE RULE	
R 400.14204	Direct care staff; qualifications and training.
	(2) Direct care staff shall possess all of the following qualifications: (a) Be suitable to meet the physical, emotional, intellectual, and social needs of each resident.

ANALYSIS:	<p>Based on the findings of the investigation, which included interviews of Complainant (1), Ms. Ellison, Relative (1), Residents A-D, and Detective Pugh, I am able to corroborate the allegations.</p> <p>Complainant (2) reported that Kevin Cunningham, based on his mistreatment of Resident A is not mentally stable to care for anyone. Complainant (2) reported that Kevin Cunningham was mentally and physically abusive to Resident A exhibited by him yelling at her, forcing medication in her mouth, force feeding her, and pushing her down into her wheelchair.</p> <p>Ms. Ellison reported that Resident A is credible and her description and details of the mistreatment to her by Kevin Cunningham was troubling. Ms. Ellison reported that she substantiated physical abuse against Kevin Cunningham.</p> <p>Relative (1) reported that Kevin Cunningham is evil and through his mistreatment of Resident A shows that he is not suitable to provide care to anyone.</p> <p>Resident A reported that Kevin Cunningham was mentally and physically abusive to her, to the point that she feared for her life.</p> <p>Residents B-D reported that Kevin Cunningham yelled, stuffed medication and food in Resident A's mouth and would put her in her bedroom if she yelled back at him or was not cooperating with his requests.</p> <p>Detective Pugh reported that his investigation into the matter is ongoing, and that he is working with the prosecutor to pursue charges, based on the credible statements provided by Resident A and the other respondents interviewed.</p> <p>This violation is established because, based on the actions by Kevin Cunningham, against Resident A, it is evident that he is not suitable to meet the physical, emotional, intellectual and social needs of the residents.</p>
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14308	Resident behavior interventions prohibitions.
	(1) A licensee shall not mistreat a resident and shall not permit the administrator, direct care staff, employees, volunteers who are under the direction of the licensee, visitors, or other occupants of the home to mistreat a resident. Mistreatment includes any intentional action or omission which exposes a resident to a serious risk or physical or emotional harm or the deliberate infliction of pain by any means.
ANALYSIS:	<p>Based on the findings of the investigation, which included interviews of Residents A-D, and Ms. Ellison, I am able to corroborate the allegations.</p> <p>Resident A reported that during her stay in the home Kevin Cunningham mistreated her by dragging her on the floor, force feeding her if she refused to eat, stuffing medication in her mouth, making her stay in her bedroom, and would walk past her sometimes and hit her in her head for no reason. Resident A admitted that she would refuse to eat or take her medication out of fear that Kevin Cunningham would kill her. Resident A reported that she did not trust what he was trying to give her.</p> <p>Residents B-D all reported observing Kevin Cunningham stuff food and medication in Resident A's mouth when she would refuse them. They all reported that if Resident A was uncooperative or if she would yell at Kevin Cunningham, he would put her in her bedroom. Resident D reported it was a bad situation.</p> <p>Ms. Ellison reported that based on the credibility of Resident A, she substantiated the allegation of physical abuse of Resident A by Kevin Cunningham.</p> <p>This violation is established, as Kevin Cunningham through his intentional actions, mistreated Resident A by exposing her to a serious risk of physical and emotional harm</p>
CONCLUSION:	*REPEAT VIOLATION ESTABLISHED* SIR DATED 08/23/21; CAP DATED 09/03/21

IV. RECOMMENDATION

Upon receipt of the licensee designee's written closure request, I recommend the license be closed.



Pandrea Robinson
Licensing Consultant

04/29/22

Date

Approved By:



Ardra Hunter
Area Manager

05/02/22

Date