



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

April 15, 2022

Mistie Hyatt  
320 E. Long Lake Road  
Orleans, MI 48865

RE: License #: AF340389673  
Investigation #: 2022A0466027  
Sunshine Acres A.F.C.

Dear Ms. Hyatt:

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**

**I. IDENTIFYING INFORMATION**

<b>License #:</b>	AF340389673
<b>Investigation #:</b>	2022A0466027
<b>Complaint Receipt Date:</b>	02/17/2022
<b>Investigation Initiation Date:</b>	02/18/2022
<b>Report Due Date:</b>	04/18/2022
<b>Licensee Name:</b>	Mistie Hyatt
<b>Licensee Address:</b>	320 E. Long Lake Road Orleans, MI 48865
<b>Licensee Telephone #:</b>	(989) 637-1015
<b>Administrator:</b>	N/A
<b>Licensee:</b>	Mistie Hyatt
<b>Name of Facility:</b>	Sunshine Acres A.F.C.
<b>Facility Address:</b>	320 E. Long Lake Road Orleans, MI 48865
<b>Facility Telephone #:</b>	(616) 255-7454
<b>Original Issuance Date:</b>	09/08/2017
<b>License Status:</b>	REGULAR
<b>Effective Date:</b>	03/08/2020
<b>Expiration Date:</b>	03/07/2022
<b>Capacity:</b>	6
<b>Program Type:</b>	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL AGED

**II. ALLEGATIONS:**

	<b>Violation Established?</b>
Licensee Mistie Hyatt does not have any direct care workers (DCW) or responsible persons so she takes all of the residents with her anytime she leaves the house.	Yes
Licensee Mistie Hyatt has been heard yelling at residents.	No
The yard is unkept and full of broken items and junk.	Yes
Additional Findings	Yes

**III. METHODOLOGY**

02/17/2022	Special Investigation Intake 2022A0466027.
02/18/2022	Special Investigation Initiated – Telephone call to Complainant, interviewed.
03/09/2022	Inspection Completed on site with licensing consultant Jana Lipps.
04/12/2022	Contact- Telephone call made to case manager Dawn McDonald; message left.
04/13/2022	Exit Conference with licensee Mistie Hyatt.

**ALLEGATION: Licensee Mistie Hyatt does not have any direct care workers (DCW)s so she takes all of the residents with her anytime she leaves the house.**

**INVESTIGATION:**

On 02/17/2022, Complainant reported that licensee Mistie Hyatt creates barriers to Resident A meeting with his community support staff because she does not have enough employees to be at the facility with the residents when she cannot. Consequently, Complainant reported licensee Mistie Hyatt takes all the residents with her to run errands and/or when a resident has a medical appointment. Complainant reported Resident A said that he could not ever meet with his community support staff on Monday's. Complainant also reported an incident that occurred when his community support staff had to return Resident A home earlier than expected and no one was there to supervise Resident A as licensee Hyatt had left with all the residents. Complainant reported the community support staff had to stay with Resident A for a lengthy period of time until Ms. Hyatt returned. Complainant stated Resident A reported that if a resident has a doctor's

appointment, licensee Hyatt has been loading all of the residents in the van and has all the residents wait in the van until the doctor's appointment has ended.

On 03/09/2022, licensing consultant Jana Lipps and I arrived at the facility and no one was home. Licensing consultant Lipps and I waited about 15 minutes and licensee Hyatt arrived in the van with the residents.

On 03/09/2022, licensing consultant Lipps and I interviewed Resident A who reported that he does have difficulty scheduling appointments with his community support staff Robert Weiland because they are so busy at the facility. Resident A reported that he does like to go on van rides but he does not like to get up early in the morning to go for a van ride as he would rather sleep. Resident A reported he has to on a van with the other residents as there is no one to stay in the home with them when licensee Hyatt has to run errands or take someone to the doctor. Resident A reported that the residents do not have to go into the stores if they do not want to go shopping. According to Resident A licensee Hyatt leaves the residents in the van with it running so that they can have heat. Resident A reported that if licensee Hyatt takes a resident into a medical appointment the other residents stay in the car and typically licensee Hyatt is not in these appointments long, maybe about 20 minutes. Resident A reported that sometimes the residents yell at each other while they are left alone in the van. Resident A reported he is not able to stay home alone. Resident A reported licensee Hyatt has never left him nor any of the other residents home alone.

On 03/09/2022, licensing consultant Lipps and I interviewed Resident B, Resident C and Resident D who all reported that they like to go on van rides too but they do not like to get up early in the morning to go for a van rides. Resident B, Resident C and Resident D all reported that they have to go on van rides as there is no one to stay in the home with then when licensee Hyatt has to run errands or take someone to the doctor. Resident B, Resident C and Resident D reported the reason for the early van rides is they have to go along to take the licensee's kids to school and that they take licensee Hyatt's husband to work every day. All residents stated this happened as recently as today (03/09/2022). Residents C and D reported that they would rather be in bed than go for an early morning van ride to take the licensee's kids to school or her husband to work. Resident C reported that he has told licensee Hyatt that he did not want to go on a van ride early in the morning and that he had a "melt down." Resident C reported that licensee Hyatt called his parents. Resident C reported that licensee Hyatt has issued him a 30-day notice. Resident B, Resident C and Resident D all reported licensee Hyatt leaves the residents in the van with it running so that they can have heat if she needs to take a resident into the doctor's office. Resident B reported that typically licensee Hyatt is not in these appointments long, maybe about 15-20 minutes. Residents C and Resident D reported that typically licensee Hyatt is out of the car about 10 minutes. Resident B, Resident C and Resident D all reported that they cannot be left home alone. Resident B, Resident C and Resident D reported that licensee Hyatt has never been left them home alone.

On 03/09/2022, licensing consultant Lipps and I interviewed licensee Hyatt who reported that she does not have any responsible persons or direct care staff members working at the facility so she does take the residents with her every time she leaves the home. Licensee Hyatt reported she takes all of the residents with her when she grocery shops, for medical appointments or like today when her kids' bus service was canceled so they all had to drive her kids to school. Licensee Hyatt reported the residents like the van rides and the busy schedule. Licensee Hyatt reported the residents do not complain about the van rides rather they are upset on days when they stay home. Licensee Hyatt recalled one situation a couple of days ago when Resident E stayed up all night playing video games and then was upset about going for a van ride. Licensee Hyatt reported that she typically buys the residents treats when they are out and that the residents like that also. Licensee Hyatt reported that she does leave the residents in the van with it running to provide them heat. Licensee Hyatt reported that she is not permitted to bring in all of the residents when just one of them has a medical appointment. Licensee Hyatt reported that if she leaves the residents in the van, it is for less than 10 minutes however, she did admit that she has never timed it. Licensee Hyatt reported that she watches the van from the window from the medical appointment. Licensee Hyatt reported that she does not make the residents go into any stores, that it is their choice if they want to shop or stay in the van. Licensee Hyatt reported that the residents do not like to be home, they like to be busy and on outings.

Licensee Hyatt reported Resident C can be destructive and touch others without permission but reported that she has never had issue with him being left alone with other residents in the van. Licensee Hyatt reported that Resident A's community support staff, Robert Weiland does not schedule any appointment with her, just with Resident A and then he is upset if Resident A is not home when he comes to get Resident A. Licensee Hyatt reported she asked community support Weiland to not schedule appointment with Resident A on Monday's and Friday's so that she could schedule her appointments and errands for those days. Licensee Hyatt reported that because community support Weiland reschedules appointments at the last minute, she did have to get his supervisor involved to assist with scheduling and since then, communication has been better. Licensee Hyatt confirmed that on 02/09/2022 community support Weiland picked up Resident A to take him to the Enrich Store. Licensee Hyatt went out to get groceries as Resident A is typically gone with community support Weiland for several hours however on 02/09/2022 the Enrich Store was closed. Licensee Hyatt reported that community support Weiland brought Resident A home several hours early and was irritated that we were not home. Licensee Hyatt reported community support Weiland stayed with Resident A until she could get home. Licensee Hyatt reported residents are never left home alone.

On 03/09/2022, licensing consultant Lipps and I reviewed resident records for Resident A, Resident B, Resident C, Resident D, Resident E and Resident F which contained *Assessment Plans for Adult Foster Care (AFC) Residents* which

documented that Resident A, Resident B, Resident D and Resident F are all independent in the community. Resident A's *Assessment Plan for AFC Residents* documented in the "moves independently in the community" section "wanders." Resident C and Resident E's *Assessment Plan for AFC Residents* documented that they do not move in the community independently. Resident C's *Assessment Plan for AFC Residents* documented in the "moves independently in the community" section "needs supervision for safety." Resident E's *Assessment Plan for AFC Residents* documented in the "moves independently in the community" section that Resident E "needs assistance due to confusion."

<b>APPLICABLE RULE</b>	
<b>R 400.1407</b>	<b>Resident admission and discharge criteria; resident assessment plan; resident care agreement; house guidelines; fee schedule; physicians instructions; health care appraisal.</b>
	<b>(2) A licensee shall not accept or retain a resident for care unless and until a resident assessment plan is made and it is determined that the resident is suitable pursuant to the following provisions: (a) The amount of personal care, supervision, and protection required by the resident is available in the home.</b>

<b>ANALYSIS:</b>	<p>Complainant, licensee Hyatt, Resident A, Resident B, Resident C and Resident D all reported that licensee Hyatt does not any responsible persons or employees to provide supervision to residents when she has to leave the AFC family home. Therefore, residents have to go with her anytime she leaves the AFC home even when they do not want to go. This includes when licensee Hyatt does personal outings as well such as taking her kids to school early in the morning or her husband to work. Licensee Hyatt, Resident A, Resident B, Resident C and Resident D all reported that the residents stay in the van alone during errands. According to interviews, it is a resident's choice to remain in the van while shopping, but it is not an option during medical appointments. Resident C's <i>Assessment Plan for AFC Residents</i> documented in the "moves independently in the community" section that he "needs supervision for safety." Resident E's <i>Assessment Plan for AFC Residents</i> documented in the "moves independently in the community" section that he also "needs assistance due to confusion." Therefore, a violation has been established as the supervision needs of all residents is not being met as residents are being required to leave the home when they do not want to and once in the van are not being monitored as required per their individually assessed supervision needs.</p>
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

<b>APPLICABLE RULE</b>	
<b>R 400.1409</b>	<b>Resident rights; licensee responsibility.</b>
	<p><b>(1) Upon a resident's admission to the home, the licensee shall inform and explain to the resident or the resident's designated representative all of the following resident rights:</b></p> <p style="padding-left: 40px;"><b>(p) The right of access to his or her room at his or her own discretion.</b></p> <p><b>(2) A licensee shall provide the resident and the resident's designated representative with a written copy of the rights outlined in subrule (1) of this rule upon a resident's admission to the home.</b></p>

<b>ANALYSIS:</b>	Complainant, licensee Hyatt, Resident A, Resident B, Resident C and Resident D all reported that licensee Hyatt does not have any responsible persons or employees to provide supervision to residents when she has to leave the AFC family home therefore residents have to go with her anytime she has to run errands or attend a medical appointment. This includes when licensee Hyatt does personal outings as well such as taking her kids to school early in the morning or her husband to work. Resident A, Resident B, Resident C and Resident D all reported that they have to go on the van rides as there is no responsible person to take care of them when licensee Hyatt is not home and they cannot stay home alone. A violation has been established as the residents do not have access to their room at their discretion.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**ALLEGATION: Licensee Mistie Hyatt has been heard yelling at residents.**

**INVESTIGATION:**

On 02/17/2022, Complainant reported that every time he is inside of Sunshine Acres AFC, licensee Hyatt is yelling or even screaming at the other residents and placing blame on them. Complainant reported that on 02/09/2022 Resident A called licensee Hyatt notifying her that he had returned home unexpectedly. Complainant reported he could hear licensee Hyatt screaming at Resident A because he was home while she was still out getting groceries.

On 03/09/2022, licensing consultant Lipps and I conducted an unannounced investigation and we interviewed Resident A. Resident A did not recall licensee Hyatt yelling at him on 02/09/2022. Resident A reported licensee Hyatt yells at Resident C but no one else. Resident A reported licensee Hyatt yelled at Resident C for messing up the coffee maker. Resident A could not provide any additional details about licensee Hyatt yelling.

On 03/09/2022, licensing consultant Lipps and I interviewed Resident C who denied that licensee Hyatt yells at him and reported that licensee Hyatt yells at Resident B and Resident F. Resident C reported that licensee Hyatt yelled at Resident B for making coffee in the middle of the night. Resident C reported licensee Hyatt yells at Resident F for staying up all night and not being ready when they need to leave for a van ride.

On 03/09/2022, licensing consultant Lipps and I interviewed Resident B who reported that licensee Hyatt does not yell. Resident B reported that licensee Hyatt has a nice calm voice as she explains things to the residents.

On 03/09/2022, licensing consultant Lipps and I interviewed Resident D who reported licensee Hyatt does yell when you “tick her off and argue with her.” Resident D reported licensee Hyatt does yell when you are doing something that you are not supposed to be doing. Resident D reported that licensee Hyatt mostly yells at Resident A and Resident C.

On 03/09/2022, licensing consultant Lipps and I interviewed licensee Hyatt who reported that she does not yell but she just has a loud voice. Licensee Hyatt reported that she can’t say that she has never raised her voice, but she reported that it takes a lot to get her upset. Licensee Hyatt reported being frustrated on 02/09/2022 because Resident A was not supposed to return to the facility for several hours however licensee Hyatt reported that she did not yell at Resident A. Licensee Hyatt wished that once Resident A and community support Weiland realized that the Enrich Store was closed that one of them would have called her as she would not have left to go get groceries had she known that Resident A was coming home early. Licensee Hyatt reported that she does not recall a time when she has yelled at any of the residents.

<b>APPLICABLE RULE</b>	
<b>R 400.1404</b>	<b>Licensee, responsible person, and member of the household; qualifications.</b>
	<b>(3) A licensee or responsible person shall possess all of the following qualifications: (a) Be of good moral character to provide for the care and welfare of the residents.</b>
<b>ANALYSIS:</b>	Complainant, Resident A, Resident C and Resident D reported that licensee Hyatt yells at residents even though Resident A, Resident C and Resident D all denied that licensee Hyatt yells at them specifically. Licensee Hyatt reported that she has loud voice and denied yelling at the residents. Licensee Hyatt reported that it takes a lot to get her upset and that she may raise her voice on occasion. Even though Resident A, Resident C and Resident D reported that licensee Hyatt yells there is not enough evidence to establish a violation as there is not enough evidence to support that licensee Hyatt is not of good moral character to provide care for the residents.
<b>CONCLUSION:</b>	<b>VIOLATION NOT ESTABLISHED</b>

**ALLEGATION:** The yard is unkept and full of broken items and junk

**INVESTIGATION:**

Complainant reported that the yard at Sunshine Acres Adult Foster Care (AFC) is always cluttered with junk. Complainant stated there were about 20 bicycles sitting

on the lawn. Complainant reported that there are junk vehicles in the yard, a plastic picnic table without a top, and in the summer, there was a place for outdoor fires. Complainant reported that the yard has a metal container of garbage bags full of refuse.

On 02/18/2022, Complainant reported that the residents are not allowed to ride all of the bikes in the yard. Complainant reported that the home had a tree cut down but that the wood from the tree was never picked up/put away.

On 03/09/2022, licensing consultant Lipps and I observed the yard to have a large tree that was cut and remained on the property. The property contained sheds, cars, a camper, broken picnic table, a large pile of bikes, several lawn mowers in disrepair, returnable can pile and a large area where multiple full trash bags were kept in an overturned metal pop-up camper top. Additionally, there are decks off the house that have multiple boards removed. The decks are in different stages of repair and the unfinished decks have doors exiting from the resident bedrooms. The decks are not usable. The doors exiting from the resident bedrooms have been sealed with plastic so the residents are not able to use them while the decks are under repair. There is also a ladder laying against the house which was accessible to residents and if climbed residents could reach the roof of the AFC family home.

On 03/09/2022, licensing consultant Lipps and I interviewed licensee Hyatt who reported that due to the windy conditions the picnic table was broken and needed to be repaired. Licensee Hyatt reported that the residents like to work on the broken bikes to fix them up and the ones that are not fixed up will be removed from the property. Licensee Hyatt reported that the yard contains some spring projects but that they have not been able to get outside to get the yard cleaned up due to the weather. Licensee Hyatt reported that they are building a garage and that it has taken longer than planned. Licensee Hyatt reported that the seasonal items will be stored in the garage once built. Licensee Hyatt reported that they are in the process of salvaging parts from the lawn mowers and then they will remove the lawn mowers that do not work from the property. Licensee Hyatt reported that they store the camper on the property when they are not camping. Licensee Hyatt reported that the residents do return the cans once they pile up as they use the money from the returnables for spending money.

<b>APPLICABLE RULE</b>	
<b>R 400.1426</b>	<b>Maintenance of premises.</b>
	<b>(11) A yard area shall be kept reasonably free from all hazards, nuisances, refuse, and litter.</b>

<b>ANALYSIS:</b>	During the onsite investigation, I observed the AFC family home yard to contain numerous broken bicycles, lawn mowers in various states of repair, an overturned metal pop-up camper top filled with full garbage bags, and a broken picnic table. There is also a large, downed tree in the yard. The licensee has not kept the yard reasonably free from hazards, refuse and/or litter.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**ADDITIONAL FINDINGS:**

**INVESTIGATION:**

On 03/09/2022, licensing consultant Lipps and I observed the front porch and stairs and found the porch and stairs were snow covered and lined with yellow caution tape. The front porch did not have handrails on any side or on the stairs and the storm door, which is a second means of egress for evacuation, was covered with a board at the bottom as the plexiglass was missing. The decks on the side of the home are unusable and unsafe as they are missing boards leaving large empty spaces a resident could easily fall through. Two resident bedrooms have doors that exit onto the deck.

As stated above, during the unannounced onsite investigation a ladder was observed leaning against the house and accessible to all residents. This ladder provided direct access, if climbed, to the roof of the AFC family home.

<b>APPLICABLE RULE</b>	
<b>R 400.1426</b>	<b>Maintenance of premises.</b>
	<p><b>(1) The premises shall be maintained in a clean and safe condition.</b></p> <p><b>(7) Stairways shall have sturdy and securely fastened handrails which are not less than 30, nor more than 34 inches above the upper surface of the tread. Exterior and interior stairways shall have handrails on the open sides. Porches shall also have handrails on the open sides.</b></p> <p><b>(10) Sidewalks, fire escape routes, and entrances shall be kept reasonably free of hazards, such as ice, snow, and debris.</b></p>

<b>ANALYSIS:</b>	<p>There is a ladder leaning against the AFC family home providing residents with access to the roof of the facility. This does not present a safe condition for residents. The front storm door, which is a second means of egress, is missing a lower panel and is in need to replacement or repair. The decks on the side of the home which exit from two of the residents' bedrooms are missing boards and in need of repair.</p> <p>The front porch does not contain handrails.</p> <p>The front porch which is the second means of egress contained snow on the porch and the stairs.</p>
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**INVESTIGATION:**

On 03/09/2022, licensing consultant Lipps and I observed a space heater being utilized in the family room. This heating unit was not permanently installed in the living room of the AFC family home.

<b>APPLICABLE RULE</b>	
<b>R 400.1440</b>	<b>Heat producing equipment.</b>
	<b>(2) A furnace, water heater, heating appliances, pipes, wood burning stoves and furnaces, and other flame- or heat producing equipment shall be installed in a fixed and permanent manner and in accordance with a manufacturer's instructions and shall be maintained in a safe condition.</b>
<b>ANALYSIS:</b>	The home was utilizing a space heater which is not installed in a fixed or permanent manner and cannot be used.
<b>CONCLUSION:</b>	<b>VIOLATION ESTABLISHED</b>

**IV. RECOMMENDATION**

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

*Julie Elkins*

04/13/2022

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Julie Elkins  
Licensing Consultant

Date

Approved By:

*Dawn Timm*

04/15/2022

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Dawn N. Timm  
Area Manager

Date