



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

April 29, 2022

Sharon Cuddington
Trinity Continuing Care Services
Suite 200
17410 College Parkway
Livonia, MI 48152

RE: License #: AL740261125
Investigation #: 2022A0604014
Mercy Village #2

Dear Ms Cuddington:

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 (248) 975-5053.

Sincerely,

A handwritten signature in cursive script that reads "Kristine Cilluffo".

Kristine Cilluffo, Licensing Consultant
Bureau of Community and Health Systems
Cadillac Place
3026 West Grand Blvd Ste 9-100
Detroit, MI 48202
(248) 285-1703

enclosure

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

I. IDENTIFYING INFORMATION

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| License #: | AL740261125 |
| Investigation #: | 2022A0604014 |
| Complaint Receipt Date: | 03/08/2022 |
| Investigation Initiation Date: | 03/08/2022 |
| Report Due Date: | 05/07/2022 |
| Licensee Name: | Trinity Continuing Care Services |
| Licensee Address: | Suite 200 17410 College Parkway Livonia, MI 48152 |
| Licensee Telephone #: | (301) 557-1401 |
| Administrator: | Sharon Cuddington |
| Licensee Designee: | Sharon Cuddington |
| Name of Facility: | Mercy Village #2 |
| Facility Address: | 4170 24th Ave Fort Gratiot, MI 48059 |
| Facility Telephone #: | (810) 989-7492 |
| Original Issuance Date: | 04/28/2005 |
| License Status: | REGULAR |
| Effective Date: | 03/20/2020 |
| Expiration Date: | 03/19/2022 |
| Capacity: | 20 |
| Program Type: | ALZHEIMERS AGED |

II. ALLEGATION(S)

| | Violation Established? |
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| Facility is abusing a resident and only allowing 15-minute phone calls with her family and only 1-hour visits per day that is not to be in the room. | No |
| Additional Findings | Yes |

III. METHODOLOGY

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| 03/08/2022 | Special Investigation Intake 2022A0604014 |
| 03/08/2022 | Special Investigation Initiated - Letter Email to Shannon Newlands. Received email from Ms. Newlands with Mercy Village Resident Right's policy and Resident A's Power of Attorney (POA) paperwork. |
| 03/08/2022 | Contact - Telephone call made TC to Shannon Newlands. Left message. |
| 03/09/2022 | Contact- Document Received Received additional complaint information from Online Complaints |
| 03/09/2022 | APS Referral Referral made to Adult Protective Services (APS) |
| 03/09/2022 | Contact - Telephone call made Returned call from Shannon Newlands. |
| 03/09/2022 | Contact - Document Sent Email to Jennifer Perrin, APS Supervisor |
| 03/09/2022 | Contact - Telephone call received TC from Jennifer Perrin, APS Supervisor |
| 03/09/2022 | Contact - Document Received Email from Shannon Newlands. Received Resident A's assessment plan. Sent return email. |
| 03/09/2022 | Contact - Telephone call received Received message from Elaine Hearn, Ombudsman's office |

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| 03/10/2022 | Contact - Document Received Email from Elaine Hearn, Ombudsman's Office |
| 03/10/2022 | Contact - Telephone call made Returned call from Elaine Hearn |
| 03/10/2022 | Contact - Document Sent Email to Elaine Hearn |
| 03/11/2022 | Inspection Completed On-site Completed onsite investigation. Interviewed Staff, Rebecca Ehrlich, Shawna Ballor and Resident A. |
| 04/26/2022 | Contact- Document Sent Email to Rebecca Ehrlich at Mercy Village |
| 04/27/2022 | Contact- Document Received Email from Rebecca Ehrlich |
| 04/27/2022 | Contact- Document Sent Email to Shawn Ballor |
| 04/27/2022 | Contact- Document Sent Email to and from Licensee Designee, Sharon Cuddington |
| 04/28/2022 | Exit Conference Completed exit conference with Licensee Designee, Sharon Cuddington by email |

ALLEGATION:

Facility is abusing a resident and only allowing 15-minute phone calls with her family and only 1-hour visits per day that is not to be in the room.

INVESTIGATION:

I received a complaint regarding Mercy Village #2 on 03/08/2022. The Complainant reported a long history of issues regarding Resident A's care and visitation prior to Resident A's placement at Mercy Village. The issues were unrelated to Mercy Village #2. Complainant stated the Ombudsman in Michigan, and the Elder Abuse Hotline were contacted regarding issues. The Complainant alleged that Resident A was placed at Mercy Village the first week of February 2022. Relative 1, the Power of Attorney (POA), took Resident A's phone away from her when she moved. At first, all of Resident A's

children were calling Resident A on the desk phone at Mercy Village, and the staff would have to take the phone to her. Resident A's children could no longer video chat, Resident A couldn't see her grandchildren's faces, but at least they could still talk to her. Last week, on March 4th, Resident A's children were told when they called to talk to Resident A, that from now on Resident A was only allowed three calls a day, between the hours of 5:00 and 8:00 pm, limited to 15 minutes each call. Resident A's daughter flew to Michigan from California to visit Resident A and she was told visits are limited to an hour a day, one person a day. Today, Resident A's daughter went to Mercy Village to visit Resident A for an hour, and she was turned away and told that Relative 1 has forbidden any visits with Resident A. This is emotionally abusive. This is mentally abusive. Resident A has HUMAN RIGHTS. Her only remaining joy in this world is visiting with her children, and she is now being prohibited from any contact. This situation must be reversed, or Resident A will sink into despair and die in pain and alone. Her children, other than Relative 1, who love, care for, and want her final stage of life to be happy and comfortable, will also suffer immeasurably. The law does not allow the POA the right to take this action against the wishes of the represented. The Complainant is asking that action be taken immediately. The facility has been contacted but calls are repeatedly directed to voicemail and the administration refuses to return calls.

A second complaint was received regarding Mercy Village #2 on 03/09/2022. Complainant 2 stated that Resident A is a 96-year-old resident of Mercy Village. Resident A values family above all else. She says that constantly, and she has ALWAYS said that. Unfortunately, Resident A granted power of attorney to Relative 1 who remained in Michigan, even though Relative 1 has clearly stated to family members for many years that she hates Resident A. Resident A thought that geographic proximity was necessary when selecting a power of attorney, so she selected Relative 1, knowing that she was taking a risk, but hoping that Relative 1 wouldn't abuse her if she had the chance. Unfortunately, Relative 1 has the chance, and she is, indeed, abusing Resident A. Now that Resident A has started having mini-strokes, which have caused short-term memory loss, Relative 1 has assumed control. She has put Resident A in Mercy Village, a memory care facility. Mercy Village is refusing to respect Resident A's human rights. Resident A WANTS her children to have meaningful visits with her. Resident A WANTS her children to be able to call her and have meaningful conversations with her. She needs her children to help her pass the lonely hours by discussing memories with her (her vision is too poor to read or watch TV). Without contact with family, she spends much of her time in bed "staring at the ceiling with no one to talk to." She said this to me just last week. Mercy Village allows Resident A only three 15-minute phone calls between 5:00 PM and 8:00 PM. Resident A is being treated like a prisoner. Mercy Village allows ONE family member to visit her for ONE hour a day, in a public place, not in her apartment. Resident A's family come from California and Florida to visit her, so the visitation policy is ridiculous. A family member would like to bring her 5-year-old grandson to visit Resident A, but they can't be in the building at the same time, so that's impossible. Relative 1 never visits or calls Resident A. It's heartbreaking and cruel. Resident A doesn't deserve this kind of treatment. She is a bright, loving senior citizen, whose rights have been stolen from her. She's very angry about it, and rightfully so. She

knows that she's deliberately being kept from her family--resulting in severe depression and loneliness. Her family is her life. Shannon, the head nurse, said two days ago, "(Resident A) spends a lot of her time in bed." Of course, she does! She's depressed. She's not interested in most of the "activities" they try to do with the residents. Resident A doesn't want to sort buttons or vacuum the hallway. She wants to talk to her children. Her family is her life. During visit last month in the evening. Resident A was in apartment sitting alone on an uncomfortable sofa, in a semi-dark room. Resident A said "Thank God, a human being." Resident A is the victim of abuse on the part of Relative 1 with power of attorney, and Mercy Village is complicit with this cruelty and denial of Resident A's human rights. When Shannon was asked if Resident A had any rights, she replied, "Of course she does. But she has dementia, so we take all our directions from the POA." Well, the POA hates Resident A and deliberately wants to isolate her. This was explained to Shannon but she refused to listen. Shannon will ONLY listen to the POA, to the severe detriment of Resident A. Resident A has suffered short-term memory loss from her mini-strokes, but she retains a high degree of cognition. She knows what's going on. There is videotape of her begging Complainant 2 to take power of attorney away from Relative 1. There is videotape of her expressing how lonely and depressed she is at Mercy Village (she doesn't want to get out of bed--ask any of the aides there--unless she can talk to or visit with family members). There is videotape of her begging for help to move to a different facility. Mercy Village is abusing this vulnerable senior citizen's human rights, and it's breaking our hearts. Staff have expressed their concern for Resident A because they know she wants access to her family, which is being denied. But they dare not speak up for fear of losing their jobs. Shannon did not allow 15-minute phone calls on the day that testimony was videotaped stating her wishes. She claimed Resident A was distraught from visit. Resident A was laughing with two aides after visit and looking forward to ice cream, so it is believed denying Resident A phone calls was just a way of punishing her and her children for trying to expose the truth.

On 03/08/2022, I spoke with Nurse Manager, Shannon Newlands by phone. She stated that she would be leaving her position at Mercy Village this week. She stated that Resident A was admitted to Mercy Village on 2/04/2022 and assessed for memory care. She was previously staying at St. Clair Inn with daughter. She stated that the family dispute was not initially reported, however, she has learned that reports have been made to APS and investigated. Ms. Newlands stated that Relative 2 would call and keep Resident A on phone for three hours at a time. The POA no longer wanted Resident A to have a cell phone. Mercy Village began allowing each adult child to have two 15-minute phone calls a day, in the AM and PM with Resident A. Resident A has shown signs of sadness and will be seeing my primary care doctor for possible depression. Resident A is participating in some activities and doing well. Ms. Newlands stated that POA has worked with APS on guidance with visits. Resident A has been videotaped by adult children during visitation. POA did not want more visits until she spoke with APS. Relative 3 has also hung-up pictures of herself during visits and brought in extra items. POA will put the room back to how it was before. Mercy Village has asked for guidance on how to proceed with visitation.

On 03/09/2022, I received a copy of Resident A's assessment plan by email from Nurse, Shannon Newlands. The assessment plan is dated 02/28/2022 and not signed by licensee, power of attorney or resident. In regard to visitation, the plan indicates to look to page 4 for updates. Note on 03/04/2022 indicates that POA is working with APS (Jennifer Perrin). POA put protective measures in place to protect resident from Resident A's children (Relative 2, Relative 3, Relative 4). Note on 03/07/2022 states that POA stopped visitation and communication with resident and (Relative 2, Relative 3, Relative 4) due to concerns for resident's wellbeing. POA and Mercy Village to work with APS for guidance. Note on 03/09/2022 states that POA and Mercy Village to work with PCP, APS and AFC Licensing Consultant regarding resident's wellbeing.

On 03/09/2022, I spoke with St. Clair County APS Supervisor, Jennifer Perrin, by phone. She stated that APS does not currently have an open investigation regarding Resident A. She stated that APS Worker, Marnie DeBell, investigated last year and the case has been closed. Ms. Perrin stated that there have been multiple referrals made to APS regarding Resident A that have been denied.

On 03/10/2022, I spoke to Elaine Hearn from the Ombudsman's Office. Ms. Hearn forwarded email from their Legal Counsel who advised her that the current patient advocate does not have the right to restrict visitation which also includes access to the resident via phone or other electronic media. Ms. Hearn also forwarded information to Mercy Village and told them to advise Resident A's family members that they have the right to visitation.

On 03/11/2022, I completed an onsite investigation. I interviewed Housing Director, Rebecca Ehrlich, Nurse Manager Shawna Ballor and Resident A.

On 03/11/2022, I interviewed Housing Director, Rebecca Ehrlich and Nurse Manager Shawna Ballor. Ms. Ehrlich stated that Resident A was admitted to Mercy Village on 02/04/2022. Resident A's POA signed assessment plan on 03/09/2022. She stated that Mercy Village does not have set visitation hours or visitations restrictions other than only allowing two people in apartment. They do not have a time limit on visits. She stated that they do not have a phone policy, however, calls are often made at set times or after dinner. They were allowing Resident A's children 15 minutes of phone time, two times per day. Resident A's POA requested to restrict visits, however, the facility has been made aware that visitation must continue as POA does not have authority to stop visitation at this time. Resident A can participate in activities such as music program and Senior Olympics. Ms. Ballor stated that Resident A has told staff that her kids hate her and do not call her. Resident A has dementia. Resident A has not said that there are children of hers she does not want to visit.

On 03/11/2022, I interviewed Resident A. Resident A was sitting on a couch in her room. Resident A had difficulty hearing and responding to questions. Resident A was tearful and said she had a stroke. Resident A stated that she has six kids, and they are busy at work. She was unable to answer questions about their visitation.

On 04/27/2022, I received a return email from Licensee Designee, Sharon Cuddington. Ms. Cuddington stated that she has not heard of any new issues with Resident A and family visits. She also confirmed with site administration and management and all seems to be going smoothly.

On 04/27/2022, I received a return email from Rebecca Ehrlich. She stated that things have been good with Resident A and her family. The last time Relative 3 was in town, the visits went very well and phone calls are also going well.

| APPLICABLE RULE | |
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| R 400.15304 | Resident rights; licensee responsibilities. |
| | <p>(1) Upon a resident's admission to the home, a licensee shall inform a resident or the resident's designated representative of, explain to the resident or the resident's designated representative, and provide to the resident or the resident's designated representative, a copy of all of the following resident rights:</p> <p>(e) The right of reasonable access to a telephone for private communications. Similar access shall be granted for long distance collect calls and calls which otherwise are paid for by the resident. A licensee may charge a resident for long distance and toll telephone calls. When pay telephones are provided in group homes, a reasonable amount of change shall be available in the group home to enable residents to make change for calling purposes.</p> <p>(k) The right to have contact with relatives and friends and receive visitors in the home at a reasonable time. Exceptions shall be covered in the resident's assessment plan. Special consideration shall be given to visitors coming from out of town or whose hours of employment warrant deviation from usual visiting hours.</p> |
| ANALYSIS: | <p>There is not enough information to determine that Resident A's rights were violated by not allowing phone calls or visitation. Resident A's POA requested that visits be stopped on 03/07/2022 with Relative 2, Relative 3 and Relative 4. On 03/10/2022, Elaine Hearn from the Ombudsman's Office indicated that the POA did not have the authority to stop visits</p> |

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| | and the visitation was resumed. Mercy Village has allowed reasonable access to telephone calls. They allowed each adult children 15 minutes, two times per day to speak to Resident A on their telephone. |
| CONCLUSION: | VIOLATION NOT ESTABLISHED |

ADDITIONAL FINDINGS:

INVESTIGATION:

I received a copy of Resident A's assessment plan on 03/09/2022. The assessment plan was completed by Shannon Newlands, however, it was not signed. Rebecca Ehrlich stated that they obtained the POA's signature on 03/09/2022.

I completed an exit conference with Licensee Designee, Sharon Cuddington on 04/28/2022. I informed her of the violation found and that a copy of the special investigation report would be mailed once approved. I also informed her that a corrective action plan would be requested.

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| APPLICABLE RULE | |
| R 400.15301 | Resident admission criteria; resident assessment plan; emergency admission; resident care agreement; physician's instructions; health care appraisal. |
| | (4) At the time of admission, and at least annually, a written assessment plan shall be completed with the resident or the resident's designated representative, the responsible agency, if applicable, and the licensee. A licensee shall maintain a copy of the resident's written assessment plan on file in the home. |
| ANALYSIS: | Resident A was admitted to Mercy Village #2 on 02/04/2022. Resident A's assessment plan was not signed by licensee, power of attorney or resident at the time of admission. |
| CONCLUSION: | VIOLATION ESTABLISHED |

IV. RECOMMENDATION

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

Kristine Cilluffo

04/28/2022

Kristine Cilluffo
Licensing Consultant

Date

Approved By:

Denise Y. Nunn

04/29/2022

Denise Y. Nunn
Area Manager

Date