



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

August 8, 2022

Patricia Massimino
963 E Shore Dr
Battle Creek, MI 49017

RE: License #: AM130007969
Investigation #: 2022A0578034
Vets Manor

Dear Mr. Massimino:

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 black ink, appearing to read "Eli DeLeon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eli DeLeon, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(269) 251-4091

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AM130007969
Investigation #:	2022A0578034
Complaint Receipt Date:	06/14/2022
Investigation Initiation Date:	06/14/2022
Report Due Date:	08/13/2022
Licensee Name:	Patricia Massimino
Licensee Address:	963 E Shore Dr Battle Creek, MI 49017
Licensee Telephone #:	(269) 721-3722
Administrator:	Patricia Massimino
Licensee Designee:	Patricia Massimino
Name of Facility:	Vets Manor
Facility Address:	41 Fremont St Battle Creek, MI 49017
Facility Telephone #:	(269) 966-9505
Original Issuance Date:	08/05/1986
License Status:	REGULAR
Effective Date:	03/30/2022
Expiration Date:	03/29/2024
Capacity:	12
Program Type:	MENTALLY ILL AGED

II. ALLEGATION(S)

	Violation Established?
Resident A was provided with an emergency discharge from this facility on 06/03/2022 and was not provided with a refund for the month of June 2022.	Yes
Additional Findings	Yes

III. METHODOLOGY

06/14/2022	Special Investigation Intake 2022A0578034
06/14/2022	Special Investigation Initiated - Telephone With Complainant.
06/14/2022	APS Referral Completed.
06/14/2022	Contact-Telephone -With Summit Pointe case manager Stacia Spencer.
06/28/2022	Special Investigation Completed On-site -Interview with direct care staff Krissy Massimino.
06/28/2022	Contact-Document Reviewed - <i>AFC Resident Care Agreement</i> for Resident A, dated 05/01/2022.
06/29/2022	Contact-Document Reviewed -Email from direct care staff Christopher Gillfillan.
08/02/2022	Exit Conference -With the licensee, Ms. Patricia Massimino.

ALLEGATION:

Resident A was provided with an emergency discharge from this facility on 06/03/2022 and was not provided with a refund for the month of June 2022.

INVESTIGATION:

On 06/14/2020, I received this complaint through the BCHS on-line complaint system. Complainant reported that on 06/01/2022, Resident A was issued a 30-day notice of discharge. Complainant reported Resident A was informed that if he was able to secure alternative placement before the 30 days had expired, Resident A

would be refunded his room and board payment at a prorated amount for the number of days he was in the facility. Complainant reported that on 06/03/2022, Resident A received a 24-hour emergency discharge notice for bringing marijuana into the facility. Complainant alleged the licensee is now refusing to refund Resident A any of his room and board for the month of June 2022. Complainant reported this is a hardship for Resident A and limits Resident A's options for alternative placement.

On 06/14/2022, I reviewed the details of the allegations with Complainant. Complainant reported Resident A is his own guardian and had resided at this facility since 04/15/2022. Complainant confirmed Resident A was provided with a 30-day discharge notice due to being verbally aggressive with other residents and staff. Complainant reported the home manager for this facility, Chris Gillfillan, explained that if Resident A moved out in the middle of the month due to obtaining a new placement, Resident A's room and board would be prorated for Resident A to put this payment towards his next placement. Complainant reported that on 06/03/2022, Resident A received an emergency discharge for being verbally aggressive with staff and attempting to bring drugs into the facility. Complainant reported that due to this incident, Resident A was no longer entitled to a prorated refund of his room and board. Complainant reported being informed by the home manager at this facility that policy and a signed *AFC Resident Care Agreement* identified that refunds would not be provided in the event of emergency discharge. Complainant reported Resident A was his own guardian and had been initially moved to a homeless shelter before she had obtained placement for Resident A at another facility. Complainant was unaware if a written notice of emergency discharge was provided. Complainant was informed that a homeless shelter was not an appropriate alternative placement in the event of an emergency discharge. Complainant denied that Resident A desired to return to this facility.

On 06/28/2022, I completed an unannounced investigation on-site at this facility and interviewed direct care staff Krissy Massimino regarding the allegations. Ms. Massimino acknowledged that Resident A received a 30-day notice of discharge due to Resident A being verbally abusive towards home manager Christopher Gillfillan. Ms. Massimino acknowledged that shortly thereafter, Resident A received an emergency discharge notice due to bringing marijuana into the facility and again being verbally and physically aggressive towards Mr. Gillfillan as well as herself. Ms. Massimino reported that because of this discharge, Resident A was not entitled to a prorated refund of his room and board. Ms. Massimino reported Resident A and his case manager were aware of this policy as the case manager and Resident A had reviewed and signed Resident A's *AFC Resident Care Agreement*.

While at the facility, I reviewed the *AFC Resident Care Agreement* for Resident A, dated 05/01/2022. The *AFC Resident Care Agreement* for Resident A included a hand-written note in the margins which stated that if an emergency eviction were to occur, there would be no refund of room and board.

On 06/28/2022, I interviewed the licensee, Ms. Patricia Massimino regarding the allegations. Ms. Massimino acknowledged that Resident A was provided with a 30-day notice of discharge before being provided with an emergency discharge for being verbally aggressive with staff and attempting to bring illegal drugs and drug dealers into the facility. Ms. Massimino reported that Resident A was his own guardian and informed directly of his 30-day discharge and emergency discharge. Ms. Massimino was provided consultation on providing a written notice of discharge to the resident and this department.

On 06/29/2022, Mr. Chris Gillfillan emailed an additional copy of Resident A's signed *AFC Resident Care Agreement*, dated 05/01/2022. Mr. Gillfillan reported that he informed Resident A and Ms. Stacia Spencer there would be no refund for any emergency eviction and there would be not written notice of discharge for Resident A in the event of an emergency discharge. Mr. Gillfillan reported Resident A made threats towards staff and residents and was given "numerous opportunities to succeed."

On 08/02/2022, I completed an exit conference with the licensee, Ms. Patricia Massimino. Ms. Massimino was informed the refund policy at this facility and the additional comments added to the *AFC Resident Care Agreement* for Resident A were not compliant with licensing rules. Ms. Massimino agreed to provide a refund to Resident A's payee for the month of June 2022.

APPLICABLE RULE	
R 400.14315	Handling of resident funds and valuables.
	<p>(14) A licensee shall have a written refund agreement with the resident or his or her designated representative. The agreement shall state under what conditions a refund or the unused portion of the monthly charge that is paid to the home shall be returned to the resident or his or her designated representative. The refund agreement shall provide for, at a minimum, refunds under any of the following conditions:</p> <p style="text-align: center;">(a) When an emergency discharge from the home occurs as described in R 400.14302.</p>
ANALYSIS:	<p>During this investigation, Complainant reported that Resident A was denied a refund or prorated refund of his monthly room and board due to receiving an emergency discharge from this facility. I reviewed the <i>AFC Resident Care Agreement</i> for Resident A, dated 05/01/2022 which included a hand-written note in the margins which stated that refunds would not be provided in the event of an emergency discharge. During an interview, licensee Ms. Patricia Massimino acknowledged that</p>

	Resident A received an emergency discharge and was not provided with a refund for the month of June 2022. Ms. Massimino acknowledged the refund policy and <i>AFC Resident Care Agreement</i> were not in compliance with licensing rules but clarified that Resident A and his case manager agreed with this policy by signing the <i>AFC Resident Care Agreement</i> . Despite this agreement, the refund policy established by this facility did not provide Resident A with, at minimum, a refund for when his emergency discharge occurred.
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL ALLEGATIONS:

On 06/16/2022, I interviewed Summit Pointe case manager Stacia Spencer regarding the allegations. Ms. Stacia Spencer reported receiving a telephone call regarding Resident A's emergency discharge and denied receiving a written notice of discharge.

On 06/28/2022, I interviewed the licensee, Ms. Patricia Massimino, regarding the allegations. Ms. Massimino reported that Resident A was verbally informed of his discharge while at the facility and that Resident A's case manager, Ms. Stacia Spencer, was informed by telephone as well as in-person. Ms. Massimino acknowledged not providing a written notice of discharge to Resident A or Resident A's representative or this department.

APPLICABLE RULE	
R 4000.04302	Resident admission and discharge policy; house rules; emergency discharge; change of residency; restricting resident's ability to make living arrangements prohibited; provision of resident records at time of discharge.
	<p>(5) A licensee who proposes to discharge a resident for any of the reasons listed in subrule (4) of this rule shall take the following steps before discharging the resident:</p> <p>(a) The licensee shall notify the resident, the resident's designated representative, the responsible agency, and the adult foster care licensing consultant not less than 24 hours before discharge. The notice shall be in writing and shall include all of the following information:</p>

	<p>(i) The reason for the proposed discharge, including the specific nature of the substantial risk.</p> <p>(ii) The alternatives to discharge that have been attempted by the licensee.</p> <p>(iii) The location to which the resident will be discharged, if known.</p>
ANALYSIS:	During this investigation, Ms. Patricia Massimino acknowledged that a written notice of discharge was not provide to Resident A, Resident A's case manager, or this department.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Contingent upon receipt of an acceptable written plan of correction, it is recommended that this license continues on regular status.



08/03/2022

Eli DeLeon
Licensing Consultant

Date

Approved By:



08/08/2022

Dawn N. Timm
Area Manager

Date