



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

November 21, 2022

Ime & Raphael Etuk
908 College Ave. NE
Grand Rapids, MI 49503

RE: License #: AF410306794
Investigation #: 2023A0467005
Victory Palace

Dear Ime & Raphael Etuk:

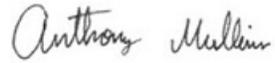
Attached is the Special Investigation Report for the above referenced facility. Due to the violation identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- How compliance with the rule will be achieved.
- Who is directly responsible for implementing the corrective action for the violation.
- Specific time frames for the 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 that reads "Anthony Mullins".

Anthony Mullins, Licensing Consultant
Bureau of Community and Health Systems
Unit 13, 7th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AF410306794
Investigation #:	2023A0467005
Complaint Receipt Date:	10/20/2022
Investigation Initiation Date:	10/21/2022
Report Due Date:	12/19/2022
Licensee Name:	Ime & Raphael Etuk
Licensee Address:	908 College Ave. NE Grand Rapids, MI 49503
Licensee Telephone #:	(616) 432-9493
Administrator:	Ime Etuk
Licensee Designee:	Ime and Raphael Etuk
Name of Facility:	Victory Palace
Facility Address:	908 College Ave. NE Grand Rapids, MI 49503
Facility Telephone #:	(616) 432-9786
Original Issuance Date:	06/21/2010
License Status:	REGULAR
Effective Date:	12/17/2020
Expiration Date:	12/16/2022
Capacity:	4
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL AGED TRAUMATICALLY BRAIN INJURED

II. ALLEGATION(S)

	Violation Established?
Residents' medications are strewn throughout the 2 nd floor of the home.	No
Additional Findings	Yes

III. METHODOLOGY

10/20/2022	Special Investigation Intake 2023A0467005
10/21/2022	Special Investigation Initiated - Telephone Complainant
10/24/2022	Inspection Completed On-site
10/27/2022	APS Referral
11/18/2022	Exit conference completed with Business Manager Joanna Udo on behalf of the co-licensee, Raphael Etuk.

ALLEGATION: Resident's medications are strewn throughout the 2nd floor of the home.

INVESTIGATION: On 10/20/22, I received a BCAL online complaint stating that on the second floor of the home in the rear bedroom, resident records were found to be laying on the floor, dressers, tables in haphazard order. Rear stairs to second floor were found to be crowded and difficult to pass due to household items stored on them. Food products were found laying out and mixed with paperwork and household items. There were large paper grocery bags found lying on the floor containing unopened or dispensed prescription medications for residents of the AFC home. Bags had delivery paperwork attached indicating deliveries were from September and October of this year. There was also other medications found stored in bags strewn about the living quarters approaching discard and dispense dates from calendar year 2021.

On 10/21/22, I spoke to the complainant via phone and he confirmed the allegations. The complainant stated that everything he documented was in plain sight while at the AFC home. The complainant stated that the medications that were strewn throughout the home were all located on the 2nd floor, which appeared to be the living quarters of the owner. The medications were observed in brown paper bags dated September 2022. There were similar bags of medications that were dated October 7th and medications that were approaching their discard date. The complainant stated that the stairs in the home were covered with trash, detergent,

food packages, and other items. The complainant also stated that he doesn't believe the upstairs area is utilized or accessed by residents.

On 10/24/22, I made an unannounced onsite investigation to the facility. Upon arrival, I spoke to staff member Mercy Change. Ms. Change allowed entry into the home. Ms. Change stated that the owner/designee, Ime Etuk is in the hospital and her daughter, Joanna Udo is with her. Ms. Change denied having access to the second floor of the home, which is Mr. and Mrs. Etuk's living quarters. I explained to Ms. Change that I'm at the home due to a complaint related to medications being left unlocked on the second floor of the home. I requested to see a resident register to provide me with the names of the three residents that reside in the home and it was unavailable.

While in the home, I observed the stairs that lead to the second floor of the home to be cluttered as described in the allegations. However, the stairs that lead to the basement and side door were free of clutter, which prevents residents from having issues evacuating the home in the event of a fire.

At this time, Ms. Change insisted on having the co-licensee, Mr. Raphael Etuk come downstairs to speak with me. Introductions were made with Mr. Etuk and he agreed to discuss the allegations on the front porch. Mr. Etuk stated that his wife, Mrs. Etuk is currently in the hospital and, "it's not looking good." Mr. Etuk was unable to provide further detail regarding his wife's prognosis. I explained to Mr. Etuk that I was at the home due to allegations of medications not being locked away on the second floor of the home. As Mr. Etuk was trying to respond, Ms. Change intervened and stated that the medications that were unlocked were "just delivered" and she put them upstairs for Ms. Udo to put them away when she returns with the key. Mr. Etuk asked Ms. Change to allow him to talk first and she went back inside the home. Mr. Etuk stated that Ms. Change, "just accepts the medication." Mr. Etuk then stated that his daughter, Ms. Udo has been providing residents with their medications since his wife has been sick.

Mr. Etuk was adamant that he and his wife have operated the AFC home since 2010 and that they are aware of all licensing rules. Mr. Etuk stated that the medications that are upstairs are locked away and his daughter, Ms. Udo has the key. Mr. Etuk stated that medications are serious, which is why Mrs. Etuk and Ms. Udo are the only two that pass medication. I asked Mr. Etuk if he could show me that the medications are locked away on the second floor of the home and he insisted that he does not handle the medication. Mr. Etuk repeatedly asked me what the complaint was regarding and I repeatedly explained why I was at the home. At Mr. Etuk's request, I will follow-up with Ms. Udo regarding the complaint.

On 10/24/22, I spoke to business manager, Joanna Udo. Ms. Udo stated that she is currently in the hospital with her mother. Ms. Udo stated that her mother has cancer and her doctor stated that she has hours or days left to live. I expressed my condolences to Ms. Udo and told her that I could speak to her later. Ms. Udo

preferred to discuss the allegations during the call. I explained to Ms. Udo that I received allegations related to medications being unlocked on the second floor of the home, including medications that were dated in September and October. As well as medications that were approaching their discard date. Ms. Udo stated that she doesn't know if there were medications on the second floor of the home that were not locked up and that only her parents would know. Ms. Udo stated that typically, if there are medications upstairs in the home, her parents take the medication to the police department to dispose of them. Ms. Udo stated that her mother has tried to get the pharmacy to dispose of medications in the past but they refused, which is why she took them to the police station. Ms. Udo was adamant that if there were unlocked medications on the second floor of the home, the only reason would be that her parents were in the process of disposing them.

Ms. Udo stated that she has been responsible for providing residents with their medications for the past month due to her mother being sick. Ms. Udo stated that her mother has not been able to get out of bed and she went to the hospital on 10/19/22. Ms. Udo shared that the medications that were observed on the second floor of the home could have been her parent's medication and she feels that the complainant was "snooping around" the home. Ms. Udo stated that the medications in the home are always locked in the cabinet on the main floor.

I asked Ms. Udo about the stairs being cluttered and she stated that it's "probably true" for the stairs leading up to her parent's living quarters. However, she stated that the stairway leading to outside is not cluttered, which would allow residents to leave the home without an obstructed path.

Ms. Udo stated that she planned to call me today regarding her mother's condition. Ms. Udo stated that she will not be able to assist in keeping the homes operating after her mother passes. She also stated that her father can do some things such as cooking food. However, he will not be able to operate the homes by himself and the homes will need to close. Ms. Udo stated that each of the nine residents between the two homes have guardians. Ms. Udo agreed to send me the guardians' names and contact information to allow me to contact the guardians to tell them that they need to find placement elsewhere for their residents.

On 11/1/22, I received an email from Kent County APS worker, Rodney Allen. Mr. Allen stated that Mrs. Etuk's daughter, Ms. Udo is considering keeping the facility open for four residents if she can find staff for 2nd and 3rd shift. Mr. Allen stated that Ms. Udo shared that her father/co-licensee, Mr. Etuk has had second thoughts on the home being closed.

On 11/1/22, I spoke to Mr. Allen via phone. He again confirmed Ms. Udo and Mr. Etuk's plan to keep 908 College Ave open and close 904 College Ave (Victory Palace V). Mr. Allen confirmed that both 908 and 904 College Ave still have residents present in the home and their needs are being met. There are no known issues with staffing at the AFC home right now. I also informed Mr. Allen of my

current investigation at the home related to medications not being locked away and residents MARS not being readily available in the home.

On 11/4/22, I received an email from Joanna Udo, Business Manager for Victory Palace. Enclosed in the email was a letter from Ms. Udo’s father and co-licensee, Raphael Etuk. Mr. Etuk informed me of the passing of his wife and co-licensee, Ime Etuk. Mr. Etuk stated that he made the decision to close down 904 College Ave NE, which is Victory Palace V (License #AS410398069). Mr. Etuk stated that he will be unable to operate two homes in his wife’s absence. However, Mr. Etuk stated that he would like for 908 College Ave, which is Victory Palace (License #AF410306794) to remain open and have his daughter, Ms. Udo continue to assist as she has done over the years.

On 11/6/22, I received an email from Ms. Udo. The email stated, “please disregard the letter from Friday that stated that 908 College Ave will stay open. We are requesting to close both homes.” The email also included an updated letter signed by co-licensee, Mr. Etuk confirming that he plans to close both Victory Palace and Victory Palace V.

On 11/18/2022, I conducted an exit conference with business manager, Joanna Udo on behalf of the co-licensee, Mr. Etuk. She was informed of the investigative findings and denied having any questions.

APPLICABLE RULE	
R 400.1418	Resident medications.
	(5) Prescription medication shall be kept in the original pharmacy-supplied and pharmacy-labeled container, stored in a locked cabinet or drawer, refrigerated if required, and labeled for the specific resident.
ANALYSIS:	<p>Mr. Etuk, Ms. Udo, and Ms. Chenge all confirmed that residents do not have access to the second floor of the home.</p> <p>I asked Mr. Etuk to view the second floor of the home to confirm that the medications were locked away and he insisted that he does not deal with medications.</p> <p>Mr. Etuk and Ms. Udo stated that all medication on the second floor are locked away. Also, the second floor of the home is not accessible to residents. There is not a preponderance of evidence to support the allegation.</p>
CONCLUSION:	VIOLATION NOT ESTABLISHED

ADDITIONAL FINDING:

INVESTIGATION: While investigating the allegations listed above, I spoke to staff member Ms. Chenge on 10/24/22. Ms. Chenge informed me that the home has a total of three residents. I requested to see all three of the residents' Medication Administration Records (MAR) due to the allegation of medication being strewn throughout the 2nd floor of the home. Ms. Chenge stated that she did not have access to the residents' MARs due to Ms. Udo having the MARS with her at the hospital. I explained to Ms. Chenge that Residents' MARs need to be readily available in the home at all times in the event that I need to review them for a complaint. Ms. Chenge stated that Ms. Udo was supposed to bring the MARs back but she hasn't yet.

On 10/24/22, I spoke to Ms. Udo via phone. I explained to Ms. Udo that I requested to view the Residents' MARS and none of them were available. Ms. Udo confirmed that she does in fact have the residents' MARS in her possession since she is the one providing residents with their medication. I explained to Ms. Udo that the MARS must be readily available at all times for review. Ms. Udo and she stated that she understands.

On 11/18/2022, I conducted an exit conference with business manager, Joanna Udo on behalf of the co-licensee, Mr. Etuk. I explained the outcome of my investigation and Ms. Udo denied having any questions. Due to the facility voluntarily closing on 11/19/22, the closure letter signed by Mr. Etuk will be considered the corrective action plan.

APPLICABLE RULE	
R 400.1418	Resident medications.
	(4) When a licensee or responsible person supervises the taking of medication by a resident, the licensee or responsible person shall comply with the following provisions: (a) Maintain a record as to the time and amount of any prescription medication given or applied. Records of prescription medication shall be maintained on file in the home for a period of not less than 2 years. (b) Not adjust or modify a resident's prescription medication without agreement and instructions from a physician or a pharmacist who has knowledge of the medical needs of the resident. A licensee shall record in writing any adjustments or modifications of a resident's prescription medication.

ANALYSIS:	<p>Ms. Change stated that Resident A, B and C's MAR were not in the home due to Ms. Udo having them in her possession while away from the home.</p> <p>Ms. Udo confirmed that she had the MARs in her possession while away from the home, which prevented me from reviewing them. Therefore, a preponderance of evidence exists to support the allegation.</p>
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

I requested a corrective action plan due to the licensing rule violation listed above. However, co-licensee Raphael Etuk has decided to voluntarily close the facility after the unexpected passing of his wife and co-licensee, Ime Etuk. Mr. Etuk has made this request in writing and the facility will close effective 11/19/2022. Kent County APS is assisting in placing residents elsewhere.

Anthony Mullins

11/18/2022

Anthony Mullins
Licensing Consultant

Date

Approved By:

Jerry Hendrick

11/21/2022

Jerry Hendrick
Area Manager

Date