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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

November 30, 2022

James Saintz
Agnus Dei AFC Home Inc.
1307 42nd St.
Allegan, MI 49010

RE: License #: AS030308931
Investigation #: 2023A1024001
Agnus Dei AFC Home II

Dear Mr. Saintz:

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 (616) 356-0183.

Sincerely,

A handwritten signature in black ink that reads "Ondrea Johnson". The signature is written in a cursive style with a large initial "O".

Ondrea Johnson, Licensing Consultant
Bureau of Community and Health Systems
427 East Alcott
Kalamazoo, MI 49001

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS030308931
Investigation #:	2023A1024001
Complaint Receipt Date:	10/07/2022
Investigation Initiation Date:	10/11/2022
Report Due Date:	12/06/2022
Licensee Name:	Agnus Dei AFC Home Inc.
Licensee Address:	1307 42nd St. Allegan, MI 49010
Licensee Telephone #:	(269) 686-8212
Administrator:	James Saintz
Licensee Designee:	James Saintz
Name of Facility:	Agnus Dei AFC Home II
Facility Address:	1292 42nd Street Allegan, MI 49010
Facility Telephone #:	(269) 673-6941
Original Issuance Date:	08/30/2010
License Status:	REGULAR
Effective Date:	02/25/2021
Expiration Date:	02/24/2023
Capacity:	6
Program Type:	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL TRAUMATICALLY BRAIN INJURED

II. ALLEGATION(S)

	Violation Established?
Direct care staff member 1 worked in the home as a minor for nine months with residents.	Yes
Additional Findings	Yes

III. METHODOLOGY

10/07/2022	Special Investigation Intake 2023A1024001
10/11/2022	Special Investigation Initiated - On Site with direct care staff members Elexius Guerin and Dan Smith
11/23/2022	Contact - Telephone call made with home manager Jennifer Smith
11/23/2022	Exit Conference with licensee designee James Saintz
11/23/2022	Inspection Completed-BCAL Sub. Compliance

ALLEGATION:

Direct Care Staff Member 1 worked in the home as a minor for nine months with residents.

INVESTIGATION:

On 10/07/2022, I received this complaint through the Bureau of Community and Systems (BCHS) online complaint system. This complaint alleged Direct Care Staff Member 1 worked in the home as a minor for nine months with residents.

Please note Direct Care Staff Member 1’s identity is coded as this person was a minor at the time of the allegation.

On 10/11/2022, I conducted an onsite investigation at the facility with direct care staff members Elexius Guerin and Dan Smith who both stated that Direct Care Staff Member 1 was employed in the home from January 2022 until September 2022 and worked directly with the residents in the home. Ms. Guerin stated Direct Care Staff Member 1 worked about two to three days a week before she left for a better job.

Mr. Smith stated he worked with Direct Care Staff Member 1 who worked in the home about three days per week. Mr. Smith stated he was aware Direct Care Staff Member 1 was 17 years old when she was hired but did not realize that minors were not supposed to work in the home. Mr. Smith stated he has not seen any other minors in the home and assumed since Direct Care Staff Member 1 graduated from

high school and passed her background check, she was cleared to work.

While at the facility, I reviewed Direct Care Staff Member 1's *Michigan Workforce Background Check* letter dated 01/22/2022. According to the letter, Direct Care Staff Member 1 was eligible for employment in a job that involves direct services to a resident in an adult foster care facility. I also reviewed Direct Care Staff Member 1's driver's license which showed a birthdate 11/06/2006 and stated, "Under 18 Until 11/06/2022."

I also reviewed the facility's *Standard Application for Employment* for Direct Care Staff Member 1 dated 1/19/2022. According to this application, Direct Care Staff Member 1 applied to work full-time during days with the start date request of 1/19/2022. I also reviewed the facility's *Level Staff Credentialing/Training Tool* that documented Direct Care Staff Member 1's date of hire was on 1/22/2022 and showed numerous trainings completed by Direct Care Staff Member 1 in January 2022 and February 2022.

On 11/23/2022, I conducted an interview with home manager Jennifer Smith regarding this allegation. Ms. Smith stated she hired Direct Care Staff Member 1 in January 2022 and was aware that she was 17 years old however did not realize that the licensing rules and regulations prohibited staff under the age of 18 to work in an AFC facility. Ms. Smith stated she assumed since Direct Care Staff Member 1 was a high school graduate that she was appropriate to work in the home. Ms. Smith further stated she did not believe hiring Direct Care Staff Member 1 was an issue because she was approved to work by the *Michigan Workforce Background Check*. Ms. Smith stated she has never hired a minor in the past and now fully understands the licensing rules and regulations as it pertains to direct care staff qualifications which were brought to her attention by Recipient Rights later in August 2022. Ms. Smith stated Direct Care Staff Member 1 no longer works in the home.

APPLICABLE RULE	
R 400.14204	Direct care staff; qualifications and training.
	(1) Direct care staff shall not be less than 18 years of age and shall be able to complete required reports and follow written and oral instructions that are related to the care and supervision of residents.

ANALYSIS:	Based on my investigation which included interviews with direct care staff members Elexius Guerin, Dan Smith, home manager Jennifer Smith, a review of Direct Care Staff Member 1's employment application, training log, driver's license and workforce background letter there is evidence to support the allegation Direct Care Staff Member 1 worked in the home as a minor for nine months with residents. Ms. Guerin and Mr. Smith both stated Direct Care Staff Member 1 was employed at the home from January 2022 until September 2022 and worked directly with the residents about three days a week. Ms. Smith stated she was aware Direct Care Staff Member 1 was 17 years of age when she was hired in January of 2022 and at the that time was not familiar with the licensing rules regarding staff age requirements until it was later brought to her attention by Recipient Rights in August 2022. According to Direct Care Staff Member 1's driver's license, Direct Care Staff Member 1's date of birth is 11/2/2004 and states "Under 18 Until 11/06/2022" on the license. Direct Care Staff Member 1 was a direct care staff who worked in the home at the age of 17 years of age.
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION:

While at the facility, Ms. Guerin and Mr. Smith both stated Direct Care Staff Member 1 did not complete a physical when she was hired therefore was not able to provide a statement signed by a licensed physician attesting to the knowledge of the physical health of Direct Care Staff Member 1.

On 11/23/2022, Ms. Smith stated that she usually ensures that all staff members complete a health physical prior to the start of employment however she made a mistake and did not get a physical completed for Direct Care Staff Member 1 while she worked in the home.

APPLICABLE RULE	
R 400.14205	Health of a licensee, direct care staff, administrator, other employees, those volunteers under the direction of the licensee, and members of the household.
	(3) A licensee shall maintain, in the home, and make available for department review, a statement that is signed by a licensed physician or his or her designee attesting to the knowledge of the physical health of direct care staff, other employees, and members of the household. The

	statement shall be obtained within 30 days of an individual's employment, assumption of duties, or occupancy in the home.
ANALYSIS:	While at the facility, Ms. Guerin and Mr. Smith both stated that Direct Care Staff Member 1 did not complete a physical when she was hired therefore was not able to provide a statement signed by a licensed physician attesting to the knowledge of the physical health of Direct Care Staff Member 1. Ms. Smith also stated Direct Care Staff Member 1 did not complete a health physical while working in the home.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION:

While at the facility, Ms. Guerin and Mr. Smith both stated Direct Care Staff Member 1 did not complete a TB test when she was hired therefore was not able to provide Written evidence Direct Care Staff Member 1 was tested for communicable tuberculosis (TB) while she worked in the home. Ms. Smith also stated Direct Care Staff Member 1 did not complete a TB test at any point while she worked in the home.

APPLICABLE RULE	
R 400.14205	Health of a licensee, direct care staff, administrator, other employees, those volunteers under the direction of the licensee, and members of the household.
	(5) A licensee shall obtain written evidence, which shall be available for department review, that each direct care staff, other employees, and members of the household have been tested for communicable tuberculosis and that if the disease is present, appropriate precautions shall be taken as required by state law. Current testing shall be obtained before an individual's employment, assumption of duties, or occupancy in the home. The results of subsequent testing shall be verified every 3 years thereafter or more frequently if necessary.
ANALYSIS:	While at the facility, Ms. Guerin and Mr. Smith both stated Direct Care Staff Member 1 did not complete a TB test when she was hired therefore was not able to provide written evidence Direct Care Staff Member 1 was tested for communicable tuberculosis (TB) while she worked in the home.
CONCLUSION:	VIOLATION ESTABLISHED

On 11/23/2022, I conducted an exit conference with licensee designee James

Saintz. I informed Mr. Saintz of my findings and allowed him an opportunity to ask questions or make comments.

IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, I recommend the current license status remain unchanged.



Ondrea Johnson
Licensing Consultant

11/28/2022
Date

Approved By:



11/30/2022

Dawn N. Timm
Area Manager

Date