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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

December 22, 2022

Shirley Smith
10340 Ataberry Dr
Clio, MI 48420

RE: License #:	AS250285778
Investigation #:	2023A0872011
	Ataberry Manor

Dear Ms. Smith:

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) 643-7960.

Sincerely,

A handwritten signature in black ink that reads "Susan Hutchinson". The signature is written in a cursive style with a large initial "S".

Susan Hutchinson, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(989) 293-5222

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS250285778
Investigation #:	2023A0872011
Complaint Receipt Date:	11/29/2022
Investigation Initiation Date:	11/29/2022
Report Due Date:	01/28/2023
Licensee Name:	Shirley Smith
Licensee Address:	10340 Ataberry Dr Clio, MI 48420
Licensee Telephone #:	(810) 814-3212
Administrator:	Shirley Smith
Licensee Designee:	Shirley Smith
Name of Facility:	Ataberry Manor
Facility Address:	10340 Ataberry Dr Clio, MI 48420
Facility Telephone #:	(810) 686-8989
Original Issuance Date:	11/27/2006
License Status:	REGULAR
Effective Date:	06/19/2021
Expiration Date:	06/18/2023
Capacity:	6
Program Type:	PHYSICALLY HANDICAPPED DEVELOPMENTALLY DISABLED MENTALLY ILL AGED

II. ALLEGATION(S)

	Violation Established?
Resident A does not have access to the kitchen or food after 7pm. Dinner sometimes served at 3pm and then residents can't eat again until morning.	Yes
Dinner is sometimes a bowl of cereal.	No

III. METHODOLOGY

11/29/2022	Special Investigation Intake 2023A0872011
11/29/2022	APS Referral I made an APS complaint via email
11/29/2022	Special Investigation Initiated - Letter
11/30/2022	Inspection Completed On-site Unannounced
12/22/2022	Exit Conference I conducted an exit conference with the licensee designee, Shirley Smith
12/22/2022	Inspection Completed-BCAL Sub. Compliance

ALLEGATION: Resident A does not have access to the kitchen or food after 7pm. Dinner sometimes served at 3pm and then residents can't eat again until morning. Dinner is sometimes a bowl of cereal.

INVESTIGATION: On 11/30/22, I conducted an unannounced onsite inspection of Ataberry Manor Adult Foster Care facility. I interviewed the licensee, Shirley Smith and Residents A, B, C, and D. Ms. Smith said that Resident A was admitted to her facility on 11/01/22. At the time of his admission, she went over the house rules with him and with his family members. Ms. Smith said that originally, Resident A and his family did not have a problem with any of the house rules but said that lately, they have been complaining about them. She said that now, Resident A and his family want him to be able to go in the kitchen whenever he wants, regardless of the time. In addition, they want Resident A to be able to keep snacks and drinks in his room. Ms. Smith said that the house rules state that residents are not allowed to be in the kitchen after 7pm and

they are not allowed to keep anything but water in their rooms. However, she said that she has allowed Resident A to keep water bottles, pop, and snacks in the closet in his bedroom.

According to Ms. Smith, after dinner, the residents are given a snack at approximately 7:00pm, and then “the kitchen is closed.” Ms. Smith told me that all residents received a copy of the House Rules which states that the residents are not to use the kitchen after 7:00pm. She also told me that the House Rules are posted in the kitchen, living room, and all resident bedrooms.

I asked Ms. Smith what time meals are served. She said that breakfast is served at 9am, lunch between 11am-12pm, and dinner between 4:30pm-5pm. Ms. Smith gave me some examples of what she serves for breakfast, lunch, and dinner. Based on her descriptions, the meals seem to meet the USDA nutritional guidelines. She said that she purchases approximately \$2000.00 of food each month and the residents are well fed. Ms. Smith said that she does not serve the residents cereal for dinner.

I interviewed Resident A in his bedroom. He showed me his closet which contains bags of snacks, bottles of water, and cans of Coke. Resident A told me that he moved into this facility on 11/01/22. He said that Ms. Smith does provide them with three meals a day plus snacks and said that the meals are “fine.” Resident A gave me some examples of the meals served at this AFC home and based on his descriptions; the meals seem to meet the USDA guidelines. Resident A stated that dinner is served “early” and after the residents get their 6pm snack, they do not get anything else until breakfast the next morning. He confirmed that he knows the house rules state that the kitchen closes at 7pm and he agreed to these rules when he moved in. He said, “It’s clean, it’s quiet and I like it here, it’s just the food thing.” Resident A said that he may be looking for a new place to live.

Resident B said that he has lived at this facility since 2017. He confirmed that the house rules state that the kitchen is closed at 7pm and that the residents are not allowed to keep food or drinks in their rooms. Resident B told me that staff serves them three meals a day plus snacks and said that the meals are “good.” He gave examples of dinners which include spaghetti, chicken, vegetables, etc. He said that breakfast is served at 9am, lunch at 12pm, and dinner at 4pm. Resident B said that he does not have any complaints about this facility.

Resident C said that he has lived at this facility for a few months. He confirmed that the house rules state that the kitchen closes at 7pm and said that he does not have a problem with this. He said that staff serves them three meals a day plus snacks, and he always gets enough to eat. Resident C gave examples of meals which includes potato soup, bean soup, spaghetti, hot dogs, baked potatoes, etc. Resident C told me that breakfast is served at 9am, lunch at 12pm, and dinner at 4pm. He said that they also get a snack at approximately 7pm.

Resident D said that he has lived at this facility for 15 years. He confirmed that the house rules state the kitchen closes at 7pm and this has never been a problem for him. He confirmed that breakfast is served at 9am, lunch at 12pm, and dinner at 4pm. He also confirmed that they get a snack at approximately 6pm-7pm each night. Resident D said that the meals are “good,” and he always gets enough to eat. He gave examples of meals similar to what Residents B and C stated.

While at the facility, I took pictures of two resident menus which document what is served for breakfast, lunch, and dinner as well as snacks. The menus document that meals appear to meet the USDA guidelines. I also observed and took a picture of the House Rules which are posted in the kitchen, next to the menu and in the living room. According to House Rule #6, “Kitchen is for preparing meals so when that is being done stay out of the area unless you are asked to help. Kitchen closes at 7pm. No other food is prepared after that time until 7:30am.” House Rule #17 states, “No food or drink in bedrooms, water only.” Ms. Smith told me that in addition to clearly posting the House Rules, she also goes over the house rules with all residents and family members upon admission to her facility.

I took a picture of Resident A’s Health Care Appraisal dated 11/02/22. According to this document, Resident A is on a general diet, and he is diagnosed with depression and hypertension.

On 01/16/20, AFC Licensing Consultant, Crecendra Brown completed an investigation regarding one of the residents not receiving dinner when he gets home from work. Ms. Brown concluded that since this resident did not get home from work until 10pm and the kitchen closes at 7pm, this resident did not receive dinner on occasion. The licensee designee, Shirley Smith submitted a corrective action plan (CAP) dated 01/20/20. According to the CAP, Ms. Smith agreed to pack a lunch and dinner for the resident and to prepare a dinner plate for him so he could eat when he gets home from work, no matter the time.

APPLICABLE RULE	
R 400.14313	Resident nutrition.
	(1) A licensee shall provide a minimum of 3 regular, nutritious meals daily. Meals shall be of proper form, consistency, and temperature. Not more than 14 hours shall elapse between the evening and morning meal.

ANALYSIS:	<p>The licensee designee, Shirley Smith said that breakfast is served at 9am, lunch between 11am-12pm, and dinner between 4:30pm-5pm.</p> <p>Residents A, B, C, and D said that breakfast is served at 9am, lunch at 12pm, and dinner at 4pm.</p> <p>I conclude that 16 hours elapses between dinner and breakfast which is a direct violation of this rule.</p>
CONCLUSION:	REPEAT VIOLATION ESTABLISHED: Ref. SIR #2020A0501010 dated 1/16/2022

APPLICABLE RULE	
R 400.14313	Resident nutrition.
	<p>(2) Meals shall meet the nutritional allowances recommended pursuant to the provisions of "Appendix I: Recommended Dietary Allowances, Revised 1980" contained in the publication entitled "Basic Nutrition Facts: A Nutrition Reference," Michigan Department of Public Health publication no. H-808, 1/89. This publication may be obtained at cost from The Division of Research and Development, Michigan Department of Public Health, P.O. Box 30195, Lansing, Michigan 48909.</p>
ANALYSIS:	<p>According to the licensee designee, Shirley Smith, and Residents A, B, C, and D, the residents are served breakfast, lunch, and dinner as well as a nighttime snack. All parties gave examples of meals which seem to meet the USDA nutritional guidelines.</p> <p>I examined two resident menus which document meals served for breakfast, lunch, and dinner. Based on the menus, the meals seem to meet the USDA nutritional guidelines.</p> <p>I conclude that there is insufficient evidence to substantiate this rule violation at this time.</p>
CONCLUSION:	VIOLATION NOT ESTABLISHED

On 12/22/22, I conducted an exit conference with the licensee designee, Shirley Smith. I told her I have concluded my investigation and explained which rule violation I am substantiating. Ms. Smith agreed to complete and submit a corrective action plan upon the receipt of my investigation report.

IV. RECOMMENDATION

Upon the receipt of an acceptable corrective action plan, I recommend no change in the license status.
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Susan Hutchinson

December 22, 2022

Susan Hutchinson Licensing Consultant	Date
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Approved By:

Mary Holton

December 22, 2022

Mary E. Holton Area Manager	Date
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