



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

March 28, 2023

Lorinda Anderson
Community Living Options
626 Reed Street
Kalamazoo, MI 49001

RE: License #: AS390011418
Investigation #: 2023A0581019
Lovell Street Home

Dear Ms. Anderson:

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) 284-9730.

Sincerely,

A handwritten signature in black ink that reads "Cathy Cushman". The signature is written in a cursive, flowing style.

Cathy Cushman, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(269) 615-5190

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS390011418
Investigation #:	2023A0581019
Complaint Receipt Date:	02/07/2023
Investigation Initiation Date:	02/08/2023
Report Due Date:	04/08/2023
Licensee Name:	Community Living Options
Licensee Address:	626 Reed Street Kalamazoo, MI 49001
Licensee Telephone #:	(126) 934-3635
Administrator:	Lorinda Anderson
Licensee Designee:	Lorinda Anderson
Name of Facility:	Lovell Street Home
Facility Address:	710 West Lovell Kalamazoo, MI 49007
Facility Telephone #:	(269) 343-6355
Original Issuance Date:	12/11/1986
License Status:	REGULAR
Effective Date:	02/05/2023
Expiration Date:	02/04/2025
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL

II. ALLEGATION(S)

	Violation Established?
Resident A's Bridge card for food assistance was misused by facility staff.	Yes
Resident A was denied eating dinner because she missed the time in which it was served.	No
Additional findings.	Yes

III. METHODOLOGY

02/07/2023	Special Investigation Intake 2023A0581019
02/08/2023	Referral - Recipient Rights to ISK
02/08/2023	Special Investigation Initiated – Telephone call made- Interview with ISK recipient rights officer, Michele Schiebel
02/08/2023	APS Referral- Confirmed with RRO, Ms. Schiebel she made a referral to APS.
02/08/2023	Referral – Other- Office of Inspector General
02/08/2023	Contact – Telephone call made- Left voicemail with direct care staff, Sharon McKenzie.
02/10/2023	Contact - Face to Face- Interview with Resident A and Resident B via MiTeams
02/10/2023	Contact - Document Received- Email from program director, Tim VanDyk
02/10/2023	Referral – Law Enforcement - Confirmed with Mr. VanDyke KDPS received complaint, report # 23-001976
02/14/2023	Inspection Completed-BCAL Sub. Compliance
02/15/2023	Inspection Completed – Onsite - Re-interviewed Resident A and direct care staff.
02/15/2023	Contact – Telephone call made- Interview with Mr. VanDyk.

02/16/2023	Contact – Document Received- Email from Mr. VanDyk confirming police report made – Department of Public safety report #: 23-001976
02/21/2023	Contact – Document Received- Additional allegations received.
02/21/2023	Contact – Telephone call made- Interview with Ms. Schiebel.
02/21/2023	Contact – Telephone call made- Interview with Mr. Mandreky.
02/21/2023	Contact – Telephone call made- Interview with Resident A and Mr. VanDyk via MiTeams in conjunction with Ms. Schiebel.
02/21/2023	Contact – Document Received- Email from Mr. VanDyk containing licensee’s additional food stamp policies.
02/21/2023	Contact – Document Sent - Email correspondence with licensee’s finance manager, Mark Gernaat.
02/21/2023	Contact – Document Received - Email correspondence with Mr. Mandreky.
02/23/2023	Contact – Document Sent - Email correspondence with Mr. Mandreky.
02/23/2023	Contact – Document Sent - Email to Mr. VanDyk.
03/07/2023	Exit conference with licensee designee, Lori Anderson.
03/09/2023	Contact – Document Received - Email from Mr. VanDyk.
03/14/2023	Contact – Telephone call received- Interview with Mr. Mandreky.

ALLEGATION:

Resident A’s Bridge card for food assistance was misused by facility staff.

INVESTIGATION:

On 02/07/2023, I received an *AFC Licensing Division – Incident / Accident Report (IR)*, dated 02/06/2023, which stated on 02/06/2023 the facility’s Program Director, Tim VanDyk, received a voicemail from Resident A, indicating she had been selling her “food stamps” to direct care staff, Sharon McKenzie.

On 02/08/2023, I interviewed Integrated Services of Kalamazoo (ISK) Recipient Rights Officer (RRO), Michele Schiebel, via telephone. Ms. Schiebel stated she had interviewed Ms. McKenzie in person on 02/07/2023 at ISK. Ms. McKenzie reported to Ms. Schiebel that in January 2023, Resident A asked her if she wanted to purchase her Bridge card, but Ms. McKenzie told Resident A “no” because she lives alone and had no need for it. Ms. McKenzie stated Resident A then asked her if Ms. McKenzie’s son wanted to buy her Bridge card instead. Ms. McKenzie reported to Ms. Schiebel that she then called her son in the presence of Resident A to ask him and he agreed to buy it.

Ms. McKenzie reported to Ms. Schiebel Resident A had \$200 on her Bridge card but would sell the Bridge card to Ms. McKenzie’s son for \$100. Ms. McKenzie stated to Ms. Schiebel her son gave her \$100 via Cash App, which she withdrew and gave to Resident A. Ms. McKenzie stated Resident A then provided Ms. McKenzie the Bridge card for Ms. McKenzie’s son.

Ms. McKenzie stated to Ms. Schiebel she didn’t understand why she was in trouble since she never used Resident A’s Bridge card to make any purchases. She stated to Ms. Schiebel she was only the “go between” person for Resident A and Ms. McKenzie’s son. Ms. McKenzie reported to Ms. Schiebel Resident A told her she was selling the card because she “needed cigarettes and such.” Ms. McKenzie told Ms. Schiebel her son only used Resident A’s Bridge card once. She stated her son tried using it again on 02/05/2023, but Resident A had turned off the card, so he could not access the funds.

Ms. McKenzie reported to Ms. Schiebel in December 2022 she “loaned” Resident A money and when asked how much, she stated to Ms. Schiebel “I loaned her \$100 here and \$100 there.” Ms. McKenzie stated to Ms. Schiebel this was done via Cash App as well. Ms. McKenzie reported to Ms. Schiebel the money was “just a loan” and Resident A was going to pay her back after she received a tax refund or her social security money. Ms. McKenzie also reported to Ms. Schiebel she provided Resident A with a “bunch of new clothes” that still had tags on them.

On 02/10/2023, I interviewed the facility’s Program Director, Tim VanDyk, Resident A and Resident B, via MiTeams, in conjunction with ISK RRO, Ms. Schiebel, and Office of Inspector General (OIG) senior agent, Mark Mandreky. Mr. VanDyk stated the licensee is “non-profit”; therefore, the residents may receive Bridge cards from the State of Michigan to assist them with additional food assistance. Mr. VanDyk stated Resident A and Resident B were admitted to the facility on 11/15/2023 and 11/19/2023, respectively. He confirmed both residents received a Bridge card. He indicated most of the residents at the facility are “higher functioning” and as a result, typically handle their own cards; however, they have the option for the licensee to hold onto their card. Mr. VanDyke stated neither Resident A nor Resident B signed their Bridge cards over to the licensee but chose rather to manage the cards themselves.

Mr. VanDyk stated Ms. McKenzie's employment had been terminated because of her actions with Resident A's Bridge card. He stated he would address the Bridge card issue at an upcoming staff meeting and would send me the agenda.

Resident A stated Ms. McKenzie approached her soon after she moved into the facility about offering her money for her Bridge card because she knew Resident A didn't have any financial support and was waiting for her Social Security Income to "kick in." Resident A stated Ms. McKenzie was "just lending" her money. She stated she couldn't recall the actual date she provided the card to Ms. McKenzie and did not know what Ms. McKenzie was doing with it. On or around 01/19/2023, Resident A stated she messaged Ms. McKenzie and asked for the card back. She stated Ms. McKenzie told her, "ok" but did not give it back to her so Resident A canceled the card on or around 02/05/2023. Resident A stated she was getting approximately \$281/month in food assistance and Ms. McKenzie paid her for the Bridge card funds on multiple occasions.

Resident A reviewed her Cash App during the interview and reported the days she received money from Ms. McKenzie. She indicated the following transactions:

- 01/01/2023 – Ms. McKenzie sent her \$100.
- 01/02/2023 – Ms. McKenzie sent her \$100.
- 01/10/2023 – Ms. McKenzie sent her \$95. Comment on transaction stated, "for payment."
- 01/22/2023 – Ms. McKenzie sent her \$50.
- 01/30/2023 – Ms. McKenzie sent her \$45.

Resident A stated Ms. McKenzie also "loaned" her approximately \$180 in cash sometime before Christmas. Resident A stated she did not pay Ms. McKenzie back any of the money she was loaned since she had not gotten her Social Security Income – Disability checks.

Resident B stated approximately a couple months ago Ms. McKenzie offered and gave Resident B's boyfriend \$100 for his Bridge card. Resident B stated Ms. McKenzie told her a couple weeks after purchasing the card that she threw the card away.

On 02/10/2023, Mr. VanDyk forwarded me the licensee's policy regarding "Food Stamps". According to this policy, dated 05/01/2021, the licensee's staff will assist residents who wish to procure food stamps and donate them to the residential program to offset the cost of food. The policy further indicates residents who receive food assistance will be asked to complete a "Food Stamp Authorization" form to donate their food stamps to the residence. The policy stated, "Contribution of food stamps is not required for continued residency". Finally, the policy indicated residents who contribute food stamps to the house will have a food stamp authorization form placed in their case record.

Mr. VanDyk stated in his email to me Resident A signed the licensee's food stamp authorization form allowing the licensee hold onto the Bridge card. He provided Resident A's authorization form as confirmation. The food stamp authorization form states the following:

“...as house member at a Community Living Options group home, hereby agree to authorize Community Living Options and/or its appointed authorized representative to apply for food stamps on my behalf and to use my food stamps/bridge card for food purchases by the home in which I reside. I also authorize Community Living Options and/or its appointed authorized representative to apply my Low Income Energy Assistance Program payment to the heating bill for the home in which I reside.”

On 02/14/2023, Mr. VanDyk provided the section of the staff agenda addressing lending money or buying items for residents. The agenda indicated Resident A and Resident B agreed to sign over their Bridge cards to the licensee and how it assists residents in reducing the temptation to sell their Bridge cards and to prevent others from manipulating or exploiting them from their State benefits.

On 02/15/2023, I conducted an unannounced on-site inspection at the facility as part of my investigation and re-interviewed Resident A. Resident A asked me if she “had” to give the licensee her Bridge card because she indicated she felt she was being forced. I informed Resident A the licensee could not force her to give over her Bridge card, but it was being encouraged given the circumstances of her being taken advantage of by a direct care staff. She stated she understood the reasoning, but she indicated she was not going to let that happen again and would be asking Mr. VanDyk for her Bridge card back.

Immediately following the on-site investigation, I contacted Mr. VanDyk via telephone informing him Resident A may be asking him for her Bridge card back as she had indicated she would be doing so during my interview with her.

On 02/21/2023, I received additional allegations from the BCHS on-line complaint system alleging Mr. VanDyk lied to Resident A and told her she had to turn over her Bridge card to the licensee because the licensing consultant and Resident A's parole officer told her it was required. The complaint also alleged when Resident A received her Bridge card from Mr. VanDyk it had a balance of \$0.00 whereas when she gave it to him it had a balance of \$281.00.

On 02/21/2023, I interviewed Mr. Mandreky regarding the new allegations. He confirmed non-profit AFC's can use resident Bridge cards to purchase food for the entire AFC home. Mr. Mandreky indicated residents who sign their Bridge cards over to a nonprofit AFC are supposed to have say or contribute to meal planning. He also

indicated it was in Michigan Department of Health and Human Services' (MDHHS') policy for non profit AFC's to use the Bridge cards twice a month to prevent a resident who may move out of the facility the end of the month to be left with no money on his or her card. He indicated if the licensee used all the funds on the Bridge card at once then the resident would be left with no funds to purchase food in the event the resident moved suddenly or unexpectedly.

On 02/21/2023, I interviewed Resident A and Mr. VanDyk in conjunction with ISK RRO, Ms. Schiebel regarding the new allegations. Resident A stated she was "under the impression" she had to sign her Bridge card over to "the house." She stated after my interview with her on 02/15/2023 she understood it was her choice to sign over the card and told Mr. VanDyk she wanted it back. She stated she asked for her Bridge card back on 02/16/2023, but Mr. VanDyke told her that her parole officer didn't want her to have possession of the card. Resident A stated when she saw her parole officer on 02/16/2023 she also told her that she couldn't be forced to sign her Bridge card over to the licensee. Resident A stated her parole officer received an email from Mr. VanDyk also indicating she needed to sign her card over.

Resident A stated she left a voicemail with Mr. VanDyk on Friday morning asking about her Bridge card and then asked a staff to send Mr. VanDyk an email about it. She stated Mr. VanDyk did return her Bridge card to the facility on Friday, but she didn't have a conversation with him about the funds not being on it. She stated when she called the Bridge card number to find out how much funds were on it she discovered all \$281 was no longer on the card.

During the interview, Ms. Schiebel read the food stamp authorization form to Resident A, which she acknowledged she signed. Resident A stated she does not like staff cooking for her nor does she eat snacks, which is why she wanted to hold onto her own Bridge card rather than signing it over to the licensee. She also acknowledged that it was discussed with her about what meals and snacks she prefers.

Mr. VanDyk stated Resident A's parole officer violated Resident A's parole for her misusing her Bridge card by selling it to Ms. McKenzie. He stated a "service team" meeting consisting of Resident A's community mental health care workers, took place shortly after discovering Resident A's Bridge card had been misused. During this meeting it was discussed and encouraged that Resident A sign her card over to the licensee. He stated when Resident A signed her card over to the licensee, he explained the AFC and Bridge card process and how it provides food to the whole facility. Mr. VanDyk stated after Resident A signed the card over, she changed her mind and contacted him requesting it back. He stated the finance department had already run the card because they run Bridge cards weekly at the licensee's main office. Mr. VanDyk stated when Bridge cards are processed by the licensee they are deposited into the facility's food revenue or budget. He stated that one or two staff will have a credit card, which is then used to purchase food for the facility. He stated food is purchased based on the facility's monthly menu. Mr. VanDyk stated it was his

understanding Resident A's Bridge card was processed for the entire amount leaving her with a balance of zero. Mr. VanDyk stated he gave Resident A's Bridge card back to her the day she requested it.

On 02/21/2023, I received an email from Mr. Mandreky confirming the licensee processed Resident A's Bridge card for \$281.40 on 02/17/2023 at 12:06 pm.

On 02/21/2023, I emailed the licensee's finance director, Mark Garnaat. I requested any additional food stamp policies/documentation other than what was received by Mr. VanDyke, particularly if it was relating to when or how often the licensee can use the Bridge card(s) or what occurs when the resident is discharged from the facility and the licensee has utilized all funds on the card. Mr. Garnaat emailed me back on 02/23/2023 indicating Mr. VanDyk provided me with all licensee's policies on Bridge cards.

On 02/23/2023, Mr. Mandreky forwarded me MDHHS' policy on Food Assistance Programs (FAP) in nonprofit group living facilities. According to this policy, group homes approved to participate in the Electronic Benefit Transfer (EBT) program as a Food and Nutrition Service (FNS) certified retailer will be supplied with the necessary equipment to process EBT transactions inside of the group home. This will allow food assistance benefit clients to exchange their benefits for food by swiping their Bridge Card through the home's Point Of Sale (POS) device. The policy states the following:

"The Bridge Card can be used in group homes between the 1st and the 15th of the month reducing the client's food benefit account by half. The group home's account is increased by the same amount that is decreased from the client's account. A second transaction is done between the 16th and the last day of the month for the remaining month's balance, again debiting the client's account and crediting the group home's account."

The policy also goes on to state the following:

"When the resident moves from the [Substance Abuse and Treatment Center]/AFC home, the home must do all of the following:

- Notify the local office that the resident has left.
- Return the [Food Stamp Authorized Representative] Bridge Card to the resident.

- Give a pro-rata share of one-half the monthly FAP benefit to an ex-resident who left prior to the sixteenth of the month.

Note: This should be done only if the entire month's benefits have been taken by the home."

On 02/23/2023, Mr. VanDyk confirmed he received a voicemail on 02/17/2023 at 8:04 am stating Resident A wanted her Bridge card back. He stated in his email to me he listened to the voicemail "sometime that morning" and then obtained the Bridge card from the licensee's office staff prior to noon the same day, but the card already been processed.

APPLICABLE RULE	
R 400.14305	Resident protection.
	(1) A resident shall be assured privacy and protection from moral, social, and financial exploitation.
ANALYSIS:	<p>Based on my investigation, direct care staff, Sharon McKenzie, financially exploited Resident A when she sold Resident A's Bridge card, which is used for food assistance, for \$100 to her son.</p> <p>Additionally, after the licensee encouraged Resident A to sign over her Bridge card to the licensee on or around 02/10/2023, Resident A then requested it back on 02/15/2023, which was relayed to the facility's Program Director, Mr. VanDyk. Mr. VanDyk also acknowledged receiving a voicemail on 02/17/2023 whereas Resident A requested the card back as well; however, by the time Mr. VanDyk obtained Resident A's Bridge card, the licensee's finance department had already processed the \$281.40 off the card leaving Resident A with no available funds. Subsequently, the licensee also financially exploited Resident A by misusing her Bridge card.</p>
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14315	Handling of resident funds and valuables.
	(10) A licensee, administrator, direct care staff, other employees, volunteers under the direction of the licensee, and members of their families shall not accept, take, or borrow money or valuables from a resident, even with the consent of the resident.

ANALYSIS:	Direct care staff, Sharon McKenzie, accepted \$100 from her son in exchange for Resident A's Bridge card, which had approximately \$200 on it for food assistance. Though Resident A was in agreement with this exchange, direct care staff shall not accept, take or borrow any money or valuables from any residents, even with the resident's consent.
CONCLUSION:	VIOLATION ESTABLISHED

ALLEGATION:

Resident A was denied eating dinner because she missed the time in which it was served.

INVESTIGATION:

The IR submitted by Mr. VanDyk also alleged on an unknown night Resident A was told by direct care staff she was not allowed to eat leftovers from dinner because she missed dinner time.

Resident A was unable to recall the specific date regarding the incident, but believed it was a couple weeks ago. She stated she made herself dinner sometime between 5 pm and 6 pm, which consisted of porkchops, potatoes, and a vegetable. Resident A stated after she ate, she went upstairs to her room, but came back down around 8 pm for snack and/or leftover fish, which direct care staff, Sue Shaver, had made the other residents for dinner. She stated Ms. McKenzie told her there were leftovers, but these leftovers were for the overnight staff. Resident A stated she ended up eating part of her leftover porkchop before returning to her bedroom. Resident A stated she primarily makes her own meals in the facility, but that evening she wanted the leftover fish because "it smelled good."

Resident B recalled an incident one evening where Ms. McKenzie and Ms. Shaver made fried fish for dinner, but Ms. McKenzie told Resident A there were not any leftovers available for her. She stated Ms. McKenzie told her residents have an hour available after meals are served to eat leftovers. Resident B stated Resident A ate "what was available", which she thought had been a portion of a porkchop. She stated Resident A went to bed hungry.

On 02/15/2023, I interviewed direct care staff, Susan Kent, via telephone. Ms. Kent recalled an incident on a Thursday, "a couple weeks ago", when she had made fried fish for dinner at the facility. She stated she arrived to work around 4 pm and Resident A was in the kitchen. She stated while she was making fish, which she offered Resident A to eat, but Resident A decided to make herself a porkchop for dinner. Ms. Kent stated Resident A ate her porkchop and dinner sides at the dining

table with the other residents. She stated the residents ate dinner at approximately 5 pm or 5:30 pm.

Ms. Kent stated at approximately 7 pm or 7:30 pm, she and Ms. Washington were cleaning the kitchen up from dinner and putting the food away. Ms. Kent stated she and Ms. Washington asked the residents if they wanted anymore food, but none of them indicated they did. She stated Ms. Washington then wrapped up the remaining fried fish and put it away for the staff who came in at 11 pm for the overnight shift. Ms. Kent stated Resident A came down to the kitchen at approximately 7:30 pm – 8 pm and asked for the leftover fish. She stated Ms. Washington told Resident A she had already eaten dinner and the remaining fish was being saved for the overnight staff. Ms. Kent indicated Resident A was upset when she was told this. Ms. Kent stated Resident A and Resident B ate ice cream and then went into the TV room.

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:	Based on my investigation, sometime the end of January/early February 2023, Resident A made herself dinner rather than eating the fish, which direct care staff, Sue Shaver, made for the remaining residents. Despite Resident A not being able to eat the leftover fish as a snack as she wanted, she had other snacks available to her. Based on her own acknowledgement, Resident A ate her remaining porkchop as her snack prior to bed. Subsequently, Resident A was provided with a nutritious dinner that evening and had not gone more than 14 hours between her evening and morning meal.
CONCLUSION:	VIOLATION NOT ESTABLISHED

APPLICABLE RULE	
R 400.14304	Resident rights; licensee responsibilities.
	(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

	<p>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 style="padding-left: 40px;">(o) The right to be treated with consideration and respect, with due recognition of personal dignity, individuality, and the need for privacy.</p> <p>(2) A licensee shall respect and safeguard the resident's rights specified in subrule (1) of this rule.</p>
ANALYSIS:	<p>Sometime the end of January/early February 2023, direct care staff, Sharon McKenzie and Sue Shaver, did not allow Resident A to eat leftover fish, which they made the residents for dinner. Rather, the staff informed Resident A the leftovers were for the overnight staff. Subsequently, neither Ms. McKenzie nor Ms. Shaver treated Resident A with respect when they informed her she couldn't eat resident food because it was being saved for direct care staff.</p>
CONCLUSION:	VIOLATION ESTABLISHED

On 03/07/2023, I conducted my exit conference with the licensee designee, Lori Anderson, via telephone. Ms. Anderson acknowledged my findings. While talking Ms. Anderson, she confirmed Bridge cards are processed for their entire amounts rather than twice a month.

IV. RECOMMENDATION

Upon receipt of an acceptable plan of correction, I recommend no change in the current license status.

Cathy Cushman

03/21/2023

Cathy Cushman
Licensing Consultant

Date

Approved By:

Dawn Timm

03/28/2023

Dawn N. Timm
Area Manager

Date