



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
ACTING DIRECTOR

September 26, 2023

James Maxson
Grand Vista Properties, LLC
13711 Lyopawa Island
Coldwater, MI 49036

RE: License #: AL120406800
Investigation #: 2023A1030052
Grand Vista Properties

Dear Mr. Maxson:

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.

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,

Nile Khabeiry, LMSW

Nile Khabeiry, 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 #:	AL120406800
Investigation #:	2023A1030052
Complaint Receipt Date:	09/14/2023
Investigation Initiation Date:	09/14/2023
Report Due Date:	11/13/2023
Licensee Name:	Grand Vista Properties, LLC
Licensee Address:	13711 Lyopawa Island Coldwater, MI 49036
Licensee Telephone #:	(517) 227-5225
Administrator:	James Maxson
Licensee Designee:	James Maxson
Name of Facility:	Grand Vista Properties
Facility Address:	99 Vista Drive Coldwater, MI 49036
Facility Telephone #:	(517) 227-5225
Original Issuance Date:	12/29/2020
License Status:	REGULAR
Effective Date:	06/29/2023
Expiration Date:	06/28/2025
Capacity:	20
Program Type:	AGED

II. ALLEGATION(S)

	Violation Established?
A criminal history check was not completed prior to employment.	Yes
Additional Findings	Yes

III. METHODOLOGY

09/14/2023	Special Investigation Intake 2023A1030052
09/14/2023	Special Investigation Initiated - Telephone Interviewed complainant
09/15/2023	Contact - Document Received Reviewed employee file
09/15/2023	Contact - Face to Face Interview with Jim Maxson
09/26/2023	Exit Conference Exit conference by phone

ALLEGATION:

A criminal history check was not completed prior to employment.

INVESTIGATION:

On 9/14/23, I interviewed the complainant by phone. The complainant reported she has worked at the home for about a month and had previously worked there a year ago. The complainant reported she never was fingerprinted or filled out a job application.

On 9/15/23, I reviewed Jessica Vincent's employee file and noted the file did not contain a workforce background check, TB test, employment physical or reference checks. The file did however contain an application, copy of her driver's license and several employment tax documents. I noted the application was dated in 2022 and Ms. Vincent's last name was Steers.

On 9/15/23, I interviewed licensee, Jim Maxson at the home. Mr. Maxson reported Ms. Vincent was hired last year and worked a short time before quitting. Mr. Maxson reported rehired last month, however quit today. Mr. Maxson reported she divorced and is now going by her maiden name. Mr. Maxson reported Ms. Vincent was supposed to have her workforce background check, pre-employment physical, TB test and reference checks last year but quit before that could be completed. Mr. Maxson reported he rehired her last month because he “thought” she already had all the pre-employment requirements completed last year. Mr. Maxson was informed that all pre-employment requirements need to be completed prior to any employee being hired and not after they begin working. Mr. Maxson acknowledged the violation.

APPLICABLE RULE	
MCL 400.734	Criminal history
	<p>Employing or contracting with certain employees providing direct services to residents; prohibitions; criminal history check; exemptions; written consent and identification; conditional employment; use of criminal history record information; disclosure; failure to conduct criminal history check; automated fingerprint identification system database; report to legislature; costs; definitions.</p> <p>(2) Except as otherwise provided in subsection (6), an adult foster care facility shall not employ or independently contract with an individual who has direct access to residents after April 1, 2006 until the adult foster care facility conducts a criminal history check in compliance with subsections (4) and (5). This subsection and subsection (1) do not apply to an individual who is employed by or under contract to an adult foster care facility before April 1, 2006. Beginning April 1, 2009, an individual who is exempt under this subsection shall provide the department of state police a set of fingerprints and the department of state police shall input those fingerprints into the automated fingerprint identification system database established under subsection (12). An individual who is exempt under this subsection is not limited to working within the adult foster care facility with which he or she is employed by or under independent contract with on April 1, 2006. That individual may transfer to another adult foster care facility that is under the same ownership with which he or she was employed or under contract. If that individual wishes to transfer to an adult foster care facility that is not under the same ownership, he or she may do so provided that a criminal history check is</p>

	<p>conducted by the new facility in accordance with subsection (4). If an individual who is exempt under this subsection is subsequently convicted of a crime or offense described under subsection (1)(a) through (g) or found to be the subject of a substantiated finding described under subsection (1)(i) or an order or disposition described under subsection (1)(h), or is found to have been convicted of a relevant crime described under subsection (1)(a), he or she is no longer exempt and shall be terminated from employment or denied employment.</p>
ANALYSIS:	<p>It was alleged a criminal history check was not completed prior to employment. Based on review of the employee file and an interview with Jim Maxson, this violation will be established. Upon review of Jessica Vincent's employee file, I noted there was not a workforce background check completed prior to her employment.</p>
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION:

Upon review of Ms. Vincent's employee file there was not a physical documenting her physical health and ability to perform the functions of her employment.

APPLICABLE RULE	
R 400.15205	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 physician's 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:	Ms. Vincent did not have proof of a physical in Ms. Vincents employee file.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION:

Upon review of Ms. Vincent’s employee file there was not documentation of a TB test within the last three years.

APPLICABLE RULE	
R 400.15205	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:	Ms. Vincent did not have proof of having a TB test within three years in Ms. Vincent’s employee file.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION:

Upon review of Ms. Vincent’s employee file there was not documentation of references checks being completed.

APPLICABLE RULE	
R 400.15208	Direct care staff and employee records.
	(1) A licensee shall maintain a record for each employee. The record shall contain all of the following employee information: (f) Verification of reference checks.
ANALYSIS:	Ms. Vincent did not have proof of reference checks being completed in her employee file.
CONCLUSION:	VIOLATION ESTABLISHED

On 9/26/23, I shared the findings of my investigation with licensee, Jim Maxson by phone. Mr. Maxson acknowledged the findings and agreed to complete a corrective action plan.

IV. RECOMMENDATION

Nile Khabeiry, LMSW

9/26/23

Nile Khabeiry
Licensing Consultant

Date

Approved By:

Russell Misiak

9/27/23

Russell B. Misiak
Area Manager

Date