



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

May 9, 2024

Nichole VanNiman
Beacon Specialized Living Services, Inc.
Suite 110
890 N. 10th St.
Kalamazoo, MI 49009

RE: License #: AS390396198
Investigation #: 2024A1024022
Beacon Home At Augusta

Dear Ms. VanNiman:

Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan was required. On April 26, 2024, you submitted an acceptable written corrective action plan.

It is expected that the corrective action plan be implemented within the specified time frames as outlined in the approved plan.

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 "Ondrea Johnson".

Ondrea Johnson, Licensing Consultant
Bureau of Community and Health Systems

enclosure

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

PLEASE NOTE: THIS REPORT CONTAINS QUOTED PROFANITY

I. IDENTIFYING INFORMATION

License #:	AS390396198
Investigation #:	2024A1024022
Complaint Receipt Date:	03/19/2024
Investigation Initiation Date:	03/21/2024
Report Due Date:	05/18/2024
Licensee Name:	Beacon Specialized Living Services, Inc.
Licensee Address:	Suite 110 890 N. 10th St. Kalamazoo, MI 49009
Licensee Telephone #:	(269) 427-8400
Administrator:	Nichole VanNiman
Licensee Designee:	Aubry Napier
Name of Facility:	Beacon Home At Augusta
Facility Address:	817 Webster St. Augusta, MI 49012
Facility Telephone #:	(269) 427-8400
Original Issuance Date:	11/29/2018
License Status:	REGULAR
Effective Date:	04/03/2023
Expiration Date:	04/02/2025
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL

II. ALLEGATION(S)

	Violation Established?
A visitor overheard staff members, Kelly Fox and Jessica Garten, being rude to Resident A.	Yes

III. METHODOLOGY

03/19/2024	Special Investigation Intake 2024A1024022
03/20/2024	Contact - Telephone call made with direct care staff member Kelly Fox
03/21/2024	Special Investigation Initiated – Telephone call with Office of Recipient Rights Officer (ORR) Michelle Schiebel
04/11/2024	Inspection Completed On-site with direct care staff member Jessica Garten, Kelly Fox and Resident B
04/12/2024	Contact - Telephone call made with mental health provider Katie Miller
04/12/2024	Contact - Document Received- <i>Progressive Action Form</i> for Jessica Garten
04/12/2024	Contact - Document Received-email correspondence with Aubry Napier
04/12/2024	Exit Conference with licensee designee Nichole VanNiman
04/16/2024	Inspection Completed-BCAL Sub. Compliance
04/16/2024	Corrective Action Plan Requested and Due on 5/7/2024
04/26/2024	Corrective Action Plan Received
04/26/2024	Corrective Action Plan Approved
05/07/2024	APS Referral-does not meet criteria

ALLEGATION: A visitor overheard Kelly Fox and Jessica Garten being rude to Resident A.

INVESTIGATION:

On 3/19/2024, I received this complaint through the Bureau of Community and Health Systems (BCHS) online complaint system. This complaint alleged a visitor overheard direct care staff members Kelly Fox and Jessica Garten being rude to Resident A.

On 3/20/2024, I conducted an interview with direct care staff member Kelly Fox who stated that last week she was talking with direct care staff member Jessica Garten about Resident A getting his hair cut with Resident A present. Kelly Fox stated Resident A's guardian gave direct care staff members consent to cut Resident A's hair however Resident A would not sit still so staff members could properly cut his hair. Kelly Fox stated during this conversation Jessica Garten used swear words when expressing her frustration with Resident A not being able to sit still in one place while getting his hair cut. Kelly Fox stated a mental health provider Katie Miller was working with another resident and also present when this conversation took place. Kelly Fox stated she does not remember swearing when she was speaking about Resident A and does not remember making any rude statements around Resident A. Kelly Fox stated she tried to include Resident A in the conversation as much as possible and made comments such as "[Resident A], you hear us talking about you right?". Kelly Fox stated Resident A is nonverbal and did not make any nonverbal gestures indicating he was upset with the conversation. Kelly Fox further stated she does not remember what Jessica Garten said in front of Resident A however since she was using swear words. Kelly Fox stated Jessica Garten was disciplined and given a written warning. Kelly Fox stated she may have said one curse word during this conversation when she dropped something on the floor however, she does not remember.

On 3/21/2024, I conducted an interview with ORR Michelle Schiebel who stated that she was notified by case manager, Katie Miller, who was visiting her client at the facility, that Kelly Fox and Jessica Garten were overheard being very rude to Resident A and saying things about him such as "[Resident A] just doesn't fucking care". Michelle Schiebel stated although Resident A is nonverbal, he can understand things that are being said to him. Michelle Schiebel stated based on her investigation she will be substantiating this allegation.

On 4/11/2024, I conducted an onsite investigation at the facility with Jessica Garten who stated that she was talking with Kelly Fox in front of mental health provider Katie Miller and Resident A regarding Resident A not being able to sit in one place while getting his hair cut. Jessica Garten stated she expressed her frustration and used explicit language including comments such as "I don't fucking know" and "he acts as if he does not fucking care." Jessica Garten stated Kelly Fox made the comment "[Resident A] is a little shit" in her response to her during this conversation. Jessica Garten stated she apologized to both Kelly Fox and Resident A for making these statements and was given a written disciplinary notice because of her use of language. Jessica Garten

further stated Resident A is nonverbal therefore during the conversation Resident A did not respond during this conversation however stared at Kelly Fox while she was talking about him.

On 4/12/2024, I conducted an interview with mental health provider Katie Miller who stated that while visiting a resident at the facility, she heard staff members Kelly Fox and Jessica Garten speaking very rudely about and to Resident A who sat silently when the rude comments were being made about him. Katie Miller stated both staff members were not saying nice things about Resident A and swearing toward or about Resident A during their conversation.

On 4/12/2024, I reviewed the facility's *Progressive Action Form* dated 3/11/2024 which stated that Jessica Garten used profanity on multiple occasions while speaking to a staff member in the presence of a resident. It further stated this behavior is unacceptable and goes against the professional standards therefore a written warning was issued.

On 4/12/2024, I received an email from administrator Aubry Napier who stated that based on her interviews, Jessica Garten was the only staff member who received disciplinary action for her use of language around Resident A because she did not receive any reports that Kelly Fox was also using explicit language. Aubry Napier stated she will further investigate this matter.

APPLICABLE RULE	
R 400.14308	Resident behavior interventions prohibitions.
	(1) A licensee shall not mistreat a resident and shall not permit the administrator, direct care staff, employees, volunteers who are under the direction of the licensee, visitors, or other occupants of the home to mistreat a resident. Mistreatment includes any intentional action or omission which exposes a resident to a serious risk or physical or emotional harm or the deliberate infliction of pain by any means.

ANALYSIS:	Based on my investigation which included interviews with ORR Michelle Schiebel, mental health provider Katie Miller, direct care staff members Jessica Garten, Kelly Fox, and review of the facility's disciplinary notice there is evidence direct care staff members Kelly Fox and Jessica Garten were intentionally rude to Resident A. Katie Miller stated while visiting a resident at the facility, she heard staff members Kelly Fox and Jessica Garten using vulgar language toward Resident A who sat silently when the rude comments were being made about him. Both Jessica Garten and Kelly Fox confirmed rude comments, including swearing, were made about Resident A in the presence of Resident A therefore Resident A was mistreated by staff members.
CONCLUSION:	VIOLATION ESTABLISHED

ADDITIONAL FINDING:

INVESTIGATION:

While at the facility, I observed Resident B sleeping in the living room on a mattress and boxspring. Staff member Kelly Fox stated Resident B has been sleeping in the living room for over a week due to a bedbug infestation in his bedroom.

On 4/12/2024, I conducted an interview with licensee designee Nichole VanNiman who stated that Resident B has been sleeping in the living room for a little over a week and will have to continue to sleep in the living room for another week until his room is painted, and furniture is put back in place. Nichole VanNiman stated Resident B had padding on his walls to protect him from harming himself when he bangs his head against the walls and staff found bedbugs in the padding and other furniture pieces in Resident B's bedroom. Consequently, his bedroom was completed renovated to remedy the bedbug infestation. Nichole VanNiman stated she allowed Resident B to relocate his bed in the living room to avoid displacing Resident B to another facility owned by Beacon Specialized Living Services, Inc., the licensee.

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 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>(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:	While at the facility, I observed Resident B sleeping in the living room on a mattress and boxspring. Staff member Kelly Fox and Nichole VanNiman both stated Resident B has been sleeping in the living room for over a week due to a bedbug infestation in his bedroom. Resident B has not been given the need for privacy by sleeping in the living room.
CONCLUSION:	VIOLATION ESTABLISHED

On 4/12/2024, I conducted an exit conference with licensee designee Nichole VanNiman. I informed Nichole VanNiman of my findings and allowed an opportunity to ask questions and make comments.

On 4/26/2024, I received and approved a corrective action plan.

IV. RECOMMENDATION

An acceptable corrective action plan was received and approved. Therefore, I recommend the current license status remain unchanged.



Ondrea Johnson
Licensing Consultant

5/7/2024
Date

Approved By:



05/09/2024

Dawn N. Timm
Area Manager

Date