



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

June 12, 2024

Joyce Peterson
60407 M43 Highway
Bangor, MI 49013

RE: License #: AS800362293
Investigation #: 2024A1031029
Joyful Living

Dear Licensee:

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,

Kristy Duda, 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**

THIS REPORT CONTAINS QUOTED PROFANITY

I. IDENTIFYING INFORMATION

License #:	AS800362293
Investigation #:	2024A1031029
Complaint Receipt Date:	03/27/2024
Investigation Initiation Date:	03/27/2024
Report Due Date:	05/26/2024
Licensee Name:	Joyce Peterson
Licensee Address:	60407 M43 Highway Bangor, MI 49013
Licensee Telephone #:	(269) 639-9430
Administrator:	Joyce Peterson
Licensee Designee:	Joyce Peterson
Name of Facility:	Joyful Living
Facility Address:	328 Edgell Street South Haven, MI 49090
Facility Telephone #:	(269) 637-4823
Original Issuance Date:	04/26/2016
License Status:	REGULAR
Effective Date:	06/07/2022
Expiration Date:	06/06/2024
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED MENTALLY ILL

II. ALLEGATION(S)

	Violation Established?
Licensee did not use appropriate behavioral intervention.	Yes
Additional Findings	Yes

III. METHODOLOGY

03/27/2024	Special Investigation Intake 2024A1031029
03/27/2024	Special Investigation Initiated – Telephone Interview with Candice Kinzler.
03/27/2024	APS Referral
03/27/2024	Contact - Document Received
04/02/2024	Inspection Completed On-site
04/02/2024	Contact - Face to Face Interviews with Don McAfee and Resident B.
04/02/2024	Contact - Voicemail left with licensee.
04/10/2024	Contact - Voicemail left with licensee.
04/11/2024	Contact - Telephone Interview with Candice Kinzler.
04/16/2024	Contact - Telephone Interview with licensee.
05/10/2024	Contact – Documents Requested
05/15/2024	Contact – Documents Requested and Received
05/15/2024	Contact - Voicemail left with Resident A.
05/20/2024	Contact – Telephone Interview held with Resident A.
05/24/2024	Contact – Document Received and Reviewed.
06/06/2024	Exit Conference held with Licensee.

ALLEGATION:

Licensee did not use appropriate behavioral intervention.

INVESTIGATION:

On 3/27/24, I interviewed recipient rights director Candice Kinzler via telephone. Ms. Kinzler reported she received an incident report regarding an altercation between Resident A and the licensee Joyce Peterson. Ms. Kinzler reported she also reviewed a video that showed Ms. Peterson pushing and running from Resident A. Ms. Kinzler reported Resident A was arrested for assault.

On 3/27/24, I reviewed the incident report, police report, and video footage of the incident. The incident report read that Resident A assaulted the licensee by hitting her in the face with a closed fist and was calling her names. Resident A attempted to take the phone away from her when she tried to contact the police. The police report read that video footage was reviewed and it showed Ms. Peterson getting up from the ground as she was cornered by Resident A. Ms. Peterson then gets up from the ground and lunges at Resident A striking him in the upper right arm area. Resident A then goes after Ms. Peterson after she struck him and started to chase her. Ms. Peterson then tried to put a reclining chair in between them and then Ms. Peterson throws something at Resident A. Resident A was arrested for assault and battery. The video footage I reviewed does show Ms. Peterson getting up from the ground and Resident A standing over her. Ms. Peterson then lunges towards Resident A and hits him. Resident A then tried to go after Ms. Peterson and she ran away and pushed a chair in between them. Ms. Peterson then threw an object at Resident A.

On 4/2/24, I conducted an unannounced visit to the home. Direct care worker (DCW) Don McAfee reported he was not present when the altercation occurred. Mr. McAfee reported Resident A no longer resides in the home.

On 4/2/24, I attempted to interview Resident B, C, and D. Resident B was not able to be interviewed due to being nonverbal and Resident C and D were sleeping and did not want to wake up.

On 4/11/24, I received a telephone call from Ms. Kinzler stating that Resident A was released from jail and is residing in a different AFC home.

On 4/16/24, I interviewed the licensee Joyce Peterson via telephone. Ms. Peterson reported the day of the incident, she had called Resident A and requested that he be dropped off at a local church for dinner. Ms. Peterson reported Resident A was not dropped off where she was but was waiting in a vehicle when she returned home. Ms. Peterson reported that Resident A never told the individual transporting Resident A to drop him off at the church. Ms. Peterson reported she spoke to Resident A about this as she needed to know where he was. Ms. Peterson reported

Resident A became verbally aggressive and confrontational. Ms. Peterson reported Resident A called her a “nigger bitch” and called her son a “faggot”. Ms. Peterson reported she told Resident A that what he had said was wrong and he should not say those things. Ms. Peterson reported she went to get the phone to call the police as Resident A was getting increasingly more upset. Ms. Peterson reported when she went to grab the phone, Resident A pushed her to the ground and when she got up Resident A “charged” at her. Ms. Peterson reported when she got up off the ground, she did push him and ran away to lock herself in her bedroom as she was scared. Ms. Peterson reported Resident A charged at her again when she tried to leave her bedroom. Ms. Peterson reported she was able to get outside and she called a neighbor to come over to stay with her until the police arrived. Ms. Peterson reported Resident A was arrested for assault as she had a swollen, black eye from him hitting her. Ms. Peterson reported she has completed CPI training for behavior management but due to Resident A’s physical size and behavior, she was not able to utilize CPI techniques.

On 5/20/24, I interviewed Resident A via telephone. Resident A reported when he got back to the home, he got into a verbal argument with Ms. Peterson and “went at her”. Resident A reported that he did push and hit Ms. Peterson and admitted that he should not have done that to her. Resident A reported Ms. Peterson pushed him and threw a pocketknife at him. Resident A reported Ms. Peterson claimed she threw keys when it was a pocketknife. Resident A reported he was arrested for assault and currently resides in a different home.

APPLICABLE RULE	
R 400.14307	Resident behavior interventions generally.
	(4) Intervention techniques shall not be used for the purpose of punishment, discipline, or for the convenience of staff.
ANALYSIS:	Based on interviews and the review of video footage, Ms. Peterson was not able to use appropriate discipline techniques and acted in self-defense. The video footage I reviewed does show Ms. Peterson getting up from the ground and Resident A standing over her. Ms. Peterson then pushed Resident A to provide distance between the two. Resident A then tried to go after Ms. Peterson and she ran away and pushed a chair in between them.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ADDITIONAL FINDING:

INVESTIGATION:

On 5/24/24, I received and reviewed Resident A's *Individual Plan of Service (IPOS)* dated 8/3/23. The IPOS read that Resident A has a history of aggressive verbal and physical behaviors. Resident A tends to obsess over things that are beyond his control and can often let these negative feelings spoil his day.

APPLICABLE RULE	
R 400.14301	Resident admission criteria
	<p>(4) Intervention techniques shall not be used for the purpose of punishment, discipline, or for the convenience of staff.</p> <p>(2) A licensee shall not accept or retain a resident for care unless and until the licensee has completed a written assessment of the resident and determined that the resident is suitable pursuant to all of the following provisions:</p> <p>(a) The amount of personal care, supervision, and protection that is required by the resident is available in the home.</p> <p>(b) The kinds of services, skills, and physical accommodations that are required of the home to meet the resident's needs are available in the home.</p> <p>(c) The resident appears to be compatible with other residents and members of the household.</p>
ANALYSIS:	It has been determined that the licensee was not able so ensure that Resident A's needs were met due to his history of physical aggression. Ms. Peterson admitted that she was not able to use appropriate behavioral interventions due to Resident A's aggressive behaviors and his physical size.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

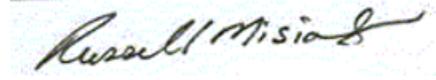
Upon receipt of an acceptable corrective action plan, it is recommended that the status of the license remain unchanged.

5/22/24

Kristy Duda
Licensing Consultant

Date

Approved By:



6/4/24

Russell B. Misiak
Area Manager

Date