



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

October 11, 2024

Jasmine Boss
JARC
6735 Telegraph Rd
Suite 100
Bloomfield Hills, MI 48301

RE: License #: AS630300830
Investigation #: 2024A0991031
Nusbaum Home

Dear Jasmine Boss:

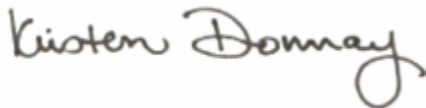
Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- 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 (248) 975-5053.

Sincerely,

A handwritten signature in dark ink, reading "Kristen Donnay". The signature is written in a cursive style with a large, looped "K" and a long, sweeping "y".

Kristen Donnay, Licensing Consultant
Bureau of Community and Health Systems
Cadillac Place
3026 W. Grand Blvd. Ste 9-100
Detroit, MI 48202
(248) 296-2783

enclosure

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

I. IDENTIFYING INFORMATION

License #:	AS630300830
Investigation #:	2024A0991031
Complaint Receipt Date:	08/22/2024
Investigation Initiation Date:	08/23/2024
Report Due Date:	10/21/2024
Licensee Name:	JARC
Licensee Address:	6735 Telegraph Rd Suite 100 Bloomfield Hills, MI 48301
Licensee Telephone #:	(248) 940-9617
Licensee Designee:	Jasmine Boss
Name of Facility:	Nusbaum Home
Facility Address:	29420 Minglewood Farmington Hills, MI 48334
Facility Telephone #:	(248) 539-4616
Original Issuance Date:	08/10/2009
License Status:	REGULAR
Effective Date:	05/12/2024
Expiration Date:	05/11/2026
Capacity:	6
Program Type:	DEVELOPMENTALLY DISABLED

II. ALLEGATION(S)

	Violation Established?
On 08/17/24, Resident A defecated while sitting at the table waiting to eat. Staff, Shilinda Carter, degraded Resident A by yelling and screaming at her for 30 minutes. Ms. Carter sent Resident A to bed without lunch.	Yes

III. METHODOLOGY

08/22/2024	Special Investigation Intake 2024A0991031
08/22/2024	APS Referral Received from Adult Protective Services (APS)
08/22/2024	Referral - Recipient Rights Referred to Office of Recipient Right (ORR)
08/23/2024	Special Investigation Initiated - Telephone Call to Office of Recipient Rights (ORR) worker, Rachel Moore
08/23/2024	Contact - Telephone call made Call to APS worker, Donna Dennis
08/23/2024	Contact - Telephone call made Call to ORR worker, Rachel Moore
08/23/2024	Contact - Document Received Received copy of incident report
08/28/2024	Inspection Completed On-site Unannounced onsite inspection- Interviewed Resident A and district manager
08/28/2024	Contact - Document Received Individual plan of service/crisis plan, staff schedule
09/11/2024	Contact - Telephone call made Interviewed Shilinda Carter

09/11/2024	Contact - Telephone call made To direct care worker, Senora Leonard
09/11/2024	Contact - Telephone call made To district manager, Brandi Whelan
09/11/2024	Contact - Telephone call received Interviewed direct care worker, Senora Leonard
10/11/2024	Exit Conference Left message for licensee designee, Jasmine Boss

ALLEGATION:

On 08/17/24, Resident A defecated while sitting at the table waiting to eat. Staff, Shilinda Carter, degraded Resident A by yelling and screaming at her for 30 minutes. Ms. Carter sent Resident A to bed without lunch.

INVESTIGATION:

On 08/22/24, I received a complaint from Adult Protective Services (APS) alleging that on 08/17/24, Resident A defecated on herself while sitting at the table waiting to eat. Staff, Shilinda Carter, degraded Resident A by yelling and screaming at her with a barbaric tone for thirty minutes. The complaint alleged that Ms. Carter yelled, "You are too old to be boo-booing in your clothes. You stink. Why are you sitting there pooping on yourself. You did it on purpose." Ms. Carter cleaned up Resident A and put her to bed without giving her lunch. I initiated my investigation on 08/22/24, by contacting the assigned Office of Recipient Rights (ORR) worker, Rachel Moore, and the assigned Adult Protective Services (APS) worker, Donna Dennis.

On 08/28/24, I conducted an unannounced onsite inspection at Nusbaum Home with the assigned ORR worker, Rachel Moore. I interviewed Resident A. Resident A stated that a couple of weeks ago she had an accident in her pants. She stated that staff, Shilinda Carter, was angry with her. Ms. Carter slapped her on the head. She stated that Ms. Carter hit her hard and it was on the top of her head. Resident A said that Ms. Carter gave her a shower and then she said, "I'm going to bed." She put her pajamas on. Resident A said that she did eat lunch that day. She stated that she did not know what Ms. Carter said to her after she had an accident in her pants. When asked if Ms. Carter said, "Look at you, you stink," Resident A said yes. She stated that nobody was around at the time. Everybody was at the table eating lunch. When asked if Ms. Carter said, "You're 37 years old. You shouldn't be boo-booing. You know better," Resident A said, "It's true. She said that." Resident A stated that Ms. Carter has said mean things to her before, but she could not remember what she said. Ms. Carter was not yelling, but

she was being loud towards Resident A. She stated that Ms. Carter said something else while she was helping her shower, but she could not remember what she said. Ms. Carter was being mean to her. Resident A confirmed that Senora was the other staff who was working at the time of the incident. She could not recall what Senora did or said that day. Resident A stated that she does feel safe around Ms. Carter.

On 08/28/24, I interviewed JARC district manager, Brandi Whelan. Ms. Whelan stated that Shilinda Carter is the assistant manager at the home. Ms. Carter has worked for JARC for a few years. All of the residents in the home seem to love Ms. Carter. They hug her when they see her, and she appears to be well liked by everyone. Ms. Whelan stated that Ms. Carter has never been written up for anything. Ms. Whelan stated that Resident A occasionally has accidents if she gets caught up in something or if she is feeling anxious. She stated that it is not really a behavioral issue, and it has been a couple years since Resident A has had an issue. Ms. Whelan stated that Senora Leonard was working with Shilinda Carter from 7:00am-3:00pm on the day of the incident. Ms. Leonard did not report any concerns on the day the incident occurred. She waited a few days and then reported the incident after talking to the home manager from another home.

On 09/11/24, I interviewed the assistant manager, Shilinda Carter, via telephone. Ms. Carter stated that she has worked for JARC for eight years and has worked at the Nusbaum Home for about two years. Ms. Carter stated that Resident A does not regularly defecate in her pants. She stated that on the day of the incident, she fixed lunch and the residents were sitting down to eat. Resident A was eating when she said her stomach hurt. Ms. Carter stated that they could smell something, and she knew that Resident A had gone to the bathroom in her pants. She stated that she said to Resident A, "(Resident A), come on. We're eating lunch. You can't do that." She stated that she was a little stern and her voice might have been elevated, but she was not yelling. Ms. Carter stated that she took Resident A to the back of the house and put her in the shower. Resident A felt bad about having an accident, but she was not crying. After she showered, Resident A wanted to go lie down in bed. Resident A was in her bed for about forty minutes, until her mom called and said she was going to come get her. Ms. Carter stated that she did not put Resident A to bed as a punishment. Resident A had already eaten about 80% of her lunch when she stated that she wanted to go lie down. Ms. Carter denied hitting or slapping Resident A. She stated that she did not touch her. She denied yelling or screaming at Resident A. She again stated that her voice was a little elevated and more stern than usual. She said, "(Resident A) why would you do that? We're right here." Ms. Carter stated that she is with the residents constantly and works at least five days a week, so she knows them well. Resident A typically tells staff if she needs to go to the bathroom. She felt that the staff person she was working with, Senora Leonard, thought that Resident A should have been coddled. She believes Ms. Leonard took it out of proportion and made a complaint against her. Ms. Carter stated that Ms. Leonard did not step in on that day and has not said anything directly to her about the incident. Ms. Leonard was new to the home, and they had only worked

together for two or three weeks. Ms. Carter stated that she never told Resident A, "you stink," but the other residents might have said that to her, as they could all smell it. She denied accusing Resident A of pooping her pants on purpose. Ms. Carter stated that she would not do anything different in this situation, as she did not feel that she did anything wrong. She stated that she did not cause any harm to Resident A. Resident A was not upset or crying. She stated that Resident A laid down after her shower and was then happy to be leaving with her mom.

On 09/11/24, I interviewed direct care worker, Senora Leonard, via telephone. Ms. Leonard stated that she has been working for JARC for about three months. She stated that she was working with Shilinda Carter on 08/17/24. She did not know what was going on, but Ms. Carter seemed to be in a bad mood and was kind of rough with some of the residents in the home. She stated that they made lunch, and all of the residents were at the table eating. Ms. Carter said, "Do I smell something? What is that I smell?" She then looked at Resident A and said, "Did you poop your pants?" Ms. Leonard stated that Ms. Carter started yelling at Resident A saying, "You're 37 years old. You're too old to be boo-booing in your clothes." Ms. Leonard stated that Resident A did not do this on purpose, and it was just something that happened. She felt Ms. Carter was blaming Resident A and acting as if she did it on purpose.

Ms. Carter told Resident A, "Get up. Now I have to clean you." She also told her, "You stink." Ms. Leonard stated that Ms. Carter was being "over the top." She was raising her voice, yelling, and screaming. Resident A was crying while Ms. Carter was giving her a shower. She stated that she was in the front of the house, but she could hear Ms. Carter yelling and screaming at Resident A. This went on for about 30 minutes. The yelling would stop and then start again. Resident A was crying and kept saying, "I'm sorry." Ms. Leonard stated that Ms. Carter came back without Resident A, and told her that Resident A was in bed. Ms. Leonard told Ms. Carter that she was not going to let her punish Resident A, and she went to get Resident A out of bed. She stated that she tried to comfort Resident A, as Resident A was convinced that she had soiled herself on purpose. Ms. Carter stated that in this situation staff should be nice, gentle, and kind. Ms. Carter did not recall any of the other residents making any comments to Resident A. She stated that this happened within the first few minutes of them sitting down to eat. Ms. Leonard stated that she did not see Ms. Carter hit Resident A, but she was verbally berating her. Ms. Leonard stated that she did not try to intervene when she heard Ms. Carter yelling at Resident A. She just waited to see what would happen and was hoping that it would stop. She stated that Shilinda Carter is the co-house manager. While she is not directly her boss, Ms. Leonard did not feel comfortable intervening as she is "just staff." She stated that staff do not receive any formal training regarding how to respond in a situation like this. They are not told who to contact, what to do, or how to respond if they observe something while they are on duty. Ms. Leonard stated that she did not contact anybody that day, as she was trying to figure out what to do. She contacted the main office the next day and they instructed her to write an incident report.

I reviewed a copy of the incident report completed by Senora Leonard on 08/20/24. It notes the incident happened on 08/17/24 from 12:30-1:00pm. Ms. Leonard wrote that Resident A came to the table for lunch at 12:30pm. She sat down, and a few minutes later she pooped her pants while sitting there. Shilinda Carter looked at Resident A and started screaming at her. Her quotes were as follows, "What's that I smell? I smell something. (Resident A) did you poop in your pants while you're sitting here looking me in my face?" "You are 37 years old, and still boo booing in your clothes. You are too old to still be boo booing on yourself." "Get up, now I have to clean you up. Come on. You stink." "Why did you sit there and poop on yourself? You did that on purpose. Why didn't you tell someone you had to go to the bathroom?" "You looked me dead in my face while you were pooping." The incident report notes that Shilinda yelled and screamed loudly at Resident A and continued to berate her while in the bathroom. They could hear her yelling from the bathroom at the back of the house. Shilinda would stop for a few minutes while showering Resident A and then would start back yelling again. Resident A was crying and saying, "I'm sorry. I'm sorry." At 1:00pm Shilinda returned to the dining room without Resident A. Senora Leonard asked her where Resident A was, and Shilinda stated that she was in bed. Ms. Leonard said, "Oh no, you are not going to punish her and send her to bed without lunch." She got Resident A out of bed and tried to comfort her. She talked to her and told her that everything would be alright. She asked Resident A if she was alright and Resident A stated, "No, I'm not. I pooped my pants on purpose." Ms. Leonard said, "No, you don't think you pooped your pants on purpose, do you?" Resident A replied, "no." Ms. Leonard wrote in the incident report that Resident A had been yelled and screamed at for 30 minutes and was now convinced that she pooped her pants on purpose. She wrote, "This is barbaric!!! (Resident A's) rights have been violated."

I received and reviewed copies of Resident A's individual plan of service and crisis plan dated 04/01/24. The crisis plan notes that Resident A requires reminders to use the bathroom approximately every 2 hours, after meals and before leaving the home for an outing. She will occasionally have accidents. It also notes that caregivers should all use gentle teaching interactions when working with Resident A. They should convey calmness, and that they care about and value her; validate her feelings, enjoy activities together, and remember to provide a safe environment where Resident A can relax, express herself, and feel valued. When providing directives to Resident A, caregivers should utilize a gentle approach and a calm voice. They should observe her for any warning signs of Resident A being upset or anxious and redirect her to a quiet place, or suggest she engage in preferred tasks that she enjoys. Caregivers should avoid argument or dialogue about the task if she is being stubborn. Caregivers should not use a harsh/directive tone of voice as this may cause her to become even more defensive and uncooperative, and it was noted that she tends to "do the opposite."

On 10/11/24, I contacted the licensee designee, Jasmine Boss, via telephone to conduct an exit conference. Ms. Boss was not available, so I left a voicemail message and requested a return phone call.

APPLICABLE RULE	
R 400.14305	Resident protection.
	(3) A resident shall be treated with dignity and his or her personal needs, including protection and safety, shall be attended to at all times in accordance with the provisions of the act.
ANALYSIS:	Based on the information gathered through my investigation, there is sufficient information to conclude that Resident A was not treated with dignity and respect after she defecated in her pants while sitting at the table on 08/17/24. Resident A stated that it was true that the assistant manager, Shilinda Carter, told her, "Look at you, you stink," and, "You're 37 years old. You shouldn't be boo-booing. You know better." Ms. Carter denied making these comments, but she stated that she was a little stern and her voice was elevated when she said, "(Resident A), come on. We're eating lunch. You can't do that," and "(Resident A) why would you do that? We're right here." The other staff on shift, Senora Leonard observed Ms. Carter yelling and screaming at Resident A for over 30 minutes, which resulted in Resident A crying and blaming herself for pooping in her pants. Ms. Leonard completed an incident report in which she described Ms. Carter's behavior as "barbaric". Ms. Leonard failed to ensure Resident A's protection and safety, as she did not intervene or immediately report Ms. Carter when she observed this interaction.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.14308	Resident behavior interventions prohibitions.
	(2) A licensee, direct care staff, the administrator, members of the household, volunteers who are under the direction of the licensee, employees, or any person who lives in the home shall not do any of the following: (e) Withhold food, water, clothing, rest, or toilet use.
ANALYSIS:	Based on the information gathered through my investigation, there is insufficient information to conclude that staff, Shilinda Carter, withheld food from Resident A and made her go to bed without lunch after she defecated in her pants. Resident A

	stated that she did eat lunch on the day of the incident. Ms. Carter stated that Resident A chose to go to bed after she was showered and had already eaten 80% of her lunch. The other staff on shift, Senora Carter, stated that she got Resident A out of bed and had her eat lunch.
CONCLUSION:	VIOLATION NOT ESTABLISHED

IV. RECOMMENDATION

Contingent upon the receipt of an acceptable corrective action plan, I recommend no change to the status of the license.

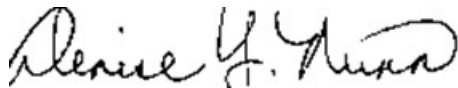


10/11/2024

Kristen Donnay
Licensing Consultant

Date

Approved By:



10/11/2024

Denise Y. Nunn
Area Manager

Date