



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

January 28, 2025

Michael Kirby
Kirby's Adult Foster Care Services Inc.
2285 E. Lily Lake
Harrison, MI 48625

RE: License #: AS370408026
Investigation #: 2025A1029012
Shady Oak

Dear Mr. Kirby:

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 (231) 922-5309.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Browning". The script is cursive and fluid, with the first letter of each word being capitalized and prominent.

Jennifer Browning, Licensing Consultant
Bureau of Community and Health Systems
browningj1@michigan.gov - 989-444-9614

enclosure

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

I. IDENTIFYING INFORMATION

| | |
|---------------------------------------|--|
| License #: | AS370408026 |
| Investigation #: | 2025A1029012 |
| Complaint Receipt Date: | 01/06/2025 |
| Investigation Initiation Date: | 01/07/2025 |
| Report Due Date: | 03/07/2025 |
| Licensee Name: | Kirby's Adult Foster Care Services Inc. |
| Licensee Address: | 2285 E. Lily Lake, Harrison, MI 48625 |
| Licensee Telephone #: | (989) 539-7365 |
| Administrator: | Michael Kirby |
| Licensee Designee: | Michael Kirby |
| Name of Facility: | Shady Oak |
| Facility Address: | 9320 E Pickard, Mt Pleasant, MI 48858 |
| Facility Telephone #: | (989) 317-3940 |
| Original Issuance Date: | 06/17/2021 |
| License Status: | REGULAR |
| Effective Date: | 12/17/2023 |
| Expiration Date: | 12/16/2025 |
| Capacity: | 6 |
| Program Type: | DEVELOPMENTALLY DISABLED MENTALLY ILL |

II. ALLEGATION(S)

| | Violation Established? |
|--|------------------------|
| Direct care staff member Chelsea Schafer speaks to Resident A in a disrespectful tone. | Yes |

III. METHODOLOGY

| | |
|------------|--|
| 01/06/2025 | Special Investigation Intake 2025A1029012 |
| 01/07/2025 | Special Investigation Initiated – Letter - Email to Katie Hohner ORR |
| 01/08/2025 | APS Referral made to Centralized Intake |
| 01/08/2025 | Contact - Document Received Email from CI - APS will not be investigating these concerns. |
| 01/08/2025 | Contact - Telephone call made to licensee designee Michael Kirby |
| 01/09/2025 | Inspection Completed On-site - Face to Face with direct care staff members Kali Dana, Chelsea Schafer, Resident A, Jasmine Parker, and Matthew Hopper at Shady Oak |
| 01/09/2025 | Contact - Telephone call made to direct care staff member Jasmine Parker |
| 01/10/2025 | Contact - Telephone call made to Assistant Director, Matthew Hopper |
| 01/16/2025 | Contact – Telephone call to direct care staff members Candy Vasquez, Mercedes Colberg, and email to CMH case manager, Andrea Cotter |
| 01/23/2025 | Contact – Telephone call and sent email to Katie Hohner. |
| 01/23/2025 | Contact – Telephone call to licensee designee Michael Kirby |
| 01/23/2025 | Exit conference with licensee designee Michael Kirby |

ALLEGATION: Direct care staff member Chelsea Schafer speaks to Resident A in a disrespectful tone.

INVESTIGATION:

On January 6, 2025 a complaint was received via Bureau of Community and Health Systems online complaint system with concerns direct care staff member Chelsea Schafer speaks to Resident A in a disrespectful tone because she yelled at Resident A when she was doing her laundry. Community Mental Health (CMH) Office of Recipient Rights (ORR) advisor Katie Hohner is also investigating the allegations.

On January 9, 2025, ORR Ms. Hohner and I completed an on-site investigation at Shady Oak and interviewed Resident A. Resident A stated during this incident direct care staff member Chelsea Schafer was upset with her while she was doing laundry and they were both yelling at each other during this incident. Resident A stated Ms. Schafer informed her she could not do her own laundry because she uses too much soap in the laundry but in the past Ms. Schafer and another unknown direct care staff member told her that she could do her own laundry. Resident A stated Ms. Schafer was upset because she washed someone else's clothes along with hers, so Ms. Schafer yelled at her about it. Resident A stated she did tell Ms. Schafer that she made her upset. Resident A stated after the incident direct care staff member Candy Vasquez asked her what was wrong and she said Ms. Schafer was yelling at her again for no reason. Resident A stated after the incident Ms. Schafer came to her and asked if she treats her mean and she told her "No", and she told her "I did not mean to make you upset or seem rude" and apologized for the incident. Resident A said that she did not know what to say so she said no but Ms. Schafer did upset her. Resident A stated it has been better with Ms. Schafer after Ms. Schafer apologized about this incident.

On January 9, 2025, ORR Ms. Hohner and I interviewed direct care staff member, whose current role is home manager, Kali Dana who stated she does work with Ms. Schafer at Shady Oak and at another licensed AFC before 2021. Ms. Dana stated she does not notice Ms. Schafer being rude when she has worked with her but sometimes Ms. Schafer can "come off snotty" to other staff. Ms. Dana stated this is Ms. Schafer's demeanor and that she has not observed Ms. Schafer treat residents this way. Ms. Dana stated Ms. Schafer is not a direct care staff member who is trying to make friends with other direct care staff members and is there to do her job. Ms. Dana stated she heard from direct care staff member Jasmine Parker that Ms. Schafer yelled at Resident A. Ms. Dana stated she did ask Ms. Parker if she had any concerns and she said no but she knows that Ms. Parker and Ms. Schafer do not get along well. Ms. Dana stated direct care staff member Mercedes Colberg was told by Resident A after the incident that Ms. Schafer yelled at her. Ms. Dana stated Resident A will say the direct care staff members are "getting after her" about something anytime she is redirected to do something.

During the onsite investigation, I reviewed the following documentation in Resident A's resident record:

1. Resident A's Community Mental Health Person Centered Plan includes documentation under Behavioral Safety: *[Resident A] will exaggerate saying others have hurt her though their touch was gentle such as a hug or pat on the shoulder and staff should be mindful not to touch her to avoid false allegations. [Resident A's] helpfulness is not always well received by housemates and they often perceive her as bossy this occasionally causes tension between her and housemates she may need frequent gentle reminders that she is not the boss and that the staff will address the task issue topic etc.*
2. Resident A's Assessment Plan for AFC Residents dated June 15, 2024 which includes documentation Resident A will get upset with others, will scream at staff when being verbally prompted, and enjoys doing household tasks of her choice.

I also reviewed the following documentation in Ms. Schafer's employee record.

1. I reviewed verifications that Ms. Schafer has completed all required AFC licensing trainings including an updated Recipient Rights training on July 6, 2024.
2. On January 1, 2025 a written reprimand signed by Ms. Dana and Ms. Schafer for *"failure to treat resident with dignity and respect and having a poor attitude" from this incident. This is in violation of policy and procedure of Kirby's AFC."*
3. A signed Job Description from Ms. Schafer dated July 3, 2019 which states *"direct care staff members must maintain a calm and collective demeanor while dealing with all residents."*
4. Eligibility letter from Michigan Workforce Background Check showing Ms. Schafer is eligible to work in an AFC setting.

On January 9, 2025, ORR Ms. Hohner and I interviewed direct care staff member Chelsea Schafer. Ms. Schafer stated Resident A's laundry day is on Saturday and she does her own laundry but sometimes she needs redirecting because she will pack the washer too full or use too much soap. Ms. Schafer stated sometimes Resident A will try to wash other residents clothes and she will be told to please make sure the other residents stuff is on the dryer. Ms. Schafer stated Resident A will say "I know" so the other residents clothes does not go back to her room. Ms. Schafer stated she has never yelled at her for washing someone else's clothes, accused her of stealing, but she will redirect her to put other residents' clothing on the dryer for other staff to handle. Ms. Schafer stated Resident A has not yelled at her about laundry in the past. Ms. Schafer stated she would never yell at a resident and has turned other direct care staff members into Recipient Rights for the same thing. Ms. Schafer stated she does not feel she was disrespectful to any of the residents.

On January 9, 2025, ORR Ms. Hohner and I interviewed direct care staff member Jasmine Parker. Ms. Parker stated she works with Ms. Schafer on Wednesdays and has concerns about the way Ms. Schafer interacts with the residents because sometimes she is "not nice" to Resident A. Ms. Parker stated Ms. Schafer tells Resident

A she smells and says it loud enough that others near the kitchen will be able to hear her. Ms. Parker stated sometimes Ms. Schafer will talk to the residents in a “forceful way” by telling her she needs to bring out their clothes or do something they do not want to do. Ms. Parker stated when the residents do not want to do something, she will usually redirect to something else, however, Ms. Schafer will “take it to the next step so the residents will be upset” but could not give any examples of these interactions. Ms. Parker stated Resident A also told her Ms. Schafer was upset with her and yelled at her.

On January 10, 2025, I interviewed Assistant Director, Matthew Hopper. Mr. Hopper stated Ms. Schafer has worked for them for six years and he does not know if she was worked up or having a bad day. Mr. Hopper stated he does not think she would be disrespectful on purpose but she probably came across “in a way that was not loving” toward Resident A. Mr. Hopper stated Ms. Schafer is really worried about this and she is doing everything she can do to correct this so he is going to have Ms. Dana talk about her completing an additional training.

On January 16, 2025 I interviewed direct care staff member Mercedes Colberg. Ms. Colberg stated she has been employed there for three months. Ms. Colberg stated she has worked with Ms. Schafer in the past and she would describe her interactions with the residents as good because she has never heard her yell or mistreat them.

On January 16, 2025, I interviewed direct care staff member Candy Vasquez. Ms. Vasquez she worked with Ms. Schafer on Saturdays and she does her job well other than she’s “too rough and stern” with residents. Ms. Vasquez stated she goes “overboard and takes it too far” when Ms. Schafer talks to residents about something that needs done or trying to redirect them. Ms. Vasquez stated Ms. Schafer tends to elaborate longer than needed and “does not let things go.” Ms. Vasquez stated there was an incident about laundry and Ms. Schafer was yelling at Resident A. Ms. Vasquez stated she thinks Ms. Schafer blew it out of proportion because Resident A did someone else’s laundry and she was accusing Resident A of stealing other residents’ clothes. Ms. Vasquez stated this situation escalated because Resident A and Ms. Schafer were yelling at each other for at least five minutes. Ms. Vasquez stated Ms. Schafer kept telling Resident A she was not going to be able to do her own laundry because she was doing too many clothes at once, using too much soap, and she could not find another resident’s shirt. Ms. Vasquez stated she did hear Resident A tell her “you are upsetting me and you are yelling at me” and she heard Ms. Schafer say back to her “I am not yelling at you; I am redirecting you.” Ms. Vasquez stated she is always telling the residents what they should or should not be doing and it makes it uncomfortable to work with her. Ms. Vasquez stated this incident was clearly yelling and not just speaking loudly at her. Ms. Vasquez stated after this incident Resident A did come to her and say, “Chelsea upset me because she was yelling at me.”

On January 17, 2025 I received an email from Resident A’s CMH case manager, Andrea Cotter who stated this is the only incident she is aware of where Resident A felt disrespected at Shady Oak and she was not aware of concerns with Ms. Schafer nor has she been witness to any disrespectful or concerning behaviors while at Shady Oak.

On January 23, 2025 I interviewed licensee designee Michael Kirby. Mr. Kirby stated Ms. Schafer is a rule follower and she gets frustrated when tasks are not going the way she wants. Mr. Kirby stated she will often have concerns with direct care staff members working with her and attempt to hold them accountable for not completing their tasks. Mr. Kirby stated he will discuss these concerns with Ms. Schafer and have her do additional training with Gentle Teaching to alleviate future concerns.

| APPLICABLE RULE | |
|------------------------|--|
| R 400.14304 | Resident rights; licensee responsibilities. |
| | <p>(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> <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>A licensee shall respect and safeguard the resident's rights specified in subrule (1) of this rule.</p> <p>(2) A licensee shall respect and safeguard the resident's rights specified in subrule (1) of this rule.</p> |
| ANALYSIS: | <p>Based on the interviews with Resident A and direct care staff members Ms. Parker, Ms. Dana, Ms. Vasquez, Mr. Hopper, and licensee designee Michael Kirby, Resident A was not treated with respect and dignity while doing laundry. Resident A stated she was yelled at by Ms. Schafer and she felt disrespected by her. Direct care staff members Ms. Parker and Ms. Vasquez both stated Ms. Schafer will sometimes push an issue with the residents which upsets them. On January 1, 2025 a written reprimand signed by Ms. Dana and Ms. Schafer for <i>"failure to treat resident with dignity and respect and having a poor attitude" from this incident. This is in violation of policy and procedure of Kirby's AFC.</i></p> |
| CONCLUSION: | VIOLATION ESTABLISHED |

IV. RECOMMENDATION

Upon receipt of an approved corrective action plan, I recommend no change in the license status.



Jennifer Browning
Licensing Consultant

01/23/2025

Date

Approved By:



01/28/2025

Dawn N. Timm
Area Manager

Date