



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

July 8, 2024

James Pilot
Bay Human Services, Inc.
P O Box 741
Standish, MI 48658

RE: License #: AM730268783
Investigation #: 2024A0580035
Cambridge CLF

Dear James Pilot:

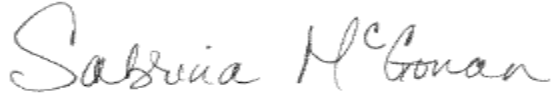
Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- 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.
- Indicate how continuing compliance will be maintained once compliance is achieved.
- Be signed and dated.

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 (517) 643-7960.

Sincerely,

A handwritten signature in cursive script that reads "Sabrina McGowan". The ink is dark and the signature is fluid.

Sabrina McGowan, Licensing Consultant
Bureau of Community and Health Systems
611 W. Ottawa Street
P.O. Box 30664
Lansing, MI 48909
(810) 835-1019

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 #:	AM730268783
Investigation #:	2024A0580035
Complaint Receipt Date:	05/15/2024
Investigation Initiation Date:	05/17/2024
Report Due Date:	07/14/2024
Licensee Name:	Bay Human Services, Inc.
Licensee Address:	PO Box 741 3463 Deep River Rd Standish, MI 48658
Licensee Telephone #:	(989) 846-9631
Administrator:	Tammy Unger
Licensee Designee:	James Pilot
Name of Facility:	Cambridge CLF
Facility Address:	3363 Hospital Road Saginaw, MI 48603
Facility Telephone #:	(989) 792-4278
Original Issuance Date:	03/09/2006
License Status:	REGULAR
Effective Date:	10/11/2022
Expiration Date:	10/10/2024
Capacity:	8
Program Type:	DEVELOPMENTALLY DISABLED

II. ALLEGATION(S)

	Violation Established?
Staff members took photographs of Resident A while he was undressed and on hands and knees.	Yes

III. METHODOLOGY

05/15/2024	Special Investigation Intake 2024A0580035
05/17/2024	Special Investigation Initiated - Telephone Call to K. Patterson, Recipient Rights, Saginaw County.
05/20/2024	Contact - Telephone call received Call from K. Patterson, Recipient Rights.
05/31/2024	Inspection Completed On-site Onsite inspection conducted.
05/31/2024	Contact - Face to Face Interview with staff, Melissa Sherbino.
05/31/2024	Contact - Face to Face Observation of Resident A.
06/03/2024	Contact - Telephone call made Call to Shana Rosa, Home Manager.
06/03/2024	Contact - Telephone call made Call to Shanna Rosa, Home Manager.
06/25/2024	Contact - Telephone call made Spoke with staff, Rose Syed.
06/25/2024	Contact - Telephone call made Call to Case manager for Resident A.
06/25/2024	Contact - Telephone call made Call to home manager, Katherine Villanueva.
06/25/2024	Contact - Telephone call made

	Call to Saginaw Co. CMH Case Manager, Christina McBean.
06/28/2024	Contact - Telephone call received Call from Saginaw Co. CMH Case Manager, Christina McBean.
07/01/2024	Contact - Telephone call made Call to Keehan Sarkar, assigned Recipient Rights Investigator, Saginaw Co.
07/01/2024	Contact - Telephone call made Call to Regional Manager, Kelly Surles.
07/08/2024	Exit Conference Exit with Tammy Unger, Administrator.

ALLEGATION:

Staff members took photographs of Resident A while he was undressed and on hands and knees.

INVESTIGATION:

On 05/15/2024, I received a complaint via BCAL Online Complaints.

On 05/17/2024, I made a phone call to Kentera Patterson, Recipient Rights (RR) Director, Saginaw County.

On 05/20/2024, I spoke with RR (Recipient Rights) Director Patterson who identified Resident A and perpetrating staff as Melissa Sherbino.

On 05/31/2024, I conducted an onsite inspection at Cambridge CLF. Contact was made with the Regional Manager, Kelly Surles, who shared that staff Sherbino had been taken off the schedule, however, she was allowed to return. Because she was honest and up front with the fact that she was only trying to show Relative Guardian A Resident A's behaviors, she was allowed to return with a strict corrective action plan.

On 05/31/2024, I interviewed staff Melissa Sherbino regarding the allegations. Staff Sherbino stated that on the day in question, staff Rose Syed arrived for her shift and Resident A began having behaviors, lasting upwards of 2 hours, which included actions such as throwing things, cursing at staff. Staff Sherbino stated that Relative Guardian A never believes staff when they inform her of his behavior, so when Resident A proceeded to pull his pants down, telling staff to "kiss his ass", she decided to take a photo and send to her for proof. Staff Sherbino stated that she never had any ill

intentions and has since deleted the photo and denied sending it to anyone other than Relative Guardian A.

On 05/31/2024, While onsite, I observed Resident A sitting at the dining room table socializing with staff. He got up and allowed me to examine that he was adequately dressed and groomed. He appeared to be receiving proper care. Resident A did not wish to be interviewed as he did not respond to the questions asked.

Three other residents in the home were observed in their rooms, while others were in the living room watching television. The residents appeared to be receiving proper care. There were no noted concerns.

On 06/03/2024, I spoke with home manager, Shanna Rosa, who shared that she was advised of the event the following Monday by the license administrator, Kelly Surles. Staff Syed was identified as the staff that came on duty, causing Resident A's behavior to escalate. Manager Rosa goes on to share that Resident A is infatuated with staff Syed. Historically, they had a great relationship, in which he considered her his girlfriend. It got to the point where Resident A's guardian wanted to know staff Rosa's schedule so that Resident A knows what days to look forward to her being at work because he would be upset if she is not working. Once the inappropriateness was addressed, it became more of a love/hate relationship for Resident A. Some days there are behavioral problems, some days there aren't. Resident A's behaviors became more aggressive towards both staff and other residents. Resident A has been verbally threatening against staff, pulls his pants down and shows his bottom, tells staff to "kiss his ass", refuses his medication, etc. Discharge has been suggested, however, nothing has occurred. This has been an ongoing issue for the past 3 years. Staff are stressed and unable to continue to deal with Resident A's behavior.

On 06/03/2024, I received a copy of the Incident Report dated 05/10/2024. The report states that while working on 2nd shift, Katherine Villanueva, was told by Relative Guardian A that Resident A was having a behavior that morning during 1st shift. During the behavior, Resident A was on the floor by the med room and the kitchen. Resident A was cursing at staff, showing his bare bottom, telling staff to kiss his ass. I was advised by staff Rose Syed of this situation later in my shift after the guardian and I spoke about it. Rose Syed and the guardian both explained that staff, Melissa Sherbino took a picture of Resident A in the inappropriate state and sent it to the Relative Guardian A. After my shift, I Katherine Villanueva contacted Regional Manager, Kelly Surles around 11:30pm on Friday May 10, 2024, and called the Office of Recipient Rights right after. Corrective measures indicate that staff Sherbino was suspended effective 05/13/2024. Will review abuse/neglect and culture of Gentleness with staff.

On 06/25/2024, I spoke with direct staff, Rose Syed, who recalled on the day in question, that Resident A was having a behavior, which resulted in his pulling down his pants telling him to "kiss her ass". She recalled staff, Melissa Sherbino stating that she was going to take a photo and send it to Relative Guardian A, however, she never conformed whether she did or didn't. She denied ever having seen the photo.

Staff Syed went on to share that Resident has harmed other residents in the past when displaying aggressive behavior, however, nothing has ever resulted in injury or hospitalization.

On 06/25/2024, I spoke with home manager, Katherine Villanueva, who stated that she had arrived to work and found out later in her shift after speaking with Relative Guardian A, who informed her that staff Sherbino had taken the photo. Once she found out, she contacted license administrator Kelly Surles, and informed her of what occurred. She was then instructed to contact the Office of Recipient Rights. Manager Villanueva denied ever having seen the photo. Manager Villanueva went on to share that Resident has harmed other residents in the past when displaying aggressive behavior, however, nothing has ever resulted in injury or hospitalization.

On 06/25/2024, I placed a call to Christina McBean, assigned Saginaw Co. CMH Case Manager, Christina McBean. A return call was requested via voicemail.

On 06/28/2024, I received a call from Christina McBean, assigned Saginaw Co. CMH Case Manager, Christina McBean, who stated that historically, Resident A presents as a difficult case. Resident A picks and chooses which staff he likes and targets the ones he does not. CM McBean stated that she has no concerns regarding the care being provided and believes that staff are burnt out with Resident A's behaviors. She believes the staff put forth their best effort to mitigate/prevent Resident A's behaviors and used poor judgement in this instance.

On 07/01/2024, I spoke with Keehan Sarkar, assigned RR Investigator in Saginaw Co., who stated that while she did not see the photo, it was described to her as a photo of the back of the residents' head and his limbs. His face could not be seen or identified by the photo. However, due to staff admitting that she took the photo, she will be substantiating for a violation of Dignity and Respect as well as Abuse-Class III-due to sending the photo via text message communication.

On 07/01/2024, I spoke with Regional Manager Kelly Surles, who confirmed that Resident A has been given a 30-day discharge notice, effective 06/20/2024.

On 07/08/2024, I conducted an exit conference with license administrator, Tammy Unger, who stated that as a result of this incident, staff Sherbino was initially suspended for 9 days, 4 of which she was scheduled to work. Staff Sherbino was allowed to return with a written corrective action plan and re-completion of Recipient Rights Training, which was completed on 06/19/2024. Administrator Unger was informed of the findings of this investigation.

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 style="padding-left: 40px;">(o) The right to be treated with consideration and respect, with due recognition of personal dignity, individuality, and the need for privacy.</p>
ANALYSIS:	<p>It was alleged that staff took photographs of Resident A while he was undressed and on hands and knees.</p> <p>Regional Manager Kelly Surles stated that staff Melissa Sherbino indicated that she took the photo to show Relative Guardian A Resident A's behaviors.</p> <p>Staff, Melissa Sherbino, stated that when Resident A proceeded to pull his pants down, telling staff to "kiss his ass", she decided to take a photo to send to Resident Guardian A as proof of his behavior. She has since deleted the photo and denies sending it to anyone other than Relative Guardian A.</p> <p>The Incident Report dated 05/10/2024 was reviewed.</p> <p>Staff, Rose Syed, stated that Resident A was having a behavior, which resulted in his pulling down his pants telling him to "kiss her ass". She was not aware the photo was taken.</p> <p>Case Manager Christina McBean stated that she believes that staff put forth their best effort to mitigate/prevent Resident A's behaviors and used poor judgement in this instance.</p> <p>RR Investigator, Keehan Sarkar stated that she will be substantiating for a violation of Dignity and Respect as well as Abuse-Class III-due to sending the photo via text message communication.</p> <p>License Administrator Unger stated that staff Sherbino was initially suspended for 9 days and allowed to return with a written corrective action plan and re-completion of Recipient Rights Training, which was completed on 06/19/2024.</p>

	Based on a review of the incident report dated 05/10/2024 and interviews conducted with the Regional Manager, Kelly Surles, staff members Melissa Sherbino and Rose Syed, Saginaw Co CMH Case Manager Christina McBean, Saginaw Co RR Investigator Keegan Sarkar, and License Administrator Tammy Unger, there is enough evidence to support the rule violation.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Upon the receipt of an approved corrective action plan, no change to the status of the license is recommended.

 July 8, 2024

Sabrina McGowan Date
Licensing Consultant

Approved By:

 July 8, 2024

Mary E. Holton Date
Area Manager