

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS

In the matter of

License #: AF590066975
SIR #: Renewal Inspection

Mary Welch
Pine Hill AFC Home

ORDER OF SUMMARY SUSPENSION
AND NOTICE OF INTENT TO REVOKE LICENSE

The Michigan Department of Licensing and Regulatory Affairs, by Jay Calewarts, Division Director, Adult Foster Care and Camps Licensing Division, Bureau of Community and Health Systems, orders the summary suspension and provides notice of the intent to revoke the license of Licensee, Mary Welch, to operate an adult foster care family home pursuant to the authority of the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended, MCL 400.701 et seq., for the following reasons:

1. On or about February 15, 1997, Licensee was issued a license to operate an adult foster care family home with a licensed capacity of 6 at 10420 E. How Ci-Ed.

Previous Licensing Rule Violations

2. On January 30, 2013, Licensing Consultant Dawn Timm completed Special Investigation Report #2012A0777066 and cited Licensee with six licensing rule violations, including R 400.1407(5). Licensee financially exploited Resident A (F, DOB 08/15/47) and Resident B (F, DOB 10/05/58) by failing to

pay each resident for work performed at Licensee's home. At the conclusion of this investigation Licensee signed a Corrective Action Plan to demonstrate compliance with the cited licensing rule violations and her license was modified to provisional status for a period of six months.

Current Licensing Rule Violations

3. On August 18, 2015, Ms. Timm conducted a renewal inspection at Licensee's home. Ms. Timm cited Licensee with the following licensing rule violations:
 - a. R 400.1404(3)(b)(c);
 - i. During this inspection Licensee was physically unable to walk with Ms. Timm through the home;
 - ii. Throughout the inspection Licensee remained reclined in a lounge while using an oxygen cannula and oxygen tank;
 - iii. Licensee did not attempt to move from the recliner to retrieve the paperwork or medication Ms. Timm requested to review;
 - iv. Licensee stated that she is "tired all the time;"
 - v. Licensee stated that during the night time hours only she, her quadriplegic son Merle Robert Welch and Resident A are present in the home;
 - vi. Mr. Welch uses an electric wheelchair and has personal helpers present from 7 a.m. until 9 p.m. but there are no responsible persons available to assist Licensee if an emergency situation occurred from 9 p.m. until 7 a.m.;
 - b. R 400.1407(5);

- i. Licensee violated Resident A's January 2, 2012, AFC Resident Care Agreement (form BCAL-3266) by failing to have any responsible persons on duty full time to insure Resident A's health, safety and well-being;
 - ii. Licensee stated that she uses the personal caregiver employed by Mr. Welch to pass Resident A's morning medications and to cook all of Resident A's meals;
 - iii. The personal caregiver Licensee uses to assist with Resident A's needs is not employed by Ms. Welch and has not completed the required fingerprinting, criminal history clearance, tuberculosis test or medical clearance;
- c. R 400.1418(2);
- i. Resident A is prescribed a medication to be taken twice daily but Resident A stated she only received the medication once daily at breakfast;
 - ii. Licensee confirmed that no one was documenting that Resident A's medications had been administered as prescribed;
 - iii. Licensee was unaware that Resident A was supposed to receive medication in the evening;
- d. R 400.1418(3);
- i. Resident A took Ms. Timm to the locked medication box, took the key off the rack and handed it to Mr. Welch's caregiver who proceeded to unlock the medication box;

- ii. Resident A confirmed that Mr. Welch's caregiver passes her medication during breakfast and that "[Mr. Welch] was worried we might be in trouble" for allowing this;
 - iii. Resident A showed Ms. Timm her medication bottle which gave instructions to administer the medication to Resident A twice daily;
 - iv. Resident A confirmed that she does not receive her prescribed medication twice daily;
 - v. Ms. Timm spoke with Mr. Welch's caregiver who confirmed that she administers Resident A's medications to Resident A during breakfast but not in the evening;
- e. R 400.1418(4)(a);
 - i. There were no medication administration records (MARs) available for Ms. Timm's review to confirm if Resident A was receiving her medication as prescribed;
 - ii. Licensee made no physical effort to assist Ms. Timm to locate the MAR;
- f. R 400.1426(1);
 - i. There were over-the-counter pain relief medications located in an unlocked kitchen cupboard which were easily accessible to Resident A;

- ii. Licensee's physical health limitations and inability to properly supervise Resident A results in a heightened risk of Resident A's ability to obtain the medication;
- g. R 400.1405(1); Mr. Welch is listed as a household member on Licensee's license renewal application, dated August 10, 2015, but there is no verification that Mr. Welch's physical and/or mental health does not negatively impact Resident A's quality of care;
- h. R 400.1405(3); There is no verification of a negative tuberculosis test result for Mr. Welch.

COUNT I

The conduct of Licensee, as set forth in paragraphs 3(b)(i-iii) above, evidences a violation of:

Rule 400.1407 Resident admission and discharge criteria; resident assessment plan; resident care agreement; house guidelines; fee schedule; physicians instructions; health care appraisal.

(5) At the time of a resident's admission, a licensee shall complete a written resident care agreement which shall be established between the resident or the resident's designated representative, the responsible agency, and the licensee. A department form shall be used unless prior authorization for a substitute form has been granted in writing by the department. A resident shall be provided the care and services as stated in the written resident care agreement.

[**Note:** By this reference paragraph 2 is incorporated into this count for the purpose of demonstrating a willful and substantial violation of the above licensing rule.]

COUNT II

The conduct of Licensee, as set forth in paragraphs 3(a)(i-vi) above, evidences a violation of:

R 400.1404 Licensee, responsible person, and member of the household; qualifications.

(3) A licensee or responsible person shall possess all of the following qualifications:

(b) Be suitable to meet the physical, emotional, social, and intellectual needs of each resident.

(c) Be capable of appropriately handling emergency situations.

COUNT III

The conduct of Licensee, as set forth in paragraphs 3(c)(i-iii) above, evidences a violation of:

R 400.1418 Resident medications.

(2) Medication shall be given pursuant to label instructions.

COUNT IV

The conduct of Licensee, as set forth in paragraphs 3(d)(i-v) above, evidences a violation of:

R 400.1418 Resident medications.

(3) Unless a resident's physician specifically states otherwise, all the giving, taking, or application of prescription medications shall be supervised by the licensee or responsible person.

COUNT V

The conduct of Licensee, as set forth in paragraphs 3(e)(i-ii) above, evidences a violation of:

R 400.1418 Resident medications.

(4) When a licensee or responsible person supervises the taking of medication by a resident, the licensee or responsible person shall comply with the following provisions:

(a) Maintain a record as to the time and amount of any prescription medication given or applied. Records of prescription medication shall be maintained on file in the home for a period of not less than 2 years.

COUNT VI

The conduct of Licensee, as set forth in paragraphs 3(f)(i-ii) above, evidences a violation of:

R 400.1426 Maintenance of premises.

(1) The premises shall be maintained in a clean and safe condition.

COUNT VII

The conduct of Licensee, as set forth in paragraphs 3(g) above, evidences a violation of:

R 400.1405 Health of a licensee, responsible person, and member of the household.

(1) A licensee, responsible person, and a member of the household shall be in such physical and mental health so as not to negatively affect either the health of the resident or the quality of his or her care.

COUNT VIII

The conduct of Licensee, as set forth in paragraphs 3(h) above, evidences a violation of:

R 400.1405 Health of a licensee, responsible person, and member of the household.

(3) A licensee shall provide the department with written evidence that he or she and each responsible person in the home is free from communicable tuberculosis. Verification shall be within the 3-year period before employment and verification shall occur every 3 years thereafter.

DUE TO THE serious nature of the above violations and the potential risk they represents to vulnerable adults in Licensee's care, emergency action is required. Therefore the provision of MCL 24.292 of the Administrative Procedures Act of 1969, as amended, is invoked. Licensee is hereby notified that the license to operate an adult foster care family home is summarily suspended.

EFFECTIVE 6:00, on August 25, 2015, Licensee is ordered not to operate an adult foster care family home at 10420 E. How Ci-Ed or at any other location or address. Licensee is not to receive adults for care after that time or date. Licensee is responsible for informing case managers or guardians of adults in care that the license has been suspended and that Licensee can no longer provide care.

HOWEVER, BECAUSE THE Department has summarily suspended Licensee's license, an administrative hearing will be scheduled before an Administrative Law Judge. Licensee will be notified of the hearing date.

Licensee MUST NOTIFY the Department in writing or by phone no later than 5 days before the hearing whether or not Licensee plans to attend. MCL 24.272 of the Administrative Procedures Act of 1969 permits the Department to proceed with the hearing even if Licensee does not appear. Licensee may be represented by an attorney at the hearing.

DATED: 8/25/15



Jay Calewarts, Division Director
Adult Foster Care and Camps Licensing Division
Bureau of Community and Health Systems

This is the last and final page of the ORDER OF SUMMARY SUSPENSION AND NOTICE OF INTENT in the matter of Mary Welch, AF590066975, consisting of 9 pages, this page included.

JNH

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS

In the matter of

License #: AF590066975
SIR #: Renewal Inspection

Mary Welch
Pine Hill AFC Home

_____ /

PROOF OF SERVICE

The undersigned certifies that a copy of the Order of Summary Suspension and Notice of Intent was personally served upon the person below on:

8/25/15 at 10:47am at 10420 E. Howard City Edmore Hwy.
Date Time Place Vestaburg MI.

Mary Welch
Mary Welch

[Signature]

Adult Foster Care and Camps Licensing Division
Bureau of Community and Health Systems