



STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING



RICK SNYDER
GOVERNOR

MAURA D. CORRIGAN
DIRECTOR

August 6, 2014

Alana Earby-Smith
26310 Carlisle
Inkster, MI 48141

Re: AS820290214

Dear Ms. Earby-Smith:

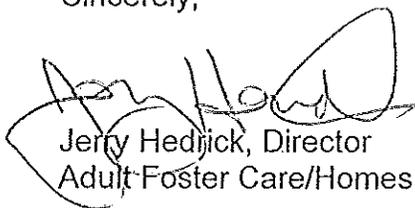
Your license/application to operate an adult foster care small group home was administratively closed effective July 24, 2014.

This action is being taken for the reason(s) provided to you in the certified letter, dated June 13, 2014.

It is the Department's understanding that you are not receiving adults for care after that date. Please contact us immediately if this information is not accurate.

You are reminded that Adult Foster Care Facility Licensing Act, 1979 PA 218, requires all adult foster care facilities to be licensed and provides criminal penalties for failure to comply.

Sincerely,



Jerry Hedjick, Director
Adult Foster Care/Homes for the Aged Division

JH:sb

cc: Ardra Hunter, Area Manager



RICK SNYDER
GOVERNOR

State of Michigan
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING



MAURA D. CORRIGAN
DIRECTOR

June 13, 2014

Alana Earby-Smith
26310 Carlisle
Inkster, MI 48141

License #: AS820290214
SIR #: Licensing Study Report

Dear Ms. Earby-Smith:

Enclosed is a copy of a NOTICE OF INTENT TO REFUSE TO RENEW YOUR LICENSE to operate an adult foster care small group home, alleging that you have violated the Adult Foster Care Facility Licensing Act. Your options are as follows:

- 1) You may appeal the Notice of Intent and attend a pre-hearing compliance conference. A Notice of Compliance Conference, which provides the date, time, location, and guidelines of the conference, is enclosed.
- 2) You may appeal the Notice of Intent, waive the compliance conference, and proceed directly to an administrative law hearing.
- 3) You may choose not to appeal the Notice of Intent.

If you choose to appeal the Notice of Intent, the Department must receive your WRITTEN APPEAL within 30 days of your receipt of this Notice. If the Department does not receive your written appeal within 30 days of your receipt of this Notice, you will have WAIVED YOUR RIGHT to an administrative law hearing and the proposed action will be final.

Sincerely,

Jerry Hendrick, Director
Adult Foster Care Division
Bureau of Children and Adult Licensing

Enclosures

Cc: Ardra Hunter, Area Manager

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

In the matter of

License #: AS820290214
SIR #: Licensing Study
Report

Alana Earby-Smith
The Earby Home

NOTICE OF INTENT TO
REFUSE TO RENEW LICENSE

The Michigan Department of Human Services, by Jerry Hendrick, Director, Adult Foster Care Division, Bureau of Children and Adult Licensing, provides notice of the intent to refuse to renew the license of Licensee, Alana Earby-Smith to operate an adult foster care small group 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 July 16, 2007, Licensee was issued a license to operate an adult foster care small group home, with a current licensed capacity of 2, at 26310 Carlisle, Inkster, MI 48141.
2. On January 6, 2010, Licensing Consultant Jeff Bozsik completed a Licensing Study Report (LSR) at the conclusion of his licensing renewal inspection. Mr. Bozsik discovered that a resident register was unavailable for review and that the resident weight records were incomplete. As a result Mr. Bozsik cited Licensee

for violating two licensing rules, including R 400.14209(1)(e). On January 6, 2010, Licensee signed a Corrective Action Plan (CAP) to show compliance with the cited licensing rule violations.

3. On March 11, 2014, Licensing Consultant Edith Richardson completed an on-site inspection of Licensee's adult foster care small group home. During this inspection Ms. Richardson cited Licensee with the following licensing rule violations:

- a. R 400.14208(1)(a-i); Licensee did not have employee records. When asked, Licensee stated that she did not have employee records because there are no other staff members. Ms. Richardson interviewed Resident A and Resident B who both stated that there are other staff members when Licensee is not in the home;
- b. R 400.14209(1)(e); Licensee failed to maintain a resident register. Resident A and Resident B were not on the register and Resident C and Resident D did not have a discharge date;
- c. R 400.14310(1)(a); Ms. Richardson asked Licensee for Resident A's medications but Licensee stated that Resident A did not have any medications. When Ms. Richardson reviewed Resident A's medical report from Henry Ford Medical Center, dated January 15, 2014, it stated that Resident A's ongoing issues include deep venous thrombosis, mood disorder (chronic), suicidal ideations/homicidal and morbid obesity, among others. He has been prescribed the following medications:
 - i. Warfarin (COUMADIN) 7.5 MG tablet;

- ii. Baclofen (LIORESAL) 10 MG tablet;
- iii. Baclofen (LIORESAL) 20 MG tablet;
- iv. Hydrocodone-acetaminophen (LORTAB 7.5-500) 7.5-500 mg per tablet;
- v. Venlafaxine (EFFEXOR-XR) 75 MG 24 hour capsule;
- vi. Hydrocortisone (ANUSOL-HC) 25 mg suppository;
- vii. Omeprazole (PRILOSEC) 20 MG capsule;
- viii. Oxycodone (ROXICODONE) 5 MG immediate release capsule.

Due to Licensee's admission that she did not have any of Resident A's medications Ms. Richardson concluded that Licensee has failed to follow the medication instructions and recommendations of Resident A's physician.

- d. R 400.14312(4)(b); Resident B is prescribed Olanzapine and Sertraline but Licensee did not have a medication log to prove that Resident B's medications were being administered as required;
- e. R 400.1316(1)(a-j); Licensee did not have a resident record for Resident A and Resident B;
- f. R 400.1318(5); Licensee failed to practice emergency and evacuation procedures during daytime, evening, and sleeping hours at least once per quarter. The last fire drill was conducted on September 14, 2013;
- g. R 400.14505(1)(b); The kitchen and laundry/furnace room contained flame and/or heat producing equipment and neither of these areas had a smoke detector installed;

h. R 400.14511(2); The heat plant enclosure door was open. A wooden block was wedged between the door hinges and the door to disable the automatic closure.

4. On March 26, 2014, Ms. Richardson asked Licensee to produce Resident A's medications but Licensee stated that she did not have any of Resident A's medications. Licensee did not provide proof to Ms. Richardson that Resident A was receiving his medications as prescribed. When Ms. Richardson asked Licensee about the staff members that Resident A and Resident B referred to during the on-site inspection Licensee stated that her "father comes to the home." Licensee was unable to provide an employee record for her father or proof that her father is a qualified direct care staff member.

COUNT I

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

R 400.14209 Home records; generally.

- (1) A licensee shall keep, maintain, and make available for department review, all the following home records:
 - (e) A resident register.

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

COUNT II

The conduct of Licensee, as set forth in paragraphs 3 & 4 above, evidences a violation of:

R 400.14201 Qualifications of administrator, direct care staff, licensee, and members of the household; provision of names of employee, volunteer, or member of the household on parole or probation or convicted of felony; food service staff.

(2) A licensee shall have the financial and administrative capability to operate a home to provide the level of care and program stipulated in the application.

COUNT III

The conduct of Licensee, as set forth in paragraphs 3(a) & 4 above, evidences a violation of:

R 400.14208 Direct care staff and employee records.

(1) A licensee shall maintain a record for each employee. The record shall contain all of the following employee information:

(a) Name, address, telephone number, and social security number.

(b) The professional or vocational license, certification, or registration number, if applicable.

(c) A copy of the employee's driver license if a direct care staff member or employee provides transportation to residents.

(d) Verification of the age requirement.

(e) Verification of experience, education, and training.

(f) Verification of reference checks.

(g) Beginning and ending dates of employment.

(h) Medical information, as required.

(i) Required verification of the receipt of personnel policies and job descriptions.

COUNT IV

The conduct of Licensee, as set forth in paragraphs 3(d) & 4 above, evidences a violation of:

R 400.14310 Resident health care.

(1) A licensee, with a resident's cooperation, shall follow the instructions and recommendations of a resident's physician or other health care professional with regard to such items as any of the following:

(a) Medications.

COUNT V

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

R 400.14312 Resident medications.

(4) When a licensee, administrator, or direct care staff member supervises the taking of medication by a resident, he or she shall comply with all of the following provisions:

(b) Complete an individual medication log that contains all of the following information:

(i) The medication.

(ii) The dosage.

(iii) Label instructions for use.

(iv) Time to be administered.

(v) The initials of the person who administers the medication, which shall be entered at the time the medication is given.

(vi) A resident's refusal to accept prescribed medication or procedures.

COUNT VI

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

R 400.14316 Resident records.

(1) A licensee shall complete, and maintain in the home, a separate record for each resident and shall provide record information as required by the department. A resident record shall include, at a minimum, all of the following information:

(a) Identifying information, including, at a minimum, all of the following:

(i) Name.

(ii) Social security number, date of birth, case number, and marital status.

(iii) Former address.

(iv) Name, address, and telephone number of the next of kin or the designated representative.

(v) Name, address, and telephone number of the person and agency responsible for the resident's placement in the home.

(vi) Name, address, and telephone number of the preferred physician and hospital.

(vii) Medical insurance.

(viii) Funeral provisions and preferences.

(ix) Resident's religious preference information.

(b) Date of admission.

(c) Date of discharge and the place to which the resident was discharged.

(d) Health care information, including all of the following:

(i) Health care appraisals.

(ii) Medication logs.

(iii) Statements and instructions for supervising prescribed medication, including dietary supplements and individual special medical procedures.

(iv) A record of physician contacts.

(v) Instructions for emergency care and advanced medical directives.

(e) Resident care agreement.

(f) Assessment plan.

(g) Weight record.

(h) Incident reports and accident records.

(i) Resident funds and valuables record and resident

refund agreement.

(j) Resident grievances and complaints.

COUNT VII

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

R 400.14505 Smoke detection equipment; location; battery replacement; testing, examination, and maintenance; spacing of detectors mounted on ceilings and walls; installation requirements for new construction, conversions and changes of category.

(1) At least 1 single-station, battery-operated smoke detector shall be installed at the following locations:

(b) On each occupied floor, in the basement, and in areas of the home that contain flame- or heat-producing equipment.

COUNT VIII

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

R 400.14318 Emergency preparedness; evacuation plan; emergency transportation.

(5) A licensee shall practice emergency and evacuation procedures during daytime, evening, and sleeping hours at least once per quarter. A record of the practices shall be maintained and be available for department review.

NOTICE IS GIVEN that Licensee is offered the opportunity to show compliance with all lawful requirements for retention of the license. If Licensee appeals the Notice of Intent and compliance is not shown, formal proceedings will commence pursuant to the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended, MCL 400.701 et seq., rules promulgated thereunder, and the Administrative Procedures Act, 1969 PA 306, as amended; MCL 24.201 et seq. Should formal proceedings commence, you have the right to attorney representation at your own expense.

LICENSEE IS NOTIFIED that pursuant to MCL 400.722(3) of the Adult Foster Care Facility Act, Licensee has 30 days from the date of receipt of the Notice of Intent to file a written appeal of the proposed action. The appeal shall be addressed to Joshua Hargrove, Departmental Analyst, Bureau of Children and Adult Licensing, Michigan Department of Human Services. Your written appeal must include your name and license number, and must be submitted using one of the following methods:

- Mail your written appeal to the Bureau of Children and Adult Licensing, P.O. Box 30650, Lansing, MI 48909. It is recommended that you obtain some type of delivery confirmation;
- Fax your written appeal to the Bureau of Children and Adult Licensing at (517) 284-9709. It is recommended that you keep a copy of your fax confirmation as proof of submittal; or
- Email your written appeal to DAUappeals@Michigan.gov. It is recommended that you keep a copy of the sent email as proof of submittal.

LICENSEE IS FURTHER NOTIFIED that failure to file a written appeal of this action within 30 days will result in refusal to renew the license.

DATED: 6/16/2014



Jerry Hendrick, Director
Adult Foster Care Division
Bureau of Children and Adult Licensing

This is the last and final page of a NOTICE OF INTENT in the matter of AS820290214, consisting of 11 pages, this page included.

JNH

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

In the matter of

License #: AS820290214
SIR #: Licensing Study
Report

Alana Earby-Smith

NOTICE OF COMPLIANCE CONFERENCE

Date: August 5, 2014

Time: 11:00 am

Location: BCAL Wayne AFC Conf. Room, Cadillac Place 3026 West Grand Blvd. Ste.
11-350, Detroit, MI 48202

Pursuant to the Administrative Procedures Act, MCL 24.292(1), you are afforded the opportunity to attend an informal compliance conference. The purpose of the compliance conference is to allow you to show that you were in compliance with the Adult Foster Care Facility Licensing Act and the licensing rules promulgated thereunder. You have the right, at your expense, to have an attorney represent you at the compliance conference. You may also bring one support person to the compliance conference.

To enable a thorough discussion of the Notice of Intent at the compliance conference, please bring any documents, pictures, etc. that you would like the Department to consider. You may also submit documents to the Department prior to the compliance conference by emailing them to DAUappeals@Michigan.gov.

If you are unable to attend the compliance conference at the scheduled date and time, you may request, in writing, that the Department change the date and/or time. The Department will make all reasonable attempts to accommodate your request, but will not reschedule the compliance conference to a date more than 10 days after the scheduled date. If you promptly notify the Department of your inability to attend the

compliance conference as scheduled, the Department may be able to schedule the compliance conference to a date earlier than originally scheduled.

If you are unable to show that you were in compliance with the Adult Foster Care Facility Licensing Act and licensing rules, and a resolution cannot be reached, the Department will forward the matter to the Michigan Administrative Hearing System for the scheduling of a formal administrative hearing. The Michigan Administrative Hearing System will subsequently notify you of the date, time, and location of the administrative hearing.

All Department meetings and hearings are conducted in compliance with the Americans with Disabilities Act in buildings that accommodate mobility-impaired individuals and have accessible parking. If you require additional accommodations to participate in the compliance conference, please notify the Department at least one week in advance to make the necessary arrangements.

Please direct all written communications regarding the compliance conference or administrative hearing, including your license number, to the individual listed below:

Joshua Hargrove, Departmental Analyst
Disciplinary Action Unit
Bureau of Children and Adult Licensing
Michigan Department of Human Services
Victor Office Center
201 North Washington Square, 4th Floor
P.O. Box 30650
Lansing, MI 48909-8150

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

In the matter of

License#: AS820290214
SIR #: Licensing Study
Report

Alana Earby-Smith

_____ /

PROOF OF SERVICE

The undersigned certifies that a copy of a Notice of Intent to refuse to renew the license in the above matter was served upon the following persons by mailing the same to them at their address of record by certified mail on June 19, 2014.

Alana Earby-Smith
26310 Carlisle
Inkster, MI 48141



Elva Medrano, Executive Secretary
Bureau of Children and Adult Licensing