



RICK SNYDER
GOVERNOR

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



MAURA D. CORRIGAN
DIRECTOR

CERTIFIED MAIL

May 29, 2014

D & L AFC
Tammy Garza, Licensee
118 West Delaware Street
Decatur, MI 49045

RE: AF800338061

Dear Ms. Garza:

On April 11, 2014 you were mailed a copy of the Department's Notice of Intent to Revoke your license to operate an adult foster care family home. In accordance with that notice and because you did not exercise your right of appeal, your license has been revoked effective May 22, 2014. It is further expected that you not receive adults for care now, or in the future, without being licensed.

Sincerely,

James S. Sinnamon, Director
Adult Foster Care and Homes for the Aged Licensing Division
Bureau of Children and Adult Licensing

JS:em

cc: Jerry Hendrick, Area Manager



RICK SNYDER
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MAURA D. CORRIGAN
DIRECTOR

April 11, 2014

D & L AFC
Tammy Garza , Licensee
118 West Delaware Street
Decatur, MI 49045

License #: AF800338061
SIR #: 2014A0302016

Dear Ms. Garza:

Enclosed is a copy of a NOTICE OF INTENT TO REVOKE YOUR LICENSE to operate an adult foster care family 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,

James S. Sinnamon, Director
Adult Foster Care Division
Bureau of Children and Adult Licensing

Enclosures

Cc: Jerry Hendrick, Area Manager

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

In the matter of

D & L AFC
Tammy Garza

License #: AF800338061
SIR #: 2014A0302016

NOTICE OF INTENT TO
REVOKE LICENSE

The Michigan Department of Human Services, by James S. Sinnamon, Director, Adult Foster Care Division, Bureau of Children and Adult Licensing, provides notice of the intent to revoke the license of Licensee, Tammy Garza, 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 July 9, 2013, Licensee was issued a license to operate an adult foster care family home, with a current licensed capacity of 6, at 118 West Delaware Street, Decatur, MI 49045.
2. Licensee operated an adult foster care family home. To qualify as an adult foster care family home, a licensee must live in the licensed home. MCL 400.703(5). On March 13, 2014, Licensee admitted to Davida McShan, licensing consultant, that she she lived in Twin Lake, MI (about two hours from the licensed home) and visited the licensed home about two days per week. On March 14, 2014, Licensee faxed Ms. McShan a list of days she was at the licensed home in

February and March 2014. Licensee reported that she was at the licensed home on: 02/06/14; 02/10/14; 02/13/14; 02/17/14; 02/20/14; 02/24/14; 02/27/14; 03/03/14; 03/06/14; 03/10/14; and 03/13/14. Licensee violated the terms of her license by not living at the licensed home.

3. Licensee employed Lydia Garza, Maria Moss, and Julia Romero. Licensee and the residents could not communicate with Ms. Moss and Ms. Romero because neither Ms. Moss nor Ms. Romero spoke English. Only Lydia Garza could communicate with Ms. Moss and Ms. Romero because she spoke Spanish. Licensee occasionally left Ms. Moss and Ms. Romero home alone with residents.
4. Licensee did not have the following documentation for staff:
 - a. Licensee did not conduct a criminal background check on Ms. Moss.
 - b. Licensee did not have health physicals for Ms. Moss or Ms. Romero.
 - c. Licensee did not have written verification that Ms. Moss or Ms. Romero were free from communicable tuberculosis.

COUNT I

The conduct of Licensee, as set forth in paragraph 2 above, provides grounds for the revocation of licensure pursuant to:

- MCL 400.722** **Denying, suspending, revoking, refusing to renew, or modifying license; grounds; notice; hearing; decision; protest; receiving or maintaining adults requiring foster care as felony; penalty; relocation services; emergency license.**
(1) The department may . . . revoke . . . a license . . . if the licensee falsifies information on the application for license or willfully and substantially violates this act, the rules promulgated under this act, or the terms of the license.

COUNT II

The conduct of Licensee, as set forth in paragraph 4(a) above, provides grounds for the revocation of licensure pursuant to:

- MCL 400.734b** **Employing or contracting with certain employees providing direct services to residents; prohibitions; criminal history check; exemptions; written consent and identification; conditional employment; use of criminal history record information; disclosure; failure to conduct criminal history check; automated fingerprint identification system database; report to legislature; costs; definitions.**
(2) Except as otherwise provided in subsection (6), an adult foster care facility shall not employ or independently contract with an individual who has direct access to residents after April 1, 2006 until the adult foster care facility conducts a criminal history check in compliance with subsections (4) and (5). . . .

COUNT III

The conduct of Licensee, as set forth in paragraph 3 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.

COUNT IV

The conduct of Licensee, as set forth in paragraph 4(b) above, evidences a violation of:

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

(2) A licensee shall have on file with the department a statement signed by a licensed physician or his or her designee with regard to his or her knowledge of the physical health of the licensee and each responsible person. The statement shall be signed within 6 months before the issuance of a license and at any other time requested by the department.

COUNT V

The conduct of Licensee, as set forth in paragraph 4(c) 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.

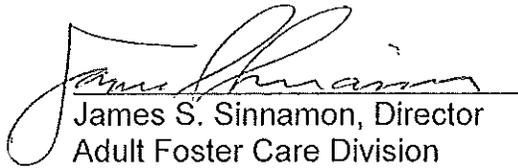
NOTICE IS GIVEN that Licensee is offered the opportunity to show compliance with all lawful requirements for retention of the license. If Licensee appeals the Notice of Intent and compliance is not shown, formal proceedings will commence pursuant to the Adult Foster Care Facility Licensing Act, 1979 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 Jason Scheeneman, 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 revocation of the license.

DATED: April 11, 2014


James S. Sinnamon, 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 AF800338061, consisting of 6 pages, this page included.

JJS

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

In the matter of

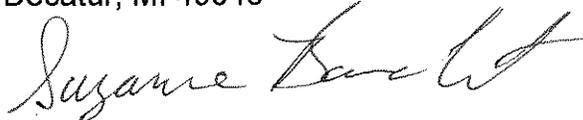
D & L AFC
Tammy Garza

License#: AF800338061
SIR #: 2014A0302016

PROOF OF SERVICE

The undersigned certifies that a copy of a Notice of Intent to revoke 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 April 16, 2014.

Tammy Garza
118 West Delaware Street
Decatur, MI 49045



Suzanne Bancroft
Bureau of Children and Adult Licensing