

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

SETTLEMENT AGREEMENT

In The Matter Of:  
Main St. AFC, Inc.  
License/Registration #: AM290079573

On August 18, 2014, the Bureau of Children and Adult Licensing issued a Notice of Intent to Refuse to Renew the adult foster care small group home license of Main St. AFC Inc.

In settlement of all issues raised in that *Notice of Intent to Refuse to Renew*, the undersigned party hereby agrees:

- 1) Main St. AFC, Inc. neither admits nor denies the allegations set forth in the *Notice of Intent to Refuse to Renew* are true but agrees that there has been a violation of the Adult Foster Care Facility Licensing Act and/or the rules promulgated under this Act.
- 2) Main St. AFC, Inc. understands that their adult foster care small group home license will not be renewed, effective the date of the signature by the representative of the Bureau of Children and Adult Licensing.
- 3) Main St. AFC, Inc. understands that they are waiving their right to appeal the *Notice of Intent to Refuse to Renew* and an administrative hearing will not be held in this matter.
- 4) Main St. AFC, Inc. agrees not to apply for a license for an adult foster care organization licensed under the Adult Foster Care Facility Licensing Act for a period of three years, and agrees not to be connected, directly or indirectly, with a licensee for a period of three years from the effective date of this agreement.

Debbie Garcia

Debbie Garcia    Date  
Licensee Designee

10-1-2014

Jerry Hendrick

Jerry Hendrick, Director    Date  
Bureau of Children and Adult Licensing

10/6/2014



RICK SNYDER  
GOVERNOR

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



MAURA D. CORRIGAN  
DIRECTOR

August 18, 2014

Main St. AFC Inc.  
Debbie Garcia Licensee Designee  
P.O. Box 33  
13425 W. Dempsey Rd  
St. Charles, MI 48655

COPY

License #: AM290079573  
SIR #: Licensing Study Report

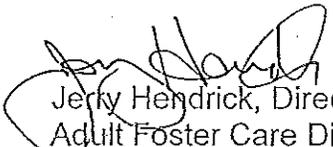
Dear Ms. Garcia:

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: Betsy Montgomery, Area Manager  
Dawn Timm, Licensing Consultant

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

In the matter of

License #: AM290079573  
SIR #: Licensing Study  
Report

Main St. AFC Inc.  
Debbie Garcia  
Main St. AFC

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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, Main St. AFC Inc. 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 January 1, 1998, Licensee was issued a license to operate an adult foster care small group home, with a current licensed capacity of 12, at 103 W. Tyrell, Saint Louis, MI 48880.
2. On September 23, 2013, Licensing Consultant Dawn Timm completed a renewal inspection of Main St. AFC and cited Licensee with 12 licensing rule violations. As a result of this inspection on December 3, 2013, Licensee's license was modified to 1<sup>st</sup> provisional status for a period of six months.

3. On May 30, 2014, Ms. Timm completed an on-site inspection at Main St. AFC.

At the conclusion of her inspection she cited Licensee with the following six licensing rule violations:

- a. R 400.14303(2); Licensee Designee Debbie Garcia stated for at least the past two months she has allowed Resident A, who suffers chronic mental illness and physical health challenges, to provide supervision for Resident B and Resident C while out in the community. Ms. Timm reviewed the Assessment Plan for AFC Residents for Resident B and Resident C; the Assessment Plans state that Resident B and Resident C require staff supervision while in the community;
- b. R 400.14305(1); Ms. Garcia did not assure Resident B and Resident C's protection from moral, social and financial exploitation when she allowed Resident A to provide supervision in the community. Ms. Garcia reported that she allowed Resident A to provide supervision because "there is nothing wrong with [Resident A.]" Additionally, Resident A was not protected from moral, social and financial exploitation when Ms. Garcia gave her the responsibilities of a staff member;
- c. R 400.14306(3); Resident D uses a walker on a daily basis and was using the walker at the time of the inspection. However, there is no physician's order authorizing the use of the walker;
- d. R 400.14403(8); The exterior stairway off of the back deck did not have handrails on all open sides and is a hazard to residents using the stairway;

- e. R 400.14405(3); The facility does not have the required means of egress for residents of impaired mobility. There are no ramps and none of the exits are at grade. Ms. Timm reviewed the May 5, 2014, fire drill record which stated that “[Resident D] could not open front door using a walker and [Staff member Ed Garcia] was walking behind her.” Ms. Timm interviewed Mr. Garcia who confirmed that Resident D uses a walker on a regular basis and it poses a hazard when she attempts to go down the stairs to the outside;
- f. R 400.14407(3); The bathroom door located in Bedroom #1 did not positively latch at the time of the inspection.

#### COUNT I

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

**R 400.14303      Resident care; licensee responsibilities.**

(2) A licensee shall provide supervision, protection, and personal care as defined in the act and as specified in the resident's written assessment plan.

#### COUNT II

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

**R 400.14305      Resident protection.**

(1) A resident shall be assured privacy and protection from moral, social, and financial exploitation.

### COUNT III

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

**R 400.14306      Use of assistive devices.**

- (3) Therapeutic supports shall be authorized, in writing, by a licensed physician. The authorization shall state the reason for the therapeutic support and the term of the authorization.

### COUNT IV

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

**R 400.14403      Maintenance of premises.**

- (8) Stairways shall have sturdy and securely fastened handrails. The handrails shall be not less than 30, nor more than 34, inches above the upper surface of the tread. All exterior and interior stairways and ramps shall have handrails on the open sides. All porches and decks that are 8 inches or more above grade shall also have handrails on the open sides.

### COUNT V

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

**R 400.14405      Living space.**

- (3) Living, dining, bathroom, and sleeping areas used by residents who have impaired mobility shall be accessible and located on the street floor level of the home that contains the required means of egress.

## COUNT VI

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

**R 400.14407 Bathrooms.**

(3) Bathrooms shall have doors. Only positive-latching, non-locking-against-egress hardware may be used. Hooks and eyes, bolts, bars, and other similar devices shall not be used on bathroom doors.

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.

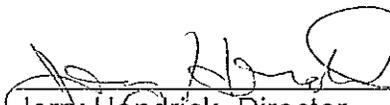
LICENSEE IS NOTIFIED that pursuant to MCL 400.722(3) of the Adult Foster Care Facility Act, Licensee has 30 days from the date of receipt of the Notice of Intent to file a written appeal of the proposed action. The appeal shall be addressed to Joshua Hargrove, Departmental Analyst, Bureau of Children 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](mailto: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: 8/18/2014

  
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 AM290079573, consisting of 7 pages, this page included.

JNH

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

In the matter of

License #: AM290079573  
SIR #: Licensing Study  
Report

Main St. AFC Inc.  
Debbie Garcia

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NOTICE OF COMPLIANCE CONFERENCE

Date: October 1, 2014

Time: 11 a.m. to 1 p.m,

Location: 5303 South Cedar Street, BCAL Small conference room, Lansing, MI.

The conference room is in a locked area of Ingham County DHS, so you will need to contact JENNIFER WEIKEL-OCKERT when you arrive so she can let you into the office, so you can get into the building (door 3). You will need to have a State ID. The representative attending for Main Street AFC, Inc. will have to be allowed in as a guest of the licensing consultant or area manager.

Josh Hargrove, the DAU analyst, will be conducting this compliance hearing by telephone from the Lansing office in Downtown Lansing.

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](mailto: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, 4<sup>th</sup> Floor  
P.O. Box 30650  
Lansing, MI 48909-8150

STATE OF MICHIGAN  
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License#: AM290079573  
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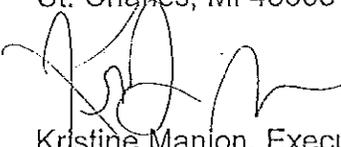
Main St. AFC Inc.  
Debbie Garcia

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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 August 19, 2014.

Debbie Garcia  
P.O. Box 33  
13425 W. Dempsey Rd  
St. Charles, MI 48655



Kristine Manion, Executive Secretary  
Bureau of Children and Adult Licensing