



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

December 2, 2015

Lake Fenton Haus
Kathleen Huber
12287 Margaret Drive
Fenton, MI 48430

RE: Lake Fenton Haus (AF250002049)

Dear Ms. Huber:

A *Notice of Intent to Revoke License* the adult foster care license of Lake Fenton Haus, Family Home was issued on September 22, 2015. You signed for and accepted the certified copy of the *Notice* on September 26, 2015.

A written request to appeal this decision was not received within 30 days of receipt of the *Notice*. This letter is to notify you that the license for Lake Fenton Haus is revoked, effective October 27, 2015.

Please note that the Adult Foster Care Facility Licensing Act requires that a person or corporation deemed to be providing adult foster care must be licensed. Therefore, it is incumbent upon you to properly and timely discharge remaining residents in care. For additional information, please refer to MCL 400.731.

Sincerely,

A handwritten signature in cursive script that reads "Jay Calewarts".

Jay Calewarts, Director
AFC and Camps Licensing Division

JC/sw

cc: Mary E. Holton, Area Manager



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

September 17, 2015

Kathleen Huber
12287 Margaret Dr.
Fenton, MI 48430

License #: AF250002049
SIR #: 2015A0779041

Dear Ms. Huber:

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,

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

Enclosures

Cc: Mary E. Holton, Area Manager

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

In the matter of

License #: AF250002049
SIR #: 2015A0779041

Kathleen Huber

_____ /

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, provides notice of the intent to revoke the license of Licensee, Kathleen Huber 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 22, 1993, Licensee was issued a license to operate an adult foster care family home, with a current licensed capacity of three, at 12287 Margaret Drive, Fenton, Michigan 48430.

Past Licensing Violations

2. In April 2010, *Special Investigation #2010A0569025* was initiated, and Licensee was cited, in part, for leaving Resident A and Resident B alone in the home without supervision, a violation of Rule 400.1410. On May 14, 2010, Licensee submitted an acceptable corrective action plan that addressed this violation.

3. In May 2012, *Special Investigation #2012A0569021* was initiated, and Licensee was cited, in part, for the following violations:

- a. Resident A and Resident B were left alone in the home without supervision, a violation of Rule 400.1410.
- b. Licensee failed to maintain the floors and walls in good repair and in a clean condition, as required by Rule 400.1426(4). On June 7, 2012, the carpet throughout the home was stained, torn, and littered with dirt and debris. There was cat feces lying in various places throughout the facility, and there was a strong odor of cat urine.

On July 19, 2012, Licensee submitted an acceptable corrective action plan that addressed these violations.

4. In January 2013, *Special Investigation #2013A0569014* was initiated, and Licensee was cited, in part, for the following violations:

- a. Licensee failed to keep prescription medication in the original pharmacy bottles, as required by Rule 400.1418(1) and Rule 400.1418(5). Licensing Consultant Kent Gieselman observed Resident A's medications in plastic pre-set medication container. Licensee stated that she puts all of Resident A's medications in the pre-set container for each day of the week.
- b. Licensee failed to store prescription medication in a locked cabinet, as required by Rule 400.1418(5). On January 15, 2013, Mr. Gieselman observed numerous prescription medication containers in Resident A's bedroom. The medications were prescribed to Resident A, Resident B,

and Licensee. There were also medications in the kitchen and dining room that were not locked in a cabinet or drawer.

- c. The carpet in Resident A's and Resident B's bedrooms and the hallway was soiled and stained in several spots, a violation of Rule 400.1426(4). There was a sizable amount of loose tobacco on the dresser and ground into the carpet in Resident B's bedroom.

On February 27, 2013, Licensee submitted an acceptable corrective action plan that addressed these violations.

Current Allegations

5. Resident A suffers from multiple sclerosis, bi-polar disorder with psychosis, and moderate mental retardation. Resident B suffers from schizoid-effective disorder, bi-polar disorder, and moderate mental retardation. Due to these issues, Resident A and Resident B require constant supervision. In the resident care agreements, Licensee agrees to provide Resident A and Resident B with personal care, supervision, and protection.
6. On several occasions, Licensee left Resident A and Resident B home alone without supervision. Specifically:
 - a. On June 5, 2015, [REDACTED] Kelly Clark-Huey conducted an onsite visit to Licensee's home. Licensee was not at the home, and Resident A and Resident were at the home without supervision.

- b. On June 9, 2015, Ms. Clark-Huey visited Licensee's home again and observed Licensee to be gone and Resident A and Resident at the home with no supervision.
 - c. On June 12, 2015, Ms. Clark-Huey visited Licensee's home with Margaret Brandenburg, guardian for Resident A and Resident B. Both Resident A and Resident B were home alone unsupervised. Resident A told Ms. Brandenburg that he told Licensee not to leave them home alone, but Licensee left anyway.
 - d. On June 17, 2015, Licensing Consultant Christopher Holvey conducted an onsite visit at Licensee's home. Licensee admitted to leaving Resident A and Resident B home alone on three separate occasions.
7. On June 12, 2015, Resident A and Resident B were removed from Licensee's care.
8. Licensee allowed Resident A to operate a stand-up jet-ski and Resident B to operate a motorized fishing boat, both while unaccompanied and unsupervised. During an interview with Mr. Holvey, Licensee stated that they operate the jet-ski and boat on the lake where the home is located while she watches from the window. Licensee admitted that she took Resident A's and Resident B's driver's licenses away from them because they were not good drivers. However, when asked why she allowed them to operate the jet-ski and boat, she stated that they can ride them "just fine." Licensee indicated that she wanted Resident A and Resident B to return to the home because they missed using the jet-ski and boat.

9. Licensee failed to properly administer medications to Resident A and Resident B.

Specifically:

- a. In March and April 2015, Licensee failed to administer all of the prescribed doses of Ativan to Resident A. Resident A was prescribed one tablet of Ativan, four times daily. The medication logs dated March and April 2015 show that Licensee administered the Ativan sporadically, as there were multiple days each month where Resident A was not administered one or more doses of the Ativan.
- b. In May 2015, Licensee administered only three of the four prescribed doses of Ativan to Resident A.
- c. In May 2015, Licensee administered Depakote to Resident B three times a day. Resident B was prescribed two tablets for a morning dose and three tablets at bedtime.
- d. In May 2015, Licensee administered Risperidone to Resident B three times a day even though Resident B was prescribed one tablet in the morning and two tablets at bedtime.
- e. In March 2015, Licensee administered Diphenhydramine to Resident B at various times of the day with up to three doses a day. Resident B was prescribed one or two capsules at bedtime.
- f. Resident B was prescribed one tablet of Ativan, four times daily. The medication logs for March 2015, April 2015, and May 2015 show that Licensee administered the Ativan sporadically, as there were multiple

days each month where Resident B was not administered one or more doses of the Ativan.

- g. During an interview with Mr. Holvey, Licensee admitted to not administering Ativan and Benadryl to Resident A and Resident B as prescribed, stating that she often skipped doses of the medication. She indicated that she has been giving them their medications for years and knows what dosage works for them. Licensee also admitted that when she received new prescription refills each month, she would pour the remainder of the pills from the previous month into new containers.
- h. Licensee failed to document that any medications were administered to Resident A and Resident B from June 1, 2015, until June 17, 2015.

10. During an onsite inspection on June 17, 2015, Mr. Holvey observed the carpet in the living room and in Resident A's and Resident B's bedrooms to be visibly stained with dirt and debris on top.

11. On June 17, 2015, during the onsite inspection, Resident A's mattress was extremely dirty with visible stains, rips, and holes. Resident B's mattress was visibly dirty. When Mr. Holvey asked Licensee about the condition of Resident A's and Resident B's mattresses, she stated that Resident A did not let her in his room to change his bed sheets or do anything with the mattress, adding, "All you have to do is flip the mattress."

12. On or about June 24, 2015, Licensee went to the facility where Resident B was residing and took Resident B back home with her.

13. On June 25, 2015, a court order was issued to remove Resident B from Licensee's care and prohibit Licensee from having contact with Resident A and Resident B.
14. On July 21, 2015, Licensee went to McLaren Hospital where Resident A had been admitted and gave Resident A a medication injection.
15. On August 3, 2015, Mr. Holvey contacted Licensee by phone and explained that he would be recommending revocation of her adult foster care license. Licensee became angry and stated that Resident A and Resident B are high functioning and capable of being left alone for short periods of time. She also indicated that Resident A and Resident B did not need to be supervised while operating the jet-ski and fishing boat.

COUNT I

The conduct of Licensee, as set forth in paragraph 6 above, evidences a violation of:

R 400.1410 Resident protection.

A licensee or responsible person shall always be on the premises when a resident is in the home.

[NOTE: By this reference, paragraphs 2 and 3(a) are incorporated into this Count for the purpose of demonstrating willful and substantial violation of the above rule.]

COUNT II

The conduct of Licensee, as set forth in paragraphs 5, 6, 8, and 9 above, evidences a violation of:

R 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.

COUNT III

The conduct of Licensee, as set forth in paragraphs 9(a) through 9(g) above, evidences a violation of:

R 400.1418 **Resident medications.**

(1) Prescription medication, including tranquilizers, sedatives, dietary supplements, or individual special medical procedures, shall be given or applied only as prescribed by a licensed physician or dentist. Prescription medication shall be kept in the original pharmacy container which shall be labeled for the specific resident in accordance with the requirements of Act No. 368 of the Public Acts of 1978, as amended, being 33.1101 et. seq. of the Michigan Compiled Laws.

[NOTE: By this reference, paragraphs 2 and 3(a) are incorporated into this Count for the purpose of demonstrating willful and substantial violation of the above rule.]

COUNT IV

The conduct of Licensee, as set forth in paragraphs 9(a) through 9(h) 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.

(b) Not adjust or modify a resident's prescription medication without agreement and instructions from a physician or a pharmacist who has knowledge of the medical needs of the resident. A licensee shall record in writing any adjustments or modifications of a resident's prescription medication.

COUNT V

The conduct of Licensee, as set forth in paragraphs 9(g) above, evidences a violation of:

R 400.1418

Resident medications.

(5) Prescription medication shall be kept in the original pharmacy-supplied and pharmacy-labeled container, stored in a locked cabinet or drawer, refrigerated if required, and labeled for the specific resident.

[NOTE: By this reference, paragraphs 4(a) and 4(b) are incorporated into this Count for the purpose of demonstrating willful and substantial violation of the above rule.]

COUNT VI

The conduct of Licensee, as set forth in paragraph 10 above, evidences a violation of:

R 400.1426 Maintenance of premises.

(4) Floors, interior walls, and ceilings shall be sound, in good repair, and maintained in a clean condition.

[NOTE: By this reference, paragraphs 3(b) and 4(c) are incorporated into this Count for the purpose of demonstrating willful and substantial violation of the above rule.]

COUNT VII

The conduct of Licensee, as set forth in paragraph 11 above, evidences a violation of:

R 400.1433 Bedroom furnishings.

(3) A licensee shall provide a resident with a bed that is not less than 36 inches wide and 72 inches long, with comfortable springs in good condition, a clean protected mattress which is not less than 5 inches thick or 4 inches thick if of synthetic construction, and with a pillow.

COUNT VIII

The conduct of Licensee, as set forth in paragraphs 5, 6, 8, 9, 12, 13, 14, and 15 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.

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 Jennifer Kerr, Departmental Analyst, Bureau of Community and Health Systems, Michigan Department of Licensing and Regulatory Affairs. Your written appeal must include your name and license number, and must be submitted using one of the following methods:

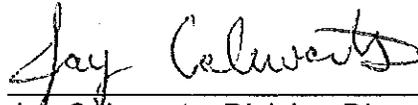
- Mail your written appeal to the Bureau of Community and Health Systems, P.O. Box 30664, Lansing, MI 48909. It is recommended that you obtain some type of delivery confirmation;

- Fax your written appeal to the Bureau of Community and Health Systems 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 DAappeals@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:

9/17/15



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 a NOTICE OF INTENT in the matter of AF250002049, consisting of 13 pages, this page included.

JEK

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

In the matter of

License #: AF250002049
SIR #: 2015A0779041

Kathleen Huber

NOTICE OF COMPLIANCE CONFERENCE

Date: November 10, 2015

Time: 10:00 a.m.

Location: This will be a TELECONFERENCE MEETING. The teleconference will be hosted by DAU analyst Jennifer Kerr. Please call 877-873-8018; access #4926183.

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 DAappeals@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:

Jennifer Kerr, Departmental Analyst
Bureau of Community and Health Systems
Michigan Department of Licensing and Regulatory Affairs
Victor Office Center
201 North Washington Square, 4th Floor
P.O. Box 30664
Lansing, MI 48909-8150

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

In the matter of

License #: AF250002049
SIR #: 2015A0779041

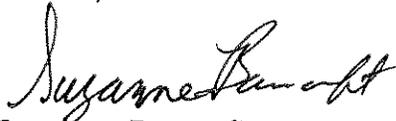
Kathleen Huber

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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 September 22, 2015.

Kathleen Huber
12287 Margaret Dr.
Fenton, MI 48430



Suzanne Bancroft
Adult Foster Care and Camps Licensing Division
Bureau of Health Care Services