

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

In the matter of

License #: AF410399963
SIR #: 2020A0356059

James Hubert

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ORDER OF SUMMARY SUSPENSION
AND AMENDED 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 amended notice of the intent to revoke the license of Licensee, James Hubert, 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 21, 2020, Licensee was issued a license to operate an adult foster care family home with a licensed capacity of six at 5454 Londonderry Street, SE, Kentwood, Michigan 49508.
2. Prior to the issuance of the license, and during subsequent modifications of the statutes and rules, Licensee received copies of the Adult Foster Care Facility Licensing Act and the licensing rule book for adult foster care family homes. The Act and rule book are posted and available for download at www.michigan.gov/lara.

3. Licensee failed to ensure that prescription medication was not used by anyone other than the prescribed resident and is not suitable to meet the needs of residents as demonstrated by the following:
 - a. On or about March 13, 2020, Licensee contacted PACE Program Pharmacist Jessica Naylor requesting that Resident A's Norco prescription be refilled six days prior to the medication running out. When Ms. Naylor asked Licensee why he was requesting the medication be refilled so soon, Licensee stated that he had taken some of Resident A's Norco pills himself. On the day that Licensee requested the Norco be refilled early, Resident A should still have had at least 24 Norco pills available.
 - b. On March 19, 2020, Licensing Consultant Rebecca Piccard interviewed Licensee who admitted to taking two tablets of Resident A's Norco prescription. He stated that he was experiencing back pain and could not get an appointment with his doctor right away.
4. Licensee left residents alone in the home and is not suitable to meet the needs of residents as demonstrated by the following:
 - a. On September 22, 2020, at 8:56 a.m., Licensee sent a text to Larna Hubert, his ex-wife and responsible person for the home, stating that he was leaving the home and leaving the residents alone. In the text he wrote, "I can't do this anymore, I'm under so much pressure there's a letter on the counter that explains everything that's happening and why I'm leaving but I'm taking off. I'm packed up, I don't know where

I'm going, I don't know where I'm gonna end up at, as soon as I send this text message to you I'll be shutting my phone off nobody will be able to get a hold of me for a few days."

- b. On September 22, 2020, at approximately 9:45 a.m., Ms. Hubert arrived at the home and found six residents alone in the home.
- c. On September 22, 2020, at 10:30 a.m. and 10:50 a.m., Licensing Consultant Elizabeth Elliott attempted to contact Licensee by telephone. Both times she received a message indicating that the call could not be completed because the party was not available.
- d. On September 22, 2020, after attempting to contact Licensee by phone, Ms. Elliott conducted an on-site inspection at the facility. When she arrived, she observed a woman sitting in a car in the driveway. The woman identified herself as Akierra Green, and she stated that she was Licensee's fiancé. She told Ms. Elliott that she was concerned about Licensee's whereabouts. She stated that her phone was on the same plan as Licensee's and that her phone is now shut off. Ms. Green indicated that she did not know where Licensee was.
- e. On September 22, 2020, during the on-site inspection, Ms. Elliott interviewed Ms. Hubert who stated that when she arrived at the home at 9:45 a.m. she found the residents alone and Licensee was gone. Licensee left a letter with instructions regarding resident care and taking care of the home. In the letter, Licensee wrote, "I have messed up my life so bad...I find the only way to fix my mess is to leave and

get out of Michigan. I am not real sure as to where I am going or how I am going to survive but I brought this on myself, so I have to fix it myself. As soon as I get to some location I will communicate it to you.”

- f. On September 23, 2020, Ms. Elliott called Licensee’s cell phone number twice. His phone was disconnected on both attempts.

COUNT I

The conduct of Licensee, as set forth in paragraphs 3(a) and 3(b) above, evidences a willful and substantial violation of:

R 400.1418

- (6) A licensee shall take reasonable precautions to insure that prescription medication is not used by a person other than the resident for whom the medication was prescribed.

COUNT II

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

R 400.1404

- (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 III

The conduct of Licensee, as set forth in paragraphs 4(a), 4(b), and 4(e) above, evidences a willful and substantial violation of:

R 400.1410

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

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 p.m., on September 25, 2020, Licensee is ordered not to operate an adult foster care family home at 5454 Londonderry Street, SE, Kentwood, Michigan 49508 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.

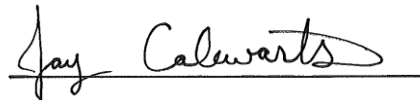
HOWEVER, BECAUSE THE Department has summarily suspended the license, an administrative hearing will be promptly scheduled before an administrative law judge.

Licensee MUST NOTIFY the Department and the Michigan Office of Administrative Hearings and Rules in writing within seven calendar days after receipt of this Notice if Licensee wishes to appeal the summary suspension and attend the administrative hearing. The written request must be submitted via MAIL or FAX to:

Michigan Office of Administrative Hearings and Rules
611 West Ottawa Street, 2nd Floor
P.O. Box 30695
Lansing, Michigan 48909
Phone: 517-335-7519
FAX: 517-763-0155

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 at his or her own expense.

DATED: 9-25-2020

A handwritten signature in black ink that reads "Jay Calewarts". The signature is written in a cursive style and is positioned above a solid horizontal line.

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 AMENDED NOTICE OF INTENT in the matter of James Hubert, AF410399963, consisting of six pages, this page included.

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