

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

In the matter of:

Blue Heron Pond/Nightingale Retreat LLC
AM470397058

ORDER OF SUMMARY SUSPENSION

The Michigan Department of Licensing and Regulatory Affairs, by Jay Calewarts, Director, Adult Foster Care and Camp Licensing Division, Bureau of Community and Health Systems, orders the summary suspension of the license of Licensee, Nightingale Retreat LLC, to operate a small group AFC, pursuant to the authority of the Michigan Administrative Procedures Act, 1969 PA 306, MCL 24.292(2). The Department has found that the public health, safety, or welfare require the emergency action of summary suspension for the following reasons:

1. On or about May 3, 2019, Licensee was issued a license to operate a small group AFC with a licensed capacity of 12 at 10638 N Rushton Road Suite 3, South Lyon, MI 48178.
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, 1979 PA 218, MCL 400.701 et seq. and the

licensing rule book for AFC small group home. These statues and rules are posted and available for download at www.michigan.gov/lara.

3. On February 7, 2020, Hospice Nurse Mindy Eagloski reported to Julie Elkins, AFC licensing consultant that the licensee designee, Holly Purdy requested Resident A's medications, including Xanax, Hydrocodine (Norco), and Morphine MS be filled due to being out of medications, and Ms. Purdy had been "pulling from her backups" while Resident A was out of medications. Medication administration records (MAR) showed that Resident A had not received several of her prescribed medications including melatonin, methenamine Hipp, citalopram HBR and Alprazolam. Resident A also had a script for Morphine sulfur discontinued before any medication was administered. Duplicate scripits for morphine, hydrocodone and alprazolam were filled 15 times. MAPS (Michigan Automated Prescription System) show that Resident A had 56 prescriptions filled between 03/06/2018 and 02/03/2020, 42 which were not written by the physician.
4. Upon Resident A's discharge on February 10, 2020, several of Resident A's medications were missing, including Xanax, Norco, Roxanol, Ativan and MS Contin. Due to the high number of prescriptions filled that were never administered to the Resident A or given to Resident A at discharge, it is reasonable to believe that the licensee is diverting and/or using Resident A's prescription pain medication.

5. Morphine for a resident from Nightingale Retreat, Resident Z, was located at Blue Heron Pond, AM470397058 which is approximately 17 miles away from Nightingale Retreat. Ms. Purdy is the licensee of Nightingale Retreat in Howell. Resident Z's morphine was in Blue Heron Pond's medication room and was empty, with a syringe in the top of the bottle.
6. On February 27, 2020, Michigan State Police executed a search warrant for possible prescription narcotic diversion by the licensee.

DUE TO THE serious nature of the above conduct and the potential risks it represents to adult residents in Licensee's care, emergency action is required. Therefore, the Department is invoking the Michigan Administrative Procedures Act, 1969 PA 306, MCL 24.292(2). Licensee is hereby notified that its license to operate an Adult Foster Care small group home is summarily suspended.

EFFECTIVE 6:00 PM on February 27, 2020, Licensee is ordered not to operate an Adult Foster Care home at 10638 N Rushton Road, Suite 3, South Lyon, Michigan, 48178 or any other address or location. Licensee is not to receive adults for foster care after that date and time. Licensee is responsible for informing guardians and responsible agency (if applicable) of residents that the license has been suspended and that Licensee can no longer provide care.

HOWEVER, BECAUSE THE Department has summarily suspended Licensee's license, an administrative hearing will promptly be scheduled before an administrative law judge with the Michigan Office of Administrative Hearings and Rules (MOAHR). Licensee MUST NOTIFY the Department and the MOAHR in writing within seven (7) calendar days after receipt of this Order if Licensee wishes to attend the administrative hearing. The written request submitted to MOAHR 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, MI 48909
Phone: (517) 335-2484
Fax: (517) 335-6088

MCL 24.272 of the Michigan Administrative Procedures Act 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 its own expense.

DATED: 2-27-2020



Jay Calewarts, Director
AFC & Camp Licensing Division
Bureau of Community and Health Systems

This is the final page of the ORDER OF SUMMARY SUSPENSION in the matter of Nightingale Retreat LLC, AM470397058, consisting of 4 pages, this page included.

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