

## Statement of Deficiencies

### 713.A: Office of Public Health, State Fire, City Fire, Office of Early Childhood approval

Not Met

713.A: Current approvals by the Office of Public Health, Office of State Fire Marshal, City Fire (if applicable), Office of Early Childhood and the Licensing Division shall be required before the expiration of an existing license.

#### Finding:

713. A: Based on record review: The Provider lacked documentation of a current annual inspection and approval from State Fire Marshal. The date of the last approval is unknown.

### 1507-A: Daily Attendance Records - Children

Not Met

1507-A: A daily attendance record for children shall be maintained that shall:

1. include the child's first and last name, arrival and departure times, and first and last name of person or entity to whom the child is released;
2. accurately reflect children on the center premises at any given time; and
3. be used to sign in and out if a child leaves and returns to the center during the day.

#### Finding:

1507-A, 1-3: Based on record review: The Provider lacked documentation of a daily attendance record for children that included the time of arrival and departure of each child and the first and last name of the person to whom the child was released

### 1509-A.8. a-b: Behavior Management Policy

Not Met

1509-A.8. a-b: Behavior Management Policy

Each center shall develop and implement a written behavior management policy describing the methods of behavior guidance and management that shall be used at the center.

The behavior management policy shall prohibit children from being subject to any of the following:

- i. physical or corporal punishment which includes but is not limited to yelling, slapping, spanking, yanking, shaking, pinching, exposure to extreme temperatures or other measures producing physical pain, putting anything in the mouth of a child, requiring a child to exercise, or placing a child in an uncomfortable position.
- ii. verbal abuse, which includes but is not limited to using offensive or profane language, telling a child to "shut up", or making derogatory remarks about children or family members of children in the presence of children;
- iii. the threat of a prohibited action even if there is no intent to follow through with the threat;
- iv. being disciplined by another child;
- v. being bullied by another child;
- vi. being deprived of food or beverages;
- vii. being restrained by devices such as high chairs or feeding tables for disciplinary purposes; and
- viii. having active play time withheld for disciplinary purposes, except timeout may be used during active play time for an infraction incurred during the playtime.

#### Finding:

1509- A. IV-VIII: Based on record review: The Provider did not have a behavior management policy that clearly states ALL methods of discipline that are prohibited. Provider documentation did not include the following: iv. Being disciplined by another child; v. being bullied by another child; vi. being deprived of food or beverages; vii. being restrained by devices such as high chairs or feeding tables for disciplinary purposes; and viii. having active time withheld for disciplinary purposes, except timeout may be used during active play time for an infraction incurred during the playtime.

### 1509-A.9: Electronic Devices Policy

Not Met

1509-A.9: Electronic Devices Policy that provides that all activities involving electronic devices, including but not limited to television, movies, games, videos, computers and hand held electronic devices, shall adhere to the following limitations:

- a. Electronic device activities for children under age two are prohibited; and
- b. Time allowed for electronic device activities for children ages 2 and above shall not exceed 2 hours per day.

#### Finding:

1509-A.9:- A-B: Based on record review: The Provider did not have a written Electronic Devices Policy that provides that all activities involving electronic devices, including but not limited to television, movies, games, videos, computers and hand held electronic devices, are prohibited for children under are two and time allowed for electronic device activities for children ages two and above shall not exceed 2 hours per day.

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### 1509-A.10: Computer Practices Policy

Not Met

1509-A.10: Computer Practices Policy that requires computers that allow internet access by children to be equipped with monitoring or filtering software that limits access by children to inappropriate web sites, e-mail, and instant messaging.

#### Finding:

1509- A.10: Based on record review: The Provider did not have a written Computer Practices Policy that requires computers that allow internet access by children to be equipped with monitoring or filtering software that limits access by children to inappropriate web sites, e-mail, and instant messaging.

### 1509-A.11: Programs, Movies and Video Games Policy

Not Met

1509-A.11: Programs, Movies and Video Games Policy

- a. Programs, movies, and video games with violent or adult content, including but not limited to soap operas, television news, and sports programs aimed at audiences other than children, shall not be permitted in the presence of children.
- b. All television, video, DVD, or other programming shall be suitable for the youngest child present.
- c. "PG" programming or its television equivalent shall not be shown to children under age 5.
- d. "PG" programming shall only be viewed by children age 5 and above and shall require written parental authorization.
- e. Any programming with a rating more restrictive than "PG" is prohibited.
- f. All video games shall be suitable for the youngest child with access to the games.
  - i. "E10+" rated games shall be permitted for children ages 10 years and older.
  - ii. "T" and "M" rated games are prohibited.

#### Finding:

1509-A.11- A-F: Based on record review: The Provider did not have Programs, Movies and Video Games Policy requiring: Programs, movies, and video games with violent or adult content, including but not limited to soap operas, television news, and sports programs aimed at audiences other than children, shall not be permitted in the presence of children. All television, video, DVD, or other programming shall be suitable for the youngest child present. PG programming or its television equivalent shall not be shown to children under age 5. PG programming shall only be viewed by children age 5 and above and shall require written parental authorization. Any programming with a rating more restrictive than PG is prohibited. All video games shall be suitable for the youngest child with access to the games. E10+ rated games shall be permitted for children ages 10 years and older. T and M rated games are prohibited.

### 1515-B: Consent to Release

Not Met

1515-B: Consent to Release. The center shall obtain written consent from the parent prior to releasing any information, recordings, or photographs from which the child might be identified, except to authorized state and federal agencies. This one time written consent shall be obtained from the parent and updated as changes occur.

#### Finding:

1515-B Based on record review: The provider lacked written consent from the parent to release any information, recordings, or photographs from which the child might be identified, except to authorized state and federal agencies. This one time written consent was not obtained from the parent as stated in regulation.

### 1703.B: Visitors - CBC/Accompanied

Not Met

1703.B: An early learning center shall obtain documentation of a satisfactory fingerprint based CBC for each visitor or independent contractor of any kind, prior to the person being present at the center or performing services for the center UNLESS the visitor or independent contractor WILL BE accompanied at all times while on the center premises by an adult, paid, staff member who is not being counted in child to staff ratios, and the center shall have copies of said documentation on-site at all times and available for inspection upon request by the Licensing Division.

1. Documentation of the paid, adult staff member not otherwise counted in child to staff ratios who accompanied a visitor or independent contractor at all times while the visitor or contractor was on the center premises shall include the date, arrival and departure time of the visitor or contractor, language stating that the visit or contractor was accompanied by the staff member at all times while on the premises, and the signature of both the contractor and the accompanying staff member.

#### Finding:

1703.B Based on record review: The provider failed to show documented proof of O1, O2, and O3's current Criminal background Clearance prior to contractors entrance onto the premises. O1 on 09/21/2016, was present in the center, O2 was present in the center on 09/28/2016 and O3 was present in the center on 10/04/2016.

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### 1715-A.4: Criminal Background Check

Not Met

1715-A.4: Personnel files for each staff member shall be maintained at the center and shall include the following: documentation of a fingerprint based satisfactory criminal background check

**Finding:**

1715- A.4: Based on record review: Documentation of a satisfactory fingerprint based criminal background check (CBC) was not available for 1 of 3 staff, prior to the individual(s) being present in the childcare facility (1703.A) S3 date of hire is 01/11/2016..last CBC submitted in 02/17. As of 03/13/2017 S3 is still employed and currently working in the infant class without proper CBC clearance.

### 1725-A.-D.: Medication Management Training

Not Met

1725-A.-D.: A. All staff members who administer medication shall have medication administration training.  
B. Whether administering medication or not, each early learning center shall have at least two staff members trained in medication administration.  
C. Such training shall be completed every two years with an approved Child Care Health Consultant.  
D. A licensed practical nurse (LPN) or registered nurse (RN) with a valid nursing license shall be considered to have medication administration training.

**Finding:**

1725-A. -D: B: Based on record review: The provider did not have at least two staff members trained in medication administration whether the early learning center administers medication or not.

### 1901-N: First Aid Supplies

Not Met

1901-N: First aid supplies shall be kept at the center and shall be easily accessible to employees but not accessible to children.

**Finding:**

1901-N Based on observations: The provider had first aid kit on the premises however, the kit lacked the first aid supplies; as it was empty.

### 1909-D: Infants - Car Seats

Not Met

1909-D: Written authorization from a physician is required for a child to sleep in a car seat or other similar device and shall include the amount of time that the child is allowed to remain in said device.

**Finding:**

1909-D Based on observations: Written authorization from a physician was not available for 2 of 4 infants to use a positioning device while sleeping in their cribs. C1 and C5 were both observed by specialist sleeping in the car seats in their cribs on 03/13/2017.

### 1911-E: Daily Reports for Infants

Not Met

1911-E: Daily Reports for Infants. Written reports that include the liquid intake, food intake, disposition, bowel movements and eating and sleeping patterns shall be given to the parents of infants on a daily basis. Reports shall be kept current throughout the day.

**Finding:**

1911-E Based on record review: The provider lacked a daily written report for 4 of 4 infants in the infant room.

### 1915-A: Health Services - Observation

Not Met

1915-A: Observation. Upon arrival at the center, the physical condition of each child shall be observed for possible signs of illness, infections, bruises or injuries, and when something is observed, it shall be documented and such documentation shall include an explanation from the parent or child.

**Finding:**

1915-A Based on record review: The provider did not document observations daily,when something is observed, noted on children upon arrival to the center. Results including an explanation from parent and/or child were not documented daily. Specialist observed, observation sheet and last documented observation was in 02/2017. S2 completed daily observation for today; 03/13/2017 during the licensing visit.

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### 1915-B.&C: Health Services - Parental Notification

Not Met

1915-B.&C:

B. Reporting. Incidents, injuries, accidents, illnesses, and unusual behavior shall be documented and reported to the parent no later than when the child is released to the parent or authorized representative on the day of the occurrence.

C. Immediate Notification. The parent shall be immediately notified in the following circumstances:

1. blood not contained in an adhesive strip;
2. head or neck or eye injury;
3. human bite that breaks the skin;
4. animal bite;
5. impaled object;
6. broken or dislodged teeth;
7. allergic reaction skin changes (e.g. rash, spots, swelling, etc.);
8. unusual breathing;
9. symptoms of dehydration;
10. temperature reading over 101° oral, 102° rectal, or 100° axillary; or
11. injury or illness requiring professional medical attention.

#### Finding:

1915-B&C: Based on record review: The Provider did not have documentation of immediate notification to the parent when the following occurred to a child: On 02/14/2017 C6 injured themselves on a slide while playing and incurred an injury to the right side of the face. Incident occurred at 2:30pm on 02/14/2017 and the documentation did not include the time the parent was notified; so therefore, there was no notification that occurred as a result of this incident.

### 1921-A: Emergency Preparedness and Evacuation Planning

Not Met

1921-A: Emergency and Evacuation Plan. The director shall consult with appropriate state and local authorities and shall establish and follow a written multi-hazard emergency and evacuation plan to protect children in the event of emergencies that at a minimum shall:

1. address any potential disaster related to the area in which the center is located;
2. include procedures for sheltering in place, lockdown and evacuation to a pre-determined site for potential threats to the safety, health and well-being of children in care;
3. include specific procedures for handling infants through two year olds;
4. include specific procedures for handling children with special needs, including the evacuation and transportation of children in wheelchairs;
5. include a system to account for all children;
6. include a system, and a back-up system, for contacting parents and authorized third party release caretakers;
7. include a system to reunite children and parents following an emergency;
8. include procedures for providing information about the emergency plan to parents at the time of enrollment and when changes occur;
9. be reviewed annually for accuracy and updated as changes occur; and
10. be reviewed with all staff at least once per year.
11. practice drills shall be conducted at least twice per year to include all children and shall be documented.

#### Finding:

1921-A Based on record review: The provider failed to have a written multi-hazard emergency and evacuation plan to protect children in the event of emergencies that addresses the following: any potential disaster related to the area in which the center is located, include procedures for sheltering in place, lockdown and evacuation to a pre-determined site for potential threats to the safety, health and well-being of children in care, include specific procedures for handling infants through two year olds, specific procedures for handling children with special needs, including the evacuation and transportation of children in wheelchairs:. The Provider did not have the following system in place for: --to account for all children, a system, and a back-up system, for contacting parents and authorized third party release caretakers, a system to reunite children and parents following an emergency.

### 1921-D: Emergency and Evacuation Records

Not Met

1921-D: A center shall maintain a copy of records, documents, and computer files necessary for its continued operation following an emergency in either a portable file or at an off-site location.

#### Finding:

1921-D Based on record review: The center did not maintain a copy of records, documents, and computer files necessary for its continued operation following an emergency in either a portable file or at an off-site location.

## **Statement of Deficiencies**

### **2101-A.14: Vehicle - Liability Insurance**

**Not Met**

2101-A.14: Centers shall maintain at all times current commercial liability insurance for the operation of center vehicles to ensure medical coverage for children in event of accident or injury. This policy shall extend coverage to any staff member who provides transportation for any child in the course and scope of his/her employment. The provider is responsible for payment of medical expenses of a child injured while in the center's care. Documentation shall consist of the insurance policy or current binder that includes the name of the early learning center, the name of the insurance company, policy number, period of coverage and explanation of coverage. If transportation is provided by parents for field trips or transportation is provided by contract, whether daily of field trip, a copy of the current liability insurance shall be maintained on file at the center.

#### **Finding:**

2101-A.14 Based on record review: The Provider lacked documentation of current commercial liability insurance for the operation of the vehicle(s) to ensure medical coverage for children in the event of accident or injury.

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### **2101-A.15: Transportation - Contract to Provide Transportation**

**Not Met**

2101-A.15: Centers using contract transportation shall maintain a copy of the written contract that includes an express provision stating that the contractor shall comply with all state laws and regulations, as amended, regarding motor vehicles, including but not limited to seat belts and child restraints.

#### **Finding:**

2101-A.15 Based on record review: The Provider contracted for transportation and there was not a contract signed by the provider and a representative of the transportation agency outlining circumstances under which transportation will be provided and that includes an express provision stating that the contractor shall comply with all state laws and regulations, as amended, regarding motor vehicles, including but not limited to seat belts and child restraints. In absence of a transportation contract, the center went on a field trip on 06/28/2016.

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