

## Statement of Deficiencies

### 1103.A.-D.: Critical Incidents and Required Notifications

Not Met

1103.A.-D.: An early learning center shall make immediate notification to emergency personnel, law enforcement as applicable, and other appropriate agencies for the following types of critical incidents involving children in care:

1. death;
  2. serious injury or illness that required medical attention;
  3. a child left unsupervised for any amount of time;
  4. use of prohibited behavior management as described in § 1509.A.8.b;
  5. allegations or suspicion of child abuse or neglect by center staff;
  6. an accident involving the transportation of children; or
  7. any other significant event relating to the health, safety, or well-being of any child, including but not limited to a lost child, an emergency situation, fire or other structural damage, or closure of the center.
- B. The parent shall be contacted immediately following any immediate notifications made under Subsection A.
- C. The LDE and other appropriate agencies, such as DCFS, LDH and the Office of State Fire Marshal, as applicable, shall be notified via email within 24 hours of the incident.
- D. The department shall be notified by written report within 24 hours of the incident or the next business day. This written notification shall be made on the department's Critical Incidents Report Form and shall contain all information requested on the form.

#### Finding:

1103.A.-D. Based on record review/interviews at approximately 12:00 p.m. on 12/15/2021, S1, S3, S6, and S7 failed to notify C2's parent immediately and the Department and Child Welfare within 24 hours of the following incidents: On 12/6/2021 at approximately 2:00 p.m., O1 informed S3 and S6 that she observed several scratches on C1's, age 1-year-old, right forearm and did not believe they were caused by another child. S3 and S7 reviewed the video on 12/6/2021, and S1 reviewed video for 12/6/2021 on 12/7/2021. S4 was observed using the following prohibited methods of discipline:

- S4 aggressively grabbed C1's right forearm and forcibly placed her on the carpet.
- S4 yanked C1 towards her and looked at her right arm.
- S4 pulled the chair from underneath C1 causing C1 to fall to the floor.
- S4 holds C2 by both wrists, moving C2 from the toy shelf to the end of the rug where she forcibly placed him on the area rug.
- S4 aggressively yanked C2 causing an object to fall from the child's hand.

S3 submitted a Critical/Reportable Incident form on 12/8/2021; however the report was not documented correctly. The report submitted did not include S4's actions observed by S1, S3 and S7 on the video for 12/6/2021. S3 stated she did not report the Critical Incident to the Department until 12/8/2021 because she had to wait for the Head Start to conduct their investigation. She did not report the incident to Child Welfare because O1 told her she had already reported it.

Corrective Action Plan: Effective 12/10/2021, S3 stated a meeting was conducted to discuss the regulation and will conduct these meetings annually to ensure all staff are aware of what to report so this deficiency is not cited again.

### 1503.A.-C.: General Liability Insurance Policy

Not Met

- 1503.A.-C.: A. A center shall maintain in force at all times current commercial liability insurance for the operation of the center to ensure medical coverage for children in the event of accident or injury.
- B. A center is responsible for payment of medical expenses of a child injured while in the center's care.
- C. Documentation of commercial liability insurance shall consist of the insurance policy or current binder that includes the name of the early learning center, physical address of the center, name of the insurance company, policy number, period of coverage and explanation of the coverage.

#### Finding:

1503.B. Based on interview(s) at approximately 1:10 p.m., S1 failed to be responsible for payment of medical expenses of a child injured while in the provider's care as, C1, age 1-year-old, sustained scratches to the right forearm which caused a skin abrasion on 12/6/2021. O1 informed S2, S3 and S7 on 12/7/2021 that the child had received medical attention on 12/6/2021.

Corrective Action Plan: Effective 12/16/2021, S3 stated the center will offer insurance as soon as they are informed medical attention was required. Also, the center will create a form stating the center's insurance was offered and have the parent/guardian signature to ensure this deficiency is not cited again.

### 1509.A.1.: Child Abuse and Neglect Policy

Not Met

- 1509.A.1.: a. As mandated reporters, all staff and owners shall report any allegation or suspicion of abuse or neglect of a child to the Louisiana Child Protection Statewide Hotline 1-855-4LA-KIDS (1-855-452-5437);
- b. An early learning center shall not delay the reporting of suspected abuse or neglect to the Child Protection Statewide Hotline in order to conduct an internal investigation to verify the abuse or neglect allegations; and
- c. An early learning center shall not require staff to report suspected abuse or neglect to the center or management prior to reporting it to the Child Protection Statewide Hotline.

## Statement of Deficiencies

### Finding:

1509.A.1. Based on interview(s) at approximately 12:50 p.m. on 12/15/2021, as mandated reporters, S1, S3, S5, S6 and S7 failed to report allegations or suspicions of abuse of C1, age 1-year-old, and C2, age 1 year old, on 12/6/2021 to the Louisiana Child Protection Statewide Hotline and S1 delayed the reporting of suspected abuse in order to conduct an internal investigation to verify the abuse or neglect allegations. O1 notified S3 and S6 that the scratches on C1's right forearm received on 12/6/2021 was not caused by another child but a center's staff on 12/6/2021 at approximately 2:00 p.m. S1, S3 and S7 observed video for 12/6/2021 and observed S4 aggressively grabbing C1's right forearm and forcibly placing her on the carpet; S5 told S3 that she observed S4 pull the chair from underneath C1 causing her to fall to the floor on 12/6/2021 and also observed S4 slam another child down on the carpet on 12/6/2021. S1, S3 and S7 observed video that shows S4 doing this; S1., S3 and S7 also observed 12/6/2021 video showing S4 holding C2 by both wrists moving him from the toy shelf to the end of the rug where she forcibly placed him on the area rug and also aggressively yanked C2's arm causing an object to fall from the child's hand.

Corrective Action Plan: Effective 12/10/2021, S3 stated the center conducted a meeting discussing the child abuse and neglect policy. This policy will be reviewed annually by all staff to ensure this deficiency is not cited again.

### 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.8.i. Based on record review at approximately 1:30 p.m., although the provider developed and implemented a written Behavior management policy describing the methods of behavior guidance and management that shall be used at the center, on 12/6/2021 S4 (DOH 4/4/1989) used the following prohibited methods of discipline:

- 10:33 a.m. S4 holds C2 by both wrists moving C2 from the toy shelf to the end of the rug where she forcibly placed him on the area rug.
- 10:39 a.m. S4 aggressively grabbed C1 by the right arm, pulling her towards her while C1 was standing.
- 10:40 a.m. S4 yanked C1 towards her and looked at her right arm and continued to give C1 toys to play with.
- 11:01 a.m. - S4 aggressively yanked C2's arm while he was sitting at a table that caused an object to fall out of the child's hand.
- 11:09 a.m. S4 pulls the chair from under C1 causing her to fall to the floor and walks off without offering C1 any assistance.

S4 was placed on suspension on 12/7/2021 and resigned on 12/13/2021.

Corrective Action Plan: Effective 12/10/2021, S3 stated a meeting was conducted to discuss the regulation and the center will conduct these meetings annually to ensure all staff are aware of the prohibited methods of discipline this deficiency is not cited again.

### 1911.I.&J.: Proper Lifting of a Child

Not Met

1911.I.&J.: I. Staff members shall adhere to proper techniques for lifting a child.

J. Staff members shall not lift a child by one or both arms.

### Finding:

1911.I.&J. Based on record review at approximately 1:48 p.m. on 12/15/2021, S4 failed to adhere to the proper techniques for lifting, when she forcibly grabbed C1, age 1-year-old, by the right arm and placed her on the floor on 12/6/2021 at approximately 10:39 a.m. Also, S4 was observed improperly lifting C2 on 12/6/2021 at approximately 10:33 a.m., as she was observed picking him up by both wrists and moving him from the toy shelf to the end of the area rug where she forcibly placed him on the rug.

## ***Statement of Deficiencies***

Corrective Action Plan: Effective 12/10/2021, S3 stated a meeting was conducted to discuss the regulation and will conduct these meetings annually to ensure all staff are aware of the proper lifting techniques for lifting a child so this deficiency is not cited again.

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