

June 6, 2023

CERTIFIED MAIL

Jessica Rodning
722 Sunrise Drive
Saint Peter, MN 56082-1202

License Number 1100872 FCC

ORDER OF LICENSE REVOCATION

Dear Ms. Rodning:

Based on the recommendation of Nicollet County Human Services (Nicollet County), the Department of Human Services (DHS) is revoking your license to provide family child care at 722 Sunrise Drive, Saint Peter, MN. Details of our findings are provided below. Our next steps and your options are also detailed.

REASON FOR LICENSE REVOCATION

1. Commissioner's evaluation of program

In determining whether a licensing action is warranted, DHS evaluated the facts, conditions, and circumstances concerning your program's operation. This includes consideration of the well-being of children served in your program, available evaluations from consumers of your program, and information about the qualifications of caregivers working in your program. Specifically, because you repeatedly failed to follow licensing rules and laws, because you failed to provide required supervision, because you failed to meet fire marshal requirements, because you have repeatedly failed to comply with correction orders, because you and a caregiver were found responsible for maltreatment of a child, because you failed to provide required supervision, because you failed to be the primary provider of care in your program, because you failed to provide documentation of required training, because you failed to provide documentation of program records, because you failed to provide documentation of children's records, because you failed to ensure that your outdoor play space was free of hazards, and because you failed to follow sudden unexpected infant death (SUID) reduction requirements. DHS has determined that revocation of your license is appropriate based on the violations identified below and the program evaluation.

Legal Authority: Minnesota Statutes, section 245A.04, subdivision 6.

2. Determination that the license holder is responsible for maltreatment

April 21, 2023, Maltreatment Determination

On April 21, 2023, Nicollet County determined that you were responsible for maltreatment of a minor by neglect. Specifically, Nicollet County determined that you did not provide supervision to a child that was dropped off by the bus to your program and staff did not let the child into the program. The child walked a half mile from the program to their home. You and staff were unaware of the child's absence until an hour and 17 minutes later.

You were informed of the right to request reconsideration of the maltreatment determination. You have requested reconsideration.

Statute Violated: Minnesota Statutes, section 260E.03, subdivision 15(a)(3).

Legal Authority: Minnesota Statutes, section 245A.07, subdivision 3 paragraph (a) subparagraph (1).

3. Determination that an individual affiliated with your program is responsible for maltreatment.

April 21, 2023, Maltreatment Determination

On April 21, 2023, Nicollet County determined that a caregiver was responsible for maltreatment of a minor by neglect. Specifically, Nicollet County determined that the caregiver did not provide supervision to a child that was dropped off by the bus to the program and the child was not let into the program. The child walked a half mile from the program to their home. The caregiver was unaware of the child's absence until an hour and 17 minutes later.

Statute Violated: Minnesota Statutes, section 260E.03, subdivision 15(a)(3).

Legal Authority: Minnesota Statutes, section 245A.07, subdivision 3 paragraph (a) subparagraph (1).

License holders found responsible for maltreatment are required to pay a \$1000 fine for each determination of maltreatment of a minor. Because license revocation is a more severe sanction against your license, DHS is not imposing this fine. If the revocation is rescinded, DHS may impose the fine at that time.

4. Failure to comply with licensing laws and rules

Nicollet County determined that you failed to fully comply with the laws and rules that apply to a licensed family child care program. DHS has considered the nature, chronicity, or severity of the violations that led to the revocation of your license.

Legal Authority: Minnesota Statutes, section 245A.07, subdivision 3, paragraph (a), subparagraph (1).

Nature, history and severity of violations

You were licensed on August 26, 2019. Since you were licensed you have displayed a pattern of non-compliance that has increased in severity in recent months, resulting in harm to children in care. DHS has considered this history as a factor when it determined that revocation of your license is appropriate. Below is the chronology of licensing actions and correction orders.

As a result of you wanting to be licensed as a child care center, in 2022, an inspection was made by the State Fire Marshal. The inspection determined that the facility did not meet the minimum requirements for fire code and an order of compliance was issued. You failed to meet the minimum requirements of the Minnesota State Fire Code which resulted in the temporary immediate suspension of your license on March 6, 2023. The following day, a caregiver sent a message to all enrolled parents from your ProCare app that you would be providing care in an alternate space in the building as a camp with updated hours. It was determined that you were the one providing direction on running the day camp.

- On March 7, 2023, an allegation was made that a child in your care was not supervised and did not have access to the program. It was determined through the investigation that you failed to provide required supervision when a child was not able to access your program and walked home unattended.

Rule Violated: Minnesota Rules, part 9502.0315, subpart 29a and Minnesota Rules, part 9502.0365, subpart 5.

As a result, On March 8, 2023, an amended temporary immediate suspension of your license was issued. You submitted an appeal for the temporary immediate suspension however, the appeal was determined to be untimely and remains in place.

- On January 24, and February 3, 2023, Nicollet County made a visit to your program as a result of an investigation. On February 9, 2023, you were issued a correction order for the following licensing violations:
 - Failure by a substitute caregiver to provide required supervision when a child in care fell off climbing equipment and sustained a skull fracture.
 - Failure to provide documentation of required information when a substitute caregiver provided care.

You have requested reconsideration of this correction order and it is currently under review.

- October 21, 2022, Order to Pay a Fine of \$800 for three occurrences of failure to comply with correction orders and failure to ensure that a caregiver had the required training prior to caring for children.
- August 22, 2022, Correction Order, which cited you for failure to comply with a prior correction order.
- July 11, 2022, Correction Order, which cited you for the following licensing violations:
 - Failure to provide a complete emergency preparedness plan when the plan was missing pages 2, 4, and 6.

- Failure to provide required information in your provider policies.
 - Failure to provide documentation of current training on sudden unexpected infant death (SUID) and abusive head trauma (AHT) training as required.
 - Failure to provide documentation of training on first aid for an adult caregiver.
 - Failure to provide required documentation when using a substitute caregiver.
 - Failure to not exceed 500 hours when using a substitute caregiver.
- June 27, 2022, Correction Order, which cited you for failure to comply with a prior correction order dated June 9, 2022.
- June 9, 2022, Correction Order, which cited you for failure to ensure your outdoor play space was safe when it was not enclosed.
- April 15, 2022, Correction Order, which cited you for failure to comply with a prior correction order dated March 15, 2022.
- March 15, 2022, Correction Order, which cited you for the following licensing violations:
 - Failure to provide documentation of complete admission and arrangements records as required.
 - Failure to provide maltreatment reporting policy to families as required.
- February 24, 2022, Correction Order, which cited you for failure to get written consent for emergency medical care.
- October 18, 2021, Correction Order, which cited you for the following licensing violations:
 - Failure to provide admission and arrangements records as required.
 - Failure to get written consent for emergency medical care.
- August 25, 2021, Revocation Order for violation of your settlement agreement. You appealed the revocation and the Commissioner rescinded the Order of Revocation.
- March 25, 2021, Correction Order, which cited you for the following licensing violations:
 - Failure to ensure that equipment was adequate, safe, and in good repair when toys were broken causing jagged edges.
 - Failure to ensure your outdoor play space was safe when children had access to screws, standing water, garbage, and metal materials.
 - Failure to ensure that hazards were inaccessible as required when children had access to confetti from a prior activity.
- September 18, 2020, Revocation Order for the following licensing violations:
 - Failure to clean bottles after each use as required.
 - Failure to follow SUID reduction requirements when an infant was slept in a swing.

- Failure to ensure that caregivers were trained on your emergency preparedness plan.
- Various other licensing violations since you became licensed on August 26, 2019.

You appealed the September 18, 2020, revocation of your license and through a settlement agreement you were able to operate your family child care program on a conditional license for one year with specific terms.

- May 27, 2020, Correction Order, which cited you for failure to allow Nicollet County access to your program as required.
- March 13, 2020, Correction Order, which cited you for the following licensing violations:
 - Failure to provide documentation of completed monthly fire and storm drill logs.
 - Failure to provide documentation of crib safety inspections.
 - Failure to ensure the license holder was the primary provider of care as required.
 - Failure to ensure outdoor play space was safe as required when it was adjacent to a water hazard.
 - Failure to ensure that garbage containers were inaccessible to infants and toddlers.
 - Failure to provide documentation of complete attendance records each day.
- March 6, 2020, Order to Pay a Fine of \$200 for failure to follow SUID reduction requirements when an infant was slept in a bouncy seat.
- January 28, 2020, Correction Order, which cited you for failure to follow SUID reduction requirements when an infant was sleeping in a bouncy seat.
- October 10, 2019, Order to Pay a Fine of \$200, which cited you for failure to follow SUID reduction requirements when an infant was slept in a swing.
- September 20, 2019, Correction Order, which cited you for the following licensing violations:
 - Failure to maintain the privacy of children's records.
 - Failure to ensure that food items brought from home were labeled or refrigerated as required.
- September 16, 2019, Correction Order which cited you for failure to follow SUID reduction requirements when an infant was slept in a swing.
- August 29, 2019, Correction Order, which cited you for the following licensing violations:
 - Failure to provide documentation of immunization records for two children in care.
 - Failure to use appropriate behavior guidance methods with children in care.
 - Failure to provide documentation of liability insurance as required.

Nature, Chronicity and Severity of violations

Your licensing violations have continued to escalate in chronicity and severity. Most of the new violations that form the basis for this revocation order are not merely administrative in nature, but are of a more serious nature. The maltreatment determination and supervision violations directly impacted the health and safety of children served in your program.

YOUR RIGHT TO APPEAL

You have the right to appeal the revocation. Your request must be in writing and clearly state that you are requesting a contested case hearing for this matter. Your request must be made before the deadlines provided below. If you do not meet this deadline, you lose your right to an administrative appeal. The timeline to appeal began when you received this order.

If you are mailing your request, it must be sent by certified mail and postmarked within 10 calendar days from when you received this order. Please send it to:

Commissioner, Department of Human Services
Office of Inspector General
Legal Counsel's Office
Attention: Licensing Legal Unit
PO Box 64953
St. Paul, MN 55164-0953

If your request is being personally delivered, it must be received by DHS within 10 calendar days from when you received this order. Please bring it to:

Commissioner, Department of Human Services
Office of Inspector General
Legal Counsel's Office
Attention: Licensing Legal Unit
444 Lafayette Road North
St. Paul, MN 55155

Upon DHS' receipt of your timely appeal, your case would be scheduled for a contested case hearing in front of an Administrative Law Judge. Following this hearing, the Commissioner of DHS will issue a final order. If you do not appeal or if the order is affirmed by the Commissioner following a hearing, DHS is prohibited from issuing you a license for five years. In addition, any additional licenses held by you shall also be revoked.

Legal representation at the contested case hearing:

You do not need a lawyer to appeal. However, a lawyer can help you with your appeal. The state or county will not get you a lawyer and will not pay for a lawyer. If you cannot afford a lawyer, you may be able to get free legal advice or help with your appeal. To find out if free help is available, contact: Volunteer Lawyers Network at

612-752-6677; Central Minnesota Legal Services at 612-332-8151; Southern Minnesota Legal Services at 651-222-4731; or go to www.lawhelpmn.org to find a local legal services program that may be able to help you.

You can also find information on contested cases from the Office of Administrative Hearings website at <https://mn.gov/oah/self-help>. Click on Administrative Law Overview, then click on Administrative Law Contested Case Hearing Guide for a list of frequently asked questions.

Operating the program pending the outcome of the appeal:

On August 3, 2023, DHS issued an Order of Temporary Immediate Suspension on your family child license. Because the immediate suspension of your license remains in effect, if you appeal this Order of Revocation, you continue to be prohibited from operating pending a final order from the Commissioner of DHS.

Questions about CCAP

If you are a provider authorized to receive Child Care Assistance Program (CCAP) payments, this revocation order could impact your ability to receive CCAP funding. If you have questions about CCAP, contact the County or CCAP agencies where you are authorized to receive CCAP funds.

Prohibition against providing legally unlicensed child care

On May 26, 2023, DHS issued an Order of Temporary Immediate Suspension to your family child care program, which disqualified you from providing legally unlicensed child care. You remain prohibited from providing legally unlicensed child care even if you appeal this order.

Posting of this Licensing Action

You are required to place this Order of License Revocation in a place that is clearly noticeable to the people receiving services and all visitors to the facility for two years, even if you appeal.

Legal authority for this licensing action

- This action is taken under Minnesota Statutes, section 245A.07, subdivision 3, which describes under which conditions DHS may revoke a license.
- When a revocation of a license is based on a maltreatment determination and/or a disqualification for which reconsideration was timely requested and which was not set aside, the scope of the contested case hearing for the revocation shall also include the maltreatment and/or disqualification and set aside under Minnesota Statutes, section 245A.08, subdivision 2a, paragraph (a).
- When a revocation of a license is based on a maltreatment determination and/or a disqualification of an individual other than the license holder, the hearings of all parties may be consolidated into a single contested case hearing upon consent of all parties and the administrative law judge, under Minnesota Statutes, section 245A.08, subdivision 2a, paragraph (f).

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- Minnesota Statutes, section 245C.29, subdivision 1 states that a maltreatment determination is final if the commissioner has issued a final order following an appeal, the individual did not request reconsideration of the maltreatment determination, or the individual did not request a hearing of the maltreatment determination.
- Minnesota Statutes, section 245A.07, subdivision 3, paragraph (c), clause (4) states that license holders shall pay a \$1000 fine for each determination of maltreatment under section 260E.
- Minnesota Statutes, section 245.095 defines which programs administered by DHS are included in the exclusion provision, and further defines "excluded," "individual," and "provider."
- License holders have a right to appeal licensing actions and request a contested case hearing, under Minnesota Statutes, chapter 14, Minnesota Rules, parts 1400.8505 to 1400.8612, and Minnesota Statutes, section 245A.08.
- Under Minnesota Statutes, section 245A.04, subdivision 7, paragraph (d), clause (3), the commissioner shall not issue or reissue a license if the applicant, license holder, or controlling individual has had a license issued under this chapter revoked within the past five years.
- Under Minnesota Statutes, section 245A.04, subdivision 7, paragraph (d), clause (5), when a license issued under this chapter is revoked under clause (1) or (3), the license holder and controlling individual may not hold any license under chapter 245A for five years following the revocation, and other licenses held by the applicant, license holder, or controlling individual shall also be revoked.
- Minnesota Statutes, section 245A.03, subdivision 2a provides that an applicant for licensure who has received a licensing action that has not been reversed on appeal may not operate as a legally unlicensed child care provider. Operating an unlicensed family child care is a misdemeanor under Minnesota Statutes, section 245A.03, subdivision 3.
- The requirement to post this order in a clearly visible location is required under Minnesota Statutes, section 245A.07, subdivision 5.

Questions

If you have any further questions regarding this matter, you may contact Beth Donahue, Supervisor at 651-431-6565.

Sincerely,



Barbara Wagner, Unit Manager
Licensing Division
Office of Inspector General

cc: Calane Bruender, Nicollet County Human Services