

February 13, 2024

CERTIFIED MAIL

Brittney Litzau
500 7th Street North
Atwater, MN 56209

License Number 1078217 FCC

ORDER OF CONDITIONAL LICENSE

Dear Ms. Litzau:

Based on the recommendation from Kandiyohi County Family Service Department (Kandiyohi County), the Department of Human Services (DHS) is placing your license to provide family child care at 500 7th Street North, Atwater, MN on conditional status for one year, beginning February 13, 2024. This means you must meet certain conditions to maintain your license, detailed below. This order is based on your level of noncompliance with family child care licensing requirements. Our next steps and your options are also provided below.

REASON FOR THE CONDITIONAL LICENSE

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 in your program, available evaluations from consumers of your program, and information about the qualifications of caregivers working in your program. Specifically, because a child in care sustained a significant unexplained injury, DHS has determined that it is appropriate to place your license on conditional status based on the violations identified below and the program evaluation.

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

2. Failure to comply with licensing laws and rules

As a result of a previous licensing investigation, Kandiyohi County determined that your program failed to comply with the laws and rules for licensed family child care. DHS has considered the nature, chronicity, and severity of these violations, which are provided below.

Legal Authority: Minnesota Statutes, section 245A.06, subdivision 1.

Nature, history and severity of violations

New violations determined

On November 27, 2023, Kandiyohi County conducted a licensing investigation at your licensed program. The following are new violations that have not been the subject of a previous correction order. If you appeal this order, the following violations *will* be reviewed as a part of the appeal. DHS considered these violations as a factor when it determined that a Conditional License is appropriate.

On December 28, 2023, Kandiyohi County determined that you failed to provide required supervision when a child in care sustained unexplained head and facial injuries. While Kandiyohi County did not make a finding of maltreatment, the doctors from the Midwest Children's Resource Center did state the injuries were highly concerning for non-accidental trauma.

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

Severity of violations

Due to the serious nature of these violations, and the conditions in the program, which impact the health and safety of children in your care, your license to provide family child care is placed on a conditional status.

Conditional License Terms

In addition to the licensing rules and statutes for family child care, you are required to comply with the following terms:

1. You must follow and comply with all applicable Minnesota Rules and Laws.
2. No variances to age distribution or capacity will be granted during the conditional period.
3. You must submit a detailed supervision plan for how you will provide required supervision for children in care at all times. This plan must be submitted to Kandiyohi County within **10 days of receiving this order**. The plan must be approved by Kandiyohi County.
4. You must obtain a minimum of **six hours of additional training** in the content areas of active supervision and sudden unexpected infant death (SUID)/ abusive head trauma (AHT) **within 60 days of receiving this order**. The training is in addition to the annual training requirements as listed in Minnesota Statutes, section 245A.50. Prior to attending training, you must obtain approval from Kandiyohi County that the training is appropriate. You must submit documentation of your attendance to Kandiyohi County.
5. You must either provide a copy of the Order of Conditional License to parents of children in care or document that all parents have been given an opportunity to review the Order. You must obtain parent

signatures of each currently enrolled child, indicating they have either received a copy of the Order or had an opportunity to review the Order. You must provide this documentation to Kandiyohi County **within 30 days of receiving this order**. For new families, you must submit documentation of compliance with this term to Kandiyohi County **within 5 days** of any child's admission to your child care program.

Ongoing Monitoring

Your Kandiyohi County licensor will monitor your compliance with these terms and with all of the family child care rules and laws. This will include unannounced visits. If you fail to demonstrate substantial compliance with family child care requirements or with the terms of your conditional license that are provided above, DHS may take an additional licensing sanction, including a revocation of your license.

YOUR RIGHT TO REQUEST RECONSIDERATION

You have the right to request reconsideration of this order and the cited violations. Your request must:

- Be in writing
- Clearly state that you are requesting reconsideration of the conditional license
- List each citation you are challenging and identify what is inaccurate or incomplete about the information in the order
- Supply information that is accurate or more complete
- State why you believe your license should not be on a conditional status
- Be made before the deadlines provided below

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. If you do not meet this deadline, you lose your right to request reconsideration. The timeline to appeal began 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

Conditional license stayed pending reconsideration

If you request reconsideration within the timeframes described above, the terms of the conditional license will not take effect until a decision is issued by DHS. If the conditional license is affirmed on reconsideration, the terms would take effect on the date of the reconsideration decision, and run for one year from that date. You continue to be required to comply with all family child care laws and rules.

Prohibition against providing legally unlicensed child care

On December 14, 2023, DHS issued an Order 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 Conditional License 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

- The timeline to request reconsideration of the order is provided in Minnesota Statutes, section 245A.06, subdivision 4.
- Minnesota Statutes, section 245A.03, subdivision 2a provides that an applicant for licensure who has received a conditional license order 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.06, subdivision 8.
- If a license holder files a timely reconsideration request, the terms of the conditional license are stayed pending a decision by DHS under Minnesota Statutes, section 245A.06, subdivision 4.

Brittney Litzau
February 13, 2024
Page 5

Questions

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

Sincerely,

A handwritten signature in black ink, appearing to be 'BD' with a large loop at the end.

Beth Donahue, Supervisor
Licensing Division
Office of Inspector General

cc: Karli Kranz, Kandiyohi County Family Services Department