

May 20, 2024

Nicole Marie Couch, Authorized Agent  
WCMS of Sauk  
926 5TH AVE N  
Sartell, MN 56377-1527

License Number: 1101935 (Child Care Ctr)  
Program Location: 1911 4TH AVE N, Sauk Rapids, MN 56379-2714

Dear Nicole Marie Couch:

The Minnesota Department of Human Services (DHS), Division of Licensing, received your request for reconsideration of Citations 2, 3, 4, 5, 5, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, and 24 from the Correction Order issued to you by the Department of Human Services January 4, 2023. You did not request reconsideration of any other citation, therefore, those citations are final and not subject to review.

**SUMMARY OF CITATIONS AND RECONSIDERATION DETERMINATION:**

**Citation 2.** Staff did not supervise the children at all times (Classroom , Family Room and Facility).

- It was determined through a conversation with a staff person that at the end of the day one teacher is alone with four to five children. If a child is in need of help in the bathroom when the staff person is alone, he/she said he/she would leave the children unattended at the table to help the child. (Family Room : Preschool/SA classroom)
- At approximately 12:01 p.m., a child walked from the family room to the coat closet and back unsupervised. (Facility : Facility)
- At approximately 1:10 p.m., a child went into the Classroom from the Family room unattended and was handling a container of sanitizing wipes. (Classroom : Preschool/SA classroom)

Supervision occurs when a program staff person is accountable for the child's care and is within sight and hearing of a child at all times, so that the program staff person can intervene to protect the health and safety of the child.

Your Response. You stated that having staff alone with less than ten children has always been a center requirement, and if staff need to assist a child in the bathroom then staff ask the child to come to the doorway or the teacher needs to bring other children into the bathroom to assist the child.

Regarding the child in the coat closet, you stated that the child was being watched by the teacher from the doorway, and that the DHS licenser most likely just didn't see the teacher.

Regarding the child with the wipes, you stated the child found the wipes and was bringing them back to the teacher, and that the teacher was distracted by the licensing visit when s/he left the wipes within reach of a child.

**Applicable Law.** For licensed child care centers, "supervision" means when a program staff person: (1) is accountable for the child's care; (2) can intervene to protect the health and safety of the child; and (3) is within sight and hearing of the child at all times. Minnesota Statutes, section 245A.02, subdivision 18, paragraph (a).

The license holder must have and carry out a child care program plan that mandates that children have supervision at all times. Minnesota Rules, part 9503.0045, subpart 1, item A.

**Reconsideration Determination.** Regarding staff assisting children in the bathroom, while you stated that staff persons would have the child come to the doorway or bring the other children to the bathroom, a staff person told the DHS licensor that at the end of the day, if a child needed assistance s/he would leave the other children at the table and go help the child in the bathroom. When a teacher leaves children unattended in one room to assist another child in another, they are not within sight *and* hearing of all children for whom s/he is accountable. This portion of the citation is affirmed.

Regarding the child in the coat closet, you stated that the DHS licensor likely didn't see the teacher. However, the DHS licensor observed a child leave the preschool/school-age classroom and walk down the hallway, and stood up and followed the child briefly to see where the child was going. The licensor did not see a teacher within sight of the child from any angle. There is sufficient information in the record to support this portion of the citation, and it is affirmed.

Regarding the child that went into another classroom unattended, the DHS licensor saw the child alone in an empty classroom. When the licensor brought the child back into the child's classroom, the staff person expressed surprise that the child had left the classroom. The record supports finding that the staff person was not within sight and sound of the hearing, and capable of intervening to protect the health and safety of the child. This portion of the citation is affirmed.

The citation as a whole is affirmed.

**Citation 2.** When a single preschooler used a private restroom within the classroom with the door closed, the staff person did not have knowledge of the child's activity and location.

At approximately 10:55 a.m., a child used the bathroom where a sick child was laying on a cot. Preschool supervision occurs with a single preschooler uses a private rest room within the classroom. Because there were two children in the bathroom at the same time, a staff person was required to be present to supervise the children. (Family Room : Prechool/SA classroom)

**Your Response.** You stated that the child was laying on a cot in the bathroom within sight of teachers in the classroom because the door was open. You also stated that the child that used that bathroom used a stall within the bathroom, and was separate from the child on the cot.

**Applicable Law.** When a single preschooler uses an individual, private restroom within the classroom with the door closed, supervision occurs when a program staff person has knowledge of the child's activity and location, can hear the child, and checks on the child at least every five minutes. Minnesota Statutes, section 245A.02, subdivision 18, paragraph (e).

For licensed child care centers, "supervision" means when a program staff person: (1) is accountable for the child's care; (2) can intervene to protect the health and safety of the child; and (3) is within sight and hearing of the child at all times. Minnesota Statutes, section 245A.02, subdivision 18, paragraph (a).

Reconsideration Determination. When a single preschooler uses an individual, private restroom within the classroom with the door closed, supervision occurs when a program staff person has knowledge of the child's activity and location, can hear the child, and checks on the child at least every five minutes. While the supervision you detailed you request for reconsideration may have been sufficient for a single child in the bathroom, in this case, the program was cited because there were two children in the bathroom attached to the classroom. As such, a staff person was required to supervise the children in the bathroom, within sight and sound of the child and capable of intervening. The citation is affirmed.

Citation 4. A child's hands were not washed with soap and water after use of a toilet (Classroom ).

- At approximately 10:55 a.m., a child used the rest room and did not wash his/her hands afterward. (Classroom : Preschool/SA classroom)
- Throughout the duration of the licensing visit, the DHS licensor observed four children use the bathroom without washing their hands afterwards. (Classroom : Preschool/SA classroom)

Your Response. You stated that you were not sure how this could be possible, as one of the teachers is responsible for washing the children's hands as they leave the bathroom. You suggest that the licensor saw a child enter and leave the restroom for reasons other than using the toilet, like putting wet work on a drying rack or putting laundry in a basket.

Applicable Law. A child's hands must be washed with soap and water after a diaper change, after use of a toilet or toilet training chair, and before eating a meal or snack. Minnesota Rules, part 9503.0140, subpart 13.

Reconsideration Determination. A child's hands must be washed with soap and water after using the toilet. In this case, the DHS licensor licensing supervisor observed multiple children enter the bathroom, enter a toilet stall, exit the toilet stall, and leave the bathroom without washing their hands. The citation is affirmed.

Citation 5. Staff did not monitor and assist a child with hand washing. At approximately 10:55 a.m., a child used the restroom without washing his/her hands. Staff persons present did not give the child any reminders to wash his/her hands. (Classroom : Preschool/SA classroom)

Your Response. You stated that you were not sure how this could be possible, as one of the teachers is responsible for washing the children's hands as they leave the bathroom. You suggest that the licensor saw a child enter and leave the restroom for reasons other than using the toilet, like putting wet work on a drying rack or putting laundry in a basket.

Applicable Law. Staff must monitor hand washing and assist a child who needs help. Minnesota Rules, part 9503.0140, subpart 13.

Reconsideration Determination. Staff did not monitor hand washing and assist as required. In this case, the DHS licenser licensing supervisor observed multiple children enter the bathroom, enter a toilet stall, exit the toilet stall, and leave the bathroom without washing their hands. During this period, neither the DHS licenser nor DHS supervisor observed any staff person monitoring handwashing, assisting with handwashing, or giving handwashing reminders. The citation is affirmed.

Citation 6. The health consultant's yearly review of the program's health policies and practices was not completed yearly. The health consultant's review was not completed in 2021.

Your Response. You did not provide any explanation. You did provided two pages of policies and procedures that had a note stating "Reviewed policies" signed by an individual with registered nurse credentials, and dated December 6, 2022, which was the day after the licensing visit..

Applicable Law. The center must have a health consultant who must review the center's health policies and practices (first aid and safety, diapering, sanitation procedures, and food practices) every year and certify that they are adequate to protect the health of children in care Minnesota Rules, part 9503.0140, subpart 2.

Reconsideration Determination. At the time of the visit, there was no documentation available on-site to show that the health consultant had completed an annual review for 2021. The document submitted was dated for the day after the licensing visit. The citation is affirmed.

Citation 7. Food allergy information was not readily available to staff where food is: prepared and served. A child's allergy information was not available in the room where lunch and afternoon snack are served. (Family Room : Preschool/SA classroom)

Your Response. You stated that the program has allergy information in each room, and that every staff person is aware of which children have known allergies because the information is contained in an app and because of training. You stated that on this site visit, the only allergy in the room was of a child that was not present that day.

Applicable Law. A child's allergy information must be available at all times, including on site, on field trips, or during transportation, and must be readily available to a staff person in the area where food is prepared and served to the child. Minnesota Statutes, section 245A.41, subdivision 1, paragraph (d).

Reconsideration Determination. Food allergy information is required to be readily available where food is prepared and served to children. While you state that the child was not present on this particular day, even if this was true, there was a child with a known allergy assigned to a classroom, and the allergy information was not present. Further, the center had not even developed an individual child care program plan with the allergy information as required. The citation is affirmed.

Citation 8. Meals did not comply with the nutritional requirements of the USDA. All children were not provided fluid milk at lunch. (Family Room : Preschool/SA classroom)

Your Response. You stated that some children do not drink milk, some parents have asked that their children do not drink milk, some children are lactose intolerant, and some children are allergic to milk.

You stated that teachers have a list of children that do not drink milk that they utilize when serving milk. You stated that since your visit you have updated your practices to give children the option to drink milk when they are not prohibited by diet restriction or allergy from drinking milk.

**Applicable Law.** Each meal must provide one-third of the child's daily nutritional needs as specified by the United States Department of Agriculture, Food and Nutrition Service, in Code of Federal Regulations, title 7, section 226.20. Minnesota Rules, part 9503.0145, subpart 4. When food is provided by the license holder, menus must comply with the nutritional requirements of the United States Department of Agriculture, Food and Nutrition Service, Code of Federal Regulations, title 7, section 226.20. Minnesota Rules, part 9503.0145, subpart 2.

Fluid milk is a required component of every meal. United States Department of Agriculture, Food and Nutrition Service, in Code of Federal Regulations, title 7, section 226.20(c)(3).

**Reconsideration Determination.** When meals are provided by the license holder, milk must be served with every meal. In this case, while some children whom staff did not provide milk to had dietary restrictions or allergies, staff did not provide milk to some children who had no dietary restriction or allergies. The citation is affirmed.

**Citation 9.** The record of medication administration form did not include the:

- name of the child;
- name of the medication or prescription number;
- date, time and dosage; and
- name and signature of the person dispensing the medication.

There was not documentation available on site to show that the program had developed a record of medication administration form.

**Your Response.** You did not provide an explanation for this portion of the request for reconsideration.

**Applicable Law.** The license holder must ensure that the administration of medicine is recorded and give the name of the child, name of the medication or prescription number, date, time, dosage, and the name and signature of the person who dispensed the medicine; the record must be available to the parent and maintained in the child's record. Minnesota Rules, part 9503.0140, subpart 7, item C.

**Reconsideration Determination.** At the time of the visit, there was no documentation available at the center to demonstrate that the program had a medication administration log, nor was anyone at the center at the time of the visit able to access any digital version of a medication administration log. The citation is affirmed.

**Citation 10.** The program did not comply with medication storage requirements. A medicine, insect repellent, sunscreen, or diaper rash product was accessible to children.

Multiple packages of diapering wipes were stored under the sink in the bathroom. (Classroom : Preschool/SA classroom)

Your Response. You stated that the wipes are usually covered by a curtain so they are out of sight from the children.

Applicable Law. Medicines, insect repellents, sunscreen lotions, and diaper rash control products must be stored according to directions on the original container and so that they are inaccessible to children. Minnesota Rules, part 9503.0140, subpart 7, item E.

Reconsideration Determination. Diaper rash control products, including diapering wipes must be stored so that they are inaccessible to children. You stated that they were not visible to children if the curtain was closed. Not visible to children when a curtain is closed is not the same as inaccessible to children. The diapers were within reach of children, under a sink, in a bathroom used by children. The citation is affirmed.

Citation 11. The DHS licensor observed that hazardous objects were accessible to children.

- Climbing equipment was not placed on a shock absorbing surface to minimize the potential risk of injury to children who use the equipment. A piece of climbing equipment on the playground was placed directly on the grass which does not provide an appropriate shock absorbing surface. (Facility : Facility)
- There were multiple folding chairs and three folding tables set up in the lobby of the program. Folding chairs and folding tables contain points where a child's extremities could be pinched or crushed, and openings or angles that could trap part of a child's body. Equipment used by or accessible to children must be free of sharp edges, dangerous protrusions, points where a child's extremities could be pinched or crushed, and openings or angles that could trap part of a child's body. (Facility : Facility)
- A bottle of hand sanitizer was accessible to children on a low shelf in the lobby. (Facility : Facility)
- A small container of hand sanitizer was accessible to children attached to a child's backpack in the coat closet. (Facility : Facility)
- Cleaning supplies and spider killer were stored on a low shelf in an unlocked stall in the bathroom. (Classroom : Preschool/SA classroom)
- Plastic bags were stored under the sink in an unlocked cabinet in the bathroom. (Classroom : Preschool/SA classroom)

Your Response. You stated that the climber was never cited previously for being placed on the grass. You stated the tables and chairs have always been in the same place. You stated that the hand sanitizer in the lobby has been moved to a locked closet, and that the small bottle of sanitizer was sent to school by a parent. You stated the cleaning supplies are normally locked, but the lock was broken at the time. You stated the spider killer product was not present. For the bags, you stated that they were behind a curtain, in a drawer, and therefore were inaccessible to children.

Applicable Law. Hazardous objects, including sharp objects, medicines, plastic bags, and poisonous plants and chemicals, including household supplies, must be stored out of reach of children. Minnesota Rules, part 9503.0140, subpart 17. Child care centers must develop a risk reduction plan that prohibits the accessibility of hazardous items to children. Minnesota Statutes, section 245A.66, subdivision 2, paragraph (e).

Reconsideration Determination. While it is not relevant to this reconsideration whether hazardous items were previously observed by the licensor or previously cited, contrary to your assertion, the climber and folding chairs and tables were cited in prior correction orders.

Climber: When the environment surrounding the playground equipment poses a risk of harm to children, the equipment may present hazard. Children use climbers to climb, slide, and jump from, and typically offer children an opportunity to be multiple feet above the ground. Because of this, children may fall or hit the ground with a significant level of force. To mitigate potential harm, the structures must be surrounded by an appropriate fall zone covered in shock absorbing materials. As a result, the climber presented a hazard to the children should they fall on the hard surface. The DHS licensor observed a climber placed upon the grass without any additional shock absorbing materials, accessible to children. This portion of the citation is affirmed.

Folding chairs and table: Folding chairs and tables present a hazard to children as they contain points where a child's finger could be crushed. Although the program did not set up the chairs and tables, it is the license holder responsibility to ensure that hazardous items are not accessible to children. You did not dispute that the tables and chairs were accessible to children. This portion of the citation is affirmed.

Hand sanitizer in the lobby: You did not dispute that this was a hazardous item, nor did you dispute that it was accessible to children. While the commissioner appreciates that you have since moved the sanitizer to be inaccessible to children, at the time of the visit it was accessible to children. This portion of the citation is affirmed.

Hand sanitizer in the coat closet: You did not dispute that this was a hazardous item, nor did you dispute that it was accessible to children. While the commissioner appreciates that this was sent to school by a parent, at the time of the visit it was accessible to children. It is the license holder responsibility to ensure that hazardous items are inaccessible to children. This portion of the citation is affirmed.

Cleaning supplies and spider killing product in unlocked bathroom stall: The licensor observed cleaning supplies and a bottle labeled "ant roach and spider killer" stored on a shelf in an unlocked bathroom stall. While the commissioner appreciates that the lock may have been broken at the time of site visit, these hazardous items were still accessible to children during this period. It is the license holder responsibility to ensure that hazardous items are inaccessible to children. This portion of the citation is affirmed.

Plastic bags: The licensor observed that plastic bags were stored behind a curtain under a sink in a bathroom. A curtain does not make the bags inaccessible to children, the bags were still accessible to children. It is the license holder responsibility to ensure that hazardous items are inaccessible to children. This portion of the citation is affirmed.

The citation as a whole is affirmed.

Citation 12. The program did not comply with telephone requirements.

- A working telephone was not located within the program at all times.
- Staff did not have access to a working telephone while providing care and supervision to children.

- The cellular telephone, used to satisfy the requirements of the subdivision, was not accessible to staff, stored in a centrally located area when not in use, or sufficiently charged for use at all times.

It was determined through a conversation with staff persons that the program does not have a telephone.

Your Response. You stated that each staff person has a personal cell phone for use, and that the church in which the program is located has a telephone.

Applicable Law. A working telephone must be located within the licensed child care center at all times; staff must have access to a working telephone while providing care and supervision to children in care, even if the care occurs outside of the child care facility. Minnesota Statute, section 245A.41, subdivision 5, paragraph (a). If a cellular telephone is used to satisfy the requirements of this subdivision, the cellular telephone must be accessible to staff, be stored in a centrally located area when not in use, and be sufficiently charged for use at all times. Minnesota Statute, section 245A.41, subdivision 5, paragraph (b).

Reconsideration Determination. You acknowledged that licensed child care center does not have a working telephone. While individual staff persons have their personal cell phones, if a cellular phone is used to meet the working phone requirement, it must be stored in a centrally located area when not in use and be charged at all times. Staff persons' own cell phones do not replace the license holder responsibility to provide a phone that is accessible at all times. The citation is affirmed.

Citation 13. The program did not have a battery operated portable radio.

Your Response. You stated that you were previously told that a phone would suffice as a battery operated radio.

Applicable Law. The center must have a battery operated flashlight and battery operated portable radio.. Minnesota Rules, part 9503.0140 subpart 18.

Reconsideration Determination. A center must have a battery operated flashlight and battery operated portable radio. The center did not have a batter operated radio. Relying on staff cell phones are not sufficient to meet this emergency equipment requirement – the center itself is required to have this equipment. The citation is affirmed.

Citation 14. The program did not comply with posting requirements. The program did not post each licensing action issued by the commissioner in a place that is conspicuous to the people receiving services and all visitors to the program for two years.

On November 29, 2022, Fine Order issued on September 15, 2022, was not posted in the program.

Your Response. You stated that the fine order was posted with the Order of Conditional License.

**Applicable Law.** Child care centers must post DHS-issued fines in a place that is conspicuous to the people receiving services and all visitors to the facility for two years. Minnesota Statutes, section 245A.07, subdivision 5. In this case, the fine was not posted in a conspicuous place. It was clipped to a clipboard that was stored on the bottom shelf of a shelving unit under a hanging file holder. The citation is affirmed.

**Reconsideration Determination.** The fine was not posted in a conspicuous place as required. It was clipped to a clipboard that was stored on the bottom shelf of a shelving unit under a hanging file holder. The citation is affirmed.

**Citation 15.** The program did not have:

- documentation of a fire drill; and
- documentation of a tornado drill.

There was no documentation to show that a fire drill was completed in January, February, March, April and May 2022.

There was no documentation to show that a tornado drill was completed in April and May 2022.

**Your Response.** You did not provide any information or documentation regarding this citation.

**Applicable Law.** Child care centers must retain records of required fire and tornado drills. Minnesota Rules, part 9503.0110, subpart 3, items D and E and subpart 4, item B.

**Reconsideration Determination.** You did not provide any information or documentation to dispute the citation. There was no documentation at the center showing that fire and tornado drills were completed for the months identified in the citation. The citation is affirmed.

**Citation 16.** A personnel record was not maintained at the program for each staff person (SP1).

**Your Response.** You provided a personnel records for SP1, but provided no additional information or explanation.

**Applicable Law.** Child care centers must maintain personnel records at the center that contain certain biographical information, experience and education documentation, and training documentation. Minnesota Rules, part 9503.0115, item B; and Minnesota Rule, part 9503.0120.

**Reconsideration Determination.** On the day of the site visit, a physical copy of SP1's record was not maintained at the program. Nor was a digital record made available to the DHS licensor. Further, during the exit interview, the director stated that the record was located at a different center location. While you provided a record for SP1 with your request for reconsideration, it was not available on-site at the time of the site visit. The citation is affirmed.

**Citation 17.** The program did not have documentation on site to show that 2 of 2 (SP1 and SP2) staff persons met the:

- education requirements of the assistant teacher job classification for which the staff person was employed (SP1 and SP2); and
- experience requirements of the assistant teacher job classification for which the staff person was employed (SP1).

Your Response. Regarding SP1, you sent in education and experience documentation. Regarding SP2, you did provide any information or documentation.

Applicable Law. Child care centers must maintain personnel records at the center that contain documentation indicating that the staff person meets the requirements of the staff person's job position and the education and experience requirements. Minnesota Rules, part 9503.0033, subpart 2; and Minnesota Rule, part 9503.0120, item B.

Reconsideration Determination. Documentation that SP1 met the education and experience requirements of their job was not available on-site as required during the licensing visit. While some documentation related this requirement with your request for reconsideration, it must not be available on-site during the licensing visit. In addition, the documentation requires translation and evaluation by an approved transcript evaluator in order for DHS to assess SP1's qualifications. You did not provide any information or documentation related to SP2. At the time of the visit, SP2's record did not have qualifying documentation to show that they met the education requirements for their teacher position. The citation is affirmed.

Citation 18. Documentation was not available on site to verify that before starting assigned duties 2 of 2 (SP1 and SP2) individuals (director, staff persons, substitutes, or unsupervised volunteers) received orientation training on:

- the risk of abusive head trauma that was at least one half hour in length as required under subdivision 5a (SP1 and SP2);
- allergy prevention and response as required by Minnesota Statutes, 245A.41, subdivision 1 (SP1 and SP2);
- behavior guidance policy standards in Minnesota Rules, part 9503.0055 (SP1 and SP2);
- the child care program plan and center's philosophy (SP1 and SP2);
- emergency preparedness as required by Minnesota Statutes, 245A.41, subdivision 3. (SP1 and SP2);
- handling and disposal of bodily fluids as required by Minnesota Statutes, 245A.41, subdivision 2 (SP1 and SP2);
- handling emergencies and accidents according to Minnesota rules, part 9503.0110 (SP1 and SP2);
- procedures for maintaining health and safety according to Minnesota Rules, part 9503.0140 (SP1 and SP2);
- a child's individual child care program plan as required under Minnesota Rules, part 9503.0065, subpart 3 (SP1 and SP2);
- specific job responsibilities (SP1 and SP2);
- program's drug and alcohol policy under section 245A.04, subdivision 1, paragraph (c) (SP1 and SP2);

- reporting responsibilities in Minnesota Statutes, chapter 260E (MOMA) and 9503.0130 (SP1 and SP2); and
- program's risk reduction plan as required under section 245A.66, subdivision 2 (SP1 and SP2).

Your Response. You provided orientation training logs for SP1 and SP2.

Applicable Law. License holders must ensure that all staff persons are given orientation training on several topics, including those identified in the citation, and maintain documentation of that training on-site in staff personnel records. Minnesota Statutes, section 245A.40, subdivision 1. License holders must train staff in their duties in implementing the program's policies and procedures, and document the training provided. Minnesota Statutes, section 245A.04, subdivision 14, paragraph (b) (1).

Reconsideration Determination. Documentation that SP1 and SP2 received the cited orientation training was not available on-site as required during the licensing visit. In addition, during the exit interview, the center director stated that the SP1's record was at another center, not on-site at the location where SP1 was working. At the time of the visit, neither SP1's nor SP2's record maintained on site contained any records that SP1 and SP2 received orientation on the cited topics. The citation is affirmed.

Citation 19. The program did not comply with requirements for an allergy-related Individual Child Care Program Plan (ICCPP); Documentation was not available to show that staff persons reviewed an allergy-related ICCPP. There was no documentation available to show that 3 of 3 (SP1, SP2 and SP3) staff persons had reviewed an allergy-related ICCPP for a child.

Your Response. You did not provide any information about this citation.

Applicable Law. The license holder must ensure that each staff person who is responsible for carrying out the individual child care program plan review and follow the plan; documentation of a staff person's review must be kept on site. Minnesota Statutes, section 245A.41, subdivision 1, paragraph (b).

Reconsideration Determination. License holders are required to maintain documentation on-site that staff persons responsible for carrying out an allergy-related ICCPP reviewed the ICCPP. You did not provide any information regarding this citation in your request for reconsideration. At the time of the licensing visit, there was no such documentation on site. The citation is affirmed.

Citation 20. The program did not comply with cardiopulmonary resuscitation (CPR) training requirements. Documentation was not available on site to show that 3 of 3 (SP1, SP2 and SP3) individuals (director, staff persons, substitutes, or unsupervised volunteers) had satisfactorily completed the required pediatric CPR training including the treatment of obstructed airways and a hands-on skill assessment:

- within 90 days of the start of work or within the previous two years (SP1 and SP2); and
- within the previous two years (SP3).

From approximately 10:45 a.m. to 1:30 p.m., no staff person working with children had current CPR training.

Your Response. You did not provide any explanation regarding this citation.

*Applicable Law* Unless training has been completed within the previous two years, the director, staff persons, substitutes, and unsupervised volunteers must satisfactorily complete pediatric cardiopulmonary resuscitation (CPR) training; pediatric CPR training must be completed prior to having unsupervised direct contact with a child, but not to exceed the first 90 days of employment. Minnesota Statutes, section 245A.40, subdivision 4. Documentation that a staff person has completed the required CPR training must be maintained on-site at the center. Minnesota Rules, part 9503.0120, item D.

*Reconsideration Determination.* At the time of the site visit, there was no documentation available on-site that SP1, SP2, and SP3 completed pediatric CPR training. Even if you provided such documentation with your request for reconsideration, the documentation is required to be kept on-site at the center. The citation is affirmed.

*Citation 21.* The program did not comply with first aid training requirements. Documentation was not available on site to show that 3 of 3 (SP1, SP2 and SP3) individuals (director, staff persons, substitutes, or unsupervised volunteers) completed pediatric first aid training:

- within 90 days of the start of work or within the previous two years (SP1 and SP2); and
- within the previous two years (SP3).

From approximately 10:45 a.m. to 1:30 p.m., no staff person working with children had current First Aid training.

*Your Response.* You did not provide any explanation regarding this citation.

*Applicable Law.* Unless training has been completed within the previous two years, the director, staff persons, substitutes, and unsupervised volunteers must satisfactorily complete pediatric first aid training prior to having unsupervised direct contact with a child, but not to exceed the first 90 days of employment. Minnesota Statutes, section 245A.40, subdivision 3. Documentation that a staff person has completed the required CPR training must be maintained on-site at the center. Minnesota Rules part 9503.0120, item D.

*Reconsideration Determination.* You were required to maintain documentation on-site, at the center, that all staff persons completed pediatric first aid. However, documentation that SP1, SP2, and SP3 completed pediatric first aid training was not available on-site at the time of licensing visit. The citation is affirmed.

*Citation 22.* The program did not comply with child development and learning training requirements. Documentation was not available on site to show that 1 of 1 (SP2) individuals (director, staff persons, substitutes, or unsupervised volunteers):

- completed training that was at least two hours in length (SP2); and
- completed training within 90 days of employment (SP2). Citation: Minnesota Statutes, section 245A.40, subdivision 2.

*Your Response.* You did not provide any explanation regarding this citation.

**Applicable Law.** The director and all staff persons, substitutes, and unsupervised volunteers shall complete at least two hours of training on child development and learning within the first 90 days of employment. Minnesota Statutes, section 245A.40, subdivision 2. All training must be documented and maintained on site in each personnel record. Minnesota Statutes, section 245A.40, subdivision 10.

**Reconsideration Determination.** You were required to maintain documentation on-site, at the center, that all staff persons completed complete at least two hours of training on child development and learning within the first 90 days of employment. However, documentation that SP1, SP2, and SP3 completed this training was not available on-site at the time of licensing visit. The citation is affirmed.

**Citation 23.** The program did not develop an Individual Child Care Program Plan for 1 of 1 (C3) children's files reviewed with a known allergy.

**Your Response.** You did not provide any explanation regarding this citation.

**Applicable Law.** If a child has a known allergy, the license holder must maintain current information about the allergy in the child's record and develop an individual child care program plan. Minnesota Statutes, section 245A.41, subdivision 1, paragraph (a).

**Reconsideration Determination.** C3 was a child with a known allergy. At the time of the licensing visit, however, the program had no documentation to show that it had developed an ICCPP for the child. The citation is affirmed.

**Citation 24.** The individual child care program plan (ICCPP) for 1 of 1 (C1) children with a known allergy did not contain:

- a description of the allergy (C1);
- specific triggers (C1);
- avoidance techniques (C1);
- symptoms of an allergic reaction (C1); and
- procedures for responding to an allergic reaction, including: medication, dosage, and doctor contact information (C1).

**Your Response.** You did not provide any explanation regarding this citation.

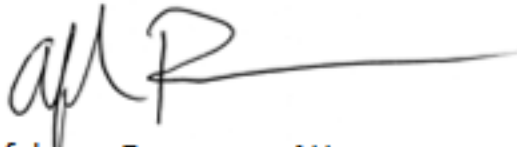
**Applicable Law.** If a child has a known allergy, the license holder must maintain current information about the allergy in the child's record and develop an individual child care program plan that includes: a description of the allergy, specific triggers, avoidance techniques, symptoms of an allergic reaction, and procedures for responding to an allergic reaction, including medication, dosages, and a doctor's contact information. Minnesota Statutes, section 245A.41, subdivision 1, paragraph (a).

**Reconsideration Determination.** When a child has a known allergy, child care centers are required to maintain specific information about the allergy in the child's record. In this case, C1 had a known allergy, but the center did not maintain documentation of the required allergy information. The citation is affirmed.

**Disposition:** The Commissioner has reviewed the relevant laws and all of the information you submitted in response to the Correction Order. All of the citations are affirmed. This is a final agency decision.

The Commissioner appreciates your response and encourages you to continue to work cooperatively with your licensor to ensure the safety and well-being of the children you serve.

Sincerely,

A handwritten signature in black ink, appearing to read 'A.F.', followed by a long horizontal line extending to the right.

Afsheen Foroozan, Attorney  
Legal Counsel's Office  
Office of Inspector General