

April 7, 2025

CERTIFIED MAIL

Susan Hofschulte
812 South Washington Avenue
Spring Valley, MN 55975-1421

License Number 115352 FCC

ORDER LIFTING IMMEDIATE SUSPENSION ORDER OF CONDITIONAL LICENSE

Dear Ms. Hofschulte:

Based on the recommendation from Fillmore County Social Services (Fillmore County), the Department of Human Services (DHS) is placing your license to provide family child care at 812 South Washington Avenue Spring Valley, MN on conditional status for two years, beginning April 7, 2025. 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, you failed to ensure that your program was clean, sanitary, and free of clutter, and you had numerous licensing violations outlined below. 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 6.¹

¹ The Office of the Revisor of Statutes recently updated its website to reflect 2024 legislative changes to Minnesota statutes. The Revisor's website states that parts of Chapter 245A have been renumbered to Chapter 142B. Despite this language on the Revisor's website, parts of Chapter 245A (2023), as referenced in this document, remain effective until DHS formally transfers power and responsibility for parts of chapter 245A to the Minnesota Department of Children, Youth, and Families. The anticipated transfer date is July 1, 2025. Laws 2024, chapter 80, article 8, section 72; Laws 2023, chapter 70, article 12, section 30.

2. Failure to comply with licensing laws and rules

As a result of previous licensing visits, Fillmore 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, March 18, 2025, Fillmore County conducted a licensing review 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.

1. Fillmore County determined that you failed to operate within the license distribution limits when you were caring for two infants and three toddlers. Your C2 license only allows one infant and one toddler.

Rule Violated: Minnesota Rules, part 9502.0367

2. Fillmore County determined that you failed to provide appropriate behavior guidance when you failed to redirect children climbing on tables. You also left a child in a highchair for almost three hours when the licenser was in your program.

Rule Violated: Minnesota Rules, part 9502.0395, subp.1

3. Fillmore County determined that you failed to ensure that the basement was free of hazards when the amount of items in the basement exceeded what was allowed by fire load.

Rule Violated: Minnesota Rules, part 9502.0425, subp.1. B

4. Fillmore County determined that you failed to ensure the outdoor play space was free of litter and rubbish when the children had access to litter, old appliances, computer monitor, and a wooden ladder.

Rule Violated: Minnesota Rules, part 9502.0425, subp. 2

5. Fillmore County determined that you failed to ensure that stairways were equipped with gates or a barrier when you had children under the age of 18 months in care as required. You also failed to ensure they were free of clutter and obstruction.

Rule Violated: Minnesota Rules, part 9502.0425, subp. 10 items C and D

6. Fillmore County determined that you failed to ensure that all wooden decks were free of splinters and treated with a wood preservative when your deck was weathered and splintered.

Rule Violated: Minnesota Rules, part 9502.0425 subp. 11

7. Fillmore County determined that you failed to follow electrical requirements when you were using extension cords in place of permanent wiring. There are concerns with electrical issues within the home.

Rule Violated: Minnesota Rules, part 9502.0425 subp. 18 items C and D

8. Fillmore County determined that you failed to ensure your residence was clean and sanitary.

Rule Violated: Minnesota Rules, part 9502.0435 subp. 1

9. Fillmore County determined that you failed to ensure that garbage was inaccessible to infants and toddlers.

Rule Violated: Minnesota Rules, part 9502.0435, subp. 3

10. Fillmore County determined that you failed to ensure that toxic substances were stored properly when children had access to laundry detergent, vitamins, alcohol, cleaning supplies, hand sanitizer, first aid antiseptic, toothpaste, oil, and peeling paint on a toy.

Rule Violated: Minnesota Rules, part 9502.0435, subp. 4

11. Fillmore County determined that you failed to ensure that hazards were inaccessible to children in care when they had access to sharp knives, plastic bags, and deflated ballons.

Rule Violated: Minnesota Rules, part 9502.0435 subp. 6

12. Fillmore County determined that you failed to ensure that the first aid kit had all items as required when it was missing soap.

Rule Violated: Minnesota Rules, part 9502.0435 subp. 7

13. Fillmore County determined that you failed to ensure that your portable radio had batteries as required.

Rule Violated: Minnesota Rules, part 9502.0435 subp. 8 E

14. Fillmore County determined that you failed to ensure that each child was provided clean and separate bedding when you did not have fitted sheets for pack and plays. Children were sleeping on old, ripped and stained patio cushions.

Rule Violated: Minnesota Rules, part 9502.0435 subp. 11

15. Fillmore County determined that you failed to ensure clean diapers were stored properly when they were observed to be accessible to children in care.

Rule Violated: Minnesota Rules, part 9502.0435 subp. 13, item A

16. Fillmore County determined that you failed to provide documentation that parents were notified of liability insurance as required.

Statute Violated: Minnesota Statutes, section 245A.152 (f)

17. Fillmore County determined that you failed to ensure an adult caregiver had pediatric cardiopulmonary resuscitation (CPR) training prior to caring for children as required.

Statute Violated: Minnesota Statutes, section 245A.50, subd. 4 a

18. Fillmore County determined that you failed to ensure that an adult caregiver had pediatric first aid training prior to caring for children as required.

Statute Violated: Minnesota Statutes, section 245A.50, subd. 3 a

19. Fillmore County determined that you failed to ensure an adult care giver had Sudden Unexpected Infant Death (SUID) and Abusive Head Trauma (AHT) training prior to caring for children as required.

Statute Violated: Minnesota Statutes, section 245A.50 sub 5 a

20. Fillmore County determined that you did not obtain all information required prior to admission for three children in care.

Rule Violated: Minnesota Rules, part 9502.0405, subp. 4

21. Fillmore County determined that you did not have a fitted sheet for any pack and play in the program and you had infants in care.

Statute Violated: Minnesota Statutes, sections 245A.1435 b

22. Fillmore County determined that you failed to provide documentation that you reviewed the U.S. Consumer Product Safety Commission (USCPSC) website to verify if a crib was marked safe or unsafe.

Statute Violated: Minnesota Statutes, section 245.A 146 subd 3a

23. Fillmore County determined that you failed to provide documentation that you complete monthly pack and play inspections as required.

Statute Violated: Minnesota Statute, section 245A.146 subd. 3 e

24. Fillmore County determined that you failed to ensure that a pack and play was safe and in good repair when there were holes present.

Statute Violated: Minnesota Statute, section 245A. 146 subd 3e 1

25. Fillmore County determined that you failed to ensure that a toilet training chair was cleaned after each use when there was urine in it.

Rule Violated: Minnesota Rules, part 9502.0435 subp. 14

26. Fillmore County determined that you failed to obtain parent signatures for emergency medical care/treatment when this section of the form was blank.

Rule Violated: Minnesota Rules, part 9502.0405 subp. 4D

27. Fillmore County determined that you failed to ensure that appliance was safe and clean when the fridge was unsanitary.

Rule Violated: Minnesota Rules, part 9502.0445 subp. 4C

28. Fillmore County determined that you failed to ensure the amount of equipment was adequate for the number and ages of children in care when you had one pack and paly for two infants. Additionally, you only had five patio cushions for cots for the other children in care.

Rule Violated: Minnesota Rules, part 9502.0415 subp. 3

29. Fillmore County determined that you failed to ensure that each room had an exit in case of emergency when the exits were limited or restricted due to the volume of items in the room.

Statute Violated: Minnesota Statutes, section 245A.52 subd. 1 (a) (2)

30. Fillmore County determined that you failed to ensure that combustible items were a safe distance from the furnace and an additional heating source when you had plastic bags hanging from the heat source and cardboard against the furnace.

Statute Violated: Minnesota Statutes, section 245A.52 subd 3

31. Fillmore County determined that you failed to ensure there was a carbon monoxide detector within ten feet of all sleep spaces as required.

Statute Violated: Minnesota Statutes, section 245A.52 subd. 5 (a)

32. Fillmore County determined that you failed to ensure that all smoke alarms were properly installed and maintained when they were from 1997, 2000, and 2012.

Statute Violated: Minnesota Statutes, section 245A.52 subd 5 (b)

Previous licensing actions

The following violations summarize the nature of your previous licensing violations. Because these violations are now conclusive, the individual violations are not within the scope of your appeal rights. Please refer to the previously issued correction orders for further details on these violations. If you do not have copies of these orders, contact your Fillmore County licensor for assistance. DHS also considered this history as a factor when it determined that a Conditional License is appropriate.

- March 19, 2025, Temporary Immediate Suspension, which determined children were at an imminent risk of harm.
- January 31, 2023, Correction Order, which cited you for failing to ensure your water temperature was at or below 120 degrees Fahrenheit when your water temperature was 137.1 degrees Fahrenheit.

Severity of violations

Due to the serious and chronic 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 ensure all children's files are complete and up to date **within 15 days** of this order.
4. You must work with Fillmore County to obtain a mentor to work on ensuring you are following all family child care rules and laws. The mentor must be obtained **within 30 days** of the issuance of this order. Upon completion of working with the mentor you must submit a summary to Fillmore County of what you learned and changes you will implement into your program to support required compliance with licensing regulations including cleanliness of your program, appropriate behavior guidance techniques, record keeping, and paperwork.
5. You must complete at least eight hours of additional training **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. Four hours must be from the Knowledge Competency Framework area of Ensuring Safety, and the other four hours must be from the Knowledge Competency Framework area of Child Development and Learning, specifically a class regarding behavior guidance. You must get approval from Fillmore County prior to attending the training(s) and you must submit documentation of your attendance to Fillmore County.
6. You must ensure that all wooden decking is free of splinters and treated with a wood preservative **within 90 days** of this order.
7. 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 and submit documentation to Fillmore County **within 10 days** of this order. For new families, you must submit documentation of compliance with this term to Fillmore County **within 5 days** of any child's admission to your child care program.

Ongoing Monitoring

Your Fillmore 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 two years 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 March 19, 2025, 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 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.

Questions

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

Sincerely,



Alexandra Keys, Unit Manager
Licensing Division
Office of Inspector General

cc: Shelby Antoff, Fillmore County Social Services