



August 5, 2025

Jillaine Mertens, Authorized Agent
Creative Stars Academy
4173 Prairie View Tri
Medina, MN 55340

License Number: 1116584 (Child Care Ctr)
Program Location: 301 S Mantorville Ave, Kasson, MN 55944

Dear Jillaine Mertens:

The Minnesota Department of Human Services (DHS), Division of Licensing, received your request for reconsideration regarding Citation 5 in the Correction Order dated February 26, 2025 (Attachment A). You did not request reconsideration of Citations 1 to 4, 6, 7 and 8. Citations 1 to 4, 6, 7 and 8 are final and not under the scope of review.

On June 18, 2025, licensing functions for child care centers, family child care programs, and child foster care programs, and maltreatment investigations involving child care centers, have been transferred from Minnesota Department of Human Services, Office of Inspector General (DHS), to the new Minnesota Department of children, Youth, and Families (DCYF), as directed by state law. While this matter began under DHS, pursuant to Minnesota Statutes, section 15.039, subdivision 2, DCYF is now the responsible agency.

SUMMARY OF CITATION AND RECONSIDERATION DETERMINATION:

Citation 5

The required in-service training had not been completed for 1 of 7 (SP12) individuals (director, staff persons, substitutes, or unsupervised volunteers) for the previous concluded calendar year. In-service training did not include the required number of in-service training hours for the previous concluded calendar year (SP12).

Your Response

You contend, “[SP12] worked 3 months part-time and 6 months full-time in the year 2024. Resulting in 15 hours of required training for 2024. She completed 15.25 hours of training in the year 2024.”

Applicable Law

Staff persons who work more than 20 hours a week must complete 24 hours of in-service training. Minnesota Statutes, section 245A.40, subdivision 7(a). The number of in-service training hours may be prorated for individuals not employed for an entire year. Minnesota Statutes, section 245A.40, subdivision 7(c).

Reconsideration Determination

At the time of the licensing review, SP12 was classified as a full-time teacher in the Summary of Personnel form, and SP12's Yearly In-Service Training Record for 2024 documented that s/he worked over 20 hours per week. SP12's date of first contact with children was February 27, 2024. Staff persons who work over 20 hours a week must complete 24 hours of in-service training.

While the required in-service training hours may be prorated, the proration is based off whether the staff person was employed for the entire year, not on whether they were employed full-time vs part-time. SP12's required in-service training is prorated based on her date of first day of contact, February 27, 2024. As s/he was only employed by the program for 10 of the 12 months of the year, SP12 was required to complete 20 hours of in-service training in 2024. However, as you stated in your request for reconsideration, SP12 completed 15.25 hours of in-service training. Citation 5 is affirmed.

Disposition

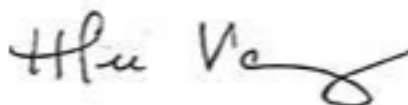
The Commissioner has reviewed the relevant laws and all the information you submitted in response to the Correction Order. Citation 5 is affirmed. Citations 1 to 4, 6, 7 and 8 are final and not under the scope of review. This is a final agency decision.

Previously Ordered Corrective Action: In the original Correction Order, you were ordered to correct the violation(s) cited, and submit documentation of such action to your licensor. A request for reconsideration does not stay any provisions or requirements of the correction order.

Minnesota Statutes, 245A.06, subdivision 2, paragraph (a). If you have not done so already, please immediately comply with the previously ordered corrective actions for all uncontested and affirmed violations.

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,



Hlee Vang, Attorney
Legal Counsel's Office
Office of Inspector General



02/26/2025

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CORRECTION ORDER

Dear Jillaine Mertens:

On 02/11/2025, the Department of Human Services (DHS) conducted a licensing review at Creative Stars Academy. DHS requires you to take the corrective action described below. Details of our findings, next steps, and your options are explained below.

Standards reviewed

The licensing review determined compliance with state and federal laws and rules governing the provision of child care under Minnesota Rules, parts 9503.0005 through 9503.0170 (Rule 3).

Licensing violations

DHS determined that your program failed to follow the standard(s) described below.

Medication/First Aid

1. Violation: Medication did not have a legible label with the child's first and last name.

Citation: Minnesota Rules, part 9503.0140, subpart 7, item C

Corrective Action Required The license holder corrected the violation during the licensing visit. You must maintain compliance going forward.

2. Violation: The record of medication administration form did not include the:

- name of the child; and
- name of the medication or prescription number.

Citation: Minnesota Rules, part 9503.0140, subpart 7, item C

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Corrective Action Required The license holder corrected the violation during the licensing visit. You must maintain compliance going forward.

Facility

3. **Violation:** Children did not have access to single use paper towels or warm air hand dryer (Toddler 2). Paper towels were stacked on a ledge near the child sink, but were too high for the children to access. (Toddler 2: Toddler classroom)

Citation: Minnesota Rules, part 9503.0140, subpart 15

Corrective Action Required Correct immediately and submit your response through the Provider Hub within 30 days from the date of this letter detailing how compliance has been achieved. You must maintain compliance going forward.

Staff Qualifications

4. **Violation:** The program did not have documentation on site to show that 1 of 6 (SP5) staff persons met the education requirements of the teacher job classification for which the staff person was employed (SP5).

Citation: Minnesota Rules, part 9503.0032, subpart 2; and part 9503.0120, item B

Corrective Action Required Correct immediately and submit your response through the Provider Hub within 30 days from the date of this letter detailing how compliance has been achieved. You must maintain compliance going forward.

Staff Training

5. **Violation:** The required in-service training had not been completed for 1 of 7 (SP12) individuals (director, staff persons, substitutes, or unsupervised volunteers) for the previous concluded calendar year. In-service training did not include the required number of in-service training hours for the previous concluded calendar year (SP12).

Citation: Minnesota Statutes, section 245A.40, subdivision 7

Corrective Action Required Correct immediately and submit your response through the Provider Hub within 30 days from the date of this letter detailing how compliance has been achieved. You must maintain compliance going forward.

6. **Violation:** The program did not comply with first aid training requirements. Documentation was not available on site to show that 1 of 6 (SP4) 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 (SP4).

Citation: Minnesota Statutes, section 245A.40, subdivision 3 and Minnesota Rules, part 9503.0120, subpart D

Corrective Action Required Correct immediately and submit your response through the Provider Hub within 30 days from the date of this letter detailing how compliance has been achieved. You must maintain compliance going forward.

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Children's Records

7. **Violation:** The program had disclosed a child's record to an unauthorized person without receiving written permission from the child's parent or guardian. Information from numerous children's records was posted in each classroom where it could be seen by unauthorized persons.

Citation: Minnesota Rules, part 9503.0125

Corrective Action Required Correct immediately and submit your response through the Provider Hub within 30 days from the date of this letter detailing how compliance has been achieved. You must maintain compliance going forward.

Emergency Preparedness

8. **Violation:** The license holder did not have a written emergency plan that included accommodations for infants and toddlers.

Citation: Minnesota Statutes, section 245A.41, subdivision 3

Corrective Action Required Correct immediately and submit your response through the Provider Hub within 30 days from the date of this letter detailing how compliance has been achieved. You must maintain compliance going forward.

How to respond

If you fail to correct the violation(s) within the time limits identified above, DHS may impose a fine or take an action on your license. If required above, submit corrective action(s) and any supporting documentation through the Provider Hub.

Your right to request reconsideration

You have the right to request reconsideration of this order and the cited violations. Your request must be submitted through the Provider Hub within 20 calendar days from the date this letter was issued in the Provider Hub. If you do not meet this deadline, you will lose your right to request reconsideration. Your request must:

- List each violation you are challenging
- Identify what is inaccurate or incomplete about the information in this order
- Supply information that is accurate or more complete

Legal authority

This action is taken under Minnesota Statutes, section 245A.06, subdivision 1. The timeline to request reconsideration of the order is provided in Minnesota Statutes, section 245A.06, subdivision 2.

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Questions

If you have any further questions regarding this matter, you may contact me at (651) 431-6030 ext. 4056 or at martha.walker@state.mn.us.

Sincerely,

Martha Walker, Licenser
Office of Inspector General
Licensing Division