

03/04/2020

Annetta Jacobs  
1501 Chautauqua PKWY  
Des Moines, IA 50314

Dear Child Care Provider:

This letter is in regards to the compliance visit at your Registered Child Development Home C conducted on 03/03/2020. Iowa Code Chapter 237A and 441 Iowa Administrative Code, Chapter 110, describes specific requirements that must be met by a Registered Child Development Home. You are not a participant in the voluntary Quality Rating and Improvement System. The following areas were out of compliance at the time of the visit:

**441 IAC 110.7**      **Provider Requirements**

441 IAC 110.8      Standards. Conditions in the home are safe, sanitary, and free of hazards.

**441 IAC 110.8(1)**      **Facility Requirements**

441 IAC 110.8(1)“a”      The home shall have a nonpay, working land-line or mobile telephone with emergency numbers posted for police, fire, ambulance, and the poison information center. The number for each child’s parent, for a responsible person who can be reached when the parent cannot, and for the child’s physician shall be written on paper and readily accessible by the telephone. The home must prominently display all emergency information, and all travel vehicles must have a paper copy of emergency parent contact information

441 IAC 110.8(1)“b”      Electrical wiring shall be maintained, and all accessible electrical outlets shall be tamper-resistant outlets or shall be safely capped. Electrical cords shall be properly used. Improper use includes running cords under rugs, over hooks, through door openings, or other use that has been known to be hazardous

441 IAC 110.8(1)“f”      A safety barrier shall surround any heating stove or heating element, in order to prevent burns.

441 IAC 110.8(1)“h”      The home shall have at least one single-station, battery-operated, UL-approved smoke detector in each child-occupied room and at the top of every stairway. Each smoke detector shall be installed according to manufacturer’s recommendations. The provider shall test each smoke detector monthly and keep a record of testing for inspection purposes

441 IAC 110.8(1)“i”      Smoking and the use of tobacco products shall be prohibited at all times in the home and in every vehicle in which children receiving care in the home are transported.  
Smoking and the use of tobacco products shall be prohibited in the outdoor play area during the home’s hours of operation. Nonsmoking signs shall be posted at every entrance of the child care home and in every vehicle used to transport children.  
All signs shall include:

1. The telephone number for reporting complaints, and

2. The Internet address of the department of public health ([www.iowasmokefreeair.gov](http://www.iowasmokefreeair.gov))

441 IAC 110.8(1)“p” The provider shall have written policies regarding the care of mildly ill children and exclusion of children due to illness and shall inform parents of these policies.

441 IAC 110.8(1)“q” The provider shall have written policy and procedures for responding to health-related emergencies

**441 IAC 110.8(2) Use of Outdoor Space**

441 IAC 110.8(2) “a” A safe outdoor play area shall be maintained in good condition throughout the year. The play area shall be fenced off when located on a busy thoroughfare or near a hazard which may be injurious to a child, and shall have both sunshine and shade areas. The play area shall be kept free from litter, rubbish, and flammable materials and shall be free from contamination by drainage or ponding of sewage, household waste, or storm water.

**441 IAC 110.8(3) Medications and Hazardous Materials**

441 IAC 110.8(3)“a” All medicines and poisonous, toxic, or otherwise unsafe materials shall be secured from access by a child

441 IAC 110.8(3)“b” A first-aid kit shall be available and easily accessible whenever children are in the child development home, in the outdoor play area, in vehicles used to transport children, and on field trips. The kit shall be sufficient to address first aid related to minor injury or trauma and shall be stored in an area inaccessible to children. The kit shall, at a minimum, include adhesive bandages, bottled water, disposable tweezers, and disposable plastic gloves.

**441 IAC 110.8(4) Emergency Plans**

441 IAC 110.8(4) Emergency Plans: plans in case of man-made or natural disaster shall be written and posted by the primary and secondary exits. The plans shall clearly map building evacuation routes and tornado and flood shelter areas.

441 IAC 110.8(4) “a” Fire and tornado drills shall be practiced monthly and the provider shall keep documentation evidencing compliance with monthly practice on file for the current year and the previous year.

441 IAC 110.9 Files

**441 IAC 110.9(1) A provider file is maintained and shall contain the following:**

441 IAC 110.9(1)“b”(2) Documentation from the department confirming the record checks required under 441 IAC 110.11(3) have been completed and authorizing or conditionally limiting the person's involvement with child care.

441 IAC 110.9(4) Children's Files. An individual file for each child shall be maintained and updated annually or when the provider becomes aware of changes. The file shall contain:

- a. Identifying information including, at a minimum, the child's name, birth date, parent's name, address, telephone number, special needs of the child, and the parent's work address and telephone number.
- b. Emergency information including, at a minimum, where the parent can be reached, the name, street address, city and telephone number of the child's regular source of health care, and the name, telephone number, and relationship to the child of another adult available in case of emergency.
- c. A signed medical consent from the parent authorizing emergency treatment.
- d. An admission physical examination report signed by a licensed physician or designee in a clinic supervised by a licensed physician
  - 1. The date of the physical examination shall not be more than 12 months before the child's first day of attendance at the child development home.

2. The written report shall include past health history, status of present health, allergies and restrictive conditions, and recommendations for continued care when necessary.
3. For a child who is five years of age or older and enrolled in school, a statement of health status signed by the parent or legal guardian may be substituted for the physical examination report.
4. The examination report or statement of health status shall be on file before the child's first day of care
- e. For children under the age of 6, a statement of health condition signed by a physician or designee submitted annually from the date of the admission physical. For a child who is enrolled in school, a statement of health status signed by the parent or legal guardian may be substituted for the physician statement.
- f. For each school-age child, on the first day of attendance, documentation of a physical examination that was completed at the time of school enrollment or since.
- g. A signed and dated immunization certificate provided by the state department of public health. For the school-age child, a copy of the most recent immunization record shall be acceptable.
- h. For any child with allergies, a written emergency plan in the case of an allergic reaction. A copy of this information shall accompany the child if the child leaves the premises.
- i. Documentation that is signed by the parent and names persons authorized to pick up the child. The authorization shall include the name, telephone number, and relationship of the authorized person to the child.
- j. Written permission from the parent for the child to attend activities away from the child development home.
- k. Injury report forms documenting injuries requiring first aid or medical care
- l. If the child meets the definition of homelessness as defined by section 725(2) of the McKinney-Vento Homeless Education Assistance Act, the family shall receive a 60-day grace period to obtain medical documentation.

#### Findings:

Per the compliance visit completed on 3/3/20, the following corrections are necessary based on the above mentioned rules:

During our visit, I observed two daycare children to be present and in your care. You reported the children's ages to be infant/pre school age.

1. At the time of our visit, during my walk through of the home, I smelled a strong odor of marijuana on the second story of the home, an area not used for child care. I also observed an ash tray with two partially smoked cigarettes and one partially smoked joint. A photograph was taken for documentation purposes. You reported your husband and household member, James Jacobs, uses marijuana. You denied that you use marijuana. I did not observe you to be impaired during the time of our visit. The upstairs area is not used for childcare. The use of illegal substances is not permitted in Registered Child Development Homes, even if there are no daycare children present. The use of any illegal substances inside the daycare residence must be discontinued immediately. You signed a safety plan agreeing no illegal substances would be used in the home at any time. Failure to abide with the safety plan may result in revocation of your registration and cancellation of your child care assistance agreement.
2. You must have emergency phone numbers/contacts for each daycare child written and posted. You reported transporting children and will need to have a copy of these emergency contacts in any vehicle used to transport. Written numbers are required in the event your cell phone is not available or you are incapacitated. I provided a form to assist you with this requirement at the time of our visit.
3. Please double check your home's electrical outlets as I observed some outlets to be missing their safety caps. You do have young children in care who are at greater risk of injury from electrical outlets.
4. You did not have a gate or adequate door to prevent children from having access to the basement steps. Please

obtain a gate which prevents access to the basement stairs. If you place the gate directly at the top of the stairs it must be hardware secured to the wall. You also have the option to place a gate blocking off your kitchen area which is not directly at the top of the stairs. Please be sure this gate is up and functional whenever daycare children are present.

5. Please install a smoke detector at the top of your second story stair case. You will also need to reinstall working smoke detectors in the play and napping rooms. Each smoke detector must be tested monthly and a written record must be kept. I provided a form to assist you with this requirement at the time of our visit.

6. At the time of our visit, you initially reported no one smoked in the home. In viewing the home I observed ash trays in the basement and 2nd story levels of the home, both containing cigarette butts; a photograph was also taken. The basement smelled of cigarette smoke. You then acknowledged your adult son sometimes visits the home and smokes in the basement during hours when childcare children are not present. We discussed that smoking is not allowed in any area of a Registered Child Care Home at any time, even during hours when children are not present. Please discontinue allowing household members or visitors to smoke in your registered daycare residence. Additionally, no one may smoke in any vehicle used to transport daycare children, even if children are not present. You must add a non smoking sign or sticker to any vehicle used to transport children.

7. You will need to have written health related emergency and mild child illness policies available for parents to review. I provided a template to assist you with this requirement at the time of our visit. I would recommend accessing the support of CCR&R as indicated below to further assist you.

8. Please do a minor clean up of your backyard play area, There was some aerosol canisters, possibly bug repellent, and other miscellaneous items that should be cleared away in preparation for spring and frequent outdoor play.

9. I observed chemicals and cleaning supplies under both your kitchen and bathroom sinks. A gate blocking your kitchen area off would be one solution. You may also move these products to a location inaccessible to children. If you intend to store the products where they were observed, you will need to install child safety locks on both cabinets.

10. Please replenish your first aid kit/supplies, you will need a minimum of disposable tweezers, plastic gloves, band aids, and one bottle of bottled water.

11. You had a map and written plan addressing fire/flood/tornado posted at one of your entrances, you will need to also post this map at your secondary entrance/exit.

12. You reported you have been using household member, James Jacobs, as a substitute for approximately 30 minutes at a time while you are transporting school age children to/from school. This is noncompliance and must be discontinued immediately. While Mr. Jacobs is an approved household member, he has not been approved by Registration as a substitute and has not taken the required training courses. In order to use a substitute, you must complete a change application requesting Registration add the individual as a substitute. Once you receive written permission from DHS Registration that the person is approved, the individual has to complete Mandatory Child Abuse Reporting Training, infant/child CPR-First Aid, and the Health and Safety Essential course. These courses must be completed prior to any individual being the sole caretaker of daycare children. Additionally, I would caution you in seeking substitute approval for Mr. Jacobs as he is currently using marijuana which could impair his supervision capabilities. If you do not have an approved substitute you must take younger daycare children with you to transport school age children or you will have to discontinue transportation until someone is approved and has taken the necessary trainings. You also signed a safety plan agreeing that no unapproved individual would be alone with children or responsible for any of their care.

13. Regarding daycare children's files, you had enrollment packets for daycare children, however, none of the paperwork was completed. Children also did not have any of the required medical paperwork. Please review the above list to ensure each child in care, even family members, have completed enrollment paperwork including emergency/contact information, pick up/drop off information, a signed emergency medical treatment authorization form, a current physical, and current immunization record. Parents should provide paperwork prior to enrollment and annual updates of medical paperwork within 60 days of the request. Any child that does not have timely enrollment paperwork may not return to care until the documents are received. Please note, immunizations do not count as a physical, it is required in addition to. Acceptable forms of physical documentation include well child check forms, medical report, patient discharge summaries, physician notes, etc.

**Suggestions/Recommendations:****Child Care Resource & Referral (CCR&R)**

Consultant: HEATHER SHEESLEY - 515-246-3565

Please do not hesitate to access the free and voluntary consulting services offered by CCR&R to assist with compliance related needs or questions.

I am including all the rules and regulations regarding requirements and appropriate use of a substitute to care for children in your absence. Please make sure you review them carefully and contact DHS or CCR&R for questions or assistance. You, as the primary provider, are responsible for all supervision of daycare children, including who you choose to implement as an approved substitute. I would caution the approval and use of James Jacobs as you are aware he is currently using marijuana. Anyone who is using illegal substances should not be using illegal drugs or be under the influence of any substance that could impair supervision abilities.

**SUBSTITUTE RULES:**

441 IAC 110.7(2) Substitutes. The provider shall assume responsibility for providing adequate and appropriate supervision at all times when children are in attendance. Any designated substitute shall have the same responsibility for providing adequate and appropriate supervision. Ultimate responsibility for supervision shall be with the provider

All standards regarding supervision and care of children apply to substitutes.

Except in emergency situations, the provider must inform parents in advance of the planned use of a substitute.

The substitute must be 18 years of age or older.

Use of a substitute is limited to: No more than 25 hours per month. An additional period of up to two weeks in a 12-month period. (These limitations do not apply per Iowa Code Section 237A.3A(3)(e) when the provider is engaged in jury duty or official duties related to provider's membership on state board, committee or policy-related body.)

The provider maintains a written record of the number of hours substitute care is provided, including the date and the name of the substitute.

441 IAC 110.9(3) An individual file is maintained for each substitute and contains:

Documentation from the department confirming the record checks required under 441 IAC 110.9(1) "a" have been completed and authorizing or conditionally limiting the person's involvement with child care.

A completed Form 470-5152, Child Care Provider Physical Examination Report. The examination shall include any necessary testing for communicable diseases; a discussion of recommended vaccinations; completed no more than six months prior to approval to assist or be a household member; completed by a licensed medical doctor, doctor of osteopathy, physician assistant or advanced registered nurse practitioner; and repeated at least every three years.

Certification of two hours of approved training relating to identification and reporting of child abuse within 3 months of employment.

Certification in infant and child first aid

Certification or other documentation that minimum health and safety training has been completed within 3 months or prior to providing substitute care, whichever occurs first.

**Corrective Action Required:**

You must immediately discontinue the use of James Jacobs as a substitute in your absence as he has not been approved by DHS to provide care and has not completed the required trainings. Additionally, he is currently using marijuana. You must also immediately discontinue allowing any household member or visitor in your daycare residence to smoke cigarettes or use illegal substances, even during hours when daycare children are not present. Failure to comply with corrections and safety plans may result in further safety planning and/or revocation of your childcare registration and cancellation of your child care assistance agreement.

All other corrections must be completed by 4/28/20. A recheck is planned and may occur at any time. All correction will be verified as appropriate during future visits.

Non-compliance with any of the mandated requirements listed above may lead to the cancellation or revocation of your Child Development Home Registration. Please take whatever steps are necessary to completely address each of the violations noted above. It is essential you correct all above-mentioned violations.

Please do not hesitate to contact me at DHS at 515-219-0189/mcrawfo@dhs.state.ia.us if you have any questions regarding this letter.

Sincerely,

Melissa Crawford

**Social Worker II**

Jennifer Ware

**Social Work Supervisor**

Always Remember:

Child Care Resource and Referral is an excellent resource for providers to access training options and support in your area. You can reach Child Care Resource and Referral at 877-216-8481

As you plan your future trainings to meet your 24 hours of training requirement, please remember that you can access the approved training by going to [http://www.dhs.state.ia.us/Consumers/Child\\_Care/Professional\\_Development.html](http://www.dhs.state.ia.us/Consumers/Child_Care/Professional_Development.html)

You may also access training at: <https://ccmis.dhs.state.ia.us/trainingregistry/>

All providers need to maintain compliance with rules set out in Iowa Administrative Code, Chapter 110, which includes: 441 IAC 110.5(1): Check with the appropriate authorities to determine how the following local, state, or federal laws apply to you: • Zoning code • Building code • Fire code • Business license • State and federal income tax • Unemployment insurance • Worker's Compensation • Minimum wage and hour requirements • OSHA • Americans with Disabilities Act (ADA).