Iowa Department of Human Services

CHILD CARE CENTER COMPLAINT

Name of Center: Happy Time Child Care **Enrollment:** 82 **License ID:** 51991

Street: 401 Grandview AVE **City:** Muscatine **IA** **Zip Code:** 52761 **County:** Muscatine

Mailing Address: 401 Grandview AVE

Mailing City: Muscatine **IA** **Zip Code:** 52761

Director's Name: Holly Brockert **Center Phone Number:** 563-263-0957

On-Site Supervisors: Sam Sivill **E-Mail Address:** htpskids@gmail.com

Date of Complaint: 12-22-2023 **Date of Visit:** 01-03-2024

[ ] Scheduled **[X]** Unannounced **[ ]** NA

[X] Non-Compliance with Regulations Found **[ ]** Compliance with Regulations Found

RECOMMENDATION FOR LICENSE

[ ] NO CHANGES to licensing status recommended

[X] PROVISIONAL license from 10-01-2022 **to** 09-30-2024

[ ] SUSPENSION of License

[ ] REVOCATION of License

Complaint Details:

Did this complaint result in a serious injury? ☐ Yes ☒ No

Did this complaint result in a death to a child? ☐ Yes ☒ No

Summary of Complaint:

A three year old child was very lethargic. The child was taken to the emergency room and tested positive for marijuana.

Licensing Rules Relevant to the Complaint:

106.6(7) Use of controlled substances and medications: All owners, personnel, and volunteers shall be free of the use of illegal drugs and shall not be under the influence of alcohol or of any prescription or nonprescription drug that could impair their ability to function.

109.9(4) Daily written records are maintained for each child under two years of age and include time periods slept, amount of/time food consumed, time/irregularities of elimination patterns, general disposition, and general summary of activities.

109.10(10) Recording incidents: Parents shall be notified on the day of the incident involving a child that includes:Minor injuries.Minor changes in health status.Minor behavioral concerns.Incidents resulting in injury to a child.Shall be verbally notified immediately when there is:A serious injury to a child.An incident resulting in significant change in health status.An incident includes child being involved in inappropriate, sexually acting out behavior.A WRITTEN report, fully documenting every incident, shall be provided to the parent or authorized person. This should be completed by staff that witnessed the incident and retained in child file.Serious injuries and deaths must be reported to the Department within 24 hours.

109.10(16)a The center and supervisor shall ensure that staff knows names and number of children assigned. Staff shall provide careful supervision.

109.11(3)a Center shall ensure that: Facility and premises are sanitary, safe, and hazard free. Adequate indoor and outdoor space is provided. The outdoor area shall include safe play equipment and area of shade. Sufficient space provided for dining. Sufficient lighting shall be provided. Sufficient ventilation. Sufficient heating. sufficient cooling. Sufficient bathroom and diapering facilities. Equipment, including kitchen appliances, are maintained so as not to result in burns, shock, or injury to children. Sanitation and safety procedures for the center are developed and implemented to reduce risk or injury or harm to children and reduce transmission of disease.

Inspection Findings:

CHILD CARE CENTER COMPLAINT

This worker and HHS worker Jena Hamilton made visits to the childcare center. We inspected the childcare center, interviewed the director, on-site supervisor and several staff, and reviewed camera footage.

A three-year-old child came to childcare. There were two primary staff during the day. Another staff did come into the room around lunch time, left and returned later in the day.

The two staff in the room did not put personal belongings in the office as required. The child stated that a staff member gave them a gummy. The staff that the child reported gave them a gummy was alone with the child on several occasions, but the camera was too grainy to see if the staff gave the child anything. Both staff reported that the child was not acting normal; however, staff did not share their concerns with management or the parent. A staff notified the parent at 4:48pm that the child was not acting normal. The child was taken to the Emergency Room and did test positive for THC.

On 1/4/24 the staff that reportedly gave the child the gummy brought in a backpack. The backpack was placed in the car seat cubbies on the bottom shelf. This is accessible to all children who are mobile, staff and the public. Holly followed handbook procedures and went through the backpack. Holly did locate a Lookah Bear Vape Pen and a torch lighter. Holly did contact law enforcement. Holly also arranged for the Muscatine County Sherrif or Muscatine Police Department to bring out the drug dog to do a search. This was to ensure the safety of the children. The drug dog did not find any additional concerns.

The staff member stated that the backpack belonged to them. The staff admitted that they used marijuana prior to bed on 1/3/24 and that the Lookah Bear Vape Pen did contain marijuana. The staff stated that they did not give the child THC or know why the child tested positive for THC. This staff is no longer with the center.

106.6(7) Use of controlled substances and medications: All owners, personnel, and volunteers shall be free of the use of illegal drugs and shall not be under the influence of alcohol or of any prescription or nonprescription drug that could impair their ability to function.
VIOLATED: A staff admitted that they used marijuana prior to bed on 1/3/24 and that the Lookah Bear Vape Pen did contain marijuana.

109.9(4) Daily written records are maintained for each child under two years of age and include time periods slept, amount of/time food consumed, time/irregularities of elimination patterns, general disposition, and general summary of activities.
VIOLATED: The staff in the classroom did not accurately document the child's behavior on the date of 12/22/23.

109.10(10) Recording incidents: Parents shall be notified on the day of the incident involving a child that includes: A serious injury to a child. An incident resulting in significant change in health status. An incident includes child being involved in inappropriate, sexually acting out behavior. A WRITTEN report, fully documenting every incident, shall be provided to the parent or authorized person. This should be completed by staff that witnessed the incident and retained in child file.
VIOLATED: Three staff knew that something was wrong with this child around lunch. No one notified the parent of a significant behavior change until 4:48pm.

109.11(3)a. Center shall ensure that: Facility and premises are sanitary, safe, and hazard free.
VIOLATED: A staff left a Lookah Bear Vape Pen containing marijuana accessible to the children in the center.

109.10(16)a. The center and supervisor shall ensure that staff knows names and number of children assigned. Staff shall provide careful supervision.
VIOLATED: Staff did not provide careful supervision. They frequently had their back to the children. At one point in time seven children were playing in the corner and staff did not redirect until 2 minutes had passed. They did not provide supervision when the children were eating. Staff were also observed on their phones and doing each other's hair during naptime.

Special Notes and Action Required:

The director has scheduled an in-person class called "Active Supervision." All staff will complete this training to ensure they provide careful supervision at all times.

The director will have each staff review the attachment:
https://eclkc.ohs.acf.hhs.gov/sites/default/files/pdf/active-supervision.pdf
The staff will sign and this will be placed in each employee's file. This attachment will also be displayed in each classroom as a reminder to staff.

The director will ensure that staff belongings are inaccessible to children at all times.

The director will review daily sheets to ensure staff are accurately documenting information.

The director will review with all staff when/how incident reports should be completed.

A provisional license was issued 1/31/2024.

Consultant's Signature:

Heidi Brown

Date:

01-25-2024