IOWA HHS **Iowa Department of Health And Human Services**

CHILD CARE COMPLIANT

Name of Provider Mary Verthein	**County** Allamakee	
Care Address 913 2nd ST NW	**City** Waukon	**Zip Code** 52172
Mailing Address PO Box 325	**Mailing City** Waukon	**Mailing Zip Code** 52172
Phone 563-794-0370	**Email**	

Date of Complaint:	05/23/2023	**Date of Visit:**	06/07/2023

Type of Visit

[X] Scheduled [ ] Unannounced [ ] N/A

Compliance Regulation

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

Recommendation for Registration:

[X] No Changes to registration status recommended

[ ] Revocation of Registration

[ ] Cancellation of Child Care Assistance Provider Agreement

Category of Care:

[X] Category A

[ ] Category B

[ ] Category C (with no co-provider)

[ ] Category C (with co-provider)

[ ] Non-registered Child Care Home with CCA Provider Agreement

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:

Concerns reported that Mary and other adult household members have been smoking cigarettes outside during hours of operation while children are in attendance.

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Rule Basis and Findings of Complaint(s):

Code of Iowa, Chapter 237A
441 Iowa Administrative Code Chapter 110
441 IAC 110.8(1)i. Smoking and use of tobacco products prohibited at all times in the home and vehicles used to transport children. Smoking and use of tobacco products prohibited in outdoor play area during hours of operation. Nonsmoking signs are posted at every entrance of the home and in every vehicle used to transport children. Signs include telephone number for reporting complaints and www.iowasmokefreeair.gov.

On 6/7/23 this worker called Mary to discuss the reported concern. Mary stated that when her son is there with his child, he does smoke outside and there are children present. Mary stated that also sometimes parents pick up their children while still smoking. Mary stated that she does have no smoking signs posted and will remind her family and her child care parents of the requirements of no smoking in the outdoor area while children are present. Informed Mary that someone saw her smoking outside as well. Mary stated that is "absolutely not true". Mary admitted that she does smoke, however, has never smoked during the day when child care children are present. She added that she may have a cigarette at the end of the day when children are no longer in attendance, but never during the day. Smoking outdoors is not a violation of the Iowa Smoke Free Air Act, but is a violation of child care regulations.

Mary provided names of parents for this worker to call. Parent 1 stated that they have absolutely no concerns with Mary or the care she provides. They stated that they have never observed Mary smoking. They have seen her son smoking, but not in the actual play area where children are located. Parent 1 added that Mary's supervision is great and she is very aware of her allowed capacity. Parent 1 states that Mary provides a safe, clean environment including health meals daily. Parent 2 stated that she did not even know that Mary was a smoker and therefore has never seen Mary smoking while outside with kids. Parent 2 states that Mary communicates very well with them, is honest, asks questions when necessary and provides a great environment for children. Parent 2 also stated that they have observed Mary's son and granddaughter smoking in the far corner of the outdoor area before, but never Mary.

Findings:
There is a preponderance of evidence to support that smoking has occurred in the outdoor area while children are present. This is based on Mary's admission of this as well as parent observation.

Resolution and Action Required:

A full compliance visit was completed earlier this year.
No further action is required.

Consultant's Signature:	Kathy Huinker	**Date of Visit:**	06/08/2023
Supervisor Signature:	Sheila Aunspach	**Date of Visit:**	06/08/2023