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

CHILD CARE COMPLIANT

Name of Provider	County	
Sandy Kuykendall-Bivens	Black Hawk	
Care Address	**City**	**Zip Code**
285 Derbyshire RD	Waterloo	50701
Mailing Address	**Mailing City**	**Mailing Zip Code**
PO Box 181	Waterloo	50704
Phone	**Email**	
319-493-4030		

Date of Complaint:	01/24/2024	Date of Visit:	01/24/2024

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:

[ ] Category A

[X] 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:

Over capacity reports were ran from the payment worker and there are several days (since the last complaint just last month in December 2023) where Sandy has billed for 13, 15, 16 and 17 children at one time when only 12 are allowed at one time. It was noted that the provider has 23 kids attached to her and had billed for 22 of them in the past billing cycle. She has been over numbers allowed as a Category B provider on several occasions.

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Rule Basis and Findings of Complaint(s):

110.6 No more children are in care than the number authorized on the registration certificate. (As a Category B her maximum is 12 children at one time.)

110.14(1) a. Not more than eight preschool children present at any one time including infants.
b. of these 8, not more than 4 children who are 24 months of age or younger are present at any one time.
of the 4 children 24 months of age or younger, no more than 3 may be 12 months of age or younger.
c. Not more than four additional school age children.
d. Not more than 12 children present when the emergency school closing exception is in place.
e. When more than 8 children are present for more than 2 hours, an HHS approved assistant at least 14 years of age is present, unless extra children are present as a result of an emergency school closing.

This worker met with Sandy Kuykendall-Bivens (and her assistant) on 1/24/24. Sandy Kuykendall-Bivens was determined to be out of compliance with the number of children she is allowed to have at one time as a category B provider. Between 1/8/24 and 1/15/24 she was found to be out of compliance on 6 days. As a Category B provider, she can only have 8 preschool age children at any one time. She was in compliance with that ratio, and in compliance with the number she can have under the age of 2 and under the age of 12 months. However,
she is only allowed to have 4 additional school aged children and if she goes over the 8 children, she has to have an assistant present. Although this worker cannot verify the hours her assistant was present, assuming the assistant was present, the billing she submitted does verify she went over the maximum of 12 children on 6 occasions. Specifically, on 1/8/24 she had 15 children present between 9:30-10:30pm and on 1/11/24 had 17 and 16 children present between 4:00 - 6:300pm. On 1/12/24 she again had 17 children present between 1:30 and 4:00pm with 3 other dates where she had 13 children present at one time. She is only allowed 12 at a time.

This worker went through the color-coded spreadsheet with Sandy where it specially noted the days and times where she was over, and which children were present. Sandy struggled to understand how to come into compliance. This worker helped her to understand her options. It should be noted that a complaint in regard to going over numbers was received just a few weeks ago and this worker addressed this with her on 1/4/24 and 1/5/24. It is of concern that even after a lengthy discussion and prior plan just a few weeks ago to come into compliance, she has continued to provide care for more children than what she is allowed at one time. I let her know we could not allow her to continue to go over and if there are further violations of the regulatory rules, HHS will need to seek a revocation of her childcare registration.

Resolution and Action Required:

A plan has been developed to address Sandy being out of compliance with the number of children in her care at one time.

Sandy was advised that further violations or non-compliance with registered childcare guidelines could result in revocation of her childcare registration.

No further action is required at this time.

Consultant's Signature:	Christine Weber	**Date of Visit:**	01/25/2024
Supervisor Signature:	Sheila Aunspach	**Date of Visit:**	01/29/2024