



August 7, 2019

Leila Ahmed, Authorized Agent
Minnesota Childcare Center Inc
312 W Lake Street, Ste 2935
Minneapolis, MN 55408

License Number: 1076213 (Rule 3)

CORRECTION ORDER

Dear Ms. Ahmed:

On July 25, 2019, a licensing review of Minnesota Child Care Center, located at 312 W Lake Street, Ste 2935, Minneapolis, MN 55408, was conducted to determine compliance with Minnesota Statutes and the provisions governing child care under Minnesota Rules, parts 9503.0005 through 9503.0170 (Rule 3). As a result of this licensing review a Correction Order is being issued.

A. Reason for Correction Order

Pursuant to Minnesota Statutes, section 245A.06, if the Commissioner of the Department of Human Services (DHS) finds that an applicant or license holder has failed to comply with an applicable law or rule and this failure does not imminently endanger the health, safety, or rights of the persons served by the program, the Commissioner may issue a Correction Order to the applicant or license holder.

The following violations of state or federal laws and rules were determined as a result of the licensing review. Corrective action for each violation is required by Minnesota Statutes, section 245A.06 and is hereby ordered by the Commissioner of Human Services.

1. Citation: Minnesota Rules, parts 9503.0032, subpart 2; and 9503.0120, item B.

Leila Ahmed
Page 2
August 7, 2019

Violation: The center did not have documentation on site to show that four staff persons (SP2, SP4, SP6, and SP7) met the education and experience requirements of the teacher job classification for which the staff persons were employed.

Repeat Violation: This is a repeat licensing violation. The license holder was cited for a similar violation in a Correction Order dated April 25, 2017.

Corrective Action Ordered: Correct immediately and within 30 days of receipt of this letter, submit copies of all post-secondary transcripts, a personnel information form, and other relevant information detailing how the required education and/or experience requirements have been met. In addition, include written documentation detailing how compliance will be maintained in the future.

2. Citation: Minnesota Rules, parts 9503.0033, subpart 2; and 9503.0120, item B.

Violation: The center did not have documentation on site to show that two staff persons (SP10 and SP11) met the education and experience requirements of the assistant teacher job classification for which the staff persons were employed.

Corrective Action Ordered: Correct immediately and within 30 days of receipt of this letter, submit copies of all post-secondary transcripts, a personnel information form, and other relevant information detailing how the required education and/or experience requirements have been met. In addition, include written documentation detailing how compliance will be maintained in the future.

3. Citation: Minnesota Rules, part 9503.0040, subpart 2.

Violation: Staff distribution requirements were not maintained. The license holder did not have documentation on site to verify that four staff persons (SP2, SP4, SP6, and SP7) were teacher qualified. Therefore, SP2, SP4, SP6, and SP7 are deemed aide qualified. On the staffing pattern submitted by the program:

- SP2 and an aide are listed as staffing the School Age II classroom Saturdays and Sundays from 10:00 a.m. to 8:00 p.m. An assistant teacher qualified staff person would be required to meet the staff distribution requirements.
- SP4 and an aide are listed as staffing the School Age III classroom Mondays, Tuesdays, Wednesdays, and Thursdays from 2:00 p.m. to 10:00 p.m. A teacher qualified staff person would be required to meet the staff distribution requirements.

Leila Ahmed
Page 3
August 7, 2019

- SP6 and an aide are listed as staffing the School Age III classroom Mondays, Tuesdays, Wednesdays, and Thursdays from 2:00 p.m. to 10:00 p.m. An assistant teacher qualified staff person would be required to meet the staff distribution requirements.
- SP7 and an aide are listed as staffing the toddler classroom Saturdays and Sundays from 10:00 a.m. to 8:00 p.m. A teacher qualified staff person would be required to meet the staff distribution requirements.

Repeat Violation: This is a repeat licensing violation. The license holder was cited for a similar violation in a Correction Order dated April 25, 2017.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

4. **Citation:** Minnesota Rules, part 9503.0034, subpart 3, items A and B.

Violation: A record of unqualified substitute use was not maintained. It was determined through a conversation with administrative staff persons that unqualified substitutes are used at the center. Because an unqualified substitute log was not completed, the DHS licensor was unable to determine if the center's use of unqualified substitutes met requirements.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

5. **Citation:** Minnesota Statutes, section 245A.40, subdivision 1; and 245A.04, subdivision 14, paragraph (b), (1).

Violation: The license holder did not comply with orientation training requirements. Before starting assigned duties, five staff persons (SP1, SP2, SP6, SP7, and SP11) had not received and successfully completed orientation training, containing information as specified in Minnesota Statutes 245A.40, subdivision 1, and all program policies and procedures as specified in 245A.04, subdivision 14, paragraph (b), (1).

Repeat Violation: This is a repeat licensing violation. The license holder was cited for a similar violation in a Correction Order dated April 25, 2017.

Leila Ahmed
Page 4
August 7, 2019

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

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

Violation: Documentation was not available on site to show that all teachers, assistant teachers, and at least one staff person during field trips and while transporting children in care, had satisfactorily completed pediatric first aid training within the previous two years. Documentation was not available on site to show that one staff person (SP9) had completed the required first aid training.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

7. Citation: Minnesota Statutes, section 245A.40, subdivision 4; and Minnesota Rules, part 9503.0120, item D.

Violation: Documentation was not available on site to show that all teachers, assistant teachers, and at least one staff person during field trips and when transporting children, had satisfactorily completed training in cardiopulmonary resuscitation (CPR) and in the treatment of obstructed airways that included techniques for infants and children within the previous two years. Documentation was not available on site to show that one staff person (SP9) had satisfactorily completed the required CPR training.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future and submit a copy of the staff person's documentation of CPR training.

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

Violation: Six staff persons (SP3, SP4, SP5, SP8, SP9, and SP10) had not completed the annual in-service training hours required for each calendar year. Six staff persons were lacking the required number of annual in-service training hours for 2018.

Repeat Violation: This is a repeat licensing violation. The license holder was cited for a similar violation in a Correction Order dated April 25, 2017.

Leila Ahmed
Page 5
August 7, 2019

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

9. **Citation:** Minnesota Statutes, section 245A.40, subdivision 5, paragraph (a).

Violation: The license holder did not comply with abusive head trauma training requirements. Documentation was not available to show that one staff person (SP11) received training on reducing the risk of abusive head trauma before caring for children under school age.

Repeat Violation: This is a repeat licensing violation. The license holder was cited for a similar violation in a Correction Order dated April 25, 2017.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

10. **Citation:** Minnesota Statutes, section 245A.146, subdivision 4.

Violation: The license holder lacked documentation to verify that on a monthly basis, the license holder performed the required safety inspections of every crib used by or that is accessible to any child in care.

- The license holder lacked documentation for cribs 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 for April, May, June, July, August, September, October, November, and December of 2018.
- The license holder lacked documentation for cribs 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 in January, February, and March of 2019.
- The license holder lacked documentation for cribs 10, 11, 12, and 13 in April, May, and June of 2019.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

11. **Citation:** Minnesota Statutes, section 245A.1435, paragraph (a).

Violation: The license holder did not place all infants to sleep on their backs and did not have documentation from an infant's physician directing an alternative sleeping

Leila Ahmed
Page 6
August 7, 2019

position. It was determined through a conversation with a staff person that infants are placed in the crib on their backs or their side. The license holder must have documentation from the infant's physician directing an alternative sleeping position for the infant on a form approved by the commissioner.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

12. Citation: Minnesota Rules, part 9503.0140, subpart 9.

Violation: The indoor space was not clean. In the School Age III classroom:

- The dramatic play kitchen was visibly dirty.
- The cat shaped keyboard was visibly dirty.
- There was chewed bubble gum on a low shelf.
- There was a used band-aid on the floor.

As defined in Minnesota Rules, part 9503.0005, subpart 9, clean means "free from dirt or other contaminants that can be detected by sight, smell, or touch."

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

13. Citation: Minnesota Rules, part 9503.0140, subpart 10.

Violation: The toilets were not washed and disinfected when soiled. There were two soiled toilets and a strong urine smell in the boys' bathroom downstairs.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

14. Citation: Minnesota Rules, part 9503.0140, subpart 20.

Violation: Areas used by the children were not in good repair.

Leila Ahmed
Page 7
August 7, 2019

- There peeling paint on the walls in the toddler classroom, the School Age III classroom, and the girls' bathroom downstairs.
- The black mat on the floor in the infant bathroom was crumbling and was missing large chunks.
- The plaster walls were crumbling in the hallway near the School Age III classroom.
- The doorjambs on the bathroom stalls were pulling away, exposing nails in the boys' bathroom downstairs.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

15. Citation: Minnesota Rules, part 9503.0140, subpart 17; and Minnesota Statutes, section 245A.66, subdivision 2, paragraph (e).

Violation: The DHS licensor observed that hazardous objects were accessible to children.

In the infant classroom bathroom:

- A bottle warmer, used to hold hot water to heat infant bottles, was not secured to the wooden shelf on which it was stored. Bottle warmers present a risk of children being burned by hot water spilling onto children or of children coming into contact with the hot surface of the bottle warmer pot if not firmly secured.
- There were nails protruding from the wooden shelf holding the bottle warmer.
- Clorox wipes, a staff purse, and dish soap were stored on a low, open shelf.
- A tower fan and space heater were being stored in the bathroom next to a changing table.

In the toddler classroom:

- A climber was placed directly on the carpet.

Leila Ahmed
Page 8
August 7, 2019

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

16. Citation: Minnesota Rules, part 9503.0140, subpart 7, item D.

Violation: Products to control diaper rash were not labeled with the child's first and last name. Diapering wipes were not labeled in the infant and toddler classrooms.

Repeat Violation: This is a repeat licensing violation. The license holder was cited for a similar violation in a Correction Order dated April 25, 2017.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

17. Citation: Minnesota Rules, part 9503.0140, subpart 7, item E.

Violation: A diaper rash product was accessible to children. Diapering wipes were stored in a low unlocked cabinet in the toddler classroom.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

18. Citation: Minnesota Rules, part 9503.0155, subpart 11.

Violation: Electrical outlets were not tamper-proof or shielded. The television in the preschool classroom had become unplugged leaving the outlet unshielded.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

19. Citation: Minnesota Rules, part 9503.0140, subpart 21.

Violation: The emergency procedures were not posted in a visible place in the School Age II classroom.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

Leila Ahmed
Page 9
August 7, 2019

20. Citation: Minnesota Rules, part 9503.0060, subparts 3, 4, and 5.

Violation: The center lacked the following furnishings, equipment, materials, or supplies:

Infant classroom

- one crib with mattress
- fourteen sets of crib sheets

Toddler classroom

- eight cots
- ten music making toys

Preschool classroom

- eight cots
- five musical or rhythm instruments

Repeat Violation: This is a repeat licensing violation. The license holder was cited for a similar violation in a Correction Order dated April 25, 2017.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

21. Citation: Minnesota Rules, part 9503.0060, subpart 1.

Violation: The minimum amount of required equipment was not accessible to the children every day. Eight soft blocks were stored in a large storage bin in the bathroom in the infant classroom.

The minimum equipment specified for an age category must be accessible every day to the children of that age category and arranged as specified in the child care program plan.

Leila Ahmed
Page 10
August 7, 2019

Repeat Violation: This is a repeat licensing violation. The license holder was cited for a similar violation in a Correction Order dated April 25, 2017.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

22. **Citation:** Minnesota Rules, parts 9503.0125, item G; and 9503.0140, subpart 3.

Violation: One out of nine children's files reviewed did not contain documentation of a current physical examination.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

23. **Citation:** Minnesota Statutes, section 245A.41, subdivision 1, paragraph (a).

Violation: During a review of children's files, it was determined that the license holder did not develop an Individual Child Care Program Plan (ICCPP) for a child with a known allergy. A child was identified as having a drug allergy on his/her health care summary. An Individual Child Care Program Plan was not developed for this allergy.

Corrective Action Ordered: Correct immediately and submit written documentation within 30 days of receipt of this letter detailing how compliance has been achieved and will be maintained in the future.

If you fail to correct the violations specified in the Correction Order within the prescribed time lines the Commissioner may issue an Order of Conditional License or may impose a fine and order other licensing sanctions pursuant to Minnesota Statutes, sections 245A.06 and 245A.07.

Submissions required as part of a corrective action ordered must be sent to your Licensor at:

Commissioner, Department of Human Services
ATTN:
Licensing Division
PO Box 64242
St. Paul, MN 55164-0242

Leila Ahmed
Page 11
August 7, 2019

B. Right to Request Reconsideration

If you believe any of the citations are in error, you have the right to request that the Commissioner of Human Services reconsider the parts of the Correction Order that you believe to be in error. The request for reconsideration must be in writing and received by the Commissioner within 20 calendar days after receipt of this report. Your request for reconsideration must be sent to:

Commissioner, Department of Human Services
ATTN: Legal Unit
Licensing Division
PO Box 64242
St. Paul, MN 55164-0242

Please note that a request for reconsideration does not stay any provisions or requirements of the Correction Order. The Commissioner's disposition of a request for reconsideration is final and not subject to appeal under Minnesota Statutes, chapter 14.

If you have any questions regarding this Correction Order, please contact me as soon as possible.

Sincerely,

Joy Johnson, Human Services Licensor
Licensing Division
Office of Inspector General
651-431-5729