

Licensing Rules Relevant to the Complaint:

109.12(2) Discipline does not allow corporal punishment, punishment that causes fear, pain or discomfort

Inspection Findings:

On 12/19/13, I made an unannounced visit to the center with Licensing Consultant Steve Diaz. Mr. Diaz and I met with Director Sandra Joseph. Sandra indicated she was familiar with the incident and provided me with a copy of her internal investigation regarding the matter and an incident report prepared by Elyssa G., at the direction of Ms. Joseph dated 12/13/13. She also provided a summary of the incident documentation per her observation, including her meeting with the employee in question, as well as subsequent termination of that employee on the same date. I toured the facility and later met with staff member Elyssa C. and observed the subject of this report, A.W.

I went to the room and observed Elyssa C. and A.W.. Elyssa C. indicated that she and Faye S. were attempting to settle the children for nap time on each child's cot. During that time, Faye S. redirected A.W. away from the window area to return to her cot. After verbal direction, Ms. Faye S. grabbed A.W. by her right hand /arm and aggressively pulled her back to her cot located across the room. A.W. could not keep up as she was being pulled. She reportedly tripped and "crumbled to the floor". Faye S. then picked A.W. up by the same arm and forcefully put her on the cot. She stated that Faye S. observed A.W. crying, coughing, gasping for air and holding her right arm. Both staff members attempted to comfort A.W.

Again on 1/13/2014 I visited the Center with other DHS personnel Susan Bock and met again with the Director. Sandra stated that when staff are feeling stressed they know they are to let her know immediately. She indicated that if she is not present, which is not often there are always two extra staff (curriculum director and HR staff) available for support. We went over a 9 page handbook staff read and acknowledge regarding training and preparedness. She indicated another staff member had talked with Faye S. after the incident.

DHS staff and I spoke with Lee M. at that time. She indicated she believed Faye had stated that she had been too "harsh" with A.W., but she indicated she was not present at the time the incident occurred.

We also spoke again with Elyssa G. who again repeated the same account of the incident as she did on 12/19/2013.

On 01/13/2014 I met face to face with Faye S. in her mother's home with other DHS personnel. She indicated she did pick up the child by the arm, but no harm was intended. She indicated shortly thereafter, she left for lunch break. She indicated repeatedly that she was not frustrated with the child, and the injury caused had been accidental. Faye stated she was not aware that this type of injury could be sustained by picking a child up by the arm. Faye indicated that if staff do get frustrated they understand that they are to ask for a break and will be relieved immediately. She stated she did feel that the Center had adequately trained her and had no concerns with staff support.

Based on those reports and my interviews with the director and staff member present at the time of the incident, I found the following:

The Center does have a written policy on discipline and staff are trained. It was determined that the injury was likely accidental in nature and likely did occur during the incident described, however, The Center clearly does not support the way in which this staff handled the child in regard to this incident. The Center Director promptly terminated the staff due to this incident

1. That on 12/13 at approximately 12:30 p.m., staff members Faye S. and Elyssa C. were present in the infant area. The room was reported to be in ratio. Both staff members were attempting to settle the children for nap time on each child's cot.
2. During that time, Faye S. redirected A.W. away from the window area to return to her cot. After verbal direction, Faye S. grabbed A.W. by her right hand /arm and aggressively pulled her back to her cot located across the room. A.W. could not keep up as she was being pulled. She reportedly tripped and "crumbled to the floor". Faye S. then picked A.W. up by the same arm and forcefully put her on the cot.
3. That Faye S. observed A.W. crying, coughing, gasping for air and holding her right arm. Both staff members attempted to comfort A.W.
4. That after the child did go to sleep she made whimpering noises during such.
5. Elyssa G., staff member present during the incident immediately reported the concern to the Director
6. The Director took immediate action and addressed the incident with the staff member and contacted the child's parents
7. The staff member was promptly terminated.
8. The parents were able to get medical attention for the child soon after the incident occurred. The child was diagnosed and

treated for Nursemaid's Elbow as described above.

9. The Center Director has had follow up contact with the parents regarding the incident. The Center's insurance is covering medical costs associated with this incident.

THE COMPLAINT IS NOT VALID.

Special Notes and Action Required:

The Center will continue to work with CCR&R. Denise Rhodes, CCR&R consultant is aware of this issue.

When assessing this complaint the following was considered: Did the Center adhere to protocol post incident:

Reporting Incidents:

109.10 (10) Records indicated that incidents involving minor injuries are reported to parent on day of incident. Records indicate that incidents involving serious injury or significant change in health are reported immediately to the parent.

The Center reacted appropriately to the situation and contacted the child's parents the day of the incident. A written report was prepared and given to the parents.

Criminal Background Checks:

109.6(6) No one owns, directs or works in the center who has been prohibited from involvement with child care.

The Center had appropriate documentation in staff's file indicating checks were completed timely.

No written response to the above report is requested.

Consultant's Signature:



Date:

01/14/2014