



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

September 26, 2017

Samantha Newenhouse
Creative Kids, LLC
5692 School Ave.
Hudsonville, MI 49426

RE: Lic./Reg. #: DC700282974
Investigation #: 2017D0607022
Creative Kids

Dear Ms. Newenhouse:

Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. The corrective action plan is due 15 days from the date of this letter and must include the following:

- How compliance with each rule will be achieved.
- Who is directly responsible for implementing the corrective action for each violation.
- Specific time frames for each violation as to when the correction will be completed or implemented.
- Indicate how continuing compliance will be maintained once compliance is achieved.
- Be signed and dated.
-

A six-month provisional license is recommended. If you do not contest the issuance of a provisional license, you must indicate so in writing; this may be included in your corrective action plan or in a separate document. If you contest the issuance of a provisional license, you must notify this office in writing and an administrative hearing will be scheduled. Even if you contest the issuance of a provisional license, you must still submit an acceptable corrective action plan.

Due to the infant safe sleep violation(s), all of your infant caregivers must take training on infant safe sleep. In addition, a follow up inspection may be made to check compliance with the infant safe sleep rules.

If you desire technical assistance in addressing these issues, please feel free to contact me. In any event, the corrective action plan is due within 15 days.

Please review the enclosed documentation for accuracy and contact me with any questions. In the event that I am not available and you need to speak to someone immediately, please contact the local office at (616) 356-0100.

Per MCL 722.113g, this report and any related corrective action plans must be filed in your licensing notebook.

Sincerely,



Jessica Miranda-Bevier, Licensing Consultant
Bureau of Community and Health Systems
Unit 13, 7th Floor
350 Ottawa, N.W.
Grand Rapids, MI 49503
(616) 498-5459

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS
SPECIAL INVESTIGATION REPORT**

THIS REPORT CONTAINS QUOTED PROFANITY.

I. IDENTIFYING INFORMATION

License/Registration #:	DC700282974
Investigation #:	2017D0607022
Complaint Receipt Date:	08/23/2017
Investigation Initiation Date:	08/24/2017
Report Due Date:	10/22/2017
Licensee Name:	Creative Kids, LLC
Licensee Address:	5692 School Ave. Hudsonville, MI 49426
Licensee Telephone #:	(616) 669-8629
Administrator:	Samantha Newenhouse, Designee
Licensee Designee:	Samantha Newenhouse, Designee
Name of Facility:	Creative Kids
Facility Address:	5692 School Ave. Hudsonville, MI 49426
Facility Telephone #:	(616) 669-8251
Original Issuance Date:	08/10/2006
License/Registration Status:	REGULAR
Effective Date:	03/07/2016
Expiration Date:	03/06/2018
Capacity:	135
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
Children in Busy Bees room who are ages six months to 12 months are being knocked down onto the mattress and are forced to lay down. Their head and legs are pushed down.	No
On August 23, 2017 Child C (male, seven months) was picked up by Caregiver 6 and “flung” three to four feet onto the ground.	No
When misbehaving, children in the older rooms are picked up and shoved down onto time out bench by lead teachers or directors. Some children have started crying because of how bad it hurt.	No
Children younger than 30 months are being placed in time outs. Children are being placed in time out in a rough manner.	Yes
Younger children have been called “dumb” or “stupid” by lead teachers or directors. Staff yell at children.	Yes
Child D (male, age 7 months) was left in a bouncy seat for the majority of the day.	No
Toys in rooms aren't cleaned or disinfected every night or when children have an illness.	No
Additional Findings	Yes

III. METHODOLOGY

08/23/2017	Special Investigation Intake 2017D0607022
08/24/2017	Special Investigation Initiated - On Site from 12:00pm-2:12pm Met with program director Samantha Newenhouse, owner Diane Newenhouse, Caregiver 1, Caregiver 2, Caregiver 3, Caregiver 4, Caregiver 5, and Caregiver 6
08/25/2017	Contact - Telephone call made spoke with Child F's mother and Child I's mother. Left a voicemail for child H's mother.
08/25/2017	Contact - Face to Face; met with Child A's mother
08/28/2017	Contact - Telephone call made to; Child B and J's mother, Child C's mother, Child D's mother, Child E and K's mother Child G and L's mother
08/28/2017	Contact - Telephone call received from; Child C's father and Child I's mother
08/28/2017	Contact – Document Received; email

08/29/2017	Inspection Completed On-Site 8:05am-10:19am; spoke with owner Diane Newenhouse, program director Samantha Newenhouse, Caregiver 3, Caregiver 6, Caregiver 7, Caregiver 8, and Caregiver 9
08/29/2017	Contact – Telephone call made to; Child C’s mother.
08/31/2017	Contact – Telephone call made to; Caregiver 11
09/01/2017	Contact – Telephone call made to; program director Samantha Newenhouse
09/01/2017	Contact – Telephone call made to; Caregiver 10
09/05/2017	Contact – Telephone call made to; voicemail left for Caregiver 13
09/06/2017	Contact –Telephone call made to; program director Samantha Newenhouse
09/06/2017	Contact – Document Received; email from owner Diane Newenhouse
09/06/2017	Contact – Document Sent; email to owner Diane Newenhouse
09/07/2017	Contact – Telephone call made to; Caregiver 11
09/08/2017	Contact – Document Received; fax from Samantha Newenhouse
09/11/2017	Contact – Telephone call made to; Caregiver 4. Voicemail left for Caregiver 13
09/11/2017	Contact – Telephone call made to; Child M’s mother, Child N’s mother, Child O’s mother and Caregiver 14
09/11/2017	Contact – Telephone call made to; voicemail left for Caregiver 13
09/19/2017	Inspection Completed – On Site; 11:06am-11:37am. I spoke with Samantha Newenhouse, Diane Newenhouse, and Caregiver 13
09/19/2017	Contact – Telephone call made to; Caregiver 15

ALLEGATIONS: Children in Busy Bees room who are ages six months to 12 months are being knocked down onto the mattress and are forced to lay down. Their head and legs are pushed down.

INVESTIGATION: On August 23, 2017 I received information with allegations against Creative Kids Day Care concerning appropriate care, discipline, and sanitization of facilities. On August 24, 2017 I received additional information with allegations concerning appropriate care.

On August 24, 2017 I completed an unannounced on-site inspection to the center. I observed in all the rooms and spoke with some of the caregivers. I spoke with program director Samantha Newenhouse about the allegation that children are forced to lay down. She denied that staff force infants to lay down or that their heads and legs are pushed down. She has observed caregivers hunched over the cribs while patting the backs of the infants or the cribs will be gently rocked to help infants sleep.

I spoke with Caregiver 1. She stated that caregivers will gently put pressure on infant's head and legs to encourage them to lay still for rest time. She is present in the Busy Bee room about one day a week and has not observed any staff force infants to lay down.

I spoke with Caregiver 4. She stated that she has observed Caregiver 6 and Caregiver 8 "slam" infants down on the crib mattresses and "force and hold down" the infants if they do not lay down. She has observed this happen "dozens of times." If Caregiver 6 and Caregiver 8 are frustrated or in a "bad mood" they treat the children in this manner.

I spoke with Caregiver 6. She stated that she has not forced infants to lay down or observed any other caregivers do this. She and other caregivers will rub or pat children's backs or gently shake the crib to encourage infants to sleep. There are cameras that record in the rooms. She stated that perhaps due to the angle of some cameras it may look like infants are being forced down but this does not happen.

I spoke with Caregiver 2. She stated that she has observed Caregiver 8 "shove kids into the mattress and slam their legs down" in a rough manner. She stated that Caregiver 8 gets frustrated with children. She has observed her pick up a six month old infant roughly. She does not remember the child's name or when this happened. Caregiver 8 helps in the Busy Bee's infant room until 9:00am, then she moves into another room.

I spent some time in the Busy Bee room while the infants were being laid down to rest. The infants were placed in cribs and I observed caregivers patting the backs of infants or gently shaking the cribs until the infants fell asleep.

On August 24, 2017 I spoke with Child A's mother. She stated that Child A (female, six months) came home with a quarter size bruise on the back of her leg above her knee. She couldn't remember the exact day, but it was Thursday or Friday of last week (August 17, 2017 or August 18, 2017). The bruise is no longer visible and a photograph was not taken. The bruise looked like it may have been a pinch of some

type. Child A's mother stated it could have been from the jumper/bouncers the children sit on or from someone pinching Child A. The bruise was not reported to the center administration or caregiving staff. Child A's mother was worried if she complained her child would be dis-enrolled from the program. She has heard this has happened to other families.

On August 28, 2017 I spoke with Child B's mother, Child C's mother and father, Child D's mother, and Child E's mother on the telephone. None had concerns about children being handled roughly during rest times. Child E's mother regularly accesses the video feed and has no concerns with the quality of care her child is receiving.

On August 29, 2017 I made an unannounced on-site inspection at the child care center. I spoke with owner Diane Newenhouse, Caregiver 7, Caregiver 8 and Caregiver 9. None of them have observed any caregivers push or force infants to lay down during rest time in the Busy Bee's room. They stated that caregivers pat the backs of children to help them fall asleep.

On August 31, 2017 I spoke with Caregiver 11 on the telephone. She stated that she has not observed any caregivers handle infants roughly during rest time. Caregivers pat the children's backs to help them fall asleep.

On September 1, 2017 I spoke with Caregiver 10 on the telephone. She stated that she has not observed any staff, nor has she handled infants roughly during rest time in the Busy Bee's room. She was taught to gently pat the infant's backs to comfort them while they are being laid down to sleep.

APPLICABLE RULE	
R 400.8125	Staff and Volunteers.
	(1) All staff and volunteers shall provide appropriate care and supervision of children at all times.
ANALYSIS:	Appropriate care has been provided to infants in the Busy Bee room.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATIONS: On August 23, 2017 Child C (male, age seven months) was picked up by Caregiver 8 and "flung" three to four feet onto the ground.

INVESTIGATION: On August 28, 2017 I spoke with Child's C's mother. She stated that on August 23, 2017 Child C (male, age seven months) was "flung" onto the ground by Caregiver 8. Child C's mother was watching the video feed on a cell phone when she observed Child C pulling up on Caregiver 8 by her ankles. Using one arm Caregiver 6 picked Child C up by the shoulder and "flung" him backwards.

He landed about a foot behind Caregiver 6. He put his head down and began to cry. Child C's mother had Child C's father join her to watch the video. While they were watching, Caregiver 6 picked up and "threw" Child C two more times within a ten minute span. After seeing this, Child C's mother immediately went to the center to pick up Child C. When she arrived Child C was crying. She picked up Child C and asked Caregiver 6 how much he had eaten that day. She had concerns that Child C was not being fed enough formula. After they spoke about feedings, Child C's mother asked why Caregiver 6 threw her child. Caregiver 6 stated that Child C was trying to bite her. Caregiver 6 went to the office to have Ms. Newenhouse come speak with Child C's mother. Child C's mother spoke with Ms. Newenhouse about the incident and that Child C was not being fed enough. Ms. Newenhouse stated that "staff had been busy and there were a lot of babies that day." Child C's mother checked him for bruises or marks, he did not have any. Program director Samantha Newenhouse telephoned Child C's mother on Friday, August 28, 2017 around 8:00am to inform her that she had not been able to retrieve the video recordings from the day of the incident. Ms. Newenhouse telephoned again the same day around 3:30pm to let her know that she had reviewed the recorded video and it shows that Caregiver 6 was removing Child C because he was biting her. Ms. Newenhouse informed her that Caregiver 6 picked the child up with both her arms.

I spoke with Child C's father on the telephone. He did not see Caregiver 6 throw Child C but he did see her "handle him more roughly than a child should be handled." Child C's father stated that while he was watching the video feed Caregiver 6 was sitting on the floor with her legs out in front of her. Her legs were spread apart. Child C was crawling on Caregiver 6 legs. Caregiver 6 picked up Child C either under the armpits or by the shoulders and set him down behind her as far away as she could. Child C landed on his feet and fell forward on his knees, hands, and face. Child C cannot stand on his own yet. Caregiver 6 moved Child C one more time in this manner. Child C's father did not see Caregiver 6 throw Child C, this may have happened the first time when Child C's mother was watching the video feed.

On August 29, 2017 I made an unannounced inspection at the center. I spoke with Caregiver 3 and Caregiver 6. Both stated that Child C was redirected two times because he was trying to climb on another child. Caregiver 6 state that she moved Child C to her right side. Child C crawled over to her leg and tried to bite her leg. She picked him with two hands under his arms and moved him over to her left side. She sat him on his bottom.

Caregiver 3 stated that she was sitting near Caregiver 6 the day of the incident and did not observe Caregiver 6 throw Child C. She observed Caregiver 6 set the child on his bottom. He did not fall over.

Samantha Newenhouse was able to retrieve the camera recordings for August 23, 2017. The camera recordings I reviewed were from 3:47pm-4:40pm on August 23, 2017. The recordings show that Caregiver 6 was sitting on the floor with her back towards the cribs. Her legs were spread out in front of her. Caregiver 3 was sitting on

the left of Caregiver 6 facing her. There were seven infants crawling and playing on the rug and around the room. A child was sitting in a seat to the left of Caregiver 6. Child C was pulling himself up on the seat the other child was sitting on. Twice Caregiver 6 picked up Child C and faced him away from the child in the seat. Child C was crawling and playing with toys for a few minutes and moved over to the right side of Caregiver 6. He lowered his head to Caregiver 6's right leg. Using both hands Caregiver 6 picked up Child C under the arm pits and swung him over the heads of two other children sitting in front of Caregiver 6. She set him down in a seated position by her left leg. Caregiver 3 put her hand out to steady Child C so he wouldn't fall over.

APPLICABLE RULE	
R 400.8125	Staff and Volunteers.
	(1) All staff and volunteers shall provide appropriate care and supervision of children at all times.
ANALYSIS:	On August 23, 2017 Caregiver 6 provided appropriate care and supervision of Child C. Caregiver 6 did not "fling" Child C onto the floor.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATIONS:

- **When misbehaving, children in the older rooms are picked up and shoved down onto time out bench by lead teachers or directors. Some children have started crying because of how bad it hurt.**
- **Children younger than 30 months are being placed in time outs. Children are being placed in time out in a rough manner.**
- **Younger children have been called "dumb" or "stupid" by lead teachers or directors. Staff yell at children.**

INVESTIGATION: On August 24, 2017 I made an unannounced on-site inspection at the center. I spoke with program director Samantha Newenhouse. She denied that staff handle children roughly while being placed in time out. She denied that caregivers yell at the children. She has not placed children roughly in time out. She does not call children "dumb" or "stupid". She has not heard staff call children "dumb" or "stupid". She denied yelling at children.

I spoke with Caregiver 2, Caregiver 3, Caregiver 4, and Caregiver 5 during my-site inspection.

Caregiver 2 stated she has observed program director Samantha Newenhouse place children in timeout roughly. She has observed Caregiver 1 and Caregiver 10 call the children "dumb" and "stupid". Caregiver 2 has observed program director, Samantha Newenhouse, yell at children.

Caregiver 3 stated that staff will sometimes pick up a child and set them down on the floor or a chair for a time out. This is not done in a rough manner. Caregiver 3 denies yelling at children or calling them names.

Caregiver 4 stated that Caregiver 8 has a temper. Caregiver 4 has observed Caregiver 8 “slam” children on the floor or in chairs for a time out. Sometimes the children are slammed down so hard the sound of their “bottoms hitting the floor is heard. Children will cry when they are set down. Sometimes the children are placed in timeouts, sometimes children are removed to another area of the room. Children in the room that Caregiver 8 works in are 18-24 months old. When Caregiver 4 would approach children when crying, Caregiver 8 would tell her the children “don’t need to be coddled.” Caregiver 4 stated that staff are told by Diane Newenhouse and Samantha Newenhouse that time-outs can be given to children once they are 12 months of age. Caregiver 4 has observed Diane Newenhouse and Caregiver 8 yell at children. Children are yelled at when they are crying or misbehaving. She has heard them yell “stop crying”; “you’re being ridiculous”; “shut your mouth”; “don’t do that”; or “get off of there.” Caregiver 4 stated she can hear Diane Newenhouse from the main floor yelling at children in the basement of the building. During mealtimes if children get up from their chairs, Caregiver 8 will “slam” the children back into their seats. Caregiver 4 has not heard Caregiver 1 and Caregiver 10 call children “dumb or stupid”. She has no concerns about the quality of care that they provide.

Caregiver 5 stated that she rarely has to put children in time out. She will point to the bench and children know that they are to go sit. After the children sit for a while, she will talk to them about what happened and have them apologize. Caregiver 5 has not observed any other staff put children in time out roughly. She has not observed staff or directors yelling at children or calling them names.

While I was in the building observing in the rooms I heard someone yell “Get down!” from the 18-24 month classroom that Caregiver 8 works in. I did not look in the room, so I could not discern who yelled. I also heard Diane Newenhouse’s raised voice through the door in the school age room where she was caring for children. I could not discern words, just a harsh tone.

On August 25, 2017 I spoke with Child F’s mother, Child F’s father and Child I’s mother on the telephone. Child F’s mother has been happy at the center for the most part. There was a period of time that Child F (female, age 3) would be very upset when being dropped off. This began when she was moved to the Cub Cave room. Child F did not like Caregiver 7 and would cry when left in her care. Child F made a comment recently about children being taken to the office and spanked. When Child F’s mother asked more questions it seemed more like Child F thought spankings might be happening but she had not witnessed any. Child F mentioned that Child K (male, age 4) may have been one of the children spanked. Child F has not been spanked.

Child F's father has had no concerns about discipline. He has observed staff redirect children as a form of discipline. Child F's mother and father have not witnessed any staff yell at children.

Child I's mother does not have any concerns. She regularly watches the video feed for the classroom Child H (female, age 5) and has not seen children placed roughly in time outs. She has seen her child on the time out bench while watching the video feed. While Child H has been in care at Creative Kids her verbal and social skills have improved and she has learned a lot.

I left a voicemail for Child H's mother. At the time of writing this report I have not received a phone call in return.

On August 28, 2017 I spoke with Child K's mother. She has no concerns regarding discipline at the center. Child K (male, age 4) has not mentioned anything about time outs. Child K has attended since he was an infant. When Child K's mother brings concerns to the center administration; the concerns have been addressed.

On August 29, 2017 during an on-site inspection I spoke with owner Diane Newenhouse, program director Samantha Newenhouse, Caregiver 7, Caregiver 8, and Caregiver 9 about the allegations.

Diane Newenhouse stated that staff do not handle children roughly when placed in a time out. She has not heard staff call children "dumb" or "stupid". Staff "do not lay a hand on children."

Samantha Newenhouse stated that children are not spanked at the center.

Caregiver 7 stated she has not observed children being handled roughly and she has not observed any caregivers yell at children. She does not yell at the children. She has not heard Caregiver 1 or Caregiver 10 call children "dumb or stupid." She has not heard about or observed children being spanked at the center.

Caregiver 8 stated she has not witnessed children being placed roughly in time out. She denies putting children in timeouts roughly. She will sometimes place them firmly in a chair. She "doesn't usually do time outs." If a child is misbehaving she will set them in another area with toys. Or has them sit with her for a while. The children in her classroom are 18 to 24 months of age. I provided technical assistance and consultation on time outs for children under three years of age. I gave her a copy of *Positive Discipline – Including the Proper Use of Time Out* (BCAL-PUB-787).

Caregiver 9 stated children are redirected or taken out of a "situation." She has not observed any caregivers move children roughly. She occasionally hears other staff yelling at children. Sometimes the tone is harsh. She has heard, "no" or "stop it". The yelling comes from the Cub Cave (ages two years to three years) and Bunny Burrow (ages 18 months to 24 months) rooms.

On August 31, 2017 I spoke with Caregiver 11 on the telephone. She stated that she has observed Caregiver 8 place children ages 18-24 months in time outs. This happened during the month of July 2017. Children were made to sit at a table or on the carpet away from other children. The children would cry because they were upset. Caregiver 8 would decide when the children could join the group. She has not observed this more recently but has not been in that room on a regular basis recently. Caregiver 11 has heard Diane Newenhouse call children “stupid” and “dumb.” The name calling and yelling occurs when children are misbehaving. Caregiver 11 has heard Caregiver 8 yelling at children in a harsh tone from across the building. Caregiver 11 has no concerns about the quality of care that Caregiver 5 provides. She has not observed Caregiver 5 be rough with the children or yell at the children.

On September 1, 2017 I spoke with Caregiver 10 on the telephone. She stated that in the Hedgehogs and Caterpillars (ages three years to five years) room children are told to go to timeout and children sit on their own. She has observed children in the Bunny Burrow and Cub Cave being placed in timeouts. Children sit at a table or on the carpet away from others. They cry because they are upset. The teacher decides when the children are able to join the group. The children in this age group are 18-24 years of age. She has observed children being placed in time outs through the month of August 2017. Caregiver 10 had not been informed of the licensing requirements for time outs. I provided technical assistance and consultation on time outs for children under three years of age. Towards the end of the summer Caregiver 10 began to notice that owner Diane Newenhouse, program director Samantha Newenhouse, and Caregiver 8 were yelling at children. This was done to startle the children if they were pushing or biting. On the playground Caregiver 8 will yell to get a child’s attention and then walks over. Caregiver 10 did not feel the yelling was done in frustration but in a firm tone. Statements that were overheard were “no”, “stop that”, “we don’t hit friends”, and “don’t bite”. She stated that she has not called children “dumb” or “stupid.” She has not overheard any other staff call children names.

On September 6, 2017 I spoke with program director Samantha Newenhouse on the telephone. She has not observed Caregiver 8 place children aged 18-24 months old in time outs recently. This was a violation that was cited during a special investigation in June of 2017. Ms. Newenhouse stated that she informed staff of the age minimum for time outs.

On September 7, 2017 I spoke with Caregiver 11 on the telephone. She stated that she has observed Caregiver 8 place children aged 18-24 months old in timeouts. This was observed in the Bunny Burrow room throughout the summer. Children have been placed in timeouts through August regularly.

On September 11, 2017 I spoke with Caregiver 4 on the telephone. She has observed Caregiver 8 place children in time outs until mid-June or early July during

this summer. Staff were told in a staff meeting in March that children could be put in timeout starting at one year of age.

On September 11, 2017 I spoke with Child M's mother, Child N's mother and Child O's mother on the telephone. All stated that they did not know if children in the 18-24 month old classroom were placed in time outs. They do not have any concerns about the quality of care that Caregiver 8 provides for the children in the classroom. Child M's mother stated that the camera recordings are viewed regularly and she has not observed anything concerning. Child O's mother stated that Caregiver 8 "can be firm but not mean."

On September 11, 2017 I spoke with Caregiver 14 on the telephone. She has observed children in the Cub Cave room be placed in time outs. The children in this room are aged two to three years of age. Caregiver 14 did not recall specific children being placed in time out or the caregivers names. She has observed Diane Newenhouse yell at children and staff. The tone used is an aggressive tone. She has heard her yell "open your mouth...eat your food" and "be quiet and listen to your teacher."

On September 19, 2017 made an on-site inspection at the center. I spoke with Caregiver 13. She stated that children in the Cub Cave room are not placed in time outs but are redirected as a form of discipline. There has been an issue with biting with this group of children. If a child bites another child, one of the caregivers will have the child walk away from the group so the caregiver can talk to the child about the biting incident. They are then released to continue playing. Caregiver 13 has not observed Caregiver 8 "slamming" children on the floor or chairs. She has observed her place children firmly on the floor or chairs. Caregiver 13 has not observed any staff yell or scream at children. She has observed and uses a firm voice if needed.

On September 19, 2017 I spoke with Caregiver 15 on the telephone. She stated that she has observed Caregiver 8 place children in the Bunny Burrow into timeout roughly. Children cry when placed in timeout. Caregiver 8 lets them know when they can get up from timeout. A child was placed in timeout on approximately September 8, 2017. She has observed Caregiver 12 place children from the Cub Cave room in timeouts in the corner of the room. Children in this room are ages two to three years of age. Caregiver 15 has observed both Caregiver 8, Caregiver 12, and Diane Newenhouse yell at children as a form of discipline. She has not observed Samantha Newenhouse yell at children. There are times that she can hear Caregiver 8 yelling at children in the Bunny Burrow when she is in the basement.

APPLICABLE RULE	
R 400.8140	Discipline.
	(1) Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation shall be used.

ANALYSIS:	Methods of discipline have been used that are not positive in nature. Children younger than three years of age have been placed in time out during the months of July and August. Children have been yelled at when they are misbehaving.
CONCLUSION:	VIOLATION ESTABLISHED REPEAT VIOLATION ESTABLISHED SIR 2017D1083013 Dated 06/08/2017 Corrective Action Plan Dated 06/16/2017

APPLICABLE RULE	
R 400.8125	Staff and Volunteers.
	(1) All staff and volunteers shall provide appropriate care and supervision of children at all times.
ANALYSIS:	Diane Newenhouse and Caregiver 8 did not provide appropriate care and supervision by yelling at children; they are not interacting with children in a positive manner.
CONCLUSION:	VIOLATION ESTABLISHED

ALLEGATION: Child D (male, age 7 months) was left in a jumper seat for the majority of the day.

On August 28, 2017 I spoke with Child D's mother on the telephone. Child D was switched to the Busy Bee's room in July. During the first week in care she noticed by watching the video feed from the surveillance cameras that Child D was spending a lot of time in a jumper seat "off and on" for most of the day. She did not know exactly how long Child D spent in the jumper. She was concerned about this because Child D does not crawl yet. She addressed the concern with program director Samantha Newenhouse. Ms. Newenhouse let her know the concern would be addressed. After that conversation she noticed her child in the jumper again. On one day (date not recalled) she called to tell staff in the room to take Child D out of the jumper.

On August 29, 2017 I spoke with Caregiver 6 about the allegation. She stated that Caregiver 11 was the person that was leaving Child D in the jumper seat most of the day. Caregiver 6 would put Child D in the jumper but for no longer than 15 minutes at a time.

I also watched camera recordings from August 23, 2017 from the Busy Bee's room. I watched a period of about 60 minutes. For 28 minutes of the recording there is a child seated in a molded seat near the caregivers on the rug. I provided technical assistance to program director Samantha Newenhouse about how long infants spend in confining equipment.

On August 31, 2017 I spoke with Caregiver 11 on the telephone. She stated that a concern was brought to her attention by Child D’s mother that Child D was spending too much time in jumping seat. Child D’s mother felt that this was an issue when Caregiver 6 was in charge of the room. Caregiver 11 would put Child D in the jumping seat “because he really liked it” but no more than 30 minutes at a time. She did not witness Child D in the jumper seat for longer than 30 minutes at a time.

APPLICABLE RULE	
R 400.8179	Program.
	(7) When awake, use of confining equipment for infants shall be minimized, not to exceed 30 minutes at a time.
ANALYSIS:	Use of confining equipment has not exceeded 30 minutes at a time.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION: Toys in rooms aren't cleaned or disinfected every night or when children have an illness.

INVESTIGATION: On August 24, 2017 I made an unannounced on-site inspection at the center. I spoke with Caregiver 1, Caregiver 2, Caregiver 3, Caregiver 4, Caregiver 5 and Caregiver 6. Caregiver 2 stated that she was never told about the closing checklist. She only picks up toys and vacuums. The rest of the caregivers stated that there is a checklist in the rooms with closing duties. Tables are to be washed and sanitized, floors are swept and mopped, rugs are vacuumed, refrigerator door handle wiped, and trash removed. When children are ill in a room all the toys are washed and sanitized at the end of the day. Caregiver 3 stated that cleaning rooms is taken very seriously at the center.

I spoke with program director, Samantha Newenhouse. She stated that all staff are told about closing cleaning responsibilities. Staff are required and expected to follow the closing checklist. Toys and equipment are sprayed nightly with sanitization solution. Toys and equipment are cleaned when a child get is ill, especially if a child has a communicable disease. A child was sent home with suspected Hand, Foot, and Mouth. As soon as the child was taken home from the center and before a diagnosis was confirmed. Samantha Newenhouse ensured that the toys and materials in that child’s classroom were washed, rinsed and sanitized. I provided consultation about reminding staff on cleaning and sanitization of equipment and materials.

On August 29, 2017 I made an unannounced on-site inspection at the center. There were toys laying out to dry in the Busy Bee’s room. Toys had been washed the night before.

On August 31, 2017 I spoke with Caregiver 11. She stated that she sprays all the toys with sanitization solution each night for the room she is assigned to clean.

APPLICABLE RULE	
R 400.8155	Child accidents and incidents; child and staff illness.
	(3) Items and facilities used by an ill child or adult shall not be used by any other person until washed, rinsed, and sanitized.
ANALYSIS:	Items and facilities are being cleaned on a regular basis and after being used by ill children.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION: On August 29, 2017 I arrived to complete an unannounced on-site inspection at the center. I met with program director Samantha Newenhouse about new allegations that had been made after I spoke with caregivers and parents. While I was speaking with Ms. Newenhouse, owner Diane Newenhouse walked into the room and in a raised voice demanded to know why I had returned to the center. I explained that there had been new allegations made and I was here to investigate them. Ms. Newenhouse was upset and stated that she did not care about the new allegations and did not want me at the center. I reminded her that she had been previously cited for not cooperating with an investigation and that if she did not wish to cooperate I would have to recommend disciplinary action. She left the room for a few moments and then came back opened the door and yelled, “I don’t give a shit what you do, just shut us down.” She left the room. I addressed Samantha Newenhouse and asked her what she thought about Ms. Newenhouse’s comment. Samantha Newenhouse asked me to explain the disciplinary process for a revocation. After I explained the process briefly Samantha Newenhouse had Diane Newenhouse join us. After I had explained the process and answered their questions. At this point Diane Newenhouse allowed me to interview caregivers and observe in the rooms.

On September 7, 2017 I spoke with program director Samantha Newenhouse on the telephone. Due to additional allegations concerning Caregiver 8, I requested additional child information cards for the classroom this caregiver works in. Shortly after the phone call I received an email from Diane Newenhouse stating that “a lot parents were upset” because I was calling them. She did not want to provide the children information cards requested. Ms. Newenhouse offered to allow me to watch camera recordings of the classroom.

On September 8, 2017 I received a fax from Samantha Newenhouse with the child information records I had requested.

APPLICABLE RULE	
R 400.8110	Licensee.
	(9) The licensee shall cooperate with any state or local department or agency inspections or investigations related to the child care license by both of the following: (a) Providing access to all relevant records, materials, and staff.
ANALYSIS:	On August 29, 2017 Diane Newenhouse was uncooperative with my investigation. After I spoke to program director Samantha Newenhouse about recommending a revocation of the license. She had Diane Newenhouse come speak to me about the investigation. At that time Diane Newenhouse allowed me to continue with the investigation. On September 6, 2017 Diane Newenhouse did not want to provide the child information records as requested.
CONCLUSION:	REPEAT VIOLATION ESTABLISHED SIR 2017D1083013 Dated 06/08/2017 Corrective Action Plan Dated 06/16/2017

INVESTIGATION: During the course of this investigation caregivers expressed a fear of retaliation or possible termination from or by owner Diane Newenhouse. Caregiver 2, Caregiver 4, and Caregiver 15 expressed this concern to me and mentioned that other caregivers felt the same way. They have observed this occurring and/or feel threatened by the things Diane Newenhouse has said to them. Caregiver 4 stated “all the staff lie when licensing comes out.” She acknowledged that she has lied to licensing in the past. Staff are worried that they will either get in trouble and Diane Newenhouse will “yell at them, fire them on the spot or make them miserable until they quit.”

APPLICABLE RULE	
R 400.8110	Licensee.
	(9) The licensee shall cooperate with any state or local department or agency inspections or investigations related to the child care license by both of the following: (b) Assuring information provided is accurate and truthful.

ANALYSIS:	Licensee designee Diane Newenhouse has not assured that information provided is accurate and truthful when she has fired caregivers or threatened termination.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION: During my on-site inspection on August 24, 2017 Caregiver 1 was changing a diaper in the Busy Bee's room. After she changed the child's diaper she laid the child in a crib and gently shook the crib until the child fell asleep. She picked up an iPad and began putting in information about the children's day. I asked her if she had a few minutes to speak with me. She stated that she needed to finish updating the children's daily information and then could speak with me. When she was finished I asked her to wash her hands before we spoke. I provided technical assistance on hand washing for both caregivers and children. Caregiver 1 did not know that children should have their hands washed after being diapered.

I provided technical assistance about hand washing of caregivers and children to program director Samantha Parlmer.

APPLICABLE RULE	
R 400.8134	Hand washing.
	(2) All staff and volunteers shall wash their hands at all of the following times: (e) After each diapering.
ANALYSIS:	During my on-site inspection on August 23, 2017 Caregiver 1 did not wash her hands after diapering a child.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8134	Hand washing.
	(3) Staff and volunteers shall assure that children wash their hands at all of the following times: (b) After toileting or diapering.
ANALYSIS:	On August 23, 2017 Caregiver 1 did not assure that a child wash their hands after diapering.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION: During my on-site inspection on August 24, 2017 I was observing in the Busy Bee's room. Infants are aged six to twelve months in this room. There

were five infants in care. I observed Diane Newenhouse and Caregiver 1 covering children with blankets and rubbing their backs or shaking the cribs gently to help the children fall asleep. I provided technical assistance to Ms. Newenhouse concerning blankets in cribs for children under 12 months of age. Ms. Newenhouse stated she knows the blankets are not allowed but the parents insist on it. I provided consultation on substitutions that can be used instead of blankets.

On August 29, 2017 I completed an on-site inspection. In the Busy Bee's room here were six infants in care. One infant was asleep in a crib and covered in a blanket. In the Nurture Nest there were five infants in care. A four month old infant was sleeping while wearing a swaddler. I provided technical assistance about the use of swaddlers for infants past the age of two months to both the caregiver in the room and program director Samantha Newenhouse.

APPLICABLE RULE	
R 400.8176	Sleeping equipment.
	(10) Soft objects, bumper pads, stuffed toys, blankets, quilts, comforters, and other objects that could smother a child shall not be placed in a crib or porta-crib with a resting or sleeping infant.
ANALYSIS:	<ul style="list-style-type: none"> • On August 24 and 29, 2017 I observed infants ages 6 months to 12 months covered with blankets while sleeping in cribs. • On August 29, 2017 I observed a four month old infant sleeping while wearing a swaddler.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION: During my on-site inspection on August 24, 2017 the center was over ratio in five out of the seven rooms.

- Nurture Nest (aged birth to six months) had one caregiver caring for five infants. The required ratios for this age group is one caregiver for every four children.
- Busy Bees (aged six months to 12 months) had one caregiver caring for five infants. The required ratios for this age group is one caregiver for every four children.
- Dino Den (aged 12 months to 18 months) had two caregivers caring for eleven toddlers. The required ratios for this age group is one caregiver for every four children.
- Bunny Burrow (aged 18 months to 24 months) had two caregivers caring for seven toddlers. The required ratios for this age group is one caregiver for every four children.

- Cub Cave (aged 2 to 3 years) had two caregivers caring for nine children. The required ratios for this age group is one caregiver for every four children.
- Caterpillar Cove (aged three to five years) had two caregivers caring for 27 children. The required ratios for this age group is one caregiver for every 10 children.

Caregiver 2 stated that she often has up to 30 children aged three to 11 years by herself in the mornings until lead caregivers arrive.

On August 29, 2017 I made an unannounced on-site inspection at the center. I observed the following rooms out of ratio:

- Nurture Nest had one caregiver caring for five infants.
- Busy Bees had one caregiver caring for six infants until 9:00am when the two scheduled staff for the room began their shift.
- Cub Cave had two caregivers caring for 13 toddlers.

Caregiver 9 stated that she typically has 5 children in care by herself; her room has a 1:4 ratio.

On August 29, 2017 during my on-site inspection Diane Newenhouse told me that I could spend time in the Nurture Nest classroom because “she’s good;” Ms. Newenhouse was referencing the ratio in the classroom. When I entered the classroom, there were five infants in care with one caregiver.

On August 30 I received information from Caregiver 4 that Caregiver 5 had 30 preschool aged children by herself during rest time. Not all the children were asleep during this time.

On September 1, 2017 I spoke with Caregiver 10 on the telephone. She stated that she was told that ratios for infants and toddlers were one adult for every five children.

On September 11, 2017 I spoke with Caregiver 14 on the telephone. She stated that she has heard Diane Newenhouse and Samantha Newenhouse state “we are at ratio” when there has been one caregiver for five children under the age of 30 months.

APPLICABLE RULE	
R 400.8182	Ratio and group size requirements.
	(3) In each room or well-defined space, the maximum group size and ratio of caregivers to children, including children related to a staff member or the licensee, shall be the following:

	(a) For infants and toddlers, there shall be 1 caregiver for 4 children and a maximum group size of 12.
ANALYSIS:	<p>On August 24, 2017 the center was operating out of ratio. Nurture Nest, Busy Bees, Dino Den, and Cub Cave are rooms for infants and toddlers and require a 1 caregiver to child ratio. All of the rooms exceeded this at the time of my onsite inspection. An additional caregiver was needed in each classroom.</p> <p>Nurture Nest, Busy Bees, and Cub Cave were out of ratio on August 29, 2017.</p>
CONCLUSION:	<p>REPEAT VIOLATION ESTABLISHED LSR dated August 9, 2016 Corrective Action Plan dated August 1, 2016</p> <p>REPEAT VIOLATION ESTABLISHED SIR dated June 11, 2017 Corrective Action Plan dated June 16, 2017</p>

APPLICABLE RULE	
R 400.8182	Ratio and group size requirements.
	<p>(3) In each room or well-defined space, the maximum group size and ratio of caregivers to children, including children related to a staff member or the licensee, shall be the following:</p> <p>(c) For preschoolers 3 years of age, there shall be 1 caregiver for 10 children.</p>
ANALYSIS:	On August 24, 2017 the Caterpillar Cove was operating out of ratio with two caregivers and 27 children. An additional caregiver was required to maintain ratio.
CONCLUSION:	<p>REPEAT VIOLATION ESTABLISHED SIR dated June 11, 2017 Corrective Action Plan dated June 16, 2017</p>

INVESTIGATION: On August 24, 2017 during an on-site inspection I observed combustible decorations suspended from the ceiling in Cub Cave (room #1) and Bunny Room (room #6). I reminded program director Samantha Newenhouse that the combustibles were cited previously during a special investigation and that she had submitted a corrective action plan stating the combustibles would be removed.

On August 29, 2017 during an on-site inspection I observed the decorative combustibles suspended from the ceilings in the Cub Cave and Bunny Room.

APPLICABLE RULE	
R 400.8520	Interior finishes.
	(14) Combustible materials and decorations may be displayed on walls, not to exceed 20% of each wall in each room. Combustible materials and decorations suspended from or near the ceiling are prohibited.
ANALYSIS:	On August 24 and 29, 2017 I observed combustible decorations suspended from the ceiling in the Cub Cave (room #1) and Bunny Room (Room #6).
CONCLUSION:	REPEAT VIOLATION ESTABLISHED SIR dated June 11, 2017 Corrective Action Plan dated June 16, 2017

INVESTIGATION: An allegation was made on August 30, 2017 concerning the lack of lead caregiver qualifications for Caregiver 6 and Caregiver 8. Both are lead caregivers for infants and toddlers.

On September 1, 2017 I spoke with program director Samantha Newenhouse concerning the allegation. She stated that Caregiver 6 has an expired toddler Child Development Associate (CDA) and is working on renewing it. I requested that she send me a copy of the CDA certificate to verify the expiration date. Caregiver 8 does not meet any of the lead caregiver qualifications. Ms. Newenhouse stated that she is in the process of getting her CDA. Caregiver 8 has not completed any classes at this time. Caregiver 8 began working as a lead “near the beginning of the year.”

On September 8, 2017 I received a fax with the copy of Caregiver 8’s CDA certificate. The CDA was awarded on November 1, 2009 and expired on November 1, 2012.

APPLICABLE RULE	
R 400.8122	Lead caregiver qualifications; responsibilities.
	(6) Lead caregivers shall meet 1 of the following qualifications: (a) Bachelor’s degree or higher in early childhood education, child development, or a child-related field. (b) Associate’s degree or higher in early childhood education or child development. (c) Montessori credential with 480 hours of experience. (d) Valid child development associate credential with 480 hours of experience. (e) High school diploma/GED with 12 semester hours in early childhood education, child development, or a child-related field and 960 hours of experience. (f) High school diploma/GED with a combination of 12

	semester hours and/or 18 CEUs to equal 180 clock hours in early childhood education, child development, or a child-related field and 1,920 hours of experience. (g) High school diploma/GED with a combination of 6 semester hours and/or 9 CEUs to equal 90 clock hours in early childhood education, child development, or a child-related field and 3,840 hours of experience.
ANALYSIS:	Two lead caregivers do not meet the minimum qualifications. Caregiver 6 does not have a valid CDA. Caregiver 8 does not have qualifications to be lead caregiver.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8122	Lead caregiver qualifications; responsibilities.
	(9) Lead caregivers for infants and toddlers shall have 3 semester hours or 4.5 CEUs in infant/toddler development and care practices within 6 months of hire. These semester hours or CEUs may satisfy a portion of the requirements of subrule (6) of this rule.
ANALYSIS:	Caregiver 8 does not have 3 semester hours or 4.5 CEU's in infant/toddler development and care practices. Caregiver 8 has been a lead for more than 6 months without completion of this requirement.
CONCLUSION:	VIOLATION ESTABLISHED

INVESTIGATION: On August 30, 2017 I received information that Caregiver 4 has observed Diane Newenhouse and Caregiver 12 smoking on the handicap ramp at the center every day in August.

On September 1, 2017 I spoke with program director Samantha Newenhouse on the telephone. She stated that smoking has ceased since the last investigation was completed.

On September 1, 2017 I spoke with Caregiver 10 on the telephone. She has noticed Diane Newenhouse and Caregiver 12 smoking once or twice in the past month. She did not remember exact dates but the incidents occurred in mid-August.

An on-site inspection was completed on June 15, 2017 by Licensing Consultant, Deb Purdom. Ms. Purdom found evidence of smoking at the rear of the building. Per Special Investigation Report 2017D1093015 dated August 10, 2017. Ms. Purdom provided technical assistance to program director Samantha Newenhouse (previously Samantha Parlmar) on the day of the inspection about smoking not being

allowed on the premises. Ms. Newenhouse stated “that it would stop immediately.” Samantha Newenhouse signed and sent in a corrective action plan dated August 21, 2017 states that the citation concerning smoking had been “handled right away by Diane Newenhouse and (her) self.”

On September 7, 2017 I spoke with Caregiver 11 on the telephone. She stated that she has observed Diane Newenhouse and Caregiver 12 smoking on the handicap ramp recently. This occurs any time that Diane Newenhouse is on site at the center.

On September 11, 2017 I spoke with Caregiver 14 on the telephone. She stated that she has observed Diane Newenhouse and Caregiver 12 smoking in the back of the center through mid-August.

On September 19, 2017 I made an unannounced on-site inspection at the center. I spoke with Caregiver 13 and Caregiver 9. Caregiver 13 stated that she has observed smoking continuing by the back door until mid-August. Caregiver 9 stated that she has not observed smoking on the premises since the end of August. Staff now drive around the block to smoke. I walked out to the handicap ramp. There were two cigarette butts in the lawn at the back of the building. I took a photograph of the cigarette butts.

On September 19, 2017 I spoke with Caregiver 15 on the telephone. She has observed or smelled smoking at the center. She has observed cigarette butts on the property. She has observed smoking occurring at the center as recently as the week of September 11, 2017.

APPLICABLE RULE	
MCL 722.113b	Smoking prohibited; "smoke" defined.
	(1) An individual shall not smoke in a child caring institution or child care center or on real property that is under the control of a child caring institution or child care center and upon which the child caring institution or child care center is located, including other related buildings. (2) As used in this section, "smoke" means that term as defined in section 12601 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being section 333.12601 of the Michigan Compiled Laws.
ANALYSIS:	Smoking has been occurring on the premises of the child care center during the month of August.
CONCLUSION:	REPEAT VIOLATION ESTABLISHED SIR 2017D1093015 Dated 08/10/2017 Corrective Action Plan Dated 08/21/2017

IV. RECOMMENDATION

Upon receipt of an approved corrective action plan I recommend issuance of a first provisional license. I also recommend increased monitoring to occur until a regular license is reinstated.

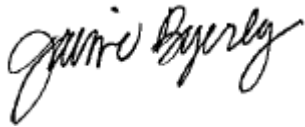


09/22/2017

Jessica Miranda-Bevier
Licensing Consultant

Date

Approved By:



09/26/2017

Jaime Byerly
Area Manager

Date