



**MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF CHILDHOOD - CHILD CARE COMPLIANCE
COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS**

DATE OF REPORT
7/31/2023

DVN
002102423

FACILITY NAME

WEE TOTS DAY CARE CENTER, LLC

FACILITY ADDRESS

2302 S MOFFET AVE

CITY

JOPLIN

ZIP CODE

64804-1946

PHONE NUMBER

(417) 624-9500

COUNTY

JASPER

ASSIGNED SPECIALIST

MERTZ, CAYLIN

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-500.182(1)(A)3.

Caregivers shall provide frequent, direct contact so children are not left unobserved on the premises.

5 CSR 25-500.092(1)(C)2.

Infants and toddlers. Infants and toddlers who are unable to sit at a table shall have one (1) piece of mealtime feeding equipment for every four (4) infant/toddlers which may include feeding tables, high chairs, infant seats or other safely designed infant seating equipment. Equipment shall be provided which will allow the child to sit comfortably and securely while being fed. Appropriate restraints shall be used.

5 CSR 25-500.192(5)(A)

In case of accident or injury to a child, the provider shall notify the parent(s) immediately. If the child requires emergency medical care, the provider shall follow the parent's(s') written instructions.

5 CSR 25-500.202(2)(B)

The written diet plan for each infant/toddler shall be followed. The parent(s) shall update the plan according to the individual needs of the child until they grant permission in writing for the child to eat table foods.

5 CSR 25-500.102(1)(F)

Caregivers shall be capable of handling emergencies promptly and intelligently.

5 CSR 25-500.102(1)(H)

The provider shall have available a copy of the Licensing Rules for Group Child Care Homes and Child Care Centers in Missouri. All caregivers and volunteers working directly with children shall be required to review and be knowledgeable of the rules at the time they begin work and shall be able to understand and apply those rules which relate to their respective responsibilities.

5 CSR 25-500.082(1)(A)

The premises shall be safe and suitable for the care of children.

5 CSR 25-500.082(1)(I)

All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, alcoholic beverages, hazardous personal care items or other hazardous items shall be inaccessible to children.

5 CSR 25-500.082(1)(K)

No person shall smoke or otherwise use tobacco products in any area of the child care facility during the period of time when children cared for under the license are present.

5 CSR 25-500.082(3)(A)5.

Locks or latches shall not be used on bathroom or bathroom stall doors used by children below the first grade.

CONCLUSION SUMMARY

On July 31, 2023 the Office of Childhood received a report alleging on July 27, 2023, a teacher named Brittany left her hoodie on the floor. Reporter's stepson (2 years old) got in the teacher's hoodie and inhaled on the Vape pen and then started throwing up. Reporter is not one of the emergency contact people for her stepson but yet the daycare called her to report the vaping incident instead of the mom and dad. On July 27, 2023, Keith was yelling a teacher named Savanna Dixson in front of children, which could have been frightening to the kids. Office staff Keith called the police to remove the teacher from the facility. On July 27, 2023, the infant and toddler rooms only got crackers and cheese for lunch. On July 26, 2023, reporter's niece (2 years old) and another child went into the bathroom and couldn't get out of the bathroom. They had to pound on the door for someone to let

them out. Teachers didn't notice it. Savanna Dixson told the reporter this. Staff just sit on the playground and talk to each other and don't watch the kids like they should. After conducting an investigation, Compliance Inspector (CI) Caylin Mertz has found these allegations to be substantiated based on the following evidence and rule violations:

5 CSR 25-500.092(1)(C)2 which states "Infants and toddlers. Infants and toddlers who are unable to sit at a table shall have one (1) piece of mealtime feeding equipment for every four (4) infant/toddlers which may include feeding tables, high chairs, infant seats or other safely designed infant seating equipment. Equipment shall be provided which will allow the child to sit comfortably and securely while being fed. Appropriate restraints shall be used. "

On September 28, 2023 CI Mertz conducted an unannounced inspection at the facility. CI Mertz observed a toddler feeding table to be missing restraints in each seat. Director Diana Reyes indicated she was unsure where the restraints were.

5 CSR 25-500.202(2)(B) which states "The written diet plan for each infant/toddler shall be followed. The parent(s) shall update the plan according to the individual needs of the child until they grant permission in writing for the child to eat table foods."

On September 28, 2023 CI Mertz observed two children under 1 year of age. CI Mertz observed Infant and Toddler Feeding and Care Plans for each of them. The first child enrolled on February 27, 2023 and the Infant and Toddler Feeding and Care Plan was not provided until July 10, 2023. The second child enrolled September 5, 2023 and the Infant and Toddler Feeding and Care Plan was not provided until September 28, 2023. The facility was not following the written diet plan for either child at the time of their enrollment due to the forms not being completed at the time the children enrolled.

5 CSR 25-500.082 (1)(A) which states "The premises shall be safe and suitable for the care of children."

AND

5 CSR 25-500.082(1)(I) which states "All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, alcoholic beverages, hazardous personal care items or other hazardous items shall be inaccessible to children."

AND

5 CSR 25-500.082(1)(K) which states "No person shall smoke or otherwise use tobacco products in any area of the child care facility during the period of time when children cared for under the license are present."

On August 1, 2023 Compliance Inspector (CI) Caylin Mertz conducted an unannounced inspection at the facility. CI Mertz interviewed General Manager Keith Guerra and Assistant Director Casey Casto. General Manager Keith indicated on July 27, 2023 Caregiver Brittany was in the preschool room with five to seven children when Child A got access to her vape. He stated he witnessed Child A with smoke coming out of his mouth while holding the vape. Child A immediately vomited after inhaling the vape. On September 26, 2023 CI Mertz interviewed Parent A and Parent C. Both indicated that Child A had gained access to a vape at the facility. Parent C was contacted by General Manager Keith stating that Child A had gotten a vape. Parent A was contacted by Parent C. Parent A went to the facility to check on Child A which is when she was told about the incident with the vape. Neither were given an incident report regarding this. Assistant Director Casey indicated that Caregiver Brittany had been told at least two times previously that her vape was not to be on her at the facility. CI Mertz observed termination paperwork for Caregiver Brittany stating "#1 you were warned twice to have your vape put up away from children. #2 you did not keep your vape out of reach of children, as a result one of the children picked it up and inhaled it. Jacket with vape in pocket was left on the ground in reach of children = (gross negligence)" The letter is dated July 27, 2023. It is signed by Caregiver Brittany Reed and General Manager Keith Guerra. On September 28, 2023 CI Mertz observed an incident report dated July 27, 2023 which states "Child A got ahold of one of our employees vapes and inhaled it. Child A immediately threw up. I took the vape away and cleaned Child A up and got him settled. The employee was immediately fired when I had proper coverage for the children." The form is signed by Assistant Director Casey Casto. It is not signed by a parent and the notice to parent section is not completed.

5 CSR 25-500.192(5)(A) which states "In case of accident or injury to a child, the provider shall notify the parent(s) immediately. If the child requires emergency medical care, the provider shall follow the parent's(s') written instructions."

On August 1, 2023 CI Mertz observed Child A's enrollment form. Parent C is not listed on the enrollment form. On September 26, 2023 CI Mertz interviewed Parent A and Parent C. Parent A indicated she was not contacted by the facility after Child A got ahold of a caregiver's vape and inhaled it. Parent C indicated she was contacted by General Manager Keith around 11:00 a.m. or 12:00 p.m. despite the incident having occurred before 9:00 a.m. that day. On September 28, 2023 CI Mertz asked General Manager Keith why Parent C was contacted instead of Parent A as Parent A is the only parent listed on the enrollment form. He indicated the facility had more rapport with Parent C regarding Child A which is why he contacted her instead. The facility failed to notify the parent immediately by contacting another child's parent rather than Child A's mother two or more hours after the incident

occurred.

5 CSR 25-500.102(1)(F) which states "Caregivers shall be capable of handling emergencies promptly and intelligently."

On September 26, 2023 CI Mertz interviewed Parent A and Parent C. Both indicated that they were not told if poison control was contacted. On September 28, 2023 CI Mertz interviewed General Manager Keith Guerra. He indicated he did not contact poison control after Child A vaped nor did he seek any type of medical attention for Child A because Child A immediately threw up . On October 17, 2023 CI Mertz interviewed Caregiver Brittany Reed. She was present at the time of the alleged incident with the vape. She stated that poison control was not contacted. The facility failed to properly handle an emergency when they failed to contact poison control or seek other medical care for Child A after he gained access to a nicotine vape , inhaled it and subsequently threw up.

5 CSR 25-500.182 (1)(A)3 which states "Caregivers shall provide frequent, direct contact so children are not left unobserved on the premises."

On August 1, 2023 CI Mertz interviewed General Manager Keith Guerra. Keith indicated he had to terminate Caregiver Brenda Westbrook when Parent E arrived at the facility and observed Child D to be chewing on a used diaper . On October 17, 2023 CI Mertz interviewed Parent E. She stated in July or August she arrived at the facility around 1:30 p.m. to pick up her child. Upon walking into the classroom she observed her child to be walking around with a diaper in his mouth. The diaper was soiled with urine. The caregivers immediately started checking all of the children who also had diapers on. Parent E believes Child D was not supervised and gained access to the diaper pail. She indicated the caregivers did not notice Child D had a diaper in his mouth. CI Mertz attempted to interview Caregiver Brenda Westbrook but was unable to leave a message . Parent E observed four caregivers in the classroom at the time of this incident.

On August 1, 2023 CI Mertz interviewed General Manager Keith Guerra and Assistant Director Casey Casto . General Manager Keith indicated on July 27, 2023 Caregiver Brittany was in the preschool room with five to seven children when Child A got access to her vape. He stated he witnessed Child A with smoke coming out of his mouth while holding the vape . Child A immediately vomited after inhaling the vape. On September 26, 2023 CI Mertz interviewed Parent A and Parent C. Both indicated that Child A had gained access to a vape at the facility. Parent C was contacted by General Manager Keith stating that Child A had gotten a vape. Parent A was contacted by Parent C. Parent A went to the facility to check on Child A which is when she was told about the incident with the vape. Assistant Director Casey indicated that Caregiver Brittany had been told at least two times previously that her vape was not to be on her at the facility. CI Mertz observed termination paperwork for Caregiver Brittany stating "#1 you were warned twice to have your vape put up away from children. #2 you did not keep your vape out of reach of children, as a result one of the children picked it up and inhaled it. Jacket with vape in pocket was left on the ground in reach of children = (gross negligence)" The letter is dated July 27, 2023. It is signed by Caregiver Brittany Reed and General Manager Keith Guerra. On September 28, 2023 CI Mertz observed an incident report dated July 27, 2023 which states " Child A got ahold of one of our employees vapes and inhaled it. Child A immediately threw up. I took the vape away and cleaned Child A up and got him settled . The employee was immediately fired when I had proper coverage for the children." The form is signed by Assistant Director Casey Casto. It is not signed by a parent and the notice to parent section is not completed.

5 CSR 25-500.082(3)(A)5 which states "Locks or latches shall not be used on bathroom or bathroom stall doors used by children below the first grade."

On August 1, 2023 General Manager Keith and Caregiver Casey indicated locks are present on the bathroom door in the preschool classroom. On November 3, 2023 Director Diana Reyes indicated the facility does not have a variance for the locks on the bathroom door.

5 CSR 25-500.102(1)(H) which states "The provider shall have available a copy of the Licensing Rules for Group Child Care Homes and Child Care Centers in Missouri. All caregivers and volunteers working directly with children shall be required to review and be knowledgeable of the rules at the time they begin work and shall be able to understand and apply those rules which relate to their respective responsibilities."

On September 28, 2023 Caregiver Ashley Sales indicated she did not know what an infant/toddler feeding plan was.

CORRECTIVE MEASURES

CORRECTIVE MEASURE

COMPLETED (Y/N)

COMPLETED DATE

The facility shall notify all staff members of the violations which were substantiated, and specify the actions to be taken by all staff in order to comply with all licensing violations cited. A copy of the memo, letter, or staff meeting agenda shall be submitted to the Office of Childhood.

Yes

1/8/2024

CORRECTIVE MEASURE

The facility is hereby placed on close supervision for a period of six months.

COMPLETED (Y/N)

No

COMPLETED DATE**DISPOSITION**

SUBSTANTIATED

DISPOSITION DATE

12/5/2023

APPROVING SUPERVISOR

FOX, ROMENA