



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF CHILDHOOD - CHILD CARE COMPLIANCE

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
11/8/2022

DVN
002177906

FACILITY NAME

THE GUARDIAN ANGEL SETTLEMENT ASSOCIATION

FACILITY ADDRESS

1127 N VANDEVENTER AVE

CITY

ST LOUIS

ZIP CODE

63113-3427

PHONE NUMBER

(314) 231-3188

COUNTY

ST LOUIS CITY

ASSIGNED SPECIALIST

FYFE, IAN

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

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 25-500.192(5)(B)

Information regarding the date and circumstance of any accident or injury shall be noted in the child's record.

5 CSR 25-500.102(1)(F)

Caregivers shall be capable of handling emergencies promptly and intelligently.

CONCLUSION SUMMARY

On November 8, 2022, the Office of Childhood (OOC) received an allegation Child A (4-years-old) had broken their arm at The Guardian Angel Settlement Association and that Child A's parents were not properly notified nor given an accident report. After conducting an investigation, Compliance Inspector (CI) Ian Fyfe has found this allegation to be substantiated based on the following evidence:

5 CSR 25-500.192(5)(A)., which states the following: "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."

AND

5 CSR 25-500.192(5)(B)., which states the following: "Information regarding the date and circumstance of any accident or injury shall be noted in the child's record."

AND

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

On November 14, 2022, Compliance Inspector (CI) Ian Fyfe conducted an interview with Parent A (parent of Child A) regarding the reported concerns. On November 4, 2022, Child A was picked up from the facility by Parent B (second parent of Child A) at approximately 2:13 PM. When Parent B and Child A returned home at approximately 2:30 PM, Parent B took Child A to the emergency room to be examined due to Child A experiencing arm pain. On November 4, 2022, Parent A called the facility to find out what had happened to Child A. Child A's teacher, who Parent A identified as staff member EM, informed Parent A that Child A bumped their arm while playing outside. The facility did not notify Parent A or Parent B of the incident until Parent B arrived at the facility to pick-up Child A on November 4, 2022.

On November 15, 2022, CI Fyfe conducted an unannounced inspection to the facility and interviewed the following staff members: Director VO, Director ML, and staff member RS. CI Fyfe also interviewed Child B (4-years-old). VO, ML, and RS were all familiar with the reported concerns and Child A. The reported concerns occurred on November 4, 2022. Staff members EM and RS were Child A's primary caregivers in the Leaping Frogs Room when the reported concerns occurred. VO was not present at the facility when the reported concerns occurred and was first made aware of the incident on November 7, 2022. VO talked to

EM after being made aware of the incident. According to EM, Child A arrived to the facility already upset and already stating that they had a hurt arm. When reviewing the camera footage of Child A's classroom, VO and ML observed Child A to be acting normally prior to going outside. RS also observed Child A to be their "normal self" prior to going outside. Child A's class went outside to the playground sometime between 9:45 AM and 10:30 AM. There is one camera outside but it does not aim towards the area where the reported concern would have occurred. Child A initially approached RS to inform them that their arm was hurting. RS took Child A to EM where Child A said the same thing. VO and ML observed Child A to be "cradling" their elbow while they talked to EM. At approximately 10:40 AM, Child A's classroom returned inside. When reviewing footage, VO and ML observed EM examining Child A's arm once the class returned inside. EM then appears to be sorting through books on a shelf in the classroom while Child A stands nearby. RS applied a cold paper towel to Child A's arm. This appeared to be the only action taken by staff members to address Child A's injury. After coming inside at 10:40 AM, Child A's class proceeded to have lunch at 11:30 AM. Child A's class then had a nap from 12:30 PM to 2:30 PM. Child A had a broken arm during the entirety of these events. RS observed Child A to become more upset and more restless than they were immediately after their injury once Child A went down for their nap. Child A was eventually picked up by Parent B at approximately 2:15 PM. Once Parent B arrived to pick up Child A, EM informed Parent B that Child A was complaining about their arm hurting. EM and RS did not complete an accident report for this incident. EM has a history of not completing required documentation, including their classrooms curriculum and accident reports for other incidents. EM and RS both received disciplinary action for not properly handling Child A's incident. EM was placed on administrative leave from the facility on November 7, 2022, and RS was given a "final warning".

While present at the facility on November 15, 2022, CI Fyfe received several relevant documents from VO. CI Fyfe did observe two accident reports created and signed by EM and RS regarding the incident. These accident reports were created on November 7, 2022, as opposed to November 4, 2022. Both accident reports lack substantial information regarding how Child A got hurt. CI Fyfe also observed a document addressed to EM from facility management that states that EM was already failing to properly complete accident reports and inform the appropriate parties after accidents occurred.

On November 16, 2022, CI Fyfe received documentation from Parent A regarding Child A's emergency room visit on November 4, 2022. The medical records observed by CI Fyfe state that Child A was seen in the emergency department after a fall and that Child A's x-ray suggests a small fracture in their right arm.

On November 18, 2022, CI Fyfe conducted an interview with Parent B (parent of Child A). Parent B picked up Child A from the facility on November 4, 2022, at approximately 2 PM. Parent B did not receive any calls or notifications from the facility regarding incidents or accidents involving Child A prior to their arrival. When Parent B arrived, they walked back to Child A's classroom and observed Child A laying on their cot. Child A rolled off of their cot and stood up in an odd way according to Parent B. Child A started crying and kept saying that their arm hurt. Parent B examined Child A's arm and believed that it was swollen. Parent B asked EM what had happened to Child A. EM then told Parent B that Child A had fallen on the playground. Parent B and Parent A took Child A to the emergency room on November 4, 2022, where Child A was discovered to have a broken arm. Child A told EM that their arm was hurting however EM kept telling them to sit down.

CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility shall create a plan outlining instructions for staff members to follow in the event of a medical emergency. A copy of the plan shall be submitted to the Child Care Compliance Section for approval. After approval, the facility shall review the plan with all staff members (paid employees and paid or unpaid volunteers). All staff members shall sign a statement confirming they have reviewed the plan and agree to follow it. The signed statements shall be submitted to the Child Care Compliance Section.	Yes	1/24/2023
CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility shall conduct a staff meeting to review the center's policies and all licensing rules and regulations regarding accidents and injuries. The facility must provide the Child Care Compliance Section with a statement, signed by all staff (paid employees or unpaid volunteers), to indicate they understand and agree to follow those rules and regulations.	Yes	1/24/2023

DISPOSITION	DISPOSITION DATE
SUBSTANTIATED	1/6/2023

APPROVING SUPERVISOR
CHRISCO, MARLA L