

**COMPLIANCE / COMPLAINT REVIEW**

Nebraska Department of Health and Human Services  
Division of Public Health  
Licensure Unit  
PO Box 94986  
Lincoln, NE 68509

Department of Health &amp; Human Services

**TO BE COMPLETED BY CHILD CARE INSPECTION SPECIALIST**

<b>Complaint #:</b> 32409	<b>Licensee</b> SILLY GOOSE LLC	<b>Time of Visit</b> 11:30
<b>Facility Name and Physical Address</b> THE TREE HOUSE owned by SILLY GOOSE LLC 6901 Panama Rd. Hickman NE 68372	<b>Telephone</b> 4027923352	<b>Date of Visit</b> 3/1/2019
<b>Child Care Inspection Specialist/Telephone Number</b> Teresa Neal 402-471-6730	<b>Purpose of Visit</b> Complaint Inspection	<b>Type of Facility</b> Child Care Center

**REGULATIONS ALLEGED TO HAVE BEEN VIOLATED****Other Environmental Safety Requirements**

2. All cleaning agents, medications (both prescription and nonprescription), and poisonous materials must be kept in locked storage at all times children are in care. Separate locked storage must be provided for medications requiring refrigeration.

**Alcohol and Controlled Substances**

2. If the center is not located in a private residence, alcohol as defined by Neb. Rev. Stat. § 53-103 must not be present in any area used for child care whenever any child in care is present.

3. The unlawful use or possession of controlled substances, as defined by Neb. Rev. Stat. §§ 28-401 to 28-403 and 28-439, is prohibited. Controlled substances that have not been legally prescribed must not be on the premises.

**Housekeeping and Maintenance:**

The licensee must ensure that the necessary housekeeping and maintenance are provided to protect the health and safety of children in care. The center and grounds must be kept clean, safe, and in good repair.

**Food Safety**

The licensee must ensure that the center complies with the Food Code whenever food is prepared and/or served on the premises of the center. If the center serves food prepared at another location, the licensee must ensure that the individual or organization preparing the food is in compliance with the Food Code. If the center provides infant formula, it must be made from commercially prepared products.

**Written Permission and Instructions**

Any staff who gives or applies prescription or non-prescription medication may do so only with prior written permission and written instructions from a parent. Staff must comply with the instructions provided by the parent or inform the parent the medications will not be given or applied.

**Beds, Cribs, and Sleeping Surfaces**

4. Cribs, playpens, cots, and mats must be disinfected daily or marked for individual use and disinfected weekly or more often when needed.

**Diapering and Toileting**

1. The licensee must ensure that diapering procedures are established and followed by center staff. The procedures must include:

e. Diaper-changing surfaces are cleaned after each use by sanitizing the surface or changing the diaper pad or disposable sheeting and are disinfected daily; and

**Use of Physical Hold**

Center staff may restrict a child's movement by the use of a physical hold. A physical hold may be used only:

1. When the child is hurting him/herself, others, or property;
2. When the hold does not prevent the child from breathing or speaking; and
3. Until the child is calm and able to demonstrate reasonable control of his/her behavior.

**Use of Time Out**

Separation from the group, if used, must be brief and appropriate for the child's age.

**Prohibited Forms of Discipline**

The following actions are prohibited as a form of discipline:

1. Spanking;
9. Handling roughly;
12. Forced napping;
15. Yelling or screaming at children;

**Supervision of Children**

Adequate and appropriate supervision must be provided to children at all times children are in attendance, including during outdoor play. Ultimate responsibility for supervision rests with the licensee.

**INVESTIGATOR COMMENTS / OBSERVATIONS**

*Substantiated: Allegations found to be true*

*Unable to Substantiate: Unable to determine allegations to be true or false*

*No Non-Compliance: Allegations found to be false*

**NARRATIVE:** Narrative must include observation, discussion, action needed and date corrections are to be made by.

**Findings**

**Allegations:** The following allegations were received in a complaint: toys are not sanitized nightly, staff push children and grab their faces violently, swat them on the butts and yell and scream at kids, a child was restrained at naptime, children ages 3-5 are placed in high chairs for punishment, all children use the same bathroom and boys and girls aren't divided, diaper changing tables are not sanitized after each change in the infant room and bathroom, cot covers are not washed at all, chemicals are within the reach of children and children use chemicals to clean tables, staff drug use before, during and after the day, no medication log on file for medications given and improper food handling.

**Observation and Findings:** CCIS Neal and CCIS Balliet conducted an unannounced complaint inspection on 3/1/2019 at 11:30 am. A walk through of the facility was conducted for observation of the allegations. CCIS Neal spoke with [REDACTED] the director of the child care regarding the allegations.

**391 NAC 3-006.19 Supervision of children:** [REDACTED] stated the rule for bathroom use is children under school age all use the same bathroom at the same time and a teacher is present in the bathroom with children. [REDACTED] stated school-age children use the bathroom appropriate to their gender and those ages of children can go to the bathroom unattended by a teacher. [REDACTED] stated only one child at a time is allowed to use the bathroom to avoid inappropriate behaviors in the bathrooms. [REDACTED] showed CCIS Neal the policy in place for bathroom use. CCIS Neal observed children in the bathrooms as they prepared for naptime. The children were younger than school age. All children used one bathroom and were supervised by two teachers who were present in the bathroom.

**391 NAC 3-006.20A Prohibited Forms of Discipline:**

**391 NAC 3-006.20D Use of Physical Hold: The following actions are prohibited as a form of discipline, spanking, handling roughly, forced napping, and yelling or screaming at children.**

During the inspection CCIS Neal did not witness any of these prohibited forms of discipline used. The director [REDACTED] stated she has discussed with staff that yelling at the children when they are frustrated isn't appropriate. [REDACTED] stated the yelling is not abusive or done in anger at children but has been addressed with staff. [REDACTED] office is next door to all of the rooms so when she hears anything that seems like yelling she will go into the rooms to see if everything is okay. [REDACTED] stated she encourages staff if they are frustrated to call her and take a break from the children. [REDACTED] stated she has not observed any physical discipline with the children but perhaps a tap on children's bottoms to get them moving along. [REDACTED] stated she has one toddler age child who has difficulty especially at naptime. [REDACTED] stated this child will often times scream, cry and disrupt the other children napping for sometimes 20 minutes. [REDACTED] stated staff have had to sit with the child on her mat and hold her because the child does not want to nap. [REDACTED] stated sometimes this child comes to the office to calm down and staff ask for help from the director with this child. [REDACTED] stated the parent of this child is aware of the concerns and works with the center to accommodate this child's needs.

**3-006.20C Use of Time Out:** Separation from the group, if used, must be brief and appropriate for the child's age:

[REDACTED] stated children over age 2 do not use the high chairs for timeout. [REDACTED] stated there has been on occasion that a child under age 2 who is not developmentally able to sit at the child sized tables on child sized chairs is moved to a high chair so they can eat a meal. [REDACTED] stated she has never seen high chairs used for discipline.

**3-006.22B Beds, Cribs, and Sleeping Surfaces: cots, mats, must be disinfected daily or marked for individual use and disinfected weekly or more often when needed.**

[REDACTED] stated the cots are sprayed every evening by the cleaning person and the cot covers are washed at the end of the week or as needed. Cots are assigned for each child. [REDACTED] stated the cleaning happens when the center closes so most people aren't aware of this after hours activity.

**Substantiated the yelling part of the complaint. Corrected at the inspection. Addressed with the director.**

**Unable to Substantiate**

**3-006.23B Diapering and Toileting:** There is a diaper changing policy in place. Disinfectant is kept in the bathroom diaper changing area and in the infant room diaper changing area. [REDACTED] stated she isn't aware this is a problem and believes staff are using the disinfectant, which is a bleach solution. [REDACTED] stated she sees the disinfectant bottle levels go down and makes more as needed.

Unable to  
Substantiate

**3-006.27D Written Permission and Instructions for medications:** CCIS Neal observed the locked storage for medications and observed one long term medication permission form for a child and the medication log sheets for another child. Currently no children are on medications. The medication logs being used are appropriate.

Unable to  
substantiate

**3-006.29 Food Safety:** [REDACTED] stated she is responsible for the meal preparation. [REDACTED] stated most meals are heat and serve meals without much preparation required. [REDACTED] stated she begins the food preparation so it is ready by 11:00 am and has had time to cool down for the younger children to eat it. [REDACTED] stated she believes the system she has in place to keep cold and hot foods safe for the children is working. [REDACTED] has the required 4 hours of training through a food handlers course.

Unsubstantiated

**3-006.31A Housekeeping and Maintenance: ensure necessary housekeeping and maintenance are provided to protect the health and safety of children in care.** [REDACTED] stated the sanitation of toys happens after hours and they are sprayed with lysol. Toys that have been in a child's mouth are put in a tub and are washed and sanitized. [REDACTED] stated the cleaning person does this when the facility is closed so most people don't know the process. CCIS Neal observed the facility to be clean and safe. The facility shares space with the church and janitorial assists to keep the facility clean.

Unable to  
Substantiate

**3-006.32B Alcohol and Controlled Substances:** [REDACTED] stated she keeps tylenol, antacids and vicks in a locked file cabinet in her office for staff who need this. These medications were observed by CCIS Neal. [REDACTED] stated one teacher has some personal medications that she required the staff to put away. Staff have personal storage in the office. [REDACTED] stated she is not aware of what staff do during their personal time. [REDACTED] stated she would address any concerns regarding staff behavior if she felt it was affecting their ability to do their job.

Unable to  
substantiate

**3-006.32E Other Environmental Safety Requirements: All cleaning agents are kept in locked storage at all times children are in care.** [REDACTED] stated the cleaning solutions used are disinfectant bleach solutions at changing stations, soapy water for tables and eating surfaces and sometimes chlorox wipes on tables and eating surfaces. No cleaners were observed within reach of children. [REDACTED] stated locked boxes or locked cabinet storage is located in each room. [REDACTED] stated some children are allowed to use soapy water to clean tables and help in that way. [REDACTED] stated she did see one time children had chlorox wipes cleaning a table and she told staff not to allow that. CCIS Neal told [REDACTED] that chlorox wipes are not required to be locked but should be out of reach of children. It is okay for children to clean with soapy water.

Unable to  
Substantiate

#### PROVIDER COMMENTS

A Provider may submit written comments to be attached to this form.

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