

Notice of Findings

Notice To: JACKIE AGUILAR - Director

Facility Name: JACKIE AGUILAR

Owner:

Site Address: 1733 Glacier

City/State/Zip: Laramie, WY 82070

The Department of Family Services has completed the investigation regarding alleged violation(s) of the Wyoming Child Care Rules received on 07/22/2020, and investigated by Michelle Tucker.

A statement of childcare allegation, CPL-4960, was provided on 07/30/2020.

The finding is listed below for each individual alleged violation of the Wyoming Child Care Licensing Rules:

1. Finding: Non-Compliant

Regulation: Chapter 8. Health and Sanitation
Section 5. Health Requirements for all Child Care Facilities

(a) Communicable diseases

(iv) Exclusion of children:

(F) When communicable diseases occur and attendees or other staff have been exposed, all staff members shall be advised and all parents or guardians of exposed children shall be immediately notified by the provider to observe for symptoms; the specific identity of the persons infected with a communicable disease shall not be revealed except to authorized health authorities.

Allegation: It has been reported that on multiple occasions in 2019-2020, the director of the facility has identified the person/persons infected with a communicable disease to other parents of children enrolled in child care.

Explanation of Findings: Through interviews and evidence obtained over the course of this investigation, it was found that on at least one (1) occasion in December 2019 and one (1) occasion in January 2020, the director of the facility identified a child by name that was infected with a communicable disease to another parent of a child enrolled in the facility.

Action Required: Immediately discontinue the practice of identifying children in care that may be infected with a communicable disease to any person besides the parent or legal guardian of the infected child. Complete the enclosed corrective action plan detailing how the facility will ensure that the identity of children with communicable illness are kept confidential going forward.

Corrective Action Plan Due Date: 09/11/2020
Corrective Action Plan Achieved Date: 12/17/2020
Compliance Due Date: 09/11/2020
Compliance Achieved Date: 08/27/2020

2. Finding: Compliant

Regulation: Chapter 8. Health and Sanitation
Section 5. Health Requirements for all Child Care Facilities

(a) Communicable diseases

(iv) Exclusion of children:

(B) A facility serving well children may not admit a child who has any of the illnesses/symptoms of illness specified below:

(IV) Two (2) or more episodes of acute vomiting within a period of twenty-four (24) hours;

Allegation: It has been reported that in the month of January 2020, a child who was throwing up all night was allowed to come to and remain at child care.

Explanation of Findings: There is not enough evidence to support a finding of non-compliance.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

3. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 14. Health and Safety Requirements

(cc) A sturdy stool shall be available to children as needed to make hand washing sinks accessible.

Allegation: It has been reported that on multiple occasions throughout 2020, there has been no stool available for toddlers to wash their hands.

Explanation of Findings: There is not enough evidence to support a finding of non-compliance.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

4. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 14. Health and Safety Requirements

(dd) Soap and single service hand towels shall be available at all hand washing sink.

Allegation: It has been reported that on multiple occasions throughout 2020, there has been no soap in the bathroom available for children to wash their hands.

Explanation of Findings: There is not enough evidence to support a finding of non-compliance.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

5. Finding: Compliant

Regulation: Chapter 6. Rules for Certification Of A Family Child Care Center (FCCC)
Section 2. Capacity/Supervision Requirements

(d) There shall be at least one (1) adult staff supervising the care of children at all times and the following supervision requirements also apply:

(i) Awake infants and toddlers shall be directly supervised by staff at all times;

Allegation: It has been reported that on multiple occasions throughout 2020, toddlers are allowed to go outside to the outdoor play space unsupervised while the director and staff member stay inside.

Explanation of Findings: There is not enough evidence to support a finding of non-compliance.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

6. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 16. Outdoor Play Space

(c) This space shall be used at least one (1) time per day for at least 30 minutes when weather and environmental conditions do not pose a significant health or safety risk.

Allegation: It has been reported that throughout the winter of 2019-2020, children in care were not allowed to go outside unless the temperature was such that only a jacket was required.

Explanation of Findings: There is not enough evidence to support a finding of non-compliance.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

7. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 2. Capacity/Supervision Requirements

(m) There shall be at least one (1) adult staff supervising the care of children at all times.

Allegation: It has been reported that on one or more occasions throughout 2019-2020, the director of the facility has left the facility while children were in care, with no qualified staff person present.

Explanation of Findings: There is not enough evidence to support a finding of non-compliance.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

8. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 3. Provider, Director, and Staff Requirement

(a) Before the provider, director, their staff, household member, substitute or volunteer assume responsibility for the direct care of children, work in the facility or move into the Family Child Care Home or Family Child Care Center, the following shall be on file:

Allegation: It has been reported that on one or more occasions throughout 2019-2020, individuals without the required background checks, TB assessment and training have been left to supervise the children in care while the Director was out of the facility.

Explanation of Findings: Through interviews and evidence obtained over the course of this investigation,

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

9. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 11. Reports

(c) All staff are required to report cases of suspected child abuse or neglect. A provider, director or their staff shall report immediately to the local Department office and local law enforcement any circumstances indicating that a child in care may have been subjected to abuse or neglect.

Allegation: It has been reported that on one or more occasions in 2020, the director of the facility expressed to another parent that a child in care may be the victim of neglect and did not report this suspicion to the Department of Family Services or Law Enforcement.

Explanation of Findings: There is not enough evidence to support a finding of non-compliance.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

10. Finding: Compliant

Regulation: Chapter 5. Rules for Certification Of A Family Child Care Home (FCCH)
Section 2. Capacity/Supervision Requirements

(b) There shall be at least one (1) adult staff supervising the care of children at all times and the following supervision requirements also apply:
(i) Awake infants and toddlers shall be directly supervised by staff at all times;

Allegation: It has been reported that on one occasion in or around October 2019, an

infant in care was unable to be located when a parent arrived to drop off supplies for the child and was eventually found in the bathroom of the facility.

Explanation of Findings: There is not enough evidence to support a finding of non-compliance.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

11. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 14. Health and Safety Requirements
(l) Potentially dangerous or unsafe items shall be made inaccessible to children.

Allegation: It has been reported that on one occasion in or around October 2019, a 7 month old infant in care was able to access the bathroom trash can and consume used tissues.

Explanation of Findings: There is not enough evidence to support a finding of non-compliance.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

12. Finding: Compliant

Regulation: Chapter 4. General Requirements
Section 18. Food Service
(a) Nutritionally balanced snacks, meals and appropriate portions for the needs and ages of children shall be provided;

Allegation: It has been reported that on multiple occasions throughout 2019-2020, the facility did not provide nutritionally balanced snacks or meals.

Explanation of Findings: There is not enough evidence to support a finding of non-compliance.

Corrective Action Plan Due Date:
Corrective Action Plan Achieved Date:
Compliance Due Date:
Compliance Achieved Date:

The Department requests your cooperation in ensuring compliance is met. In the absence of cooperation, the Department may take whatever steps are necessary to ensure the safety of children.

The Department's information may be shared with the authorized individuals or agencies, which include, but are not limited to, the Attorney General, County Attorney, and law enforcement.

If you disagree with the Department's finding of non-compliance for a violation, you may request an Administrative hearing within (10) days of your receipt of this letter (W.S. 14-4-108). Administrative hearing procedures are included in the Department of Family Services' **Wyoming Child Care Licensing Rules, Chapter 3, Section 5: Contested Case Hearing Rules**, and based upon the above statute. If you have questions, or need a copy of the Rules, you may contact the Department of Family Services Field office in the county where you live.

Licenser: Michelle Tucker
Address: 1510 East Pershing Blvd
City/State/Zip: Cheyenne WY 82001
Phone: 307-777-5151
Email: michelle.tucker1@wyo.gov

Licenser Supervisor: Nichole Anderson
Address: 2300 Capital Ave.
City/State/Zip: Cheyenne WY 82002
Phone: 307-777-6395
Email: Nichole.Anderson@wyo.gov

Signature: _____
Stoney Busch for Michelle Tucker

Date: _____

CC: