STATE OF MICHIGAN

RICK SNYDER
GOVERNOR

DEPARTMENT OF HUMAN SERVICES
LANSING

NICK LYON
INTERIM DIRECTOR

February 26, 2015

Ms. Amy Rose
7182 North 6th Street
Kalamazoo, MI 49009

Re: **License DF390276597**

Dear Ms. Rose:

On or about December 23, 2014, you were mailed a copy of the Department's Notice of Intent to refuse to renew your certificate of registration to operate a family child care home. In accordance with that Notice, and because you did not exercise your right of appeal, your certificate of registration is not renewed, effective February 18, 2015.

It is further our understanding that you will not be receiving children for care now, or in the future, until such time as you are legally licensed.

Sincerely,

Jerry Hendrick, Acting Director
Child Care Licensing Division
Bureau of Children & Adult Licensing

JH:kam

cc: Yolanda Sims, Licensing Supervisor
Julie Majka, Licensing Consultant

Certified Mail- Return Receipt Requested

RICK SNYDER
GOVERNOR

State of Michigan
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

MAURA D. CORRIGAN
DIRECTOR

December 23, 2014

Amy Rose
7182 N. 6th St.
Kalamazoo, MI 49009

License #: DF390276597

Dear Ms. Rose:

Enclosed is a copy of a NOTICE OF INTENT TO REFUSE TO RENEW YOUR CERTIFICATE OF REGISTRATION to operate a family child care home, alleging that you have violated the Child Care Organizations Act. Your options are as follows:

1) You may appeal the Notice of Intent and attend a pre-hearing compliance conference. A Notice of Compliance Conference, which provides the date, time, location, and guidelines of the conference, is enclosed.
2) You may appeal the Notice of Intent, waive the compliance conference, and proceed directly to an administrative law hearing.
3) You may choose not to appeal the Notice of Intent.

If you choose to appeal the Notice of Intent, the Department must receive your WRITTEN APPEAL within 30 days of your receipt of this Notice. If the Department does not receive your written appeal within 30 days of your receipt of this Notice, you will have WAIVED YOUR RIGHT to an administrative law hearing and the proposed action will be final.

Sincerely,

Jerry Hendrick, Director
Child Care Licensing Division
Bureau of Children and Adult Licensing

Enclosures

Cc: Yolanda Sims, Area Manager

P.O. BOX 30650 • LANSING, MICHIGAN 48909-8150
www.michigan.gov • (517) 284-9700

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

In the matter of License #: DF390276597

Amy Rose

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NOTICE OF INTENT TO
REFUSE TO RENEW CERTIFICATE OF REGISTRATION

The Michigan Department of Human Services, by Jerry Hendrick, Director, Child Care Licensing Division, Bureau of Children and Adult Licensing, provides notice of the intent to refuse to renew the certificate of registration of Registrant, Amy Rose, to operate a family child care home pursuant to the authority of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.111 et seq., for the following reasons:

1. On or about July 7, 2005, Registrant was issued a certificate of registration to operate a family child care home, with a current registered capacity of six, at 7182 N. 6th St., Kalamazoo, MI 49009.
2. In September 2011, during licensing renewal process, Registrant failed to complete 10 hours of annual child care-related training for 2008 and 2009, a violation of R 400.1905(1). On September 20, 2011, Registrant submitted a signed corrective action plan indicating that she would complete 10 hours of annual child-related training in the future.

3. On September 17, 2014, Registrant submitted a renewal application packet to the Bureau of Children and Adult Licensing.
4. On October 28, 2014, Licensing Consultant Julia Majka conducted an onsite renewal inspection at Registrant's home. Upon arrival, Ms. Majka observed an infant (age six weeks) asleep in a baby bouncer chair. The bouncer chair was on top of the dresser with the vibration setting turned on. There were two blankets on top of the infant.
5. On October 28, 2014, Ms. Majka observed Registrant place an infant (age six weeks) in a pack n' play with a crib mattress inside. The mattress was not firm or tight fitting. Registrant told Ms. Majka that she thought the pack n' play mattress was too hard so she put a crib mattress on top of it.
6. On October 28, 2014, Ms. Majka reviewed Registrant's training documentation. Registrant did not complete the necessary child-related training hours for 2011 and 2012. In 2011, she did not complete any training hours, and in 2012, she completed only six of the 10 hours needed.
7. On October 28, 2014, Ms. Majka reviewed Registrant's child information cards for five enrolled children. One child did not have a card. Four of the four cards reviewed were incomplete, lacking any information on the back side of the cards.
8. On October 28, 2014, Registrant did not have child in care statement forms for four of the five enrolled children.
9. On October 28, 2014, Registrant did not have written records of fire and tornado drills conducted in 2012 and 2013.

10. On October 28, 2014, Registrant's 19 year old son was living in the home. Registrant did not notify the Bureau that her son was living in the home and did not authorize the Bureau to conduct a criminal history and protective services check of her son.

COUNT I

The conduct of Registrant, as set forth in paragraph 6 above, evidences a violation of:

R400.1905 **Training.**

(1) The caregiver shall complete not less than 10 clock hours of training each year related to child development, program planning, and administrative management for a child care business, not including CPR, first aid, and blood borne pathogen training.

[**NOTE**: By this reference, paragraph 2 is incorporated into this Count for the purpose of demonstrating willful and substantial violation of the above rule.]

COUNT II

The conduct of Registrant, as set forth in paragraph 10 above, evidences a violation of:

R400.1903 **Caregiver responsibilities.**

(7) The caregiver shall authorize the department to conduct a criminal history and protective service background check to assess the good moral character and suitability of the child care home family.

COUNT III

The conduct of Registrant, as set forth in paragraph 7 above, evidences a violation of:

R400.1907 **Children's records.**

(1) Prior to initial attendance, the caregiver shall obtain the following documents:
(a) A completed child information card on a form provide by the department or a comparable substitute approved by the department.

COUNT IV

The conduct of Registrant, as set forth in paragraph 5 above, evidences a violation of:

R400.1916 **Bedding and sleeping equipment.**

(4) All cribs or porta-cribs shall be equipped with a firm, tight-fitting mattress with a waterproof, washable covering, as recommended and approved by the U.S. Consumer Product Safety Commission.

COUNT V

The conduct of Registrant, as set forth in paragraph 4 above, evidences a violation of:

R400.1916 **Bedding and sleeping equipment.**

(7) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, pillows, and other objects that could smother an infant shall not be placed with or under a resting or sleeping infant.

COUNT VI

The conduct of Registrant, as set forth in paragraph 4 above, evidences a violation of:

R400.1916 **Bedding and sleeping equipment.**

(10) Infant car seats, infant seats, infant swings, bassinets, highchairs, waterbeds, adult beds, soft mattresses, sofas, beanbags, or other soft surfaces are not approved sleeping equipment for children 24 months of age or younger.

COUNT VII

The conduct of Registrant, as set forth in paragraph 9 above, evidences a violation of:

R400.1945 **Fire; tornado; serious accident and injury plans.**

(3) Fire drills shall be practiced at least once a month and a written record that includes the date and time it takes to evacuate shall be maintained.
(4) Tornado drills shall be practiced once a month, April to October, and a written record that includes the date shall be maintained.

COUNT VIII

The conduct of Registrant, as set forth in paragraph 8 above, evidences a violation of:

R400.1907 **Children's records.**

(1) At the time of initial attendance, the caregiver shall obtain the following documents:
(b) A child in care statement/receipt using a form provided by the department and signed by the parent certifying the following:
(i) Receipt of a written discipline policy.

(ii) Condition of the child's health.
(iii) Receipt of a copy of the family and group child care home rules.
(iv) Agreement as to who will provide food for the child.
(v) Acknowledgement that the assistant caregiver is 14 to 17 years of age, if applicable.
(vi) Acknowledgement that firearms are on the premises, if applicable.
(vii) If the child care home was built prior to 1978, then the caregiver shall inform the parents of each child in care and all assistant caregivers of the potential presence of lead-based paint or lead dust hazards, unless the caregiver maintains documentation from a lead testing professional that the home is lead safe.

NOTICE IS GIVEN that, Registrant is offered the opportunity to show compliance with all lawful requirements for retention of the certificate of registration. If Registrant appeals the Notice of Intent and compliance is not shown, formal proceedings will be commenced pursuant to the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.111 et seq., rules promulgated thereunder, and the Administrative Procedures Act, 1969 PA 306, as amended; MCL 24.201 et seq. Should formal proceedings commence, you have the right to attorney representation at your own expense.

REGISTRANT IS NOTIFIED that pursuant to MCL 722.121(2) of the Child Care Organizations Act, Registrant has 30 days from the date of receipt of the Notice of Intent to file a written appeal of the proposed action. The appeal shall be addressed to Jennifer Kerr, Departmental Analyst, Bureau of Children and Adult Licensing, Michigan

Department of Human Services. Your written appeal must include your name and license number, and must be submitted using one of the following methods:

- Mail your written appeal to the Bureau of Children and Adult Licensing, P.O. Box 30650, Lansing, MI 48909. You should obtain some type of delivery confirmation to verify delivery;
- Fax your written appeal to the Bureau of Children and Adult Licensing at (517) 284-9709. You should keep a copy of your fax confirmation as proof of submittal; or
- Email your written appeal to DAUappeals@Michigan.gov. You should keep a copy of the sent email as proof of submittal.

REGISTRANT IS FURTHER NOTIFIED that failure to file a written appeal of this action within 30 days will result in refusal to renew the certificate of registration.

DATED: 1/7/2015

Jerry Hendrick, Director
Child Care Licensing Division
Bureau of Children and Adult Licensing

This is the last and final page of a NOTICE OF INTENT in the matter of Amy Rose, DF390276597, consisting of seven pages, this page included.

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STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

In the matter of License #: DF390276597

Amy Rose

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NOTICE OF COMPLIANCE CONFERENCE

Date: Tuesday, February 24, 2015

Time: 10:00 a.m. to 12:00 noon

Location: Kalamazoo Co. DHS, 322 E. Stockbridge Avenue, Conf. Room G,

Kalamazoo, MI 49001

Pursuant to the Administrative Procedures Act, MCL 24.292(1), you are afforded the opportunity to attend an informal compliance conference. The purpose of the compliance conference is to allow you to show that you were in compliance with the Child Care Organizations Act and the licensing rules promulgated thereunder. You have the right, at your expense, to have an attorney represent you at the compliance conference. You may also bring **one** support person to the compliance conference.

To enable a thorough discussion of the Notice of Intent at the compliance conference, please bring any documents, pictures, etc. that you would like the Department to consider. You may also submit documents to the Department prior to the compliance conference by emailing them to DAUappeals@Michigan.gov.

If you are unable to attend the compliance conference at the scheduled date and time, you may request, in writing, that the Department change the date and/or time. The Department will make all reasonable attempts to accommodate your request, but will not reschedule the compliance conference to a date more than 10 days after the scheduled date. If you promptly notify the Department of your inability to attend the compliance conference as scheduled, the Department may be able to schedule the compliance conference to a date earlier than originally scheduled.

If you are unable to show that you were in compliance with the Child Care Organizations Act and licensing rules, and a resolution cannot be reached, the

Department will forward the matter to the Michigan Administrative Hearing System for the scheduling of a formal administrative hearing. The Michigan Administrative Hearing System will subsequently notify you of the date, time, and location of the administrative hearing.

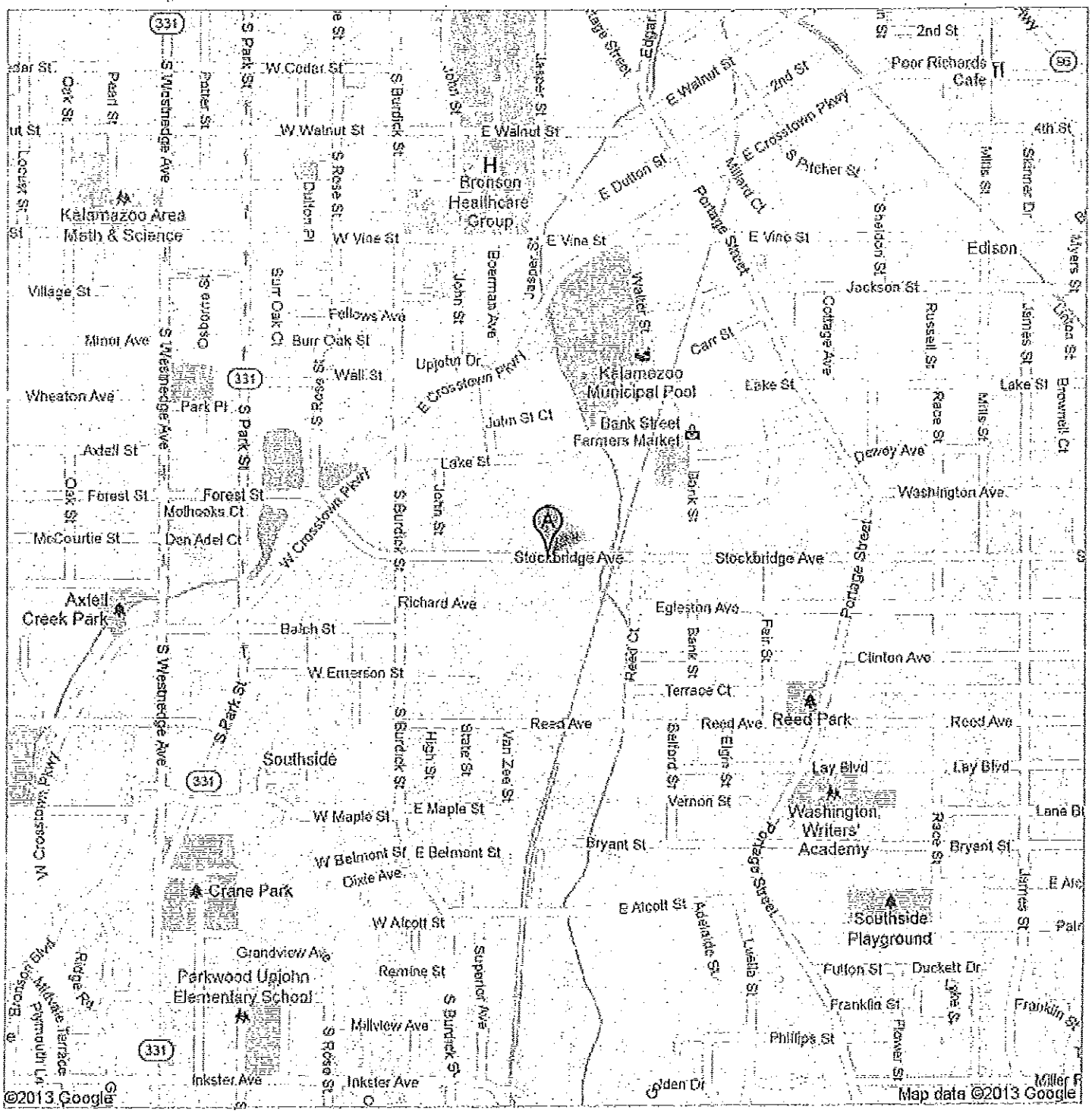
All Department meetings and hearings are conducted in compliance with the Americans with Disabilities Act in buildings that accommodate mobility-impaired individuals and have accessible parking. If you require additional accommodations to participate in the compliance conference, please notify the Department at least one week in advance to make the necessary arrangements.

Please direct all written communications regarding the compliance conference or administrative hearing, including your license number, to the individual listed below:

Jennifer Kerr, Departmental Analyst
Disciplinary Action Unit
Bureau of Children and Adult Licensing
Michigan Department of Human Services
Victor Office Center
201 North Washington Square, 4th Floor
P.O. Box 30650
Lansing, MI 48909-8150

Google

322 East Stockbridge Avenue, Kalamazoo, MI



STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
BUREAU OF CHILDREN AND ADULT LICENSING

In the matter of License #: DF390276597

Amy Rose

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PROOF OF SERVICE

The undersigned certifies that a copy of a Notice of Intent to refuse to renew the certificate of registration in the above matter was served upon the following persons by mailing the same to them at their address of record by certified mail on January 8, 2015.

Amy Rose
7182 N. 6th St.
Kalamazoo, MI 49009

Kristine Manion, Secretary
Bureau of Children and Adult Licensing