



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

July 27, 2023

Jessica Kelley
Explorers Learning Center
947 W. Broadway Ave
Muskegon, MI 49441

RE: License #: DC610395731
Investigation #: 2023D1080015
Explorers Learning Center Tan

Dear Ms. Kelley:

Attached is the Special Investigation Report for the above referenced facility. Due to the violations identified in the report, a written corrective action plan is required. **The corrective action plan is due 15 days from the date of this letter and must include the following:**

- **How compliance with each rule will be achieved.**
- **Who is directly responsible for implementing the corrective action for each violation.**
- **Specific time frames for each violation as to when the correction will be completed or implemented.**
- **How continuing compliance will be maintained once compliance is achieved.**
- **The signature of the responsible party and a date.**

If you desire technical assistance in addressing these issues, please feel free to contact me. In any event, the corrective action plan is due within 15 days. Failure to submit an acceptable corrective action plan will result in disciplinary action.

Please review the enclosed documentation for accuracy and contact me with any questions. In the event that I am not available and you need to speak to someone immediately, please contact the local office at (517) 284-9730.

Sincerely,

Amanda Wendell

Amanda Wendell, Licensing Consultant
Child Care Licensing Bureau
611 W. Ottawa Street
P.O. Box 30837
Lansing, MI 48909
(231) 492-5410

enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS
SPECIAL INVESTIGATION REPORT**

I. IDENTIFYING INFORMATION

License #:	DC610395731
Investigation #:	2023D1080015
Complaint Receipt Date:	05/30/2023
Investigation Initiation Date:	06/01/2023
Report Due Date:	07/29/2023
Licensee Name:	Explorers Learning Center
Licensee Address:	947 W. Broadway Ave Muskegon, MI 49441
Licensee Telephone #:	(231) 747-7175
Administrator:	Jessica Kelley
Licensee Designee:	Jessica Kelley
Name of Facility:	Explorers Learning Center Tan
Facility Address:	909 W. Broadway Ave Muskegon, MI 49441
Facility Telephone #:	(237) 747-7175
Original Issuance Date:	10/05/2018
License Status:	REGULAR
Effective Date:	11/08/2021
Expiration Date:	11/07/2023
Capacity:	16
Program Type:	CHILD CARE CENTER

II. ALLEGATION(S)

	Violation Established?
Child A has a diaper rash due to only being changed twice a day.	No
Child A only receives one bottle per day.	No
Additional Findings	Yes

III. METHODOLOGY

05/30/2023	Special Investigation Intake 2023D1080015
06/01/2023	Special Investigation Initiated - On Site 1:00 – 3:00 P.M. Interviews with Child Care Staff Member 1 (CCSM1), Child care Staff Member 2 (CCSM2), Child Care Staff Member 3 (CCSM3), and licensee designee Ms. Jessica Kelley. Obtained records and documents
06/02/2023	Contact - Telephone call made Attempted call to Complainant. Phone disconnected
06/07/2023	Contact - Document Received Email communication with Ms. Kelly
06/14/2023	Contact - Telephone call made Left messages with Child A's Guardian, Child B's Mother, Child C's Mother, and Child D's Mother
06/21/2023	Contact - Document Received Documentation received regarding PD credentials and variance
07/13/2023	Contact - Telephone call made Left Messages with Child A's Guardian, Child C's Mother, and Child D's Mother. Interview with Child B's Mother.
07/17/2023	Exit Conference with Ms. Kelley

ALLEGATION: Child A has a diaper rash due to only being changed twice a day.

INVESTIGATION: On 05/30/2023, I received a complaint alleging that Child A (female, 9 months) is not being cared for properly by CCSM1. The complaint alleged, in part, that CCSM1 only changes Child A's diaper twice a day and that, due to Child A sitting in a soiled diaper for long periods of time, she had a rash on her bottom. The complaint denied that Child A required medical treatment and the rash was being treated with a topical cream.

On 06/01/2023, I completed an onsite inspection. CCSM1 confirmed that she is the lead caregiver for Child A. Child A has historically been present Monday through Friday, but lately has only been present on Mondays and Fridays. CCSM1 reported that center staff check diapers at least hourly and that she changes them if they are even a little wet. She joked that staff say she "over changes." She reported that Child A had a rash but denied that it was bad, stating, "I think mom was really paranoid about it." When asked why she thought that it was because Child A's Mother had asked about it on Brightwheel. CCSM1 stated that they were using Aquaphor on Child A's rash but then Child A's Guardian sent in different cream. According to CCSM1 the rash has since gone.

CCSM2 has been the lead caregiver in the room for approximately one month but has been working full time in the center since January. Until last week, Child A was present Monday- Friday but would leave for three hours or so on Wednesday and Friday. Her schedule has recently changed, and she is not present as much. I informed CCSM2 that the allegation states that Child A is only being changed twice a day, resulting in a diaper rash. CCSM2 denied that any child would be present for a whole day and only have that number of diaper changes. She stated that someone may have forgotten to enter information in Brightwheel but that it would be impossible to know who. Staff try to keep up with Brightwheel in real time, but also check it at naptime. The previous Tuesday, they had a staff member from another center filling in and it was more hectic. CCSM2 has started using a whiteboard to remind staff when diaper changes are due. On 05/26/2023, Child A's Guardian asked them to use cream on a diaper rash. On 05/30/2023, Child A's Mother was asking about the rash, which was fine by that point. CCSM2 reported that CCSM1 "overchanges" diapers, changing them when they are the slightest bit damp. CCSM1 is always diligent about entering her diaper changes in Brightwheel or asking another staff member to do it for her.

CCSM3 started working in this center in January 2023, but has worked with this licensee group for 2 years. Diapers are checked at least every two hours. I informed her of the allegations, and she denied there is any way that is true. She denied that she has ever observed a child sitting in a dirty diaper. CCSM3 has not seen Child A since last week, but Child A did have a very faint diaper rash that CCSM3 noticed on Friday (05/26/2023). They were putting cream on it, and it did not seem to bother her at all. I asked her how she thought the Brightwheel could be inaccurate, and she stated that entries must have been missed. The primary caregiver normally does the entries for their children, but sometimes will ask others to help. CCSM1 is very strict about diaper changes and changes children any time they are even a little wet.

Ms. Kelley reported that the center’s policy is that diapers are checked at least every hour and that they are changed when soiled. Staff are expected to keep Brightwheel updated and are normally good about doing this. Ms. Kelley provided me with Brightwheel records for Child A. Child A’s record for 05/26/2023 shows that she was present from 8:52 A.M. – 5:10 P.M. and had four diaper changes. Her record from 05/30/2023 shows that she was present from 8:19 A.M. – 5:12 P.M. and had three diaper changes. Ms. Kelley also provided me with Child A’s Brightwheel messages from those two days. On 05/26/2023, Child A’s Mother sent a message asking how her bottom was doing and stating that it was pretty red . Staff responded that it was a little red but not bothering her. Mother replied with, “ok good.” On 05/30/2023, Child A’s Guardian sent a message asking about Child A’s diaper rash. Staff replied that it was fine, and Child A’s Guardian replied with, “Woohoo.” Child A’s Mother asked that she be changed often, as she has sensitive skin. Staff replied that diapers are checked hourly and changed as needed. Staff also reported that Child A’s rash “is looking amazing today” and that they were applying cream at each diaper change.

I attempted to contact the Complainant twice during the investigation, but the telephone number left has been disconnected.

I attempted to contact Child A’s Guardian, Child C’s Mother, and Child D’s Mother twice during the investigation, but have not received return calls as of the date of this report.

Child B has been attending care since February 2023 and attends full days three days per week. Child B’s Mother reported that things are going fine. Parents are notified almost immediately following diaper changes via Brightwheel. Photos are sometimes shared during the day as well. She denied any concerns regarding diapering or any concerns in general.

APPLICABLE RULE	
R 400.8137	Diapering; toileting.
	(6) Diapers and training pants must be checked frequently and changed when wet or soiled.
ANALYSIS:	There is not evidence to support the allegation that diapers are not being changed when wet or soiled.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ALLEGATION: Child A only receives one bottle per day.

INVESTIGATION: The allegation states that Child A only receives one bottle per day.

CCSM1 reported that infants are fed on demand. Parents often submit what they would like their child's eating schedule to be, but center staff does not adhere to that if an infant is hungry. Child A comes with 3 8oz bottles daily and drinks 2-3 of those. She also eats fruit and cereal in the morning and vegetables and cereal in the afternoon. Meals are documented on Brightwheel.

CCSM2 reported that center staff feed infants on demand. Parents can submit a schedule and staff will try to adhere to it as much as possible. I informed CCSM2 that the allegation states that Child A is only being fed one bottle per day and she denied that any child would be present for a whole day and only have that number of bottles. She again stated that someone may have forgotten to enter information in Brightwheel but that it would be impossible to know who, and that staff try to keep up with Brightwheel in real time, but also check it at naptime.

CCSM3 reported that infants are fed on demand. She denied that this allegation could be true. She stated that they always feed on demand because babies cry when they are hungry. Parents send in premade, labeled bottles and any that are not fed during the day are sent home at the end of the day.

All children in care have a laminated paper hanging on the wall indicating any sleep needs, their food requirements, any allergies, their contracted times of attendance, and parent/guardian names. Child A's sheet indicates that she eats a premade 8 oz. bottle every 4 hours with fruit or vegetables before each.

Ms. Kelley also confirmed that infants are fed on demand and denied there is any way an infant could be present for a whole day and only be fed one bottle. Child A's Brightwheel record from 05/26/2023 shows that she had a bottle in the midmorning, followed by a food, food at lunchtime followed by a bottle, and a bottle in the afternoon. Her record from 05/30/2023 shows that she had an 8oz. bottle in the morning, a bottle and food in the early afternoon, and food and a snack in the late afternoon. These times appear to be within normal eating times for an infant of her age. I requested that Ms. Kelley provide me with mealtime records from the previous month and she provided records from a day where Child A ate two bottles and had food once, and one day where she had three bottles and one meal of food.

I attempted to contact Child A's Guardian to see if she had any concerns about the amount of food Child A is being provided while in care, but she has not returned my calls.

Child B's Mother reported that parents are notified within half an hour of feedings via Brightwheel. She denied any concerns regarding feeding or otherwise.

APPLICABLE RULE	
R 400.8330	Food services and nutrition generally.
	(7) Infants and toddlers shall be fed on demand.
ANALYSIS:	Infants and toddlers are fed on demand.
CONCLUSION:	VIOLATION NOT ESTABLISHED

ADDITIONAL FINDINGS:

INVESTIGATION: While present at the center, I requested to speak with program director Ms. Kalee Rife. CCSM1 reported that Ms. Rife does not usually work in the center but works in the office located off the premises (though nearby). She was at the center that morning until 8:30 A.M. and they can call her if they need her.

CCSM2 confirmed that Ms. Rife is not present in the center on a regular basis and that she has been in charge of the center for over a month.

Ms. Kelly reported that Ms. Rife works in the main licensee group office, not in the individual center, but is available when needed and to support and handle any issues. She has been working in the office since January 2023. I reminded her that she must have a program director onsite, meaning at the physical address of the center, for at least 6 hours per week, as the center operates more than 6 hours per day.

Ms. Rife's attendance records show that she was present at the center on 05/22/2023 for just over an hour, 05/23/2022 starting at 4:10 P.M. but does not appear to have clocked out, 05/30/2023 for 10 hours and 05/31/2023 for just under 5 hours. On 06/01/2023 she clocked in at 6:50 A.M. and was still clocked in when I arrived at 1:00 P.M., though she was not present in the center or the office.

APPLICABLE RULE	
R 400.8113	Program director qualifications; responsibilities.
	(2) A program director shall be present in the center in the following manner: (b) At least 50% of the time children are in care but not less than a total of 6 hours per day for programs operating 6 or more continuous hours.

ANALYSIS:	The center's program director is not present in the center at least 50% of the time children are in care, and at least 6 hours per day.
CONCLUSION:	VIOLATION ESTABLISHED

APPLICABLE RULE	
R 400.8110	Applicant; licensee; licensee designee; requirements.
	(6) The licensee or licensee designee shall maintain accurate daily records detailing arrival times and departure times for each child care staff member, child care aide, and volunteer.
ANALYSIS:	Ms. Kelley does not maintain accurate daily arrival and departure times for all child care staff members. As Ms. Rife's attendance does not appear to be accurate, it is not possible to tell how much time she spends onsite.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, I recommend this investigation be closed with no change to the status of the license.

Amanda Wendell

07/27/2023

Amanda Wendell
Licensing Consultant

Date

Approved By:

Crecendra Boone

07/27/2023

Crecendra Boone
Area Manager

Date