



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

Marlon I. Brown, DPA
ACTING DIRECTOR

REDACTED REPORT

2/05/2024

Kids Club Day Care Center & Pre-School, Inc.
1764 Mertz Rd.,
Caro, MI, 48723

License Number: DC790018983
Special Investigation Number: SI-00079471

Dear Kids Club Day Care Center & Pre-School, Inc.,

I conducted a special investigation because the child care licensing division received a complaint against your facility that related to licensing rules or law. The allegations were related to the following:

Rule/Law Number	Rule Description
R 400.8125(1)	All staff and volunteers shall provide appropriate care and supervision of children at all times.

The details of the allegations are in the attached report. To investigate the allegations:

- I interviewed: the complainant, children's parents, child care staff members, the program director, licensee and other people with relevant information.
- I completed on-site inspections on the following date: 11/16/2023

As a result of this investigation, I found no violations and recommend no change to the license status.

During this special investigation:	Yes	No
A rule or law violation was found and a serious injury or death occurred.	☐	☒
A rule or law violation was found and abuse and/or neglect of a child occurred.	☐	☒

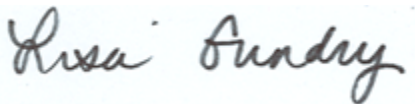
This report and any related corrective action plans must be filed in your licensing notebook. This report and any related corrective action plans will be online for parents to review under the [Statewide Search for Licensed Child Care Centers and Homes](#).

You will be sent two copies of this report. One is *not for public disclosure* and one is a *redacted report*.

- The report marked *not for public disclosure* is for your records only. This copy may contain legally protected information. It must not be placed in your licensing notebook.
- The report marked *redacted report* may have some legally protected information blacked out. If you do not have internet available for online review, *redacted report* and any related corrective action plans must be filed in your licensing notebook. The *redacted report* and any related corrective action plans will be online for parents to review under the [Statewide Search for Licensed Child Care Centers and Homes](#).

Please review this report for accuracy and contact your consultant, Lisa Gundry at (810) 931-1220 or gundryl@michigan.gov. In the event that Lisa Gundry is not available and you need to speak to someone immediately, please contact the Child Care Licensing Bureau at 517-284-9730.

Sincerely,

A handwritten signature in dark ink that reads "Lisa Gundry". The signature is written in a cursive, flowing style.

Lisa Gundry, Licensing Consultant

Enclosure

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CHILD CARE LICENSING BUREAU**

Report Type: Special Investigation Report

Date of Report: 1/18/2024

Special Investigation Number	Complaint/Incident Receipt Date
SI-00079471	11/10/2023
Investigation Initiation Date	Report Due Date
11/14/2023	1/13/2024
License Number	Licensee Name(s)
DC790018983	Kids Club Day Care Center & Pre-School, Inc.
Facility Name	Licensee Designee(s)
Kids Club Day Care Center	Theresa Louise Buggia Erica Mae Tracey
Program Type	Central Administrator(s)
Center	
Capacity	Program Director(s) Name
57	Erica Mae Tracey Qualifications: R 400.8113(7)(d) (9). Date PD Approved: 2016-12-09
Facility Address	Mailing Address
1764 Mertz Road, Caro, MI, 48723	1764 Mertz Rd., Caro, MI, 48723
Facility Phone Number	Facility Email Address
9896737365	kidsclubcaro@yahoo.com
Original License Issuance Date	License Status:
11/27/1985	Regular
License Effective Date:	License Expiration Date:
11/18/2021	11/17/2023

ALLEGATION(S)

	Violation Established?	
On November 10, 2023, Child A (female, age 2) fractured her leg while at daycare. Initially, staff reported that she did not have any major falls that day that would warrant notifying a parent. Later, the day care center reported she did not have any falls at all.		No

METHODOLOGY

Date	Activity
11/13/2023	Contact – Document Received from licensing consultant Juli Gohl, incident report and email correspondence

11/14/2023	Special Investigation Case Created SI-00079471
11/14/2023	Special Investigation Initiated via Phone Call with [REDACTED]
11/14/2023	Contact – Document Received Received medical documents
11/16/2023	Inspection Completed On-Site Inspection completed onsite from 4:00pm to 5:30pm. Interviewed licensee Theresa Buggia, program director Erica Tracey, CCSM1 and CCSM3
11/16/2023	Contact – Phone Call Made Telephone interview with Child A's Mother
11/16/2023	Contact – Document Received Received document from Child A's Mother
11/29/2023	Contact – Phone Call Made Telephone interview with CCSM2
11/30/2023	Contact – Document Received, medical records from Physician 1
12/08/2023	Contact – Phone Call Received TC with [REDACTED]
12/19/2023	Contact – Phone Call Made TC to Child C's Mother
12/19/2023	Contact – Phone Call Made Telephone call made to Child B's Mother, left message
12/19/2023	Contact – Phone Call Made TC to Child D's Mother
01/09/2024	Contact – case conference with [REDACTED]
01/12/2024	Contact – Document Received, Police Report
01/18/2024	Contact – Exit conference with Ms. Tracey

ALLEGATION: On November 10, 2023, Child A (female, age 2) fractured her leg while at daycare. Initially, staff reported that she did not have any major falls that day that would warrant notifying a parent. Later, the day care center reported she did not have any falls at all.

INVESTIGATION:

On November 13, 2023, licensing consultant Juli Gohl forwarded me an email she had received from child care staff member 2 (CCSM2) on Saturday November 11, 2023, documenting that “yesterday at 7:59 pm CCSM2 was notified by Child A’s Mother that she had taken her to be seen by a medical professional and that Child A had broken her leg. The doctor had stated to her that children's bones do break easily. At 3:02pm on November 10, 2023, CCSM2 had let Child A’s Mother know that Child A’s balance had seemed a little off and that she had been stumbling a little more than her normal self.

Earlier that day at shift change CCSM1 had let CCSM2 know that she was unsteady today and that CCSM1 had not seen any particular incident that could have caused the unsteadiness. A full report will be sent on Monday November 13, 2023."

On November 13, 2023, I received the forwarded incident report documenting that "on November 10, 2023, Child A woke up from nap and said her knee hurt. Mom was notified and came and picked her up at 3:57pm." On November 14, 2023, I contacted [REDACTED] who was also investigating the case. She stated that yesterday she met face to face with Child A's Mother and Child A. She verified the wellbeing of Child A and observed her sitting in her car seat. She was wearing a leg cast and appeared to be clean with no other visible marks or bruises. She attempted to communicate with her but was unable to forensically interview her due to her young age and developmental level. Child A's Mother reported that the doctor told her it was a tiny fracture and required a temporary cast and a follow up orthopedic appointment on November 22, 2023. Child A's Mother had asked Child A what happened and all she said was that she fell, then later said she fell outside. She is concerned that the center and CCSM1 keeps changing her story. Initially CCSM1 said that Child A didn't have any major falls, and then that she didn't have any falls at all. She feels like they are hiding that she had a fall and are denying that anything happened at all. The center reported having no issues that day and that she was happy. CCSM1 was Child A's caregiver that morning. CCSM2 came in during nap time and was there when she woke up. She had messaged her right away after she woke up that she wasn't walking right. She feels that something happened when CCSM1 was working alone with her that morning. The owner, Ms. Buggia, was out of town when it happened. She reached out to her via telephone to discuss it, along with CCSM1. They insisted nothing happened that day and they have no idea how an injury could have occurred. Furthermore, she heard about a previous incident from a few years ago where another child had fallen and broken their leg while at the center, so this seems even more suspicious.

On November 14, 2023, [REDACTED] reported that she spoke with [REDACTED] with the Tuscola County Sheriff's Department regarding complaint # 23-0008186. He indicated that based on the limited medical findings so far, there does not seem to be anything criminal at this time. He will revisit the issue if there is a finding with [REDACTED]

On November 14, 2023, I received a copy of the medical records documenting that Child A was seen on November 10, 2023, at Covenant Healthcare Frankenmuth in the urgent care. Physician 1 examined Child A as a result of her being brought in for evaluation of right knee/leg pain. It is indicated the patient was ambulated in the clinic and walked around most of the clinic without difficulty. Prior to returning to her room, she did fall, and when she stood up, she reported pain to the right leg. It is noted there have been no reports of injury or any precipitating events. An x-ray of the right lower leg was ordered in clinic. There is an area in question to the right tibia. The images were marked for stat read by radiology. Interpretation reports relatively sharp linear vertical lucency within the mid shaft of the right tibia most likely nutrient foramina, an incomplete/toddler's fracture cannot be entirely excluded."

On November 14, 2023, I interviewed [REDACTED]. She had spoken with Physician 1, who advised due to Child A's young age, the history of what happened is difficult. He stated her mother advised him nobody saw anything at the daycare, but then she was limping. The x-rays of the lower leg and knee and indicated that there is only a "lucency" in the middle of the tibia and he is not convinced she has a true fracture. He did put a cast on her leg out of precaution and will repeat x-rays in ten days. He stated this will show if there is a clear and obvious fracture at that time. He did not see any fractures at this time. He explained that the urgent care was worried about a "toddler fracture" and stated these can happen with a foot being twisted somehow. She could have gotten her foot stuck or twisted somehow, but that was not reported.

On November 16, 2023, I interviewed Child A's Mother via telephone. She stated that Child A is doing better but has a cast on her leg currently. She does not plan to return her to the center, because of the injury that happened. The injury occurred this past Friday, November 10, 2023. CCSM2 had texted her around 3pm that day stating that stating Child A was limping and off balance. CCSM2 thought it may have just been from her sleeping and she would keep her updated. CCSM2 contacted her again about 20 minutes later indicating that Child A was still limping. When she picked her up, she took Child A to Med Express in Frankenmuth. They took x-rays and stated there was a fracture to the part of her leg right below the knee. They called it a "toddler fracture," but wanted her to see orthopedic to ensure it is not broken. She then took her to Orthopedic One in Flint for further examination, and they told her it was a very minor fracture and there was nothing more they can do besides a cast. Before the injury, she didn't have any concerns with the center or their care and supervision. There are some people who work there that aren't great, but CCSM1 and CCSM2 have always been good. She feels like something happened during CCSM1's shift because she had her all morning and CCSM2 only had her after nap, when she texted her right away about the issue. No one could tell her what happened, even the owner Ms. Buggia. She feels like the story changed when CCSM1 denied anything major happened and then she said nothing at all happened, as if something might have but she didn't want to say. The classroom itself is a little cluttered but otherwise safe. She is also very concerned because she heard of another child getting their leg hurt there too, so this also seems suspicious to her. She has a follow-up appointment on November 22, 2023, to find out how her leg is doing.

On November 16, 2023, I completed an onsite inspection at the center with [REDACTED] from 4:00 pm to 6:00pm. CCSM3 was present and interviewed. She indicated that Ms. Buggia was not present but would be back soon. CCSM3 worked at the center on the day of the incident from 7:30am- 6:00pm that day. Child A was in the young preschool room with CCSM1 in the morning and then CCSM2 in the afternoon. That day they only had four children in that room, so they were within the required child to caregiver ratio requirements for toddlers. She was aware of the concerns made by Child A's Mother. She denied having any concerns regarding CCSM1 or CCSM2. She denied being aware of any significant incidents occurring with Child A that day. She recalled seeing Child A as happy and playing as usual that day. She denied hearing any crying, screaming, or other concerns that day.

On November 16, 2023, we interviewed Ms. Buggia. Ms. Buggia was aware of the allegations. She was in Florida at the time of the alleged injury and the initial communication between CCSM2 and Child A's Mother. Child A's Mother had contacted her to see if she was at the center. She told her she was not but called her later that evening. She was then informed that she had taken Child A to the doctor and that they said she had a broken leg. Initially Child A's Mother told her she knows accidents happen and was asking if it was ok to bring Child A in on Monday with a cast on or even possibly with a temporary wheelchair. Ms. Buggia decided to include CCSM1 on a three-way phone call so the three of them could talk. CCSM1 described Child A's day and did not recall seeing anything out of the ordinary. There was no further discussion about it, other than a few other questions. Child A's Mother didn't seem upset. She advised her to call her after the weekend to see how Child A was doing. Then on Sunday, November 12th, she received a "hot message" from Child A's Mother, stating that believes Child A was neglected and it was a much different tone from their contact on Friday. That evening she again called Child A's Mother, with CCSM1 on the phone. Child A's Mother had Relative 1 on the phone as well. Child A's Mother said she felt as though CCSM1 was trying to "flip the script" on her because she had suggested that Child A might have had something happen at home which could have caused the injury. CCSM1 indicated that she was simply speculating other ways an accident might have happened because there was no incident or accidents at the child care center that day. Child A's Mother became upset over their lack of an explanation, but Ms. Buggia told her that they were not going to make something up that didn't happen. On Monday November 13, 2023, Child A's Mother came to the day care to get Child A's belongings and they all chatted nicely, signed Child A's cast and even took a picture with her. Ms. Buggia confirmed that only CCSM1 and CCSM2 worked with Child A that day. The ratio was 1 staff: 4children in the room, which is the required ratio for that age. CCSM1 has been employed with the center for ten years, without incident or concern. CCSM2 has been employed there for a few years without incident or concern. There are no cameras in the center.

Ms. Buggia was asked about the prior investigation from 2021 regarding another child with a broken leg. Ms. Buggia acknowledged that they previously had another toddler with a fractured leg. There was a full investigation with the State of Michigan and [REDACTED] at that time (SIR dated June 25, 2021 - 2021D0125011) and there were no findings. CCSM1 and CCSM2 were not involved with that investigation. Ms. Buggia stated that she has been in business for 30 years and sometimes unexplained injuries happen to children or they may have a pre-existing condition. She has always fully cooperated and it completely transparent. The did not determine how that child's injury occurred and there was no findings or violations from that incident.

On November 16, 2023, we interviewed program director Erica Tracey. She corroborated the statements that Ms. Buggia made about the investigation and the concerns. She denied any concerns with CCSM1 or CCSM2's ability to care and supervise the children. On November 16, 2023, we reviewed all of the photos and correspondence with Child A's Mother from the date of the alleged injury. There are

several photos that the staff took of Child A, starting from 7:59am showing her engaged in a variety of activities throughout the day. She is sitting outside at 9:23am, standing and looking at her shadow at 9:52am, sitting inside for a bead activity at 10:07am, and playing at a water table at 10:35am. At 12:00pm, an entry of "nap started" is entered and at 3:00pm, an entry of "nap stopped." She was signed out at 3:57pm. We were also provided photos of Child A visiting the daycare on November 13, 2023, showing her smiling at posing for photos with her cast. On November 16, 2023, we reviewed the following text messages between CCSM2 and Child A's Mother:

CCSM2: 3:02pm- "Hello. I wanted to let you know I noticed Child A's balance is a little off. She seems to be stumbling a little bit more than her normal self. She did just wake up from a nap, so that could be why from her legs being asleep, but I just wanted to let you know. I will keep you updated in a little bit to see if it's gotten any better."

Child A's Mother: 3:13pm- "does she feel warm at all? when she gets fevers, she loses her balance."

CCSM2: 3:19pm: "She does feel warm, but I checked her temperature, and our thermometers are not reading a fever."

- Child A's Mother: 3:21pm: "I was going to have Ms. Buggia have you call me while i was on break, but it's not needed anymore since you did message me back." 3:22pm: "is she still off balance?"
- CCSM2: 3:32pm: "she's currently eating snack right now, so i haven't noticed anything else out of the ordinary so far. I will continue to keep a watch for you."
- Child A's Mother: 3:23pm: "thank you very much."
- CCSM2: 3:28pm: "yes, her balance is still off. It seems as she stumbles and almost falls every time she walks. *Stumbles."
- Child A's Mother: 3:29pm: "should i come and get her?"
- CCSM2: 3:31pm: "that is totally up to you. you don't have to if you don't want, i just wanted you to be aware her balance is definitely off since it's not something we see with her daily." 3:36pm: "i asked her "what's wrong hunny?" She said "my knee hurts" and pulled her pant leg up."
- Child A's Mother: 3:39pm: "i am going to talk to my manager and see if i can come get her" 3:48pm: "I am on my way to pick her up"
- CCSM2: 3:50pm: "okay, thank you for letting me know."

I also reviewed a message posted by Child A's Mother (on the Brightwheel app that the center utilizes) on November 10, 2023, which stated: "To Whom It May Concern, when

caring for our children, their safety is of utmost importance. Choosing a day care for my child was not something that came lightly to me. I entrusted my child's care to you all at Kids Club while I was working so I could provide for her the best that I could. Never in a million years would I have ever expected to get the call that I received this past week. Accidents happen, yes, however my child's leg being broken and not a single shred of information can be given as to how, why, or when it happened. This is not an accident. My child was neglected and subsequently hurt in the care of Kids Club. No one is being held responsible for this "accident." If ANYONE could have told me what the scenario was that led to the "accident," then maybe we could have had a different outcome. Because of this, unfortunately Child A will not be returning to Kids Club ever. I will not recommend your business to any parents and I hope that no other children are hurt in your care. These are babies and they deserve a voice, I will make sure that Child A's is heard."

On November 16, 2023, Ms. Buggia provided us with written statements from her staff. CCSM2 documented that "on Friday November 10, 2023, I received a phone call from Child A's Mother, who told me that Child A had broken her leg and was worried that we wouldn't be able to accommodate Child A on Monday, November 13, 2023. I told Child A's Mother that I didn't believe it was a problem at all but that I would call Ms. Buggia and get back with her. I called Ms. Buggia right away and she wasn't available but she called me a few minutes later and I told her about my conversation with Child A's Mother and Ms. Buggia said she would give Child A's Mother a call. When I came into work at 12pm that day, there were no prior incidents that had happened. The children were all sleeping for nap time. During shift change, CCSM1 let me know Child A had been unsteady, which is her ordinary self. When she woke up from nap around 3pm, I noticed she had been more unstable than normal and wobbly. I contacted Child A's Mother on Brightwheel immediately and made her aware. We sat down at the table for snack, and I had let Child A's Mother know I would keep an eye on her, (in case her leg was just asleep as she had just woken up prior), and would keep her updated. Mom asked if she had a fever, so I checked her temperature in which she did not have one and I let her know that. After snack, Child A was still off balance so I again sent a message on Brightwheel letting her know nothing had changed and that Child A told me her knee hurts. Child A's Mother then told me she was going to come get Child A and picked her up at 3:57pm where I explained to her at pickup, she was more off balance than usual and that is why I sent a message on Brightwheel and that Child A had no incidents of being hurt or falling and had been happy and engaged in all activities throughout the day. During pickup, Child A walked straight to mom where she still had a wobble and mom noticed that as well. Child A was happy to see her mom. Child A cried because mom had to go back to the car and get her phone to sign Child A out, the only time Child A cried on Friday, November 10, 2023. Child A was outside with mom and saw her friends in the window and wanted to come back in to give her friends a hug goodbye, so she walked back in the door and gave them hugs while smiling."

CCSM1's written statement documented "Child A arrived and she separated from mom. She had washed her hands and joined us at the table. We were sitting and playing with toys. Soon after everyone ate breakfast. Child A ate two servings of cereal and three

scoops of small cut up apples. She drank milk. During breakfast Child A had a spill. After breakfast we washed up and changed Child A into clean pants and she tried on the potty. She did very well doing it all on her own with little help. I wrote an observation note on Brightwheel, about it. Next, we went outside to play for a little bit. Outside everyone rocked on the rocking toy. The children followed each other through the caterpillar toy and around the playground. Then Child A found her shadow on the fence and the ground. Next the group came inside, hung up their coats and washed up. Child A tried on the potty again. We sat in the small toy area and laced wooden beads for small group and had some choice time after. The children all played at the water table and in centers. After choice time everyone including Child A tried on the potty again and washed up for lunch. She ate lunch and was first done. She washed up, went to her cot and fell asleep. During shift change I went through each child as usual and let CCSM2 know about their day. I had let CCSM2 know Child A had been a little unsteady on her feet but nothing out of the ordinary as she is a little off balance at times and that she had a great day. We had no accidents or parent concerns. Child A had a normal day. She was happy, she ate, and engaged in activities, including outside play. Child A never cried or showed any sign of pain from drop off (7:53am) to when my shift ended (2:00pm). She is sometimes unsteady on her feet and trips but nothing out of the ordinary where I would have felt she hurt herself. No major bumps or falls either to where she was crying or brought anything to my attention. It was a slower quieter day with less children than usual."

Ms. Buggia's written statement documented "Child A's Mother called me at 3:19pm on Friday, November 10, 2023, asked if I was at Kids Club and I said 'no.' She wondered how she did get a hold of someone there. I said I'd call CCSM2 and have her call Child A's Mother, which I did at 3:20pm. CCSM2 said Mom had already messaged on Brightwheel and said never mind she was coming to pick her up. Friday evening, I saw 2 messages after getting back to my phone that CCSM3 and Child A's Mother had called. I called CCSM3 and learned Child A's Mother had called CCSM3 and told her Child A's leg was broken she learned after taking her to the doctor. Child A's Mother asked CCSM3 if Child A still could attend in a cast. CCSM3 explained to me what CCSM2 had noticed with Child A saying her leg hurt and had contacted Mom on Brightwheel app. I called Child A's Mother and we discussed; she said the doctor said it can easily happen just from jumping off something. I called CCSM1 to get her info because I knew Mom had already talked to CCSM2 at pick up. I did a three-way call with Child A's Mother and CCSM1, so mom could ask CCSM1 any questions that she had. CCSM1 did not see any behavior that would account for a broken leg. Mom said she was going to get a wheel chair and wanted to know if she still can come to daycare next week. I said she could and we will make any accommodations needed. Mom thought she would get the wheelchair from a Medical supply company and bring Child A back on Tuesday. I encouraged her to update us on Monday, after the weekend, on any needs Child A has. On Sunday, I saw a note on Brightwheel that Mom was upset about Child A's incident. I was surprised because the last time we spoke, she was concerned that we would not be able to take Child A with a cast. I had assured her we would make arrangements. Mom said she would not bring her in Monday but would try to get a wheelchair and bring her Tuesday. Then, her note came on Brightwheel and it was quite

a turnabout so it made me wonder why. I messaged on Brightwheel that I would call her to discuss. Child A's Mother felt that the conversation with the three of them left her unsettled because she felt CCSM1 was trying to "flip" the scenario by wondering if it could have happened at home. Child A's Mother seemed to take offense at the possibility so I did not pursue. Child A's Mother was felt she didn't get a complete answer when asking if there was an incident. When CCSM1 had said that there was nothing major that happened, mom wondered then if anything minor had happened. She said she asked three times and felt like she didn't get a clear answer. CCSM1 clarified that there was no incident major or minor.

On November 16, 2023, we interviewed CCSM2, who has been a staff member at the center for two years. She stated she usually works in the young preschool room where Child A attends. She worked from 12:00pm to 6:00pm on Friday, November 10, 2023. Before she came in, only CCSM1 had worked in the room. That day they had four children in the classroom, Child A-D. Child A was sleeping when she arrived. Child A was sleeping near the left side of the room on a cot. She later pointed this area out and photographs were taken. The cot did not contain any areas where Child A could have gotten her leg stuck/hurt. CCSM2 denied anyone else was on the cot with Child A. CCSM1 did not express any concerns at shift change. Child A was reported as being her normal self and that she is normally a little wobbly, but this is also normal for children that age. CCSM1 told her there were no accidents and no parental concerns, which is a normal discussion at shift change for all of the children present that day. Child A woke up around 3:00pm and then had snack. She noticed Child A was unstable, wobbly, and off balance, which was more than her usual level of toddling around. She messaged Child A's Mother and told her she had just woken up so her legs may still be asleep. She would keep her up to date on the app they use. After snack, she asked Child A if she was okay and Child A stated her knee hurt. She then reported this to her mother, who came shortly thereafter to pick her up. She had also checked Child A's temperature and she didn't have one. Child A had normal behavior while eating her snack. She napped normally that day, from 12:00pm- 3:00pm. She denied Child A cried or moaned at all while sleeping. She denied Child A cried or expressed discomfort when she woke up, she just wasn't walking as usual. She denied having concerns regarding CCSM1. The children are usually excited to see her. She denied ever seeing any concerns with how CCSM1 treats the children or the supervision she provides. She appeared to be concerned about the injury, but denied having knowledge of how it could have occurred.

On November 19, 2023, I spoke with [REDACTED]. Per her conversation with [REDACTED] [REDACTED] he is going to close the complaint out on his end as there isn't enough supporting evidence at this time for him to pursue criminal charges.

On November 29, 2023, I interviewed CCSM1 via telephone with [REDACTED]. CCSM1 stated she has been employed at Kids Club for almost 15 years and is the lead teacher in Child A's classroom. She worked from 7:00am until 2:00pm on the day of the alleged injury. She worked alone in the classroom and had four children, Child A-D. Child A arrived around 8:00am and acted completely normal all day. That morning they did an

activity at the table, had breakfast, and went outside. She denied anything at all occurred with Child A while outside. While outside, she even took a photo of Child A standing on one leg and seeing her shadow. They had lunch before laying down for nap and she ate her meal as usual. She recalled Child A was the first child who went to sleep and that she fell asleep right away on her own. Child A was still sound asleep at the end of her shift. She denied any point that Child A woke up. She denied any area near where Child A was sleeping that something could have occurred. She denied anything out of the ordinary for Child A that day. She didn't notice Child A as being any extra "wobbly" that day. There was no point where Child A expressed any pain or discomfort such as saying "ow" or that she had a "boo boo." She became aware of the injured leg because of the correspondence with Child A's Mother on the Brightwheel app. Child A never said anything about her knee during her shift. If Child A would have said something, or if there were any observed concerns, she would have notified her mother right away as that is the center's policy. CCSM1 was asked about changing her story and she denied this. She spoke with Child A's Mother twice with Ms. Buggia present on the phone. She could tell Child A's Mother was very upset so she did a lot of listening. When Child A's Mother insisted on an explanation for the injury, she couldn't give her one because she didn't see Child A get hurt. She reiterated that there were no falls. There was no point where Child A was out of a staff person's sight. When the children use the restroom, they all go together. CCSM1 denied taking a break that day. She did use the bathroom and had the kids sit in an area by the bathroom with CCSM3. CCSM1 denied anything out of the ordinary, when she came out of the bathroom the children were sitting and reading. She denied being at work during the prior investigation involving a child's leg in 2021. She was on leave due to Covid during that period. That staff person investigated at that time still works at the center but she did not care for the children that day. CCSM1 denied ever having any concerns regarding CCSM2 or any other staff person in the center who cares for the children. CCSM2 does great with all of the children. She has no idea how Child A became injured and there were no incidents or accidents that day which should have caused it.

On November 30, 2023, I received the medical records from Ortho Michigan regarding the follow up appointment. The records documented that on November 22, 2023, the patient's guardian reports the patient's foot has been bothering her while the leg seems to be fine. It indicates the patient has been walking on the leg, but the guardian is concerned about a possible reaction to the cast material due to the patient's leg breaking out in a rash. It is noted the patient is not currently complaining of any active leg pain, but the guardian is concerned about the pressure sore that has developed, which appears to be healing, but now has a blister component. Imaging states: "2 views of the tib/fib obtained including an AP and lateral. Skeletal immaturity is noted. Subtle lucency is noted in the tibial shaft which was visualized initially. no significant cortical disruption or evidence of callus formation. No other significant acute fractures. No other acute osseous abnormalities otherwise."

On December 19, 2023, I interviewed Child B's Mother. Child B (female, age 2.5) is in the same classroom as Child A. Her older son (age 4) also attends the center. They have both attended since Child A was an infant. She did not have any concerns

regarding the care or supervision of her children at the center. She denied having any concerns regarding CCSM1 or CCSM2. CCSM1 is her daughter's favorite teacher.

On December 19, 2023, I left Child C's Mother and Child D's Mother a voice message.

On January 09, 2024, I completed a case conference with [REDACTED]. She indicated that her case would be closed with no confirmed findings. She met face to face with Child A and Child A's Mother on December 14, 2023, as a follow-up. Child A's Mother reported that Child A continues to do well and is otherwise doing good. She interviewed CCSM4, CCSM5, CCSM6, and CCSM7, none of whom had knowledge of how the injury could have occurred. They did not care for Child A that day and did not see or hear of any accidents or incidents that day. They did not report concerns for CCSM1 or CCSM2's care or supervision of the children. She interviewed Child B's Mother, Child C's Mother and Child D's Mother, none of whom had concerns for care or supervision of their children at the center. Due to the nature of the injury, she spoke with the Nurse Practitioner (from Covenant Med Express- Frankenmuth) and Physician 2 (from the University of Michigan child protection team) regarding the medical findings. The Nurse Practitioner indicated that the repeat x-rays for Child A looked good. The "little lucency" from the initial x-rays gave him pause, but the repeat ones looked good. If there was a true fracture, they would usually see that on the repeat x-rays which he did not see. Child A's Mother said she was not having any pain when he removed the cast. The medical assistant called her a week after the appointment and she reported Child A was doing really good. He noted that even right after the appointment, Child A was running on the foot again. Physician2 noted the "lucency" to the tibia (as documented in the medical records and relayed by the provider) is sort of a "catch all term." Without seeing signs of a healing fracture upon follow up x-rays, it could be just a normal variation in the bone.

On January 12, 2023, I received a copy of the police report for my records. It documented their contact with Child A's Mother and the closing of their case due to lack of evidence.

On January 18, 2024, I completed an exit conference with Ms. Tracey.

RULE/STATUTORY VIOLATIONS:

APPLICABLE RULES	
400.8125(1)	All staff and volunteers shall provide appropriate care and supervision of children at all times.
ANALYSIS:	There is insufficient evidence to substantiate that on November 10, 2023, Child A sustained an injury causing a fractured leg while at the center.
CONCLUSION:	Violation Not Established

BUREAU RECOMMENDATION

Bureau Recommendation
I recommend no change in the status of the license.

Approved By:			
Lisa Gundry Consultant	02/05/2024 Date	Crecendra Boone Area Manager	02/05/2024 Date
