

**STATE OF KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT**

In the Matter of Licensure of
Kid Central Childcare
1261 Lisa Lane
Liberal Kansas 67901

Case No. 15-H-68

A Day Care Home Operated by
Kimberly Spring Sellars

Day Care License No. 70144

EMERGENCY ORDER OF SUSPENSION

NOW on this 30th day of April, 2015, Susan Mosier, MD, Secretary of the Kansas Department of Health and Environment [Secretary], reviews the file on the day care home operated by Kimberly Spring Sellars [Licensee].

WHEREUPON, the Secretary finds that:

1. The Kansas Department of Health and Environment [KDHE] issued to Licensee, pursuant to K.S.A. 65-501 *et seq.*, a renewed license to operate a day care home, effective August 1, 2014.
2. On or about April 28, 2015, a complaint inspection was conducted at the Licensee's day care home and the following regulation violations were found:
 - a. Licensee does not maintain the pet area in a sanitary manner in violation of K.A.R. 28-4-131(a). The facility has one large dog in a kennel in the kitchen area, and two small dogs in a kennel near the kitchen counter. When the surveyors entered the facility, the small dogs were loose in the home. Two large

cats were roaming in the home, on the kitchen counter, kitchen sink, and kitchen table. A grocery bag was on the outdoor grill with some brown liquid dripping from the bag with a strong odor of feces. There was a “flying squirrel” like pet in a large cage in the kitchen area with a drop pan containing debris.

- b. A record of current immunizations for one of the dogs was not on file in violation of K.A.R. 28-4-131(b). One small dog in the facility did not have proper immunization on file.
- c. The children in care were not properly protected from animals that represent a hazard to children in violation of K.A.R. 28-4-131(c). A large dog was tied to the fence near the entrance gate to the outdoor play area. The dog was able to jump over either side of the fence. The Licensee had to hold the dog down by the collar for the surveyor to enter the gate. Another large dog was inside the facility in a kennel.
- d. Disposable diapers were not placed in a covered container or plastic bag which was emptied daily or more frequently as necessary for odor control in violation of K.A.R. 28-4-132(c)(8). Disposable diapers were not disposed of properly. They were on top of the outdoor cooking grill in a plastic bag with brown liquid dripping from the bag.
- e. The facility did not have 25 square feet of available play space per child that was maintained to provide for the health and safety of children in care in violation of K.A.R. 28-4-115(c). The facility was not accessible with 25 square feet for play space per child; three children are under 5 years of age and one is over 11 years of age. The facility was not maintained, constructed or arranged to provide for the

health and safety of the children in care by being maintained solely in the living room area.

- f. The facility was not maintained, uncluttered, visibly clean, free from any evidence of vermin infestation and any objects or materials that constitute a danger to children in care in violation of K.A.R. 28-4-115(c)(5). The facility had clutter in every room, unclean floors stained with animal urine and dog food. The kitchen table is unusable due to the clutter. The kitchen floor was not clean; the carpet was not vacuumed and it contained debris hazardous to the children in care.
- g. Hazardous items were not safely stored in violation of K.A.R. 28-4-115(g)(2). The kitchen area had dangerous chemicals (leather dye XZ) and dog grooming containers with warning labels accessible to children in care.
- h. The outdoor play area did not meet the requirements of K.A.R. 28-4-115(i)(1). The outdoor play area consisted of dog feces, trash throughout the play area, broken riding toy with missing tires and the fence was not sturdy to hold back the large dogs away from the children.
- i. Each child who is 12 months of age or older did not sleep on a bed, a cot, or the lower bunk of a bunk bed in violation of K.A.R. 28-4-116a(b)(4). When the surveyors entered the facility, two (2) children were napping in the same couch. The children were over the age of 12 months.

3. K.S.A. 65-524 authorizes the Secretary to suspend a license to operate a day care home prior to a hearing when, in the opinion of the Secretary, said suspension is necessary to protect any child in the home from physical or mental abuse, abandonment, or any other substantial threat to health or safety.

5. Due to the facts contained in paragraph 2 above, the Secretary has determined that immediate suspension of Licensee's license is necessary to protect children in Licensee's care from a substantial threat to their health or safety.

6. Licensee is hereby required, pursuant to K.S.A. 65-506, to notify the parents and guardians of the children in care in writing that her license has been suspended.

WHEREUPON, the Secretary hereby suspends Licensee's license to operate a day care home, effective immediately, thereby prohibiting Licensee from caring for children. This Emergency Order of Suspension remains in effect until the issuance of an order rescinding this order.

RIGHT TO A HEARING

This Emergency Order of Suspension is issued pursuant to K.S.A. 77-536 of the Kansas Administrative Procedure Act.

Licensee may file a Petition for Reconsideration by filing such petition with Secretary Mosier, MD, Kansas Department of Health and Environment, Curtis State Office Bldg., Suite 540, 1000 SW Jackson, Topeka, Kansas 66612. The Petition for Reconsideration shall be filed within 15 days of the service of the Emergency Order of Suspension. The filing of a petition is not a prerequisite for seeking administrative review.

Licensee may file a Petition for Judicial Review pursuant to K.S.A. 77-610. A Petition for Judicial Review shall be filed within 30 days after service of the Emergency Order of Suspension, or 30 days after an Order Denying a Request for Reconsideration. Service of the Petition for Judicial Review shall be served on Secretary Susan Mosier, MD, Kansas Department

of Health and Environment, Curtis State Office Bldg., Suite 540, 1000 SW Jackson, Topeka,
Kansas 66612.

IT IS SO ORDERED.



Susan Mosier, MD, Secretary
Kansas Department of Health and Environment

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of May, 2015, a true and correct copy of the above and foregoing Emergency Order of Suspension was placed in the U. S. Postal Service, first-class, postage prepaid, addressed to:

Kid Central Childcare
Kimberly Spring Sellars
1261 Lisa Lane
Liberal Kansas 67901

[Signature]
Staff Person

And on the 30th day of April, 2015, a facsimile copy of the above and foregoing Emergency Order of Suspension was hand-delivered to:

By [Signature]
WANDA COVERT
SCHED
CCL Surveyor

[Signature]
Charly Madden
Clinic Nursing Supervisor
at Seward Co. Health Dept.