



BRIGHT FROM THE START

Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive, SE, Suite 754, East Tower, Atlanta, Georgia 30334
(404) 656-5957

Nathan Deal
GOVERNOR

Bobby Cagle, MSW
COMMISSIONER

June 12, 2013

HAND DELIVERY, CERTIFIED MAIL # 7012 3050 0002 2865 6959 AND REGULAR MAIL

Ms. Barbara Davis
Family Day Care Home
406 Riverview Drive
Savannah, Georgia 31404

RE: Notice of Revocation

Dear Ms. Davis:

As a result of an incident that was reported on February 18, 2013, an investigation was conducted at your family day care home located at 406 Riverview Drive, Savannah, Georgia 31404. It was determined that serious rule violations occurred which could seriously affect the health and safety of the children in care and demonstrated the intentional and reckless disregard for the physical and mental health and safety of children in care. Specifically, on February 8, 2013, a six-month-old infant ingested medication containing opiates that was not authorized by the parent, and as a result the child required professional medical attention. The rule violations for which Bright from the Start Georgia Department of Early Care and Learning (Bright from the Start) is basing the revocation are marked as Exhibit "A", which shows a flagrant abuse that constitutes shocking intentional misconduct.

Based on your noncompliance with the Rules and Regulations for Family Day Care Homes, you are hereby notified that the registration to operate as a family day care home is revoked. Bright from the Start's legal authority for revoking a registration is found in O.C.G.A. Sections 20-1A-12(b)(3) and (5), 20-1A-12(c)(5), and 20-1A-10(r), and the Bright from the Start's Rules for Family Day Care Homes, Chapter 290-2-3 of the Official Compilation of the Rules and Regulations of the State of Georgia.

In accordance with O.C.G.A. Section 20-1A-10(o) this revocation becomes effective thirty (30) days from receipt of this Notice. You have the right to appeal the decision to revoke your registration to operate a family day care home by filing a written request for an administrative hearing before an Administrative Law Judge with the Office of State Administrative Hearings. The request must be made in writing within ten (10) days of receipt of this Notice and addressed to:

Ira Sudman
Chief Legal Officer
Bright from the Start
Georgia Department of Early Care and Learning
2 Martin Luther King Jr. Drive SE, 670 East Tower
Atlanta, Georgia 30334

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If you do not appeal this action within ten (10) days of this Notice, the decision to revoke your registration will be final. Licensure staff will conduct a follow-up visit to verify closure.

Sincerely,

A handwritten signature in black ink that reads "Brenda Haynesworth". The signature is written in a cursive style with a large initial "B".

Brenda Haynesworth
Child Care Services Director

Cc: Kristie Lewis
Ira Sudman
Elisabetta Kasfir
Johnathan Davis
April Rogers
Candy Prince
Meggan Hemans-Reese
Stanley Walthour
Sherry Smith
Jennifer Bridgeman
Brianne Kersey
Julia Strickland
State File

List of Rule Violations for:

Barbara Davis
406 Riverview Drive
Savannah, Georgia 31404

1. Rule 290-2-3-07(7) requires that children be supervised at all times.

During an investigation, it was determined that on February 8, 2013, supervision and watchful oversight were not provided when a six-month-old infant ingested medication containing opiates while in care at the provider's home and the provider was unaware. In addition, as a result of ingesting the medication containing opiates, the infant displayed symptoms of a decreased level of consciousness and lethargy and the provider did not recognize that the infant was in distress.

The failure of the provider to provide adequate supervision and watchful oversight could possibly place children at risk of harm.

2. 290-2-3-07(8)(a)1. requires that an employee who is sixteen years of age or older be present to assist with supervision when more than three children under the age of twelve months are present.

During an investigation, it was determined that on February 8, 2013, there were four infants, one toddler and two preschool age children with only one caregiver. On February 19, 2013, upon the consultant's arrival at the home, there were four infants, one toddler and two preschool age children and one caregiver.

The failure of the provider to ensure adequate staff to child ratios could possibly place children at risk of harm.

3. 290-2-3-.04(2)(c)2. requires that prior to employment, employees must obtain a criminal records check and retain copies on file.

During an investigation, it was determined that a staff member who cared for children on February 8, 2013, and on other dates did not have a criminal records check on file.

The failure of the provider to ensure staff members have a satisfactory criminal records check on file could possibly place children at risk of harm.

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4. Rule 290-2-3-.11(1)(e) requires that personnel shall not dispense medication without written authorization from the child's physician, parent, or guardian.

During an investigation, it was determined that on February 8, 2013, the provider administered maxitrol to a six-month-old infant, and no written parental authorization was on file. The evidence also indicated that the medication was administered incorrectly when the provider administered the maxitrol through a nebulizer when it was intended to be given nasally. Further, the evidence indicated that the infant ingested a medication containing opiates while in care at the provider's home on February 8, 2013. The infant displayed symptoms of a decreased level of consciousness, and professional medical attention was required.

The failure of the provider to administer medication appropriately could possibly place children at risk of harm.

5. Rule 290-2-3-.05(c) requires that the provider shall not make or condone any employee from making false or misleading statements to the Department in connection with any authorized investigation of inspection being conducted by the Department.

During an investigation, it was determined that the provider did not provide truthful information to the Department when the provider and employees stated that medication was not administered to children at the home. Evidence collected during the investigation, including the provider's own admission, indicated that medication was routinely administered to children at the request of parents.

The failure of the provider to ensure that truthful and accurate information is provided to the Department could possibly place children at risk of harm.

6. Rule 290-2-3-.11(1)(n) requires that animals be confined except during supervised learning experiences.

During an investigation on February 19, 2013, upon arrival to the home a dog was observed on the premises and was not confined. No learning experience was occurring.

The failure of the provider to ensure that animals are confined could possibly place children at risk of harm.

7. Rule 290-2-3-11(2)(f) requires that hazardous materials be in locked areas or inaccessible to children.

On February 19, 2013, during the on-site visit, hand sanitizer, baby powder, aerosol room spray and white-out, each labeled as hazardous to children, were observed to be in the provider's living room accessible to children in care.

The failure of the provider to ensure the childcare area is free of hazards could possibly place children at risk of harm.

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8. **Rule 290-2-3-.08(1) requires the provider to maintain a current and updated record for each child in care.**

During an investigation, it was determined that the provider did not have a record for one of seven children in care.

The failure of the provider to maintain accurate records for children could possibly place children at risk of harm.

9. **290-2-3-19 requires staff to put infant to sleep in crib on their back, unless another sleep position has been authorized in writing by the child's physician.**

On February 19, 2013, upon arrival to the home, an infant was observed to be placed for sleeping in a bassinet on their stomach. There was no authorization for an alternate sleep position on file.

The failure of the provider to ensure a safe sleeping environment could possibly place children at risk of harm.

10. **290-2-3-19 stipulates the use of a crib blanket. The infant may be covered only to chest level with the blanket tucked firmly under the mattress.**

On February 19, 2013, upon arrival to the home an infant was observed to be placed to sleep and covered with a blanket. The blanket was not tucked underneath the mattress as required.

The failure of the provider to ensure a safe sleeping environment could possibly place children at risk of harm.