

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

In the Matter of Licensure of
I Am Special Day Care
402 S Little St.
Fort Scott, KS 66701

KDHE Case No. 23-H-133

A Licensed Day Care Home Operated by
Bonnie Fay Evans
2273 Osage Rd.
Fort Scott, KS 66701

Day Care License No. 64923

EMERGENCY ORDER OF SUSPENSION

NOW on this 26th day of January, 2023, Janet Stanek, Secretary of the Kansas Department of Health and Environment [Secretary], reviews the file of the licensed day care home, I Am Special Day Care, located at 402 S Little Street, Fort Scott, Kansas and operated by Bonnie Fay Evans [Licensee].

WHEREUPON, the Secretary finds that:

1. The Kansas Department of Health and Environment [KDHE] issued to Licensee a license to operate a licensed day care home, effective August 1, 2022.
2. Between July 14, 2022 and October 24, 2022, five surveys were conducted at Licensee's licensed day care home. Each survey found unclean conditions and cited violations of environmental conditions.
3. Licensee has submitted cleaning plans and plans of correction to KDHE regarding how Licensee would maintain the facility in a clean and sanitary manner. Licensee also received technical assistance from Child Care Aware.

4. On or about January 25, 2023 a compliance check was conducted at Licensee's licensed day care home. During the survey, the following violations of the regulations governing day care homes were found:

- a. Each person caring for children was not free from physical, mental or emotional handicaps as necessary to protect the health, safety and welfare of the children, and was not qualified by temperament, emotional maturity, sound judgment, and an understanding of children in violation of K.A.R. 28-4-126(a)(1). Licensee failed to demonstrate sound judgement by failing to effectively address mouse infestation, and knowingly allowing children to play with toys in an area infested with mice droppings. Licensee further failed to demonstrate sound judgement by continually allowing provider's pets to defecate inside the daycare facility.
- b. Power strips and extension cords were not positioned in a manner to prevent a tripping or shock hazard as in violation of K.A.R. 28-4-115(c)(9). A power strip was on the ground in the play area, accessible to children.
- c. Each electrical outlet was not covered or inaccessible to prevent easy access by a child when not in use in violation of K.A.R. 28-4-115(c)(8). Two electrical outlets in the kitchen were uncovered and within reach of children.
- d. The home was not maintained in an uncluttered and clean manner, nor was it free from any evidence of vermin infestation and objects or materials constituting a danger to children in care in violation of K.A.R. 28-4-115(c)(5). The facility was observed to have an excessive amount of mouse droppings on multiple surfaces including children's toys, flooring, a couch used by children, shelves, the kitchen counter, on top of the refrigerator, windowsills. There were also mouse

droppings observed on towels used for children. Additionally, the floor of the facility was rendered sticky by dried dog feces, dog urine, dirt, and unknown debris.

- e. The window coverings in the home had strings or cords that were accessible to children in care in violation of K.A.R. 28-4-115(c)(15). Window blinds had exposed cords that were accessible to children.
- f. The facility was not constructed, arranged, and maintained to provide for the health and safety of children in care in violation of K.A.R. 28-4-115(c). Facility had a strong odor of dog urine and dog feces throughout, and a crack was observed in the flooring of the toy room causing a large bulge on the surface of the floor accessible to children.

5. 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.

6. Due to the facts contained in paragraphs 2, 3, and 4 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.

7. 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 the license has been suspended.

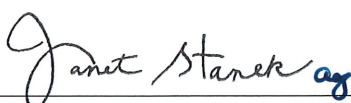
WHEREUPON, the Secretary hereby suspends Licensee's license to operate a licensed day care home, effective immediately, thereby prohibiting Licensee from caring for children. This Emergency Order of Suspension remains in effect until: (1) the facility is cleaned and is in full compliance as verified by KDHE or its agent; (2) Licensee has obtained and provided to KDHE a new health assessment; and (3) 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 Judicial Review pursuant to K.S.A. 77-610. **A Petition for Judicial Review shall be filed in Licensee's local district court within 30 days after service of the Emergency Order of Suspension.** Service of the Petition for Judicial Review shall be served on Janet Stanek Secretary, Kansas Department of Health and Environment, Curtis State Office Bldg., Ste. 540, 1000 SW Jackson, Topeka, Kansas 66612.

IT IS SO ORDERED.



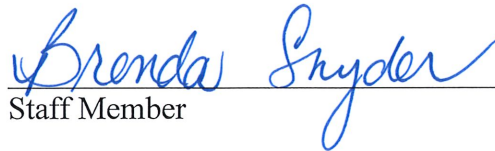
Janet Stanek, Secretary
Kansas Department of Health and Environment

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of January, 2023 a true and correct copy of the above and foregoing *Emergency Order of Suspension* was deposited in the U.S. Postal Service, first-class, postage prepaid, addressed to:

Attn: Bonnie Fay Evans
I Am Special Day Care
402 S Little St.
Fort Scott, KS 66701

Attn: Bonnie Fay Evans
2273 Osage Rd
Fort Scott, KS 66701



Staff Member

And on the _____ day of January 2023 a facsimile copy of the above and foregoing *Emergency Order of Suspension* was hand-delivered to:

Attn: Bonnie Fay Evans
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Fort Scott, KS 66701

By _____

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