

August 21, 2012

FAMILY LOVING CHILDCARE

Cheryl L. Greer, Licensee
4273 Maple Street
Omaha, NE 68111

Dear Ms Greer:

This letter is written to request that you submit to Marsha Wandersee in the Licensure Unit by return mail, within the next seven (7) days, your current License to operate as a Family Child Care Home II in the State of Nebraska. This request is being made since said License has been revoked, effective August 20, 2012, by the Notice of Revocation issued on August 3, 2012 by Joann Schaefer, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services.

If you have any questions, please contact Child Care Licensing at (402) 471-9302.

Sincerely,



Helen L. Meeks, Administrator
Licensure Unit

HLM/dcp

cc: Child Care Licensing

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

IN THE MATTER OF:)

THE OPERATING FAMILY CHILD CARE HOME II)
LICENSE OF CHERYL GREER, D/B/A FAMILY)
LOVING CHILDCARE)

NOTICE OF
REVOCAITON

LICENSED LOCATION: 4262 CORBY, OMAHA, NE, 68111

NOTICE:

Cheryl Greer (hereinafter referred to as "Greer") is hereby notified that the Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") intends to revoke Greer's Operating Family Child Care Home II license for violations of the following:

AUTHORITY:

Nebraska Revised Statutes, section 71-1919, provides that "the Department may ... take disciplinary action against a license issued under the Child Care Licensing Act on any of the following grounds:

- (1) Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the act; ...
- (2) Violation of an order of the Department under the act;" ...

391 NAC 6-005.03 Annual In-Service Training: "Child care providers shall obtain a minimum of 12 clock hours of in-service training annually." ... (Page 5, Standard 30, Family Child Care Home Standards)

"Written documentation of annual in-service training will be maintained on the Family Child Care Home premises and available for review upon request." (Page 6, Standard 31, Family Child Care Home Standards)

391 NAC 6-005.04 Cardiopulmonary Resuscitation (CPR) and First Aid Training: ... "2. The child care provider shall maintain current CPR ... certification as long as the provider is licensed. 3. The CPR card ... will be available for review upon request." ... (Page 6, Standard 32, Family Child Care Home Standards)

FACTS AND FINDINGS:

Greer is the licensee of an Operating Family Child Care Home II. This program is licensed for a maximum of 12 children, ages six weeks to 13 years, 6:00 a.m. to midnight, seven days a week. This program has been licensed since February 12, 2007.

On June 15, 2011, Michele McClellan (hereinafter referred to as "McClellan") Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, conducted an unannounced, annual inspection of Greer's program. At that time, McClellan noted the following non-compliances:

- Documentation of 12 hours of in-service training for 2010 was not available.
- A current CPR card was not available.
- Cleaning agents were not in locked storage. (Corrected at inspection.)

- Several outlets needed to have safety covers. (Corrected at inspection.)

McClellan required that Greer submit documentation that the above non-compliances be corrected by July 15, 2011. Greer did not submit any documentation even after past due notices were sent on November 3, 2011 and January 26, 2012. On February 6, 2012, McClellan had a telephone conversation with Greer in which Greer informed McClellan that she was currently not caring for children but would be requesting more time to obtain the (twelve) 12 hours of in-service. McClellan sent Greer a letter on February 8, 2012 giving Greer until February 24, 2012 to submit the required in-service hours and a copy of her current CPR card.

On May 4, 2012, Greer was sent a Notice of Disciplinary Action informing Greer that her Family Child Care Home II license was being placed on probation effective May 21, 2012 until December 31, 2012. In addition Greer was informed that effective May 21, 2012, she would be assessed a civil penalty in the amount of \$10.00 per day (\$1.00 times license capacity of ten children) and for each day thereafter (including Saturday and Sunday) that she failed to submit documentation that all of the outstanding non-compliances noted at the inspection conducted on June 15, 2011 had been corrected and/or completed.

On May 24, 2012, Greer was sent a letter again informing her that the civil penalty assessed on May 21, 2012 would continue to accrue until she submitted the required documentation.

As of the date of this Notice, Greer has not submitted the required documentation nor has she submitted the plans due on July 20, 2012 on how she intended to obtain in-service hours for 2011 and 2012.

Based on the information above and the fact that the civil penalty continues to accrue, the Department is revoking Greer's Family Child Care Home II license by the name of Family Loving Childcare. Greer must send her Family Child Care Home II license to Marsha Wandersee at the address listed below seven (7) days after this action becomes final.

BE ADVISED:

That according to Nebraska Revised Statutes, section 71-1922, the action in this Notice shall become final on August 20, 2012, which is fifteen days after the mailing of this Notice unless the Department, within such fifteen-day period, receives a written request for a hearing. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such fifteen-day period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than August 20, 2012, which is fifteen days after the mailing of this Notice. It should be addressed to:

Marsha Wandersee, for DHHS
Children's Services Licensing
Licensure – Division of Public Health
P.O. Box 94986
Lincoln, NE 68509-4986

If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes, section 71-1920, upon completion of any hearing held, the director may impose any or a combination of any of the following: probation, suspension, revocation, civil penalty, restrictions of new enrollment, restrictions or other limitations on the number of children or the ages of the children served in the program, or other restrictions or limitations on the type of service provided by

the program. On the basis of the hearing, a modification by the director may include sanctions important to your program, up to and including the loss of your license.

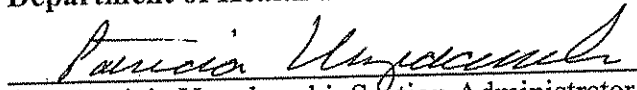
Nebraska Revised Statutes, section 71-1911, provides that a person who has had their "license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action." In addition, section 71-1920, (2), states that "a person who has had a license revoked for any cause other than nonpayment of fees shall not be eligible to reapply for a license for a period of two years."

Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that "a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under investigation or if the Department has initiated disciplinary action against the licensee."

Title 391 of the Nebraska Administrative Code, section 4-001.04, also provides that the "licensee shall not transfer the license to a household member or current staff member while a ... revocation action is still pending." In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that "amended applications will not be processed whenever a negative license action is pending."

Dated: August 3, 2012

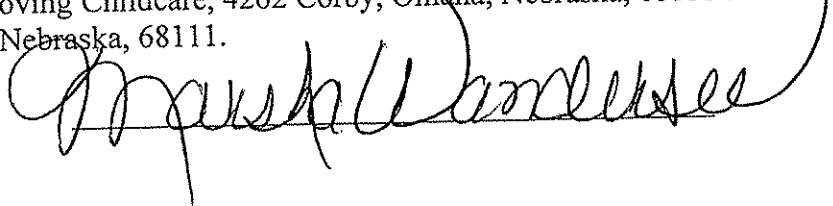
Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services



By: Patricia Urzedowski, Section Administrator
Children's Services Licensing - Licensure Unit
Division of Public Health
Nebraska Department of Health and Human Services
P.O. Box 94986
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 3rd day of August, 2012, a copy of the foregoing **NOTICE OF REVOCATION** was sent by certified and first class United States mail, sufficient postage prepaid to Cheryl Greer, Family Loving Childcare, 4262 Corby, Omaha, Nebraska, 68111 and Cheryl Greer, 4273 Maple Street, Omaha, Nebraska, 68111.



May 24, 2012

Cheryl Greer
Family Loving Childcare
4273 Maple Street
Omaha, NE 68111

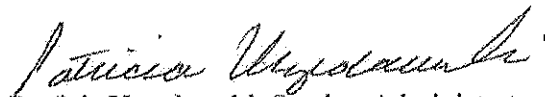
Dear Ms. Greer:

Since you did not appeal the Notice of Disciplinary Action dated May 4, 2012 by or on May 21, 2012, the civil penalty in the amount of \$10.00 per day is accruing from May 21, 2012 and for each day thereafter, including Saturday and Sunday, that you fail to submit documentation that all of the outstanding non-compliances noted at the inspection conducted on June 15, 2011 have been corrected. Please refer to Page 2 of the Notice, 1 b. of the Notice.

You will be notified of the amount of your civil penalty when all of the above documentation has been received and verified.

If you have questions, please contact Jo Pfeiffer, Child Care Licensing Supervisor at 402-595-3335 or me at 401-471-9431.

Sincerely,



Patricia Urzedowski, Section Administrator
Department of Health and Human Services
Division of Public Health
Licensure – Children's Services Licensing
P.O. Box 94986
Lincoln, NE 68509-4986

/mrw

Cc: Jo Pfeiffer, Child Care Licensing Supervisor
Michele McClellan, Child Care Inspection Specialist
Gina Ewing, Staff Assistant
Bob Cummings, Resource Development
Marsha Wandersee, Administrative Assistant II



Division of Public Health, Licensure Unit
301 Centennial Mail South, 3rd Floor, P.O. Box 94986
Lincoln, NE 68509-4986
Phone (402) 471-2115 FAX (402) 471-3577

Division of Public Health

State of Nebraska
Dave Heineman, Governor

May 24, 2012


Cheryl L. Greer, Provider
FAMILY LOVING CHILDCARE
4273 Maple Street
Omaha, NE 68111

Dear Ms Greer:

In accordance with the Notice of Disciplinary Action issued on May 4, 2012 by Joann Schaefer, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, your original License to operate a Family Child Care Home II in the State of Nebraska has been placed on probation. A license imprinted with the term "PROBATION" is enclosed. This status became effective May 21, 2012, and it will remain in effect until December 31, 2012. Upon completion of the probation, a new license will be issued to you.

At this time we ask that you return your current license, within the next seven (7) days, to Marsha Wandersee in the Licensure Unit. If you have any questions, please contact Child Care Licensing at (402) 471-9302.

Sincerely,



Helen L. Meeks, Administrator
Licensure Unit

HLM/dcp

cc: Child Care Licensing

This license shall be kept available in the establishment and such proof of credentialing shall be shown upon request.

State of Nebraska

PROBATION

Department of Health and Human Services
Division of Public Health

CHERYL L. GREER

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Family Child Care Home II
located at **4262 CORBY Omaha NE 68111**

A maximum of 12 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0600 to 2400 on MTWTFSSU.

FAMILY LOVING CHILDCARE is hereby issued License No. **FLI8991** which is effective on **02/29/2008**

Amended: 05/21/2012

Given under the name and Seal of the Department of Health and Human Services Regulation and Licensure of the State of Nebraska at Lincoln on May 25, 2012.



Karin S. Gabel, Director
Division of Public Health, Department of Health and Human Services

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

IN THE MATTER OF:)

THE OPERATING FAMILY CHILD CARE HOME II)
LICENSE OF CHERYL GREER, D/B/A FAMILY)
LOVING CHILDCARE)

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 4262 CORBY, OMAHA, NE, 68111

NOTICE:

Cheryl Greer (hereinafter referred to as "Greer") is hereby notified that the Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") intends to impose disciplinary action against Greer's Operating Family Child Care Home II license for violations of the following:

AUTHORITY:

Nebraska Revised Statutes, section 71-1919, provides that "the Department may ... take disciplinary action against a license issued under the Child Care Licensing Act on any of the following grounds:

- (1) Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the act; ..."

Nebraska Revised Statutes, section 71-1920 provides that "the Department may impose any one or a combination of the following types of disciplinary action against a license issued under the Child Care Licensing Act: (a) Issue a probationary license; ... (c) Impose a civil penalty of up to five dollars per child, based upon the number of children for which the program is authorized to provide child care on the effective date of the finding of violation, for each day the program is in violation;" ...

391 NAC 6-005.03 Annual In-Service Training: "Child care providers shall obtain a minimum of 12 clock hours of in-service training annually." ... (Page 5, Standard 30, Family Child Care Home Standards)

"Written documentation of annual in-service training will be maintained on the Family Child Care Home premises and available for review upon request." (Page 6, Standard 31, Family Child Care Home Standards)

391 NAC 6-005.04 Cardiopulmonary Resuscitation (CPR) and First Aid Training: ... "2. The child care provider shall maintain current CPR ... certification as long as the provider is licensed. 3. The CPR card ... will be available for review upon request." ... (Page 6, Standard 32, Family Child Care Home Standards)

FACTS AND FINDINGS:

Greer is the licensee of an Operating Family Child Care Home II. This program is licensed for a maximum of 12 children, ages six weeks to 13 years, 6:00 a.m. to midnight, seven days a week. This program has been licensed since February 12, 2007.

On June 15, 2011, Michele McClellan (hereinafter referred to as "McClellan") Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, conducted an unannounced, annual inspection of Greer's program. At that time, McClellan noted the following non-compliances:

- Documentation of 12 hours of in-service training for 2010 was not available.
- A current CPR card was not available.
- Cleaning agents were not in locked storage. (Corrected at inspection.)
- Several outlets needed to have safety covers. (Corrected at inspection.)

McClellan required that Greer submit documentation that the above non-compliances be corrected by July 15, 2011. As of the date of this Notice, Greer has not submitted the above documentation even after past due notices were sent on November 3, 2011 and January 26, 2012. On February 6, 2012, McClellan had a telephone conversation with Greer in which Greer informed McClellan that she was currently not caring for children but would be requesting more time to obtain the (twelve) 12 hours of in-service. McClellan sent Greer a letter on February 8, 2012 giving Greer until February 24, 2012 to submit the required in-service hours and a copy of her current CPR card.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts presented above, the Department intends to impose the following:

1. Greer's Family Child Care Home II license is placed on probation until December 31, 2012 effective 15 days after the mailing of this Notice. Terms and conditions include:

a. Greer is assessed a civil penalty in the amount of \$10.00 per day (\$1.00 times license capacity of ten children) from the effective date of this Notice (May 21, 2012) and for each day thereafter (including Saturday and Sunday) that Greer fails to submit documentation that all of the outstanding non-compliances noted at the inspection conducted on June 15, 2011 have been corrected.

b. Greer must submit:

- Documentation of the completion of twelve (12) hours of in-service training for 2010.
- A current CPR card.

c. These documents must be submitted to Michele McClellan, Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure, 1801 North 73rd Street, Omaha, Nebraska, 68114. Once McClellan has received and verified the required documentation, Greer will be informed in writing of the total of the civil penalty, which will be due thirty (30) calendar days from the date of the notification to Greer. Said penalty will be payable to the Nebraska Department of Health and Human Services, Division of Public Health. Said penalty is to be sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

d. By July 20, 2012, which is sixty (60) days from the effective date of this Notice, Greer must submit a written plan for approval on how she intends to complete twelve hours of in-service training for 2011 by August 31, 2012. The written plan must be submitted to the Department, Attn: Michelle McClellan, at the address listed above.

The Department agrees that after reviewing Greer's plan, it will either approve it or require modifications thereto. If modifications are required, Greer agrees to reply within ten (10) calendar days of notice by the

Department by resubmitting the written plan to the Department for approval. The Department reserves the right to make minor unilateral modifications to the written plan. Once approved by the Department, Greer must complete the plan. Documentation of completion of the 12 hours of in-service training for 2011 must be submitted to McClellan at the above address by September 30, 2012.

e. By July 20, 2012, which is sixty (60) days from the effective date of this Notice, Greer must submit a written plan for approval on how she intends to complete twelve hours of in-service training for 2012 by December 31, 2012. The written plan must be submitted to the Department, Attn: Michele McClellan, at the address listed above.

The Department agrees that after reviewing Greer's plan, it will either approve it or require modifications thereto. If modifications are required, Greer agrees to reply within ten (10) calendar days of notice by the Department by resubmitting the written plan to the Department for approval. The Department reserves the right to make minor unilateral modifications to the written plan. Once approved by the Department, Greer must complete the plan. Documentation of completion of the 12 hours of in-service training for 2012 must be submitted to Lewis at the above address by January 31, 2013.

2. A copy of this Notice of Disciplinary Action must be posted with the current child care license so it is clearly visible to parents and agency representatives.

3. During the probationary period, Greer must maintain compliance with all Family Child Care Home regulations. Compliance will be monitored by Children's Services Licensing staff and may be monitored by other Department representatives (i.e., Fire Marshal or designated agent, Environmental Health Specialist or designated agent, Resource Development Worker, Children and Family Specialist, etc). Greer and any employees and/or agents must cooperate with the Department in these monitoring inspections.

4. Should Greer move her program to a different address or should the current license be amended to a Family Child Care Home I and a license is issued, any time remaining to be completed of the probation imposed will transfer over to the new address and/or new license type.

5. Failure to comply with the terms of this disciplinary action and the Family Child Care Home regulations will be grounds for revocation or such other discipline as the Department may deem appropriate after notice to the licensee and an opportunity for a hearing.

6. If Greer discontinues her child care program for any reason, the time Greer is not actively operating a licensed child care program will not count toward the probation period and any subsequent child care license issued by the Department shall be subject to the remainder of the probation period. Greer must notify the Department within seven (7) calendar days of any period she is not actively operating the program. Any subsequent child care license issued by the Department indicating Cheryl Greer as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on May 21, 2012, which is fifteen days after the mailing of this Notice unless the Department, within such fifteen-day period, receives a written request for a hearing. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such fifteen-day period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than May 21, 2012, which is fifteen days after the mailing of this Notice. It should be addressed to:

Marsha Wandersee, for DHHS
Children's Services Licensing – Licensure
Department of Public Health
P.O. Box 94986
Lincoln, NE 68509-4986

If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes, section 71-1920, upon completion of any hearing held, the director may impose any or a combination of any of the following: probation, suspension, revocation, civil penalty, restrictions of new enrollment, restrictions or other limitations on the number of children or the ages of the children served in the program, or other restrictions or limitations on the type of service provided by the program. On the basis of the hearing, a modification by the director may include sanctions important to your program, up to and including the loss of your license.

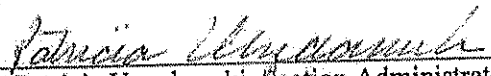
Nebraska Revised Statutes, section 71-1920 of the Child Care Licensing Act, provides that "any fine imposed and unpaid under the Child Care Licensing Act shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of State of Nebraska in the district court of the county in which the program is located."

That Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that "a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under investigation or if the Department has initiated disciplinary action against the licensee."

In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that "amended applications will not be processed whenever a negative license action is pending."

Dated: MAY 4 , 2012

Joann Schaefer, M.D.
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services


By: Patricia Urzedowski, Section Administrator
Children's Services Licensing – Licensure Unit
Division of Public Health
Nebraska Department of Health and Human Services
P.O. Box 94986
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 4th day of May, 2012, a copy of the foregoing **CORRECTED NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Cheryl Greer, Family Loving Childcare, 4262 Corby, Omaha, Nebraska, 68111 and Cheryl Greer, 4273 Maple Street, Omaha, Nebraska, 68111.

