

April 22, 2013

Patricia Solorio  
400 Santa Fe Trail  
Lincoln, NE 68521

Dear Ms Solorio:

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 I in the State of Nebraska. This request is being made since said License has been revoked, effective April 16, 2013, by the Order on Agreed Settlement issued on April 16, 2013 by Joseph Acierno, MD, JD, Chief Medical Officer and Director, Division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

LICENSURE UNIT  
APR 17 2013  
RECEIVED

FILED  
04/17/2013  
DHHS Hearing Office


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

IN THE MATTER OF ) 12-3314  
 )  
PATRICIA SOLORIO ) ORDER ON AGREED SETTLEMENT  
Family Child Care Home I )

This matter came before the Director of the Division of Public Health on the Department's Motion for Approval of Agreed Settlement. The Director having considered said Motion and Agreed Settlement:


1. Approves the Agreed Settlement;
2. Finds the facts as set out in the Notice of Revocation as true and adopted herein; and
3. Orders the parties to comply with all of the terms of the Agreed Settlement.

DATED this 16<sup>th</sup> day of April, 2013

  
Joseph M. Acierno, M.D., J.D.  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services  
P. O. Box 95026  
Lincoln, NE 68509-5026

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of April, 2013 true and correct copies of the foregoing **Order on Agreed Settlement** were served upon the parties by sending the same by regular United States mail, sufficient postage prepaid, to Lisa Lozano, attorney for Ms. Solorio, at Lozano Law Office, 5533 South 27<sup>th</sup> Street, Ste. 203, Lincoln, NE 68512 and electronically to Teresa M. Hampton, Attorney for the Department, at [Teresa.Hampton@nebraska.gov](mailto:Teresa.Hampton@nebraska.gov).

  
DHHS Hearing Office  
P. O. Box 98914  
Lincoln, NE 68509-8914  
(402) 471-7237 F. (402) 742-2376

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

**IN THE MATTER OF** ) **12-3314**  
 )  
**PATRICIA SOLORIO** ) **AGREED SETTLEMENT**  
**Family Child Care Home I** )

COMES NOW the Department of Health and Human Services, Division of Public Health (hereinafter "Department") and Patricia Solorio (hereinafter "Licensee"), and in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. Licensee holds a license to operate a Family Child Care Home I at 400 Santa Fe Trail, Lincoln, NE, 68521 issued by the Department, the executive agency of the state of Nebraska charged with administration of child care licensure statutes and regulations.
2. On December 13, 2012, the Department notified Licensee that it proposed to revoke the license for the reasons set out in the Notice of Revocation. A copy of the Notice of Revocation is on file herein and incorporated into this agreement by this reference.
3. Licensee is entitled to a hearing upon the Notice of Revocation if a timely request is received by the Department from Licensee. Licensee filed a timely written request for a hearing, a copy of which is on file herein and incorporated into this Agreement by this reference. Licensee hereby waives her right to an administrative contested case hearing and any right to judicial review of any order that approves the terms of this Agreed Settlement.
4. Licensee has been represented by counsel, Lisa F. Lozano throughout these proceedings and has consulted counsel regarding her rights and the execution of this agreement.
5. Licensee agrees that she and her representatives have the authority to enter into this Agreed Settlement. No coercion, threats, or promises other than those stated herein were made to induce Licensee to enter into this

Agreed Settlement. Licensee's signature below represents her entry into this Agreed Settlement freely, voluntarily and knowingly.

6. Licensee admits: On October 19, 2012, she cared for an eight-month old child until approximately 5:45 p.m. at her child care program. The child had no injuries when placed in Licensee's care on October 19, 2012. The child was picked up from Licensee's program and was later found to have a spiral fracture to the right femur.
  
7. Licensee neither admits or denies the remaining allegations contained in the Notice of Revocation. The actions described in the Notice of Revocation, including those admitted to in Paragraph 6 of this Agreed Settlement, constitute grounds for discipline under NEB. REV. STAT. §71-1919.
  
8. This Agreed Settlement does not constitute a waiver, suspension, or modification of the requirements of the Child Care Licensing Act or the regulations adopted thereunder.
  
9. In resolution of the Department's concerns, the Licensee agrees to the provisions of this Agreed Settlement. Licensee acknowledges that under Nebraska statutes a revocation is a disciplinary action. Licensee acknowledges that she has received no representations from the Department or its employees or representatives of the effect this Agreed Settlement may have on her ability to obtain a license or other authorization document of any nature in this or any other state.
  
10. Licensee agrees that her license for the child care program located at 400 Santa Fe Trail, Lincoln, NE 68521 is immediately revoked as of the date this Agreed Settlement is approved by the Director of Public Health. Licensee acknowledges and understands that she may not apply for a license to operate a child care program for two years and may not provide care for any number of children until she has obtained a license to do so from the Department.

11. If the Director of the Division of Public Health does not approve this Agreed Settlement, in its entirety, it shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter or any further disciplinary action in the future.

WHEREFORE, the parties request that an Order be entered approving and adopting the terms of this Agreement.

Dated this 11 day of ~~February~~ <sup>March</sup>, 2013.

**PATRICIA SOLORIO, Licensee**

By PATRICIA SOLORIO  
Patricia Solorio

Dated this 11 day of ~~February~~ <sup>March</sup>, 2013.

**PATRICIA SOLORIO, Licensee**

By Lisa F. Lozano  
Lisa F. Lozano #19288  
5533 South 27<sup>th</sup> Street, Ste. 203  
Lincoln, NE 68512  
(402) 476-1111  
Attorney for Patricia Solorio

Dated this 1<sup>st</sup> day of ~~April~~ <sup>April</sup>, 2013.

**Nebraska Department of Health  
and Human Services**

By Teresa Hampton  
Teresa Hampton #16746  
Legal Services  
P.O. Box 95026  
Nebraska Department of Health  
and Human Services  
Lincoln, Nebraska 68509-5026  
(402) 471-4051  
Attorney for the Department



391 NAC 6-004.01 in pertinent part: “The child care provider and/or household members shall not engage in or have a history of behavior injurious to or which may endanger the health or morals of children.” (Page 4, Standard 23, Family Child Care Home Standards, Rev. 4/12)

391 NAC 6-004.03 Report of Law Enforcement Record: “The child care provider is responsible for reporting any arrests, misdemeanor tickets other than traffic violations, pending criminal charges, and/or any felony/misdemeanor convictions on themselves, substitutes, secondary providers and/or household members when care is provided in the place of residence.” (Page 5, Standard 26, Family Child Care Home Standards, Rev. 4/12)

#### **FACTS AND FINDINGS:**

Solorio is the licensee of a Family Child Care Home I located at 400 Santa Fe Trail, Lincoln, Nebraska. This program is licensed for a maximum of 10 children, ages six weeks to 13 years of age, 24 hours a day, seven days a week. This program was licensed on October 30, 2007.

On or about October 23, 2012, the Department was notified that an eight-month-old had received a spiral fracture to the femur on October 19, 2012 while in the care of Solorio. Investigator Troy Cockle of the Lincoln Police Department informed the Department that during an interview conducted with Solorio on October 19, 2012, Solorio denied knowing what caused the injury to the infant, but during the interview conducted with Solorio on October 26, 2012, Solorio disclosed to the investigator actions that are consistent with the injury to the infant. The facts are as follows:

- Solorio informed Investigator Cockle that on October 19, 2012 at approximately 3:00 p.m., the infant was sleeping in a drop-side crib in Solorio’s bedroom when she heard him cry. Solorio found the infant lying on his stomach backed up to the spindles of the crib with his legs pressed through the spindles up to his groin. The infant was pinned and could not move so Solorio proceeded to pick the infant up and twisted him a bit to get his legs unstuck from the spindles of the crib. Solorio stated that the infant cried excessively.
- After removing the infant from the crib, she placed in the infant in a car seat until the infant was picked up at approximately 5:45 p.m. by the godmother who transported the infant to his home without removing him from the car seat. Solorio did not contact the parents or seek medical treatment for the infant during this time.
- Later that evening, the parents took the infant to St. Elizabeth Hospital after observing swelling of the child’s upper thigh and the infant’s inability to lift his leg. At 8:37 p.m. the child was admitted to St. Elizabeth Hospital and seen by Dr. Anke Horacek. Dr. Horacek reported a spiral fracture to the right femur consistent with child abuse. Dr. Horacek also stated the injury was most likely the result of a twisting motion and extremely suspicious on a child that cannot walk. Dr. Horacek believed the injury was either caused by abuse or possibly the infant’s leg getting caught on something and the infant twisting his body around.
- X-rays taken show a spiral fracture of the mid femoral diaphysis with anterior displacement and lateral displacement at the fracture site. The x-ray report finding state in the absence of appropriate explanation/mechanism for the right femoral fracture is highly suspicious for abuse.
- The infant was transferred to Children’s Hospital and Medical Center on October 19, 2012. The hospital report confirmed the spiral fracture to the infant’s right femur and there was no present history to

account for the injury. The time frame, symptoms and present acute injury with no bone healing are consistent with acute injury occurring from the present to past approximately two-three days.

- Solorio was informed by law enforcement on October 19, 2012 that the child had received medical care for the injury received earlier that day. Solorio did not report this information to the Department.
- Solorio was contacted by law enforcement on October 19 and 26, 2012. Solorio did not report these contacts to the Department.

Based on the facts presented above and the completion of the investigation, the Department is revoking Solorio's Family Child Care Home I license located at 400 Santa Fe Trail, Lincoln, Nebraska, 68521. Solorio must send her Family Child Care Home I 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 December 28, 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 December 28, 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: DECEMBER 13, 2012

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

Patricia Urzedowski  
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 13th day of December, 2012, a copy of the foregoing **NOTICE OF REVOCATION** was sent by certified and first class United States mail, sufficient postage prepaid, to Patricia Solorio, 400 Santa Fe Trail, Lincoln, Nebraska, 68521 and Lisa Lozano, Lozano Law Office, 5533 South 27<sup>th</sup> Street, Suite 203, Lincoln, Nebraska, 68512. )

Patricia Urzedowski

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

IN THE MATTER OF )  
 ) EMERGENCY ORDER AND  
PATRICIA SOLORIO ) PROTECTIVE ORDER  
Family Child Care Home I )

This matter comes for consideration on the Motion for an Emergency Order and Motion for Protective Order filed by the Nebraska Department of Health and Human Services, Division of Public Health. The Chief Administrator, Community Health, Division of Public Health, having reviewed the Motion and accompanying Affidavits, finds as follows:

1. Patricia Solorio holds a Family Child Care Home I License, located at 400 Santa Fe Trall, Lincoln, NE 68521.

2. An emergency exists requiring immediate action to protect the physical well-being and safety of a child or children in the care of Patricia Solorio.

WHEREFORE, IT IS ORDERED:

1. Pursuant to Nebraska Revised Statutes §71-1915, the child care license of Patricia Solorio is hereby and immediately suspended and Patricia Solorio is hereby and immediately prohibited from providing child care to any children. Such suspension shall be in effect until the conclusion of the Department's investigation and when Ms. Solorio has been notified of the findings of the investigation by the Department. Upon application to the Director within fifteen days of this Order, Patricia Solorio shall be afforded a hearing as soon as possible and within ten days of the application, unless it requests that the hearing be held later. Any such application 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.

2. Any reference in this matter to any child enrolled in the above child care program or any child residing in the home shall be made by the use of the initial letters of the child's first and last name.

3. Any information which is confidential by state statute shall not be released to the public and any pictures of any children referred to in this matter shall not be released to the public.

DATED this 31<sup>st</sup> day of October, 2012.

**NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES**

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Jenifer Roberts-Johnson  
Chief Administrator, Community Health  
Division of Public Health  
Department of Health and Human  
Services

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

IN THE MATTER OF

PATRICIA SOLORIO  
Family Child Care Home I

)  
) MOTION FOR EMERGENCY ORDER;  
) MOTION FOR PROTECTIVE ORDER  
)

COMES NOW the Department of Health and Human Services, Division of Public Health and pursuant to Neb. Rev. Stat. §71-1915 moves the Chief Administrator, Community Health, Division of Public Health to declare an emergency and issue an Emergency Order suspending the child care license of Patricia Solorio, 400 Santa Fe Trail, Lincoln, NE 68521 and prohibiting her from providing care for any children. Ms. Solorio has a license as a Family Child Care Home I at 400 Santa Fe Trail, Lincoln, NE 685217. Her operating hours are Monday through Sunday, 0:00 to 24:00. The Department also requests that a Protective Order be entered pursuant to Neb. Rev. Stat. §84-914(2) to protect the privacy of any minor children whose identity may be revealed during the course of these proceedings, and to ensure the confidentiality of any information which is deemed confidential by state statute.

The Department requests the following:

1. That any reference to any child enrolled in the above child care program or any foster child residing in the home or any child of the licensee be made by the use of the initial letters of the child's first and last name.
2. That any information which is confidential by state statute be protected from release to the public and that any pictures of children referred to in matter be non-releasable to the public.

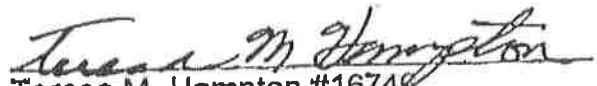
In support of its motion the Chief Administrator is shown the accompanying affidavits of Teresa Neal, Child Care Inspection Specialist, and Patricia Urzedowski, Section Administrator.

WHEREFORE the Department moves the Chief Administrator, Community Health, Division of Public Health for an Emergency Order suspending the child

care license of Patricia Solorio and prohibiting her from providing care for any children until the Department has completed its investigation and notified Ms. Solorio of its findings

**Nebraska Department of Health  
and Human Services**

Dated: 10/31/12



Teresa M. Hampton #16746

P.O. Box 95026

Legal Services

Department of Health and Human  
Services

Lincoln, Nebraska 68509-5026

(402) 471-4051

Its Attorney

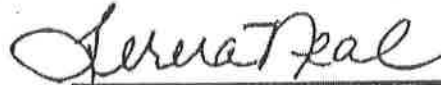


- responded to the child's cry and found the infant lying on its stomach backed up to the spindles of the crib with its legs pressed through the spindles up to its groin. Ms. Solorio stated to Investigator Cockle the infant was pinned and could not move and she proceeded to pick it up and twisted it a bit to get its legs unstuck from the spindles of the crib. Ms. Solorio demonstrated to Investigator Cockle how she picked up the child from the crib, and twisted the infant's right leg which was somewhat stuck in the crib. Patricia Solorio informed Investigator Cockle the infant cried excessively and she immediately knew that something was wrong.
- d. Patricia Solorio informed Investigator Cockle that upon removing the infant from the crib, realizing her action had injured the infant, she comforted the infant and placed the infant in a car seat at approximately 3:00 p.m. The infant was not picked up from Ms. Solorio's child care until 5:45 p.m.
  - e. Patricia Solorio informed Investigator Cockle that during this two hour and forty five minute period of time she did not contact the parents or seek medical treatment for the infant.
  - f. The infant was released from Ms. Solorio's care to its Godmother's care at 5:45 p.m. The Godmother informed Investigator Cockle the infant was already in a car seat when she arrived to pick it up and she transported the infant to home without removing it from the car seat and transferred the infant to the care of its parents.
  - g. Investigator Cockle informed Affiant the infant was taken by its parents to St. Elizabeth Hospital. The hospital report states the child was admitted at 8:37 p.m. and seen by attending Physician Dr. Anke Horacek.
  - h. Investigator Cockle informed Affiant that Dr. Horacek reported a spiral fracture to the right femur consistent with child abuse. Dr. Horacek stated the injury was most likely the result of a twisting motion and extremely suspicious on a child that cannot walk. Dr. Horacek stated she believes the injury was either caused by abuse or possibly the infant's leg getting caught on something and twisting its body around. Dr. Horacek stated the injury is not consistent with dropping a child because that would have caused a cleaner break.
  - i. St. Elizabeth hospital reports stated an x-ray was conducted on October 19, 2012 and the findings show a spiral fracture of the mid femoral diaphysis with anterior displacement and lateral displacement at the fracture site. The x-ray

report findings state in the absence of appropriate explanation/mechanism for the right femoral fracture this is highly suspicious for abuse.

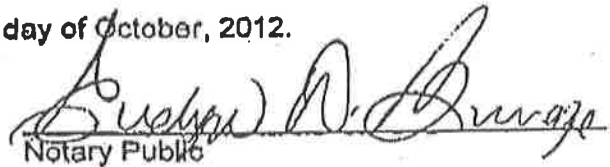
- J. Officer Cockle informed Affiant the infant was transferred to Children's Hospital and Medical Center in Omaha. Affiant received the hospital report from Children's Hospital and Medical Center confirming the spiral fracture to the infant's right femur. The hospital report also stated in the child's health assessment there is no present history to account for this injury and there is significant concern for inflicted injury. The report states the time frame, symptoms and present acute injury with no bone healing evident are consistent with acute injury occurring from the present to past approximately 2-3 days.

My professional opinion is that an Order should be entered prohibiting Patricia Solorio from providing child care in her Family Child Care Home I until the Department of Health and Human Services concludes the investigation.

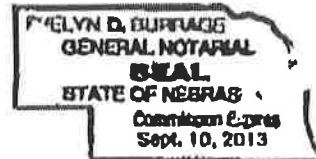


Teresa Neal  
Child Care Inspection Specialist

Subscribed and sworn before me this 30th day of October, 2012.



Notary Public



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

IN THE MATTER OF )  
 )  
**PATRICIA SOLORIO** )  
**A Family Child Care Home I** )  
 )  
 )

**AFFIDAVIT**

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF LANCASTER )

Comes now Affiant, Patricia Urzedowski, being first duly sworn, and states as follows:

1. I am employed as the Administrator of the Office of Children's Services Licensing with the Nebraska Department of Health and Human Services Division of Public Health (hereinafter "Department").
2. The records of the Department show that Patricia Solorio holds a Family Child Care Home I license at 400 Santa Fe Trail, Lincoln, NE 68521.
3. In my capacity as Administrator of the Office of Children's Services Licensing, I am the custodian of all licensing records for licensed Child Care Programs.
4. Neb. Rev. Stat. §71-1915 provides: "(1) Whenever the department finds that an emergency exists requiring immediate action to protect the physical well-being and safety of a child in a program, the department may, without notice or hearing, issue an order declaring the existence of such an emergency and requiring that such action be taken as the department deems necessary to meet the emergency. The order may include an immediate prohibition on the care of children by the licensee other than children of the licensee...."
5. **Neb. Rev. Stat. §71-1919 provides:** "The department may deny the issuance of or 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; (3) Conviction of, or substantial evidence of committing or permitting, aiding, or abetting another to commit, any unlawful act, including, but not limited to, unlawful acts committed by an applicant or licensee under the act, household members

who reside at the place where the program is provided, or employees of the applicant or licensee that involve: b)Endangerment or neglect of children or vulnerable adults ..."

6. 391 NAC 4-001.04 provides: "The Department may initiate suspension or revocation proceedings under any of the following circumstances... 2. When a licensee has violated a regulation(s) so as to create a situation which places children at substantial risk;... 7. When a licensee has violated any state statute regarding the care and protection of children;... 11. When there is a conviction, admission, or substantial evidence of any offenses against children or adults including, but not limited to: .... neglect, or endangerment by the child care provider;"
7. Based on the information contained in the Affidavit signed by Teresa Neal, Child Care Inspection Specialist with the Department of Health and Human Services, Division of Public Health, Patricia Solorio has violated the following Child Care Licensing Regulations:

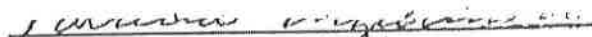
b. 391 NAC 6-001 Provider

... The child care provider shall report to the Nebraska Department of Health and Human Services within 24 hours or the next business day when the following conditions occur within the child care program: the death of any child; any accident to children which requires hospitalization; or treatment at a medical facility.

c. 391 NAC 6-004.01 Felony/Misdemeanor Statement:

...The child care provider and/or household members shall not engage in or have a history of behavior injurious to or which may endanger the health or morals of children.

Further affiant saith not.

  
Patricia Urzedowski, Administrator  
Office of Children's Services Licensing

Subscribed and sworn before me this 31<sup>st</sup> day of October, 2012.

  
Notary Public

