

August 9, 2012

Amy Prusa  
Amy's Daycare  
314 Maple Street  
Clarkson, NE 68629

**CERTIFIED AND FIRST CLASS MAIL**

Dear Ms. Prusa:

On May 21, 2012, you entered into an Agreed Settlement which was approved by the Director of the Division of Public Health on June 6, 2012.

Page 2, #13 of the Agreed Settlement states that the "Licensee agrees that she may only care for three or fewer children (other than her own children)

her two (2) convictions for child abuse/neglect are resolved in her favor. Licensee agrees that if such convictions are not resolved in her favor that her license shall automatically be revoked by the Department without further notice and right to a hearing."

Because the County Court of Colfax County, Nebraska entered a judgment on the Mandate affirming the original judgment on August 8, 2012, your Family Child Care Home II license has been revoked as of August 8, 2012.

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."

Page Two  
Amy Prusa  
August 9, 2012

If you have questions regarding this letter, please contact your attorney.

Sincerely,



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

/mrw

Cc: Harriet Spelts, Child Care Licensing Supervisor  
Tasha Jedlicka, Child Care Inspection Specialist  
Amy Prusa, 114 South 6<sup>th</sup> Street, Howells, Nebraska, 68641  
Donald Roberts, Lustgarten & Roberts, PC, LLO, Farnam Plaza, Ste. 900, 1625 Farnam  
Street, Omaha, Nebraska, 68102  
Teresa Hampton, Attorney for DHHS

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

LICENSURE UNIT  
JUN 11 2012  
RECEIVED

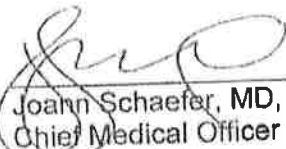
IN THE MATTER OF )  
THE REQUEST FOR HEARING BY )  
 )  
AMY PRUSA d/b/a AMY'S DAYCARE )  
Family Child Care Home II )

12-212  
ORDER

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. Orders the parties to comply with all of the terms of the Agreed Settlement.

DATED this 6 day of June, 2012



Joann Schaefer, MD,  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of June, 2012 true and correct copies of the foregoing **Order** were served upon the parties by sending the same by regular United States mail, sufficient postage prepaid, to: Donald Roberts, attorney for Amy Prusa, at Lustgarten & Roberts, P.C., L.L.O., Farnam Plaza, Ste. 900, 1625 Farnam Street, Omaha, NE 68102 and by interoffice mail to Teresa M. Hampton, Attorney for the Department.



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

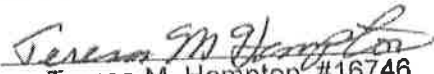
LICENSURE UNIT  
JUN 11 2012  
RECEIVED

IN THE MATTER OF ) 12-212  
THE REQUEST FOR HEARING BY )  
AMY PRUSA d/b/a AMY'S DAYCARE ) MOTION FOR APPROVAL OF  
Family Child Care Home II ) AGREED SETTLEMENT  
)

Comes Now, the Department, by and through its undersigned counsel,  
and moves the Director of the Division of Public Health for an Order approving  
the Agreed Settlement reached by the parties in the above-entitled matter.

WHEREFORE, the Department respectfully requests that this Motion be  
granted,

Department of Health and Human  
Services

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

CERTIFICATE OF SERVICE

Comes Now, the undersigned and certifies that on the 5<sup>th</sup> day of June,  
2012, a copy of the foregoing Motion for Approval of Agreed Settlement was sent  
by regular United States mail, sufficient postage prepaid to Donald Roberts,  
attorney for Amy Purse, at Lustgarten & Roberts, P.C., L.L.O., Farnam Plaza,  
Suite 900, 1625 Farnam Street, Omaha, NE 68102.

  
Teresa M. Hampton

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

LICENSURE UNIT  
JUN 11 2012  
RECEIVED

IN THE MATTER OF  
THE REQUEST FOR HEARING BY )

12-212

AMY PRUSA d/b/a AMY'S DAYCARE )  
Family Child Care Home II )

AGREED SETTLEMENT

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

1. Licensee holds a Family Child Care Home II license at 314 Maple Street, Clarkson, NE 68629 issued by the Department, the executive agency of the state of Nebraska charged with administration of child care licensure statutes and regulations. Licensee applied for amendment to her license to move the location to 114 South 6<sup>th</sup> Street, Howells, NE 68641. Department denied Licensee's application for an amendment on January 25, 2012, for the reasons set out in the Notice of Revocation and Denial of Application (Notice). A copy of that Notice is on file herein and incorporated into this agreement by this reference.
2. On January 25, 2012, the Department notified Licensee that it proposed to revoke her Family Child Care Home II license for the reasons set out in the Notice. A copy of that Notice is on file herein and incorporated into this agreement by this reference.
3. Licensee is entitled to a hearing upon request after the Notice. Licensee filed a timely written request for a hearing on the Notice. A copy of the request 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, Donald A. Roberts, 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.
6. 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.
7. Licensee acknowledges that she understands that she and her employees and representatives remain bound by the rules and regulations of the Child Care Licensing Act, the rules and regulations of the Department and the Nebraska Revised Statutes and by entering into this Agreed Settlement agrees to comply with the same.
8. In resolution of the Department's concerns, the Licensee agrees to the provisions of this Agreed Settlement, and expressly agrees that violation of any of the terms of this Agreed Settlement or the statutes and regulations governing her license is ground for revocation of her license or as such other discipline as the Department may determine appropriate.
10. Compliance of this Agreed Settlement will be monitored by unannounced inspections by a Department representative (i.e. Child Care Inspection Specialist, Fire Marshal or designated agent, Resource Development Worker, Children and Family Services Specialist) or other designated agent of the Department. Licensee agrees that she shall permit Department representatives to inspect any location where she is caring for children at any time as part of monitoring her compliance with this Agreed Settlement.
11. No coercion, threats, or promises other than those stated herein were made to induce Licensee to enter into this Agreed Settlement.
12. Licensee's signature below represents her entry into this Agreed Settlement freely, voluntarily and knowingly.
13. Licensee agrees that she may only care for three or fewer children (other than her own children)  

two (2) convictions for  
resolved in her favor. Licensee agrees that if such convictions  
are not resolved in her favor that her license shall automatically be revoked by

the Department without further notice and right to a hearing. Licensee agrees that if the convictions are resolved in her favor and


the Department, after Notice and opportunity for hearing, may impose a sanction or negative action against her license for alleged violations of statutes and regulations governing the operation of a child care program that occurred between August, 2009, and February, 2010, and on or about April 27, 2010.

14. 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.

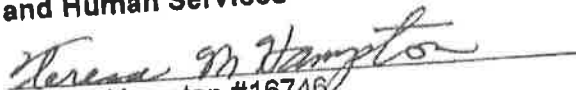
Dated this 21 day of May, 2012.

Amy Prusa, Licensee

  
\_\_\_\_\_  
Amy Prusa

Dated this 5<sup>th</sup> day of June, 2011.

**Nebraska Department of Health  
and Human Services**

  
\_\_\_\_\_  
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

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

IN THE MATTER OF: )  
THE OPERATING FAMILY CHILD CARE HOME ) NOTICE OF REVOCATION AND  
II LICENSE OF AMY L. PRUSA, D/B/A AMY'S ) DENIAL OF APPLICATION  
DAYCARE AND THE DENIAL OF THE )  
APPLICATION TO AMEND TO A NEW ADDRESS )

LICENSED LOCATION: 314 MAPLE STREET, CLARKSON, NE, 68629

PROPOSED LICENSED LOCATION: 114 SOUTH 6<sup>TH</sup> STREET, HOWELLS, NE, 68641

**NOTICE:**

Amy L. Prusa (hereinafter referred to as "Prusa") is hereby notified that the Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") intends to revoke Prusa's Operating Family Child Care Home II license and deny the application to amend to a new address for violation of the following:

**AUTHORITY:**

Nebraska Revised Statutes, section 71-1911.02 states in pertinent part: "An application shall be accompanied by...additional information as required by the Department, including affirmative evidence of the applicant's ability to comply with rules and regulations adopted and promulgated under the Act."

Nebraska Revised Statutes, section 71-1919, of the Child Care Licensing Act provides that "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 and/or 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: ...

(4) Conduct or practices detrimental to the health or safety of a person served by or employed at the program; ..."

391 NAC 3-001.12 Denial of a License: "Denial of a license will be based upon any of the following circumstances:

1. The applicant's unwillingness or inability to comply with regulations;

3. Misdemeanor ... conviction of the applicant, child care provider, licensee, primary provider ... ; ...
5. Conviction, admission, or substantial evidence of any offenses against children or adults including, but not limited to: by the applicant, child care provider, licensee, primary provider, ...;

391 NAC 4-001.04 Suspension or Revocation: "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;

17. When a licensee has violated any regulation;..."

391 NAC 6-004.01 in pertinent part: "The child care provider and/or household members do 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)

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)

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

Prusa is the licensee of an operating Family Child Care Home II. This program is licensed for a maximum of 10 children, six weeks to 13 years of age, 5:30 a.m. to 5:00 p.m., Monday through Friday. This program has been licensed as a Family Child Care Home II since October 21, 2009. Previously, Prusa was the licensee of a Family Child Care Home I.

On or about April 27, 2010, a two and one-half year old child in Prusa's care was injured and at least one incident that occurred between August, 2009 and February, 2010, in which a different child in Prusa's care was injured. Prusa stated she was unaware of how the April 27, 2010, injury occurred but believed it was from the child running into a wall. This child had visible bruising; the cause of which was not adequately explained by Prusa.

In addition, Prusa failed to notify the Department of her conviction as required by regulations.

Based on the above information, the Department intends to revoke Prusa's Family Child Care Home II license and deny her application to amend her license to a new address. Prusa must send her Family Child Care Home II license to Marsha Wandersee at the address listed below seven calendar 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 February 9, 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 February 9, 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: JANUARY 25, 2012

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

  
By: Patricia Urzedowski, 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 25th day of January, 2012, a copy of the foregoing **NOTICE OF REVOCATION AND DENIAL OF APPLICATION** was sent by certified and first class United States mail, sufficient postage prepaid, to Amy L. Prusa, Amy's Daycare, 314 Maple Street, Clarkson, Nebraska, 68629, P.O. Box 377, Clarkson, Nebraska, 68629, Amy L. Prusa, Amy's Daycare, 114 South 6<sup>th</sup> Street, Howells, Nebraska, 68641 and 82975 571 Avenue, Clarkson, Nebraska, 68629 and Donald Roberts, Esq., Lustgarten & Roberts, PC, LLO, 1625 Farnam Street, Farnam Plaza Ste. 900, Omaha, Nebraska, 68102.





DIVISION OF PUBLIC HEALTH, LICENSURE UNIT  
301 CENTENNIAL MALL SOUTH, 3RD FLOOR, P.O. BOX 84986  
LINCOLN, NE 68509-4986  
402-471-2115 FAX 402-471-3577

State of Nebraska

Dave Heineman, Governor

July 12, 2010


Amy Prusa  
Amy's Daycare  
PO Box 377  
Clarkson, NE 68629

Dear Ms. Prusa:

In accordance with the letter written by Harriet Spelts, Child Care Licensing Supervisor, on July 9, 2010, your original license to operate a Family Child Care home II in the State of Nebraska has been placed on Corrective Action Status. A license imprinted with the term "Corrective Action Status" is enclosed. This status became effective July 1, 2010 and it will remain in effect until January 1, 2011. Upon completion of this term, a new license will be issued to you.

At this time we ask that you return your current license within the next ten days to Marsha Wandersee in the Licensure Unit. If you have any questions, please contact Children's Services Licensing at 402-471-9302.

Sincerely,

  
Helen L. Meeks, Administrator  
Licensure Unit

HLM/clb

cc: Children's Services Licensing

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

# State of Nebraska

Department of Health and Human Services  
Division of Public Health

**AMY L PRUSA**

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: 314 MAPLE STREET Clarkson NE 68629

A maximum of 10 children in ages 6 WKS to 10 YRS may be in attendance at any one time during the hours of 0600 to 1730 on MTWTHF.

AMY'S DAYCARE is hereby issued License No. F19856  
whose status is Active-Corrective Action Status effective from 07/01/2010

Amended: 07/01/2010

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 July 12, 2010.



*[Signature]*  
Jenny Schaefer, MD, Chief Medical Officer, Director  
Division of Public Health, Department of Health and Human Services



Division of Public Health

State of Nebraska

Dave Heineman, Governor

July 9, 2010

Amy's Daycare  
Amy Prusa  
314 Maple St  
Clarkson NE 68629

**CERTIFIED MAIL**

Dear Ms. Prusa:

The Nebraska Department of Health and Human Service, Division of Public Health, Child Care Licensing Program has received your plan of correction. Your Corrective Action Plan has been reviewed and approved. The Corrective Action Status will be in effect for a period of six months, effective July 1, 2010 through January 1, 2011.

A new license indicating "Corrective Action Status" will be mailed to you. Please post the license in a prominent place upon its arrival.

Compliance with the terms of the Corrective Action Plan will be monitored by announced or unannounced inspections to your Family Child Care Home II by Child Care Licensing Staff. Any violation may be grounds for discipline as the Child Care Licensing program may determine appropriate.

Your plan of correction indicates that you will mail the daily attendance records to CCIS Jedlicka on or before the 15<sup>th</sup> of each month. You have provided a current list of all of the daycare children enrolled. You will need to notify CCIS Jedlicka within 5 calendar days of any changes with the children that are currently enrolled. This would include any children that are no longer coming and any new children that may enroll. You have also noted in your plan and discussed with CCIS Jedlicka that you have spoken with the parents about their schedules so that over lapping does not occur. You had also stated you understand child/staff ratio and will maintain compliance.

You also stated to CCIS Jedlicka that you will use the Parent Acknowledgement forms once your Corrective Action Plan has been approved. Please provide each family an acknowledgement form and mail all of them in to CCIS Jedlicka on or before 7/23/10. In the future, you will also need to mail in a Parent Acknowledgment form for any new children that may start coming to your daycare. The Parent Acknowledgement will need to be mailed in to CCIS Jedlicka within 5 calendar days of enrollment of the new child(ren) in care.

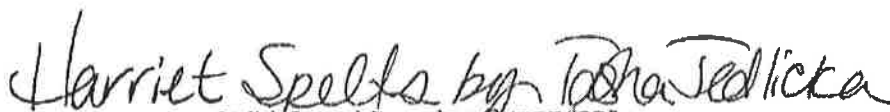
In your plan you had indicated many changes to the daily routine to ensure that the children are supervised while in your care. These include but are not limited

to serving family style meals, preparing food ahead of time, more story time, taking them outside more, etc.

Finally, your plan indicates that you will email CCIS Jedlicka when a child gets hurt at daycare. Please note that regulation 391 NAC 6-001 requires notification to our office if there is a death of a child or an injury that requires hospitalization or medication attention to be sought. You are required to report this within 24 hours or the next business day. You may do so in person, by telephone, or in writing.

If you have any questions please contact Tasha Jedlicka at 402-564-1113 ext. 210 or myself, Harriet Spelts at 308-535-8246.

Sincerely,



Harriet Spelts, Child Care Licensing Supervisor  
Division of Public Health  
Children's Services Licensing  
200 South Silber  
North Platte, NE 69101

CC: Tasha Jedlicka, Child Care Inspection Specialist  
Marsha Wandersee, Administrative Assistant II

**Jedlicka, Tasha**

**From:** Thursday, July 01, 2010 2:36 PM  
**Sent:** Jedlicka, Tasha  
**To:** Jedlicka, Tasha  
**Subject:** Re: HI

I will send u them in the mail each month as soon as I get them all and I will make sure you have them by the 15th each month

----- Original Message -----

**From:** Jedlicka, Tasha  
**To:** amy.ernest!  
**Sent:** Thursday, July 01, 2010 2:32 PM  
**Subject:** RE: HI

Hi Amy,  
Thanks for this revised plan. The only other question I had is how you plan to get the attendance records to me each month.

Tasha

Tasha Jedlicka, Child Care Inspection Specialist  
Nebraska Department of Health & Human Services  
2365 39th Ave.  
Columbus NE 68601  
402-564-1113 ext. 210

**From:** amy.ernest!  
**Sent:** Thursday, July 01, 2010 2:28 PM  
**To:** Jedlicka, Tasha  
**Subject:** HI

These are all the kids that I have in my daycare:

6:00-2:30	4 days a week mom depends on moms work sch.
7:40-5:00	4 days a week but it depends when I have room and I let her
now what day I am full or it does not work for me	
7:40-5:00	4 days a week but it depends when I have room and I at her now
what day I am full or it does not work for me	
6:40-4:00	3 or 4 days a week before and after school and during the
summer	
6:40-4:00	3 or 4 days a week before and after school and during the
summer	
7:30-4:00	it depends when I have room during the school year and mom
calls to ask if I have room	
7:30-4:00	depends when I have room during the school year and mom
calls to ask if I have room	
my kid	
my kid	
8:00-4:30	2 or 3 days a week depends on mom's work sch. she works at a
Hosp.	
8:00-4:30	2 or 3 days a week depends on mom's work sch. she works at a
Hosp.	

Hosp.

8:00-4:00 2 or 3 days a week depends on mom's work sch. she works at a

Hosp.

8:00-4:00 2 or 3 days a week depends on mom's work sch. she works at a

6:40-4:00 3 or 4 days a weeks depends when mom works

6:40-4:40 3 or 4 days a weeks depends when mom works

6:40-5:00 4 or 5 days a week before and after school and during the

summer

-I am doing family style meals

-No running when I am cooking in the kitchen and I am trying to make more of the foods in the morning when I get here

-When the kids don't get along and time out don't work than I put one in the kitchen to color or put puzzles together

-I try to take them outside more to run of there energy or get some fresh air

-I don't have them all play in the same area I put them at different parts of the house and play with different things

-We try to have story time more often

- I am working with each parent so this way I don't over lap on kids and I only have so many in my daycare at once.

-I hope this is all you need and if not just let me now

Thanks Amy

This is the rest of the kids that I have enrolled in my daycare. The Attendance for each week is different.

6:40-2:30 4<sup>8</sup> days a week

7:40-4:40 when I have room

7:40-4:40 when I have room

6:40-4:00 before and after school

6:40-4:00 before and after school

6:40-4:00 + summer

7:30-4:00 ~~every~~ school year

7:30-4:00 ~~every~~ school year

everyday } my  
everyday } kids

-I am doing family style meals

-No running when I do cook in the kitchen and

I am trying to make more of the foods in the morning

-When the kids don't get along and time out don't work than I put one in kitchen to color or put puzzles together <sup>the</sup>

-I try to take them outside more to run of there energy or get some fresh air.

-I don't have them all play in the same area I put them at different parts of the house and play with different things

-We try to have story time more often

The corrective Action Plan

-I did not write the kids names on it

because everyday & week are different so

I was not sure how else to do it. The parent that sign it is Cadence & Chbe Indra's mom.

JUN 24 2010



Division of Public Health

State of Nebraska

Dave Heineman, Governor

ACKNOWLEDGMENT NOTICE OF A CORRECTIVE ACTION PLAN

I, Amy Prusa [printed name(s)]

34 Maple St Clarkson NE 68609 702-379-7640  
[address and phone number]

have received a copy of the Corrective Action Plan and understand that Amy Prusa must follow the requirements of the Corrective Action Plan and the Child Care Licensing statutes and regulations.

Name, ages of my child(ren) that is/are enrolled in Amy Prusa's Family Child Care Home II according to the following schedule:

Day:	(enter time and circle "a.m." or "p.m.")	Name of Child(ren)
Sunday:	_____ a.m./p.m. to _____ a.m./p.m.	_____
Monday:	<u>6:00 a.m.</u> p.m. to <u>5:30 a.m.</u> p.m.	<u>Isabelle, Carter</u>
Tuesday:	<u>6:00 a.m.</u> p.m. to <u>5:30 a.m.</u> p.m.	_____
Wednesday:	<u>6:00 a.m.</u> p.m. to <u>5:30 a.m.</u> p.m.	_____
Thursday:	<u>6:00 a.m.</u> p.m. to <u>5:30 a.m.</u> p.m.	_____
Friday:	<u>6:00 a.m.</u> p.m. to <u>5:30 a.m.</u> p.m.	_____
Saturday:	_____ a.m./p.m. to _____ a.m./p.m.	_____

Date: 6/11/10 Signed: [Signature]  
Date: \_\_\_\_\_ Signed: \_\_\_\_\_

A signed and dated copy of this acknowledgment must be completed and signed by at least one parent. The Acknowledgment will be mailed by Amy Prusa to Child Care Inspection Specialist Tasha Jedlicka to the address below:

Tasha Jedlicka, Child Care Inspection Specialist  
Children's Services Licensing  
2365 39<sup>th</sup> Ave.  
Columbus, NE 68601

Received: \_\_\_\_\_

You as a parent may contact these individuals: Tasha Jedlicka, Child Care Inspection Specialist, 402-564-1113 ext 210; Harriet Spelts, Child Care Licensing Supervisor, 308-535-8246; or Pat Urzedowski, Program Administrator, 402-471-9431.

JUN 24 2010 JUN 24 2010

# Enrollment/Attendance Form

Today's Date (if applicable) June 24, 2010 & June 25, 2010

Write each child's name and birthdate.

Draw line across each column indicating arrival times and departure times for each child. Mark an "X" in the lower "Overlap" column indicating the times of overlapping care.

If this is an ENROLLMENT type of schedule (set schedule) only one sample schedule needs to be completed. If this is an ATTENDANCE type of (changeable schedule), a schedule needs to be completed each day.

Child's Name Birthdate	Age	6:00 a.m.	6:30	7:00	7:30	8:00	8:30	9:00	9:30	10:00	10:30	11:00	11:30	12:00 noon	12:30 p.m.	1:00	1:30	2:00	2:30	3:00	3:30	4:00	4:30	5:00	5:30	6:00	6:30 p.m.
1. <u>3/16/02</u>																											
2. <u>6/10/02</u>																											
3. <u>6/10/02</u>																											
4. <u>8/20/02</u>																											
5. <u>8/20/02</u>																											
6. <u>8/20/02</u>																											
7. <u>6/10/02</u>																											
8. <u>Friday one</u>																											
9. <u>one both</u>																											
10. <u>one</u>																											
11. <u>one</u>																											
12. <u>one</u>																											
13. <u>one</u>																											
14. <u>one</u>																											
15. <u>one</u>																											
OVERLAP																											



Division of Public Health

State of Nebraska

Dave Heineman, Governor

June 16, 2010

Amy's Daycare  
Amy Prusa  
314 Maple St.  
Clarkson NE 68629

Dear Ms. Prusa:

This letter serves as a follow up regarding the recent Corrective Action Plan submitted to our office on 6/14/10. The plan has been reviewed and there is some additional information that is needed and some questions that need to be answered before the plan can be accepted. **Please address the following in a revised plan that needs to be submitted to me on or before June 22, 2010.**

- 1) The listing of the children you provided did not include last names and not all had days of the week and/or times of arrival departure noted as to when they would be attending daycare. Please ensure that the listing of all daycare children enrolled includes both first and last name and times of arrival and departure including the day of the week they are to attend. It was also noted that you did not include your own children in this plan. Based on their ages you will need to be sure to list them as daycare children as you are required to count them in your total capacity and child/staff ratio. Please address and be specific as to what conditions drop in children may attend such as only during the school year and/or when there is room, etc. If a child's schedule changes from week to week give a sample week as to what your daycare attendance would look like for review in the plan you will submit.
  - 1a) Enclosed with this letter I have provided you with an Enrollment/Attendance Form that many providers use to monitor their child/staff ratio and/or children's schedules. If you wish to use this form you need to include this with your plan. Please advise how you will ensure that your daily attendance will be submitted to me whether you choose to use your own form or the one that has been provided. You may drop off, mail, fax or scan and email the information to me.
- 2) If you are going to use the Parent Acknowledgement Form please be sure that all of the required information is filled out. The one you had submitted on 6/14 did not have the names of the children listed so we are unable to determine which parent signed the form. You may submit the Parent Acknowledgement forms after your Corrective Action Plan has been reviewed and approved. Therefore, you parents will have time to look at your final, approved plan.
3. You had also mentioned at previous visits what you have done to change your daily schedule to ensure supervision of the children. Please be sure to list specifically some of the changes you have implemented such as daily routine change, serving family style meals, etc.

If you have any question please call me at 402-564-1113 ext. 210 or my supervisor, Harriet Spelts at 308-535-8246.

Sincerely,



Tasha Jedlicka, Child Care Inspection Specialist  
Division of Public Health, Children's Services Licensing  
2365 39<sup>th</sup> Ave  
Columbus NE 68601

CC Harriet Spelts, Children's Services Licensing  
Cindy Strufing, Administrative Assistant I

### Tim's Daycare

8-4 depends when mom works

8-4 or 8-noon

depends when mom works

6-2:30  
4 days a week

6:40-2:30  
4 days a week

7:40-4:40  
when I have room  
after school a before &  
summer  
before & after school +  
summer

school year time  
part time

I am going to work with the <sup>parents</sup> ~~parents~~ better. So this way I will not be over on kids. I am going to work on setting times with the parents so prevent over lapping on the kids. I will talk to each parent about what is going on in my daycare. So this will not happen again.

I am going to change the way I do things with the kids to prevent anyone from getting hurt. Instead of telling them, run around at the time I get lunch ready I am going to find other things for them to do. I will e-mail you when someone gets hurt in my daycare this way you now ~~for~~ what had happen right away. I will work

JUN 14 2010

hard on everything. This way I make everything  
run better. I will do what ever I can to  
prevent everything. I just had a baby so I  
am in and out.

Thanks

Denny L. Bussa

JUN 16 2010

May 28, 2010

Amy's Daycare  
Amy Prusa  
314 Maple St.  
Clarkson NE 68629

**CERTIFIED MAIL**

Dear Ms. Prusa:

Nebraska Revised Statutes, section 71- 1911 (4), of the Child Care Licensing Act, provides that the department may place a license on Corrective Action Status.

**FACTS:**

On October 18, 2007 you were issued a provisional Family Child Care Home I license and on October 31, 2008 you were issued an operating Family Child Care Home I license. On January 20, 2009 your licensed Family Child Care Home I was placed on a Licensing Agreement effective through January 20, 2010. The Licensing Agreement terms specifically stated that you would maintain child/staff ratio. (NAC 6-006.02 Child/Staff Ratio CRED-PAM-0956)

An amendment visit was completed on October 21, 2009 and you were issued a Family Child Care Home II license on October 21, 2009.

Child Care Inspection Specialist (CCIS) Tasha Jedlicka has noted you to be out of compliance with child/staff ratio on the following dates: 11/21/08, 1/5/09, 1/20/09, 5/19/09, 9/29/09, 2/26/10 and 3/24/10.

**REGULATORY BASIS:**

391 NAC 6-001: The child care provider shall assume responsibility for providing adequate and appropriate supervision at all times children are in attendance. Any designated substitute shall have the same responsibility for providing adequate and appropriate supervision. Ultimate responsibility for supervision will be with the child care provider. (Page 3, Standard 6)

NAC 6-006.02 Child/Staff Ratio: The child care provider shall maintain compliance with the child/staff ratio as indicated in regulation manual.

Mixed Age: FCCH I and II provider serving mixed ages may provide care for no more than three infants (under 18 months) per adult as long as no more than two infants per adult are under 12 months of age. In the event of multiple births, an alternative compliance may be considered. (Page 7, Standards 37 & 39)

#### **DETERMINING CORRECTIVE ACTION STATUS:**

A non-disciplinary probationary license may be issued for the licensee to operate under corrective action status if the department determines that:

- (a) The licensee is unable to comply with all licensure requirements and standards or has had a history of noncompliance;
- (b) The effect of noncompliance with any rule or regulation does not present an unreasonable risk to the health, safety or well-being of children or staff;
- and
- (c) The licensee has a written plan of correction that has been approved by the department.

Based on the facts presented above and the regulations violated, the department is placing your operating Family Child Care Home II license on Corrective Action Status for a period of six months.

#### **CORRECTIVE ACTION STATUS: PLAN OF CORRECTION**

Corrective action status is voluntary and the decision regarding placement on corrective action status is not appealable. However, you are required to submit a written Plan of Correction that must be approved by the department. The following items must be included in your written Plan of Correction:

- Describe how you will ensure that child/staff ratio is maintained on the premises at all times. Include a written daily attendance chart that includes the name and birth date of each child in care and the arrival and departure times of each child. Include how you will ensure that this form is available for review upon request and how it will ensure it is submitted to your Child Care Inspection Specialist, Tasha Jedlicka, on or before the 15<sup>th</sup> of every month during your six month corrective action status.
- Describe how you will ensure that all parents of children currently attending your program and who may enroll in your program will be informed of the corrective action plan. Please see attached Acknowledgement form that may be used.
- Describe how you will ensure that children are supervised at all times while they are in your care.

- Describe how you will ensure that the Department is notified of any Injury requiring medical attention of if there is a death at the Family Child Care Home II.

Please submit your written Plan of Correction to Tasha Jedlicka, Child Care Inspection Specialist; 2365 39<sup>th</sup> Ave. Columbus, NE 68601 **within ten calendar days after you receive this letter.**

**FAILURE TO SUBMIT CORRECTIVE ACTION PLAN:**

If you do not submit a written Plan of Correction, or the written Plan of Correction is not approved, the department may discipline your license by imposing one or a combination of the following types of disciplinary action:

- (a) Issue a probationary (disciplinary) license;
- (b) Suspend or revoke a provisional, probationary, or operating 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;
- (d) Establish restrictions on new enrollment in the program;
- (e) Establish restrictions or other limitations on the number of children or the age of the children served in the program; or
- (f) Establish other restrictions or limitations on the type of service provided by the program.

If you have any questions regarding this letter, please contact Tasha Jedlicka, Child Care Inspection Specialist at 402-564-1113 ext. 210 or myself at 308-535-8246 or toll free at 1-877-629-1007.

Thank you.

Sincerely,

Harriet Spelts, Child Care Licensing Supervisor  
Children's Services Licensing  
Division of Public Health  
200 South Silber  
North Platte, NE. 69101

cc: Tasha Jedlicka, Child Care Inspection Specialist  
Cindy Strufing, Administrative Assistant I



LICENSING AGREEMENT

I, Amy Prusa, provider and licensee of a Family Child Care Home I (FI9856), 314 Maple St. Clarkson, NE 68629, hereby voluntarily state and declare:

I have read and understand the Family Child Care Home Standards (CRED-PAM-0929).

I agree to comply with the following Family Child Care Home Standards as long as I am licensed by the State of Nebraska to provide child care services:

I agree to comply and understand Standard 37, Page 7, which states: "The child care provider shall maintain compliance with the child/staff ratios as indicated below. The following chart describes child/staff ratio for Family Child Care Homes." Refer to the Family Child Care Home Standards and/or 391 NAC 6-008.02 Child/Staff Ratio which show charts of child/staff ratio.

I understand and agree that when I am caring for eight children under school age there can be no more than three infants during that time.

I understand and agree that no more than eight total children under school age can be present at any one time. Two additional children can be present as long as they are school age.

I understand and agree that when serving mixed ages of children, which includes infants through school age, that child/staff ratio will be maintained at all times per Nebraska Department of Health & Human Services regulations depending on the number and ages of children in care.

I understand and agree that a copy of the Licensing Agreement will be prominently posted so it can be seen by parent and agency representatives.

I understand that Children's Services Licensing staff shall conduct announced or unannounced visits to my facility to determine compliance with this Agreement.

Any violation of this Agreement may be grounds for further discipline as the Department of Health and Human Services Division of Public Health may deem appropriate.

The Licensing Agreement shall be in effect for a period of one year from the signing of this document.

Tasha Fedlota  
Child Care Inspection Specialist  
Date 1/20/09

Amy L Prusa  
Provider/Licensee  
314 Maple St  
Street/Address  
Clarkson, NE 68629  
City and Zip Code  
Date 1/20/09