

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

**IN THE MATTER OF:** )  
**THE SUSPENDED FAMILY CHILD CARE HOME** ) **NOTICE OF**  
**HOME I LICENSE OF NATALIE JOHANSON** ) **REVOCAION**

**LICENSED LOCATION: 921 DRIFTWOOD DRIVE, LINCOLN, NE, 68510**

**NOTICE:**

Natalie Johanson (hereinafter referred to as "Johanson") is hereby notified that the Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") intends to revoke Johanson's suspended Family Child Care Home I license for violation of the following:

**AUTHORITY:**

Nebraska Revised Statutes, section 71-1919, of the Child Care Licensing Act 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; ...
- (4) Conduct or practices detrimental to the health or safety of a person served by or employed at the program; ..."

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;
- 3. When a complaint of suspected child abuse or neglect has been filed; ...
- 5. When the child care/preschool provider has a criminal charge filed against him/her involving a crime against children or a crime involving intentional bodily harm; ...
- 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: ...physical abuse ... by the child care provider; ...
  
- 17. When a licensee has violated any regulation; ..."

391 NAC 6-001 Provider: "The child care provider shall assume responsibility for providing adequate and appropriate supervision at all times children are in attendance." ... (Page 3, Standard 6, Family Child Care Home Standards)

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)

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:**

Johanson is the licensee of a suspended Family Child Care Home I. This program was licensed for a maximum of 10 children, ages six weeks to 13 years of age, 6:30 a.m. to 6:00 p.m., Monday through Friday. This program has been licensed since September 21, 2009.

On December 8, 2010, the Department was notified that Johanson was being charged with Felony Child Abuse and was being lodged in the Lancaster County jail. Information obtained shows that on October 21, 2010, an infant in Johanson's care had sustained a fractured elbow. As a result of this incident,

On December 10, 2010, Children's Services Licensing staff delivered an Emergency Order signed by The Director and Chief Medical Officer of the Nebraska Department of Health and Human Services immediately suspending Johanson's license and prohibiting her from providing child care to any children until the Department had completed its investigation. Johanson did not appeal this decision.

On October 18, 2011, in the District Court of Lancaster County, Nebraska, Johanson was convicted of Child Neglect and False Reporting, each of which is a Class I Misdemeanor. Johanson did not report this conviction to the Department as required by regulations.

Based on the fact presented above, the Department is revoking Johanson's Family Child Care Home I license.

#### **BE ADVISED:**

That according to Nebraska Revised Statutes, section 71-1922, the action in this Notice shall become final on January 23, 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 January 23, 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.

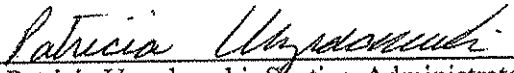
Nebraska Revised Statutes, section 71-1911, provides that a person who has had their "license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action." In 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."

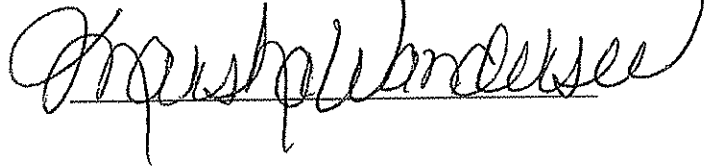
Dated: JANUARY 6, 2012

**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 6th day of January, 2012, a copy of the foregoing **NOTICE OF REVOCATION** was sent by certified and first class United States mail, sufficient postage prepaid, to Natalie Johanson, 921 Driftwood Drive, Lincoln, Nebraska, 68510.

  
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DIVISION OF PUBLIC HEALTH, LICENSURE UNIT  
301 CENTENNIAL MALL SOUTH, 3RD FLOOR, P.O. BOX 94986  
LINCOLN, NE 68509-4986  
PHONE 402-471-2115; FAX 402-471-3577

State of Nebraska

Dave Heineman, Governor

December 28, 2010


Natalie Johanson  
921 Driftwood Drive  
Lincoln, NE 68510

Dear Ms. Johanson:

This letter is written to request that you submit to Marsha Wandersee in the Licensure Unit by return mail 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 remains suspended by Emergency Order of December 9, 2010 and since you did not appeal the Emergency Order by or on December 27, 2010.

Please contact Marsha Wandersee at 402-471-9302 if you have any questions.

Sincerely,

  
Helen L. Meeks, Administrator  
Licensure Unit

HLM/mrw

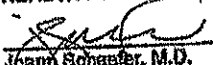
cc: Children's Services Licensing



4. Any information which is confidential by state statute shall not be released to the public.

DATED this 9 day of December, 2010.

**NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES**

  
Joann Schaefer, M.D.  
Chief Medical Officer  
Director of the 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

NATALIE JOHANSON  
A 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 Director of the Division of Public Health to declare an emergency and issue an Emergency Order suspending the child care license of Natalie Johanson, 921 Driftwood Dr., Lincoln, NE 68510 and prohibiting Ms. Johanson from providing care for any children. Ms. Johanson has a license as a Family Child Care Home I at 921 Driftwood Dr., Lincoln, NE 68510. Her operating hours are from 6:30 a.m. to 6:00 p.m. Monday through Friday. 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.

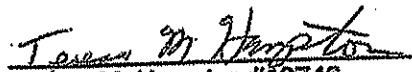
In support of its motion the Director is shown the accompanying affidavits of Katie Zabel, Child Care Inspection Specialist, and Patricia Urzedowski, Section Administrator.

**WHEREFORE** the Department moves the Director of the Division of Public Health for an Emergency Order suspending the child care license of

Natalie Johanson and prohibiting Ms. Johanson from providing care for any children until the Department completes its investigation.

**Nebraska Department of Health  
and Human Services**

Dated: 12/17/10



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



11. When there is a conviction, admission, or substantial evidence of any offenses against children or adults including, but not limited to: physical abuse, sexual abuse, sexual assault, neglect, or endangerment by the child care provider;

**391 NAC 6-001 Provider. ...**

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. ...

The child care provider who has reason to believe child abuse or neglect may be occurring in the family child care home, in the child's home, or elsewhere, shall immediately file a report with the Child Abuse-Neglect Hotline - 1-800-652-1999, and/or appropriate local law enforcement agency.

**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...

**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.

**391 NAC 6-011.03 Discipline:** The child care provider and/or his/her designated substitute is prohibited from using the following as a means of punishment:

1. Spanking, slapping, punching, shaking, striking with any inanimate object, handling roughly, or biting; ...

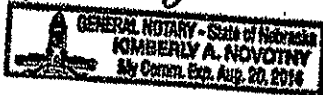
Further affiant saith not.

Patricia Urzedowski  
Patricia Urzedowski, Administrator  
Office of Children's Services Licensing

Subscribed and sworn before me this 9<sup>th</sup> day of December, 2010.

Kimberly A. Novotny

Notary Public



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

**IN THE MATTER OF**

**AFFIDAVIT**

**NATALIE JOHANSON  
A Family Child Care Home I**

**Comes now Affiant, Katie Zabel, being first duly sworn, and states as follows:**

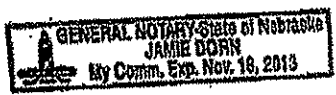
1. I am employed as a Child Care Inspection Specialist with the Nebraska Department of Health and Human Services, Division of Public Health, Office of Children's Services Licensing (hereinafter "Department").
2. The records of the Department show that Natalie R. Johanson holds a Family Child Care Home I operating license at 921 Driftwood, Lincoln, Nebraska, 68510.
3. Based on the below information, it is my professional opinion that there is an immediate risk of harm to children in care and this is an emergency situation which requires immediate action to protect the physical well-being and safety of children enrolled in this child care program which operates Monday through Friday 6:30am to 6:00pm.
4. On November 10, 2010, I was assigned a child care complaint by Rene' Tiedt, Child Care Resource Supervisor. Ms. Tiedt had been notified via email by Kala Wills, Child and Family Services Specialist that there was a pending child abuse and neglect investigation on Natalie Johanson who operated a daycare. Ms. Wills email indicated that the Lincoln Police Department's Family Crimes Unit, was currently investigating the intake, and until the Family Crimes Unit's investigation was complete she was not allowed to make contact with either the victim or the daycare provider.
5. On November 22, 2010, I emailed Ms. Wills requesting an up-date on the case. On November 23, 2010 Ms. Wills spoke with LPD Investigator Barry and emailed me an up-date. On November 24, 2010, I attempted to contact Investigator Barry, his voice mail message stated that he would be out of the office until December 6, 2010. On December 7, 2010 I spoke with Investigator Barry who stated that he had all of the medical reports he had been waiting on and would be arresting Ms. Johanson within the week. I contacted our Central Office staff and requested them to subpoena all police reports, medical reports, and interviews regarding the case.
6. On December 8, 2010, Investigator Barry contacted me via the telephone stating that he had arrested Ms. Johanson, she was charged with Felony Child Abuse and was currently lodged at the Lancaster jail. Investigator Barry stated Ms. Johanson would have her first court date on December 9, 2010.

7. On December 9, 2010, I obtained all records requested by subpoena and read those records. Those records state:

- I. On October 21, 2010 [redacted] was in the care of Ms. Johanson and she was the only adult present in the Family Child Care Home 1.
- II. [redacted] received a fractured elbow while in care.
- III. Ms. Johanson first stated that [redacted] had laid on this arm during a nap and that caused the injury, upon further questioning Ms. Johanson stated that she had caught [redacted] as [redacted] fell out of [redacted] highchair and that she may have pulled [redacted] arm at that time. She stated that [redacted] did not complain of pain or cry out. She gave investigators from the Family Crimes Unit two different explanations of how the injury occurred.
- IV. Dr. Dew's the family's physician examine [redacted] Dr.Dew's medical assessment stated [redacted] injuries were caused by non-accidental trauma. Dr. Haney, who is employed by Project Harmony, reviewed [redacted] records and informed investigators that the fracture to [redacted] arm would have been caused by a "really hard jerk" and not just catching the child's fall by grabbing their arm. Dr. Haney said the angle of the jerk would have been an excessive upward movement. Dr. Haney said that a child with this type of injury would have been in immediate pain and would have been screaming upset within seconds of the incident.
- V. Ms. Johanson is currently charged with Felony Child Abuse.

  
 Katie Zabel  
 Child Care Inspection Specialist

Subscribed and sworn before me this 9<sup>th</sup> day of December, 2010.



  
 Notary Public