

LICENSURE UNIT
AUG 07 2013
RECEIVED

FILED
08/07/2013
DHHS Hearing Office

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

IN THE MATTER OF)
THE REQUEST FOR HEARING BY) 12-1404
)
DEBBIE THOMAS D/B/A) ORDER OF DISMISSAL
DEBBIE THOMAS CHILD CARE)
A Provisional Family Child Care Home II)

This matter came on for consideration of the Appellant's written withdrawal of the request for hearing. The Hearing Officer being fully advised orders that this matter is DISMISSED.

DATED this 6th day of August, 2013.


Susan Strohn
Hearing Officer

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 7th day of August, 2013, a copy of the foregoing **ORDER TO DISMISS** was sent by regular and certified United States mail, postage prepaid, return receipt requested, to:

CASEY J. QUINN
540 DOUGLAS BUILDING
209 SOUTH 19TH STREET
OMAHA, NE 68102

TERESA HAMPTON
ATTORNEY FOR THE DEPARTMENT
Teresa.hampton@nebraska.gov


DHHS Hearing Office
PO Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 471-7276
dhhs.publichealthhearings@nebraska.gov

LICENSURE UNIT
AUG 06 2013
RECEIVED

FILED
08/06/2013
DHHS Hearing Office

REC

BEFORE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
STATE OF NEBRASKA
AUG - 6 2013

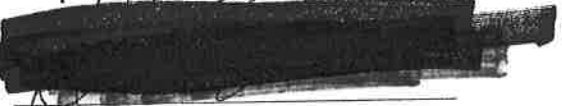
IN THE MATTER OF
DEBBIE THOMAS d/b/a
DEBBIE THOMAS CHILD CARE
A Provisional Family Child Care Home II

DHHS
Legal Services
MOTION TO WITHDRAW APPEAL OF
REVOCATION OF CHILD CARE
LICENSE

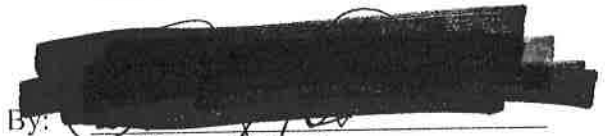
COMES NOW Debbie S. Thomas through her undersigned attorney, CASEY J. QUINN,
and respectfully withdraws her appeal in this matter.

Dated this 1 day of August, 2013.

Respectfully Submitted,



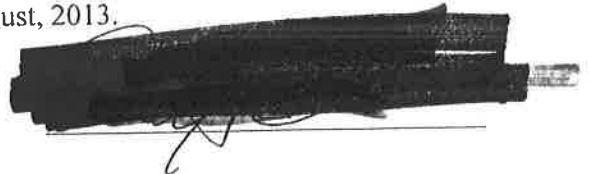
DEBBIE S. THOMAS



By: CASEY J. QUINN #17396
540 Douglas Building
209 South 19th Street
Omaha, Nebraska 68102
Telephone (402) 346-2500
Facsimile (402) 346-2505

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion to Continue was served upon Teresa Hampton P.O. Box 95026, Lincoln, NE 68509 by regular United States mail, postage prepaid, this 1 day of August, 2013.



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

IN THE MATTER OF

**DEBBIE THOMAS d/b/a
DEBBIE THOMAS CHILD CARE
A Provisional Family Child Care
Home II**

)
)
)
)
)
)

EMERGENCY ORDER

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 Medical Officer and Director, Division of Public Health, having reviewed the Motion and accompanying Affidavits, finds as follows:

1. Debbie Thomas d/b/a Debbie Thomas Childcare holds a Family Child Care Home II License, located at 5202 North 53rd Street, Omaha, NE 68104.
2. An emergency exists requiring immediate action to protect the physical well-being and safety of a child or children in the care of Debbie Thomas.

WHEREFORE, IT IS ORDERED:

1. Pursuant to Nebraska Revised Statutes §71-1915, the child care license of Debbie Thomas is hereby and immediately revoked and Debbie Thomas is hereby and immediately prohibited from providing child care to any children. Upon application to the Director within fifteen days of this Order, Ms. Thomas shall be afforded a hearing as soon as possible and within ten days of the application, unless she 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 11 day of May, 2012.

**NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES**



Joann Schaefer, MD
Chief Medical Officer
Director
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)	
)	MOTION FOR EMERGENCY ORDER;
DEBBIE THOMAS d/b/a)	MOTION FOR PROTECTIVE ORDER
DEBBIE THOMAS CHILDCARE)	
A Provisional Family Child Care)	
Home II)	

COMES NOW the Department of Health and Human Services, Division of Public Health and pursuant to Neb. Rev. Stat. §71-1915 moves the Chief Medical Officer and Director, Division of Public Health to declare an emergency and issue an Emergency Order revoking the child care license of Debbie Thomas, 5202 North 53rd St., Omaha, NE 68104 and prohibiting Ms. Thomas from providing care for any children. Ms. Thomas has a license as a Family Child Care Home II at 5202 North 53rd St., Omaha, NE 68104. Her operating hours are Monday through Sunday, twenty-fours (24) a day. 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 Medical Officer and Director is shown the accompanying affidavits of Dawn Kozak, Child Care Inspection Specialist, and Helen Meeks, Unit Administrator, and pictures taken by an Omaha police officer of the alleged victim.

WHEREFORE the Department moves the Chief Medical Officer and Director of the Division of Public Health for an Emergency Order revoking the child care license of Debbie Thomas and prohibiting Ms. Thomas from providing care for any children.

**Nebraska Department of Health
and Human Services**

Dated:

May 11, 2012


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

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF PUBLIC HEALTH

STATE OF NEBRASKA

IN THE MATTER OF)
)
 THE Provisional FAMILY CHILD CARE HOME II)
)
 LICENSE OF DEBBIE THOMAS , DBA Debbie) **AFFIDAVIT**
 Thomas Childcare)
)

STATE OF NEBRASKA)

COUNTY OF DOUGLAS) ss

Comes now Affiant, Dawn Kozak, 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 Debbie Thomas (hereinafter "Thomas") holds a Provisional Family Child Care Home II license, DBA Debbie Thomas ChildCare, at the address of 5202 North 53rd Street, Omaha, NE, 68104
3. The Department was notified by Ross Manhart, Department of Health and Human Services, Resource Development Foster Care Supervisor, on the p.m. of May 7th, 2012, that Debbie Thomas' foster care license, 2531 Caldwell ST. Apt. 325 B, Omaha, had been revoked. (March 14, 2012 DHHS sent a notice to Ms. Thomas revoking her foster care license, which she did not contest.)
4. The Department determined that the Debbie Thomas referenced in number 3 above, is the same Debbie Thomas who is owner/primary provider of a family child care home II, DBA Debbie Thomas Childcare at 5202 N. 53rd St., in Omaha.
- 5.

The written assessment states that Thomas struck a _____ with a belt that resulted in injury. The assessment also stated that law enforcement photographed the injuries.

- 6. Contact was made with the Omaha Police Department and the photographs and police report were obtained by the Department on May 10, 2012, and a copy of such are attached and incorporated herein by reference.
- 7. The police report stated Thomas was cited for physical abuse of a child based on its investigation of the matter.
- 8. NDEN show Thomas is currently charged with Misdemeanor Negligent Minor Care and Misdemeanor Assault and Battery and is scheduled for a trial in June, 2012.

Based on the information above, 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 Sunday, 0000 to 2400, (24 hours 7 days a week) My professional opinion is that an Order be entered prohibiting Thomas from providing care.

[Redacted Signature]

Dawn Kozak

Child Care Inspection Specialist

Dated this 11 day of May, 2012.

Acknowledgement

State of Nebraska

County of Douglas

The foregoing instrument was acknowledged before me this

11th of May 2012 by Gabrielle Staben

[Redacted Signature]

Notary Public Signature

Affix Seal Here



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

IN THE MATTER OF)

AFFIDAVIT

Debbie Thomas d/b/a as Debbie)
Thomas ChildCare)
A Provisional Family Child Care)
Home II)

STATE OF NEBRASKA)

COUNTY OF LANCASTER)

) ss

Comes now Affiant, Helen Meeks, being first duly sworn, and states as follows:

1. I am employed as the Administrator of the Licensure Unit of the Nebraska Department of Health and Human Services Division of Public Health (hereinafter "Department").
2. The records of the Department show that Debbie Thomas holds a Family Child Care II Provisional License, DBA Debbie Thomas Day Care at 5202 N. 53rd St., Omaha, NE 68104.
3. In my capacity as Administrator of the Licensure Unit, I am a custodian of all licensing records for licensed Child Care Programs.
4. Based on the information contained in the Affidavit signed by Dawn Kozak, Child Care Inspection Specialist with the Department of Health and Human Services, Division of Public Health, Debbie Thomas has violated the following Child Care Licensing Regulations:

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, sexual abuse, sexual assault, neglect, or endangerment by the child care provider;..."


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.


Helen Meeks, Administrator
Licensure Unit

Subscribed and sworn before me this 11th day of May, 2012.




Notary Public