

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

November 13, 2018

Charlotte Neitzke
707 S 11th St.
Norfolk, NE 68701

Dear Ms. Neitzke:

This letter is to acknowledge receipt, as of November 13, 2018, of check number 1857 for \$200.00 which is final payment remitted in accordance with the Notice of Disciplinary Action issued on April 4, 2018, by Thomas L. Williams, MD, Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services.

Thank you for your remittance.

Sincerely,


Becky Wisell, Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

BW/ck

Cc: Children's Services Licensing

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

June 22, 2018

Charlotte Neitzke
707 S 11th St.
Norfolk, NE 68701

Dear Ms. Neitzke:

This letter is to acknowledge receipt, as of June 15, 2018, of check number 1847 for \$100.00 which is partial payment remitted in accordance with the Notice of Disciplinary Action issued on April 4, 2018, by Thomas L. Williams, MD, Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services.

Therefore, there is a remaining amount of \$200.00. This remaining amount must be paid in full by September 30, 2018, to avoid further action against your license. No further extensions will be granted.

Thank you for your remittance.

Sincerely,


Becky Wisell, Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

BW/ck

Cc: Children's Services Licensing

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

April 24, 2018

Charlotte Neitzke
707 S. 11th Street
Norfolk, NE 68701

Dear Ms. Neitzke:

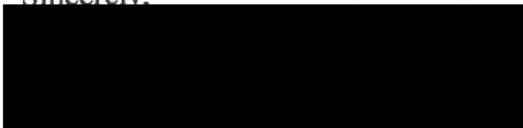
In accordance with the Notice of Disciplinary Action that was issued on April 4, 2018, by Thomas L. Williams, MD, Chief Medical Officer, Division of Public Health, Department of Health and Human Services, your original License to operate a Family Child Care Home I in the State of Nebraska has been placed on Probation. A license imprinted with the term "PROBATION" is enclosed. This status became effective April 17, 2018, and it will remain in effect until April 17, 2019. Upon completion of the Probation, a new license will be issued to you.

Additionally, as stated in the Notice of Disciplinary Action, a Civil Penalty in the amount of \$30 per day is assessed, beginning April 17, 2018, and for each day thereafter, until you have submitted corrections and documentation that the non-compliance noted at the inspection conducted on March 19, 2018, has been corrected.

At this time, we ask that you submit your current Family Child Care Home I license by return mail, within the next seven (7) days, to DHHS, Division of Public Health, Licensure Unit, Attn: Chris Kort, 301 Centennial Mall South, Lincoln, NE 68509-4986.

If you have any questions, please contact Harriet Spelts, Child Care Licensing Supervisor, at (308) 535-8246.

Sincerely,


Becky Wisell, Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

BW/dcp

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

PROBATION

Department of Health and Human Services
Division of Public Health

CHARLOTTE NEITZKE

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Family Child Care Home I
located at: 707 SOUTH 11TH ST NORFOLK NE 68701

A maximum of 10 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0001 to 0001 on MTWTFSSU.

NEITZKE, CHARLOTTE is hereby issued License No. FI6329 which is effective on 09/15/1996

Given under the name and Seal of the Department of Health and Human Services Division of Public Health of the State of Nebraska at Lincoln on 09/15/1996



Thomas L. Williams, MD Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services



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

IN THE MATTER OF:)
THE OPERATING FAMILY CHILD CARE HOME I) NOTICE OF
LICENSE OF CHARLOTTE NEITZKE) DISCIPLINARY ACTION

LICENSED LOCATION: 707 S 11TH ST, NORFOLK, NE 68701
LICENSE NUMBER: F16329
CAPACITY: 10
AGES: 6 WEEKS TO 13 YEARS
HOURS AND DAYS: 12:00 AM TO 12:00 AM MONDAY THROUGH SUNDAY
DATE INITIALLY LICENSED: September 15, 1996

NOTICE:

Charlotte Neitzke, (hereinafter referred to as "Neitzke") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Neitzke's Operating Family Child Care Home I License for violation of the following statutes and regulations:

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;"

Nebraska Revised Statutes, section 71-1920, of the Child Care Licensing Act provides that "...the Department may impose any one or a combination of the following types of disciplinary action against a license issued under the Child Care Licensing Act:

- (a) Issue a probationary license; ...

(c) Impose a civil penalty of up to five dollars per child, based on the number of children for which the program is authorized to provide child care on the effective date of the finding of violation, for each day the program is in violation." ...

391 NAC 1-008.01 Grounds for Denial or Disciplinary Action: "The Department may deny the issuance of or take disciplinary action against a license 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 1-006.01 Licensee Qualifications and Requirements: "The Family Child Care Home I licensee must: 7. Be in compliance with all regulations whenever any children are in care;" ...

391 NAC 1-006.04E Annual Training: "The licensee and each staff member, not including substitutes or volunteers, must obtain 12 clock hours of training annually. Staff who work 20 hours or less each week must complete six hours of training annually."

FACTS AND FINDINGS:

On March 19, 2018, Kara Koinzan, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Koinzan"), conducted an unannounced monitoring inspection at Neitzke's. Neitzke signed a Licensing Agreement on February 6, 2017 indicating she would send in documentation of 12 clock hours of in-service training completed in 2017 by December 31, 2017. As of this date, Neitzke still needs to submit documentation for six clock hours of in-service.

PREVIOUS HISTORY:

Neitzke has a history of noncompliance including:

- Notice of Disciplinary Action sent on April 2, 2015 requiring Neitzke to submit proof of the required Child Care Liability Insurance on or before April 30, 2015.
- Notice of Suspension sent July 5, 2015 due to failure to submit proof of Child Care Liability Insurance.
- License suspended from August 4, 2015 to August 5, 2015 and Neitzke was assessed a civil penalty in the amount of \$1,200.00.
- Inspection on November 12, 2015, needed 12 clock hours of in-service training for 2014.
- Notice of Disciplinary Action sent on January 20, 2016, imposing a civil penalty for failure to submit corrections/documentation, which included in-service training hours.
- Inspection on November 30, 2016, needed 5 more clock hours of training for 2015 and had no in-service for 2016.

- Licensing Agreement signed February 6, 2017, regarding in-service training.

DISCIPLINARY ACTION IMPOSED:

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

1. Neitzke is assessed a civil penalty in the amount of \$30 per day (\$3.00 times license capacity of 10 children) from the effective date of this Notice, April 17, 2018, and for each day thereafter, including Saturday and Sunday, that Neitzke fails to submit corrections/documentation that the outstanding non-compliance noted at the inspection conducted on March 19, 2018, has been corrected.

Documentation must be submitted to Kara Koinzan, 501 M St., Antelope County Court House, Neligh, NE 68756, (402) 887-4196, Kara.Koinzan@nebraska.gov. Once Koinzan has received and verified the submitted written corrections/ documentation, which may require an on-site inspection, Neitzke will be informed in writing of the total of the civil penalty, which will be due 30 calendar days from the date of the notification to Neitzke.

Said penalty will then be payable to the Nebraska Department of Health and Human Services, Division of Public Health. Said penalty is to be sent to Chris Kort, PO Box 94986, Lincoln, NE 68509-4986.

2. Neitzke's Operating Family Child Care Home I license is placed on probation for a period of one year from the effective date of April 17, 2018 to April 17, 2019. The following terms and conditions will apply:

a.) Neitzke **MUST** ensure that **ALL** noncompliances found during the probationary period that are not required to be corrected immediately are corrected within 30 days to avoid further action against the license.

b.) Neitzke must submit verification of 6 hours of annual training for calendar year 2017 within 30 days of probation start date.

c.) Neitzke must submit a detailed written plan to obtain 12 hours of annual training for 2018 within 30 days of probation begin date. This plan must show how ALL 2018 training will be completed by November 1, 2018.

This training must be approved by the Early Childhood Training Center as well as the Department of Health and Human Services, as meeting the requirements for acceptable training for childcare program staff.

Prior to participating in any training, Neitzke will submit in writing the following to the Department, in order for the Department to determine if the training meets the requirements for which it is intended: training curriculum, date and time of training, name of the training, presenter/instructor's name, and the number of hours. This training will not count toward the required 12 hours of annual training.

Upon receipt of the above information, the Department will either approve or require additional information in writing from the Neitzke within ten working days of the receipt of the letter requesting approval of the training. If additional information is required, Neitzke must reply with the required information within ten calendar days of notice by the Department.

Neitzke must submit verification of attendance and successful completion within fifteen calendar days after completion of the approved training.

d.) Neitzke is responsible for paying for all costs associated with compliance.

All documentation required must be submitted to Department, Attn: Kara Koinzan, 501 M St., Antelope County Court House, Neligh, NE 68756, (402) 887-4196, Kara.Koinzan@nebraska.gov or at such other address as directed in writing, by the Department.

3. Compliance will be monitored by Children's Services Licensing staff and may be monitored by other Department representatives (i.e., Fire Marshal or designated agent, Environmental Health Specialist/Scientist or designated agent, Resource Development Worker, Children and Family Services Specialist/Worker, etc.). The Licensee and any employees and/or agents must cooperate with the Department in these monitoring inspections.

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

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

6. If Neitzke discontinues the child care program for any reason, the time the Neitzke is not actively operating a licensed child care program will not count toward the probation period and any subsequent child care license issued by the Department indicating Neitzke as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Neitzke must notify the Department, in writing, within seven (7) working days of any period that it is not actively operating the program. Active operation is the provision of childcare for a minimum of forty (40) hours a week for fifty (50) weeks of a calendar year.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on April 20, 2018 unless the Department receives a written request for a hearing before such date. 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 on or before such date, 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 on or by April 19, 2018. It should be addressed to:

Chris Kort, for DHHS
Children's Services Licensing – Licensure Unit
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.**”

Nebraska Revised Statutes, section 71-1920 of the Child Care Licensing Act, provides that “any fine imposed and unpaid under the Child Care Licensing Act shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of State of Nebraska in the district court of the county in which the program is located.” In addition, section 71-1920, (2), states “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.”

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

Dated: April 4, 2018

Thomas L. Williams, MD
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services



Becky Wisell / Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 4th day of April 2018, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Charlotte Neitzke, 707 South 11th St, Norfolk, NE 68701.



Chris Kort
Administrative Assistant II



March 2, 2016

Charlotte Neitzke
616 Walnut
Norfolk, NE 68701

CERTIFIED AND FIRST CLASS MAIL

Dear Ms. Neitzke:

Since you have complied with Notice of Disciplinary Action dated January 20, 2016 by coming into compliance as of March 1, 2016, you have been assessed a civil penalty in the amount of \$250.00 (\$10.00 a day times twenty-five days, February 5, 2016 through February 29, 2016). This penalty must be received by or on April 2, 2016.

Your check or money order should be payable to the Nebraska Department of Health and Human Services and sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, PO Box 94986, Lincoln, Nebraska, 68509-4986.

If you have questions, please contact Kathy Sanchez, Child Care Licensing Supervisor, at 402-471-9193.

Sincerely,



Becky Wisel, Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

BW/mrw

Cc: Children's Services Licensing



February 17, 2016

Charlotte Neitzke
616 Walnut
Norfolk, NE 68701

CERTIFIED AND FIRST CLASS MAIL

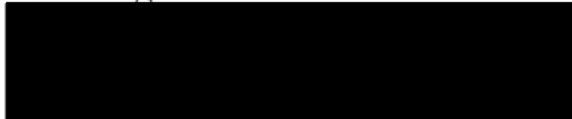
Dear Ms. Neitzke:

Since you did not appeal the Notice of Disciplinary Action dated January 20, 2016 by or on February 4, 2016, you are being assessed a civil penalty in the amount of \$10.00 a day from February 5, 2016 and each day thereafter, including Saturday and Sunday, that you fail to submit corrections/documentation that all outstanding non-compliances noted at the inspection on November 12, 2015 have been corrected.

You will notified of the amount of your civil penalty when all of the corrections/documentation have been received and verified.

If you have questions, please contact Kathee Sanchez, Child Care Licensing Supervisor at 402-471-9193.

Sincerely,



Becky Wisell, Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

BW/mrw

Cc: Children's Services Licensing



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

IN THE MATTER OF:)
THE OPERATING FAMILY CHILD CARE HOME)
I LICENSE OF CHARLOTTE NEITZKE)

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 616 WALNUT, NORFOLK, NE., 68701
LICENSE NUMBER: FI6329
CAPACITY: 10
AGES: SIX WEEKS TO 13 YEARS
HOURS AND DAYS: 24 HOURS A DAY, SEVEN DAYS A WEEK
DATE INITIALLY LICENSED: PRIOR TO SEPTEMBER 15, 1996

NOTICE:

Charlotte Neitzke (hereinafter referred to as "Neitzke") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Neitzke's Family Child Care Home I license for violation of the following statutes and regulations:

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;" ...

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

391 NAC 1-008.01 Grounds for Denial or Disciplinary Action: "The Department may deny the issuance of or take disciplinary action against a license 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; ...

391 NAC 1-006.02F Health Information Report: ... “All staff who are responsible for the care and supervision of children more than 20 hours per week must complete the report within 30 days of hiring. The Health Information Report must be completed annually.” ...

391 NAC 1-006.04E Annual Training: “The licensee and each staff member, not including substitutes or volunteers, must obtain 12 clock hours of training annually.” ...

391 NAC 1-006.23B Fire and Tornado Drills: “Fire and tornado drills must be practiced with the children and staff. Written documentation of drills, including dates conducted, must be kept and available for review by the Department.” ...

FACTS:

On November 12, 2015, Jeann Granstra (hereinafter referred to “Granstra”), Child Care Inspection Specialist, Children’s Services Licensing, Licensure Unit, Division of Public Health, conducted an unannounced annual inspection of Neitzke’s program. At that time, Granstra noted numerous non-compliances and required that they be corrected by December 12, 2015.

On December 22, 2015, Kathee Sanchez, Child Care Supervisor, sent Neitzke a letter indicating verification of compliance with regulations was required by January 12, 2016. As of this date, the following regulations remain in violation:

- Current Health Information Report was not available for Neitzke.
- Documentation of current annual training was not available for Neitzke for calendar year 2014.
- Documentation of fire and tornado drills practiced in calendar year 2014 was not available.

DISCIPLINARY ACTION IMPOSED:

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

1. Neitzke is assessed a civil penalty in the amount of \$10.00 per day (\$1.00 times license capacity of 10 children) from the effective date of this Notice, February 5, 2016, and for each day thereafter, including Saturday and Sunday, that Neitzke fails to submit corrections/documentation to the Department that all of the outstanding non-compliances noted at the inspection conducted on November 12, 2015 have been corrected.

These documents must be submitted to Jeann Granstra, Child Care Inspection Specialist, Children’s Services Licensing, Licensure Unit, Division of Public Health, 209 North 5th Street, Norfolk, Nebraska, 68701. Once Granstra has received and verified the required submitted corrections/documentation, which may require an on-site inspection, Neitzke will be informed in writing of the total of the civil penalty, which will be due 30 calendar days from the date of the notification to Neitzke.

Said penalty will then be payable to the Nebraska Department of Health and Human Services, Division of Public Health. Said penalty is to be sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

2. Neitzke must comply with all of the terms of this Notice by submitting the required documentation as indicated above by or on February 20, 2016.

3. Failure to comply with the terms of this disciplinary action, the applicable Child Care Regulations, and failure to correct the violations may be grounds for revocation or such other discipline as the Department may deem appropriate after notice to the licensee and an opportunity for a hearing.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on February 4, 2016, unless the Department receives a written request for a hearing on or before such date. 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 on or before such date, 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 4, 2016. It should be addressed to:

Marsha Wandersee, for DHHS
Children's Services Licensing – Licensure Unit
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 71-1920 of the Child Care Licensing Act, provides that “any fine imposed and unpaid under the Child Care Licensing Act shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of State of Nebraska in the district court of the county in which the program is located.”

That Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that “a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time,

except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under investigation or if the Department has initiated disciplinary action against the licensee.

Dated: January 20, 2016

Courtney N. Phillips, MPA
Chief Executive Officer
Department of Health and Human Services



Becky Wisell, Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 20 day of January, 2016, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Charlotte Neitzke, 616 Walnut, Norfolk, Nebraska, 68701.



Marsha Wandersee

September 9, 2015

Charlotte Neitzke
616 Walnut
Norfolk, NE 68701

CERTIFIED MAIL AND FIRST CLASS

Dear Ms. Neitzke:


Your request of September 9, 2015 to make payments on the \$1200.00 civil penalty imposed as a result of the Notice of Disciplinary Action dated March 31, 2015 is approved. However, the entire amount of \$1200.00 will be due December 12, 2015 and no additional time will be approved. Should you fail to pay the entire amount by or on December 12, 2015, additional disciplinary action may be initiated as the Department deems appropriate.

Your check or money order is to be sent to:

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

If you have questions regarding this letter, please contact me at 402-471-9431.

Sincerely,


Diane Kvasnicka, Program Manager
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
Diane.Kvasnicka@nebraska.gov

/mrw

August 12, 2015

Charlotte Neitzke
616 Walnut
Norfolk, NE 68701

CERTIFIED AND FIRST CLASS MAIL

Dear Ms. Neitzke:

Due to the Notice of Suspension dated June 17, 2015, your Child Care License was suspended from August 4, 2015 until August 5, 2015. The license has been reinstated due to the Department receiving verification of your compliance.

Since you did not appeal the Notice of Disciplinary Action dated March 31, 2015, you have been assessed a civil penalty in the amount of \$1200.00 (\$10.00 a day times one hundred twenty days, April 16, 2015 through August 4, 2015). This penalty must be received by or on September 12, 2015.

Your check or money order should be payable to the Nebraska Department of Health and Human Services and sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

If you have questions, please contact Diane Kvasnicka, Program Manager, at 402-471-9431.

Sincerely,


Becky Wisell, Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

BW/rk

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

IN THE MATTER OF:

The Operating Family Child Care Home I)	NOTICE OF
License of Charlotte Neitzke)	SUSPENSION

LICENSED LOCATION: 616 Walnut, Norfolk, Ne 68701

NOTICE:

Charlotte Neitzke (hereinafter referred to as "Neitzke") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is suspending the operating Family Child Care Home I license of Charlotte Neitzke, 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;
- (2) Violation of an order of the Department under the Act;" ...

Nebraska Revised Statutes, section 71-1911.03 of the Child Care Licensing Act provides that "An applicant for a license under the Child Care Licensing Act shall provide to the department written proof of liability insurance coverage of at least one hundred thousand dollars per occurrence prior to issuance of the license. A licensee subject to the Child Care Licensing Act on July 1, 2014, shall obtain such liability insurance coverage and provide written proof to the department within thirty days after July 1, 2014. Failure by a licensee to maintain the required level of liability insurance coverage shall be deemed noncompliance with the Child Care Licensing Act. ..."

391 NAC 1-008.01 Grounds for Denial or Disciplinary Action: "The Department may deny the issuance of or take disciplinary action against a license on any of the following grounds:

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

FACTS AND FINDINGS:

Neitzke is the licensee of an operating Family Child Care Home I license (FI6329). The program is licensed for 10 children, ages 6 weeks to 13 years. The facility provides 24 hour care, seven days a week. The operating license was issued on September 15, 1996.

On or about May 5, 2014, the Department notified all licensed child care and preschool programs by mail of the passage of LB 105 requiring child care programs obtain and maintain Child Care Liability Insurance of at least one hundred thousand dollars per occurrence and provide written proof to the department no later than August 11, 2014.

On or about February 17, 2015, the Department mailed a Compliance Review notifying Neitzke that no proof of Child Care Liability Insurance had been received and informed Neitzke that disciplinary action would be taken if proof of Child Care Liability Insurance was not received by February 26, 2015.

On April 2, 2015, a Notice of Disciplinary Action was sent to Neitzke requiring Neitzke to submit proof of the required Child Care Liability Insurance on or before April 30, 2015. As of the date of this Notice, the Department has not received from Neitzke written proof of the required Child Care Liability Insurance.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts presented above, the Department is suspending Neitzke's license until Neitzke submits to the Department written proof that she has the required liability insurance for her program. Such proof must be acceptable to the Department. The licensee must send its Family Child Care Home I license to Marsha Wandersee at the address listed below seven (7) days after this action becomes final.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on August 3, 2015, unless the Department receives a written request for a hearing on or before such date. 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 on or before such date, 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 on or by August 3, 2015. It should be addressed to:

Marsha Wandersee, for DHS
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."

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

Dated: July 17, 2015

Courtney N. Phillips, MPA
Chief Executive Officer
Department of Health and Human Services


Becky Wisell, Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 17th of July, 2015, a copy of the foregoing NOTICE OF SUSPENSION was sent by certified and first class United States mail, sufficient postage prepaid to:

Charlotte Neitzke
616 Walnut
Norfolk, Ne 68701


Diane Kvasnicka
Children's Services Licensing