

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

April 10, 2018

Susan Kroenke
22 Chippewa Drive
Gretna, NE 68028

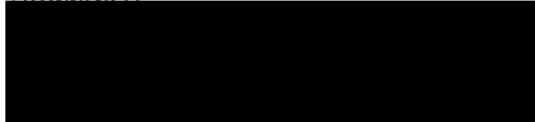
Dear Ms. Kroenke:

In accordance with the Notice of Disciplinary Action that was issued on March 19, 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 4, 2018, and it will remain in effect until April 4, 2019. Upon completion of the Probation, a new license will be issued to you.

At this time we ask that you submit your current 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 Jo Pfeiffer, Child Care Licensing Supervisor, at (402) 595-3335.

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

SUSAN KROENKE

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: 422 CHIPPEWA DR GRETN A NE 68028

A maximum of 10 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0630 to 1730 on MTWTF.

KROENKE, SUSAN is hereby issued License No. **F16460** which is effective on **10/26/1996**

Amended: 04/04/2018

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 April 13, 2018.



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
LICENSE OF SUSAN KROENKE

)
) NOTICE OF
) DISCIPLINARY ACTION

LICENSED LOCATION: 422 CHIPPEWA DR., GRETNA, NE 68028
LICENSE NUMBER: FI6460
CAPACITY: 10
AGES: 6 WEEKS TO 13 YEARS
HOURS AND DAYS: 6:30 AM TO 5:30 PM MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: OCTOBER 26, 1996

NOTICE:

Susan Kroenke (hereinafter referred to as "Kroenke") is notified that the Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department"), is imposing disciplinary action against Kroenke'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 1-006.02C Report of Law Enforcement Contact: "The applicant/licensee must complete a Report of Law Enforcement Contact for him/herself...The report must: 1. Be updated, signed, and dated annually; ..."

391 NAC 1-006.02F Health Information Report: "The applicant must submit a completed and signed Health Information Report on a form provided by the Department for him/herself as part of the initial application. 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.

The Health Information Report must include an assessment by a health professional of the individual and any health conditions that could negatively affect his/her ability to care for children. If the information indicates that the individual has, or has had, a health condition that could negatively affect his/her ability to care for children, the Department may request additional information."

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 September 28, 2017, Meghan Brewer, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Brewer"), conducted an unannounced annual inspection to the Family

Child Care Home I of Kroenke, where Kroenke was found in violation of several child care regulations. A past due notice was sent to Kroenke on November 1, 2017, by Jo Pfeiffer, Child Care Licensing Supervisor, requiring compliance by November 28, 2017. Some of the violations cited were corrected on November 27, 2017, and January 2, 2018. As of February 22, 2018, the following violations remain:

- Complete Health Information Report needed for Kroenke;
- Kroenke needs to submit documentation of 10 hours of annual training for calendar year 2016; and
- Reports of Law Enforcement Contact needed for all household members who are age 19 and older.

Licensing History:

Kroenke has a history of past noncompliance and the following negative and disciplinary actions have been taken, including:

- June 20, 2007: License placed on Corrective Action Status due to history of violations with regulations;
- September 14, 2007: Civil Penalty assessed due to continued violation of regulations; and
- January 9, 2017: Civil Penalty assessed due to Kroenke's failure to correct violations noted at an inspection conducted on October 5, 2016.

Kroenke's history demonstrates an unwillingness and inability to correct violations and maintain compliance with regulations.

DISCIPLINARY ACTION IMPOSED:

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

1. Kroenke is assessed a civil penalty in the amount of \$30 per day (\$3.00 times license capacity of 10 children) from April 2, 2018, and for each day thereafter, not including Saturday and Sunday, that Kroenke fails to submit corrections/documentation that all of the outstanding non-compliances noted at the inspection conducted on September 28, 2017, have been corrected.

Documentation must be submitted to Meghan Brewer, State Office Building, 3rd Floor, 1313 Farnam St., Omaha, Nebraska, 68102, (402) 595-1948, Meghan.Brewer@nebraska.gov. Once Brewer has received and verified the submitted written corrections/documentation, which may require an on-site inspection, Kroenke 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 Kroenke.

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, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, PO Box 94986, Lincoln, Nebraska, 68509-4986.

2. Once Kroenke has complied with item 1 above, Kroenke's Operating Family Child Home I license will be placed on probation for a period of one year. The following terms and conditions will apply:

a. By May 31, 2018, Kroenke must complete 12 hours of training for 2017.

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

Prior to participating in any training, Kroenke 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 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 Kroenke within ten working days of the receipt of the letter requesting approval of the training. If additional information is required, Kroenke must reply with the required information within ten calendar days of notice by the Department.

Kroenke must submit verification of successful completion within fifteen calendar days after completion of the approved training.

b. By May 31, 2018, Kroenke must submit a detailed training plan that will ensure all 12 hours of 2018 training hours will be completed by December 31, 2018.

c. Kroenke is responsible for paying for all costs associated with compliance.

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

Prior to participating in any training, Kroenke 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 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 Kroenke within ten working days of the receipt of the letter requesting approval of the training. If additional information is required, Kroenke must reply with the required information within ten calendar days of notice by the Department.

Kroenke must submit verification of successful completion within fifteen calendar days after completion of the approved training.

All documentation required must be submitted to Department, Attn: Meghan Brewer, State Office Building, 3rd Floor, 1313 Farnam St., Omaha, Nebraska, 68102, (402) 595-1948, Meghan.Brewer@nebraska.gov, or at such other address as directed in writing, by the Department.

3. During the probationary period, Kroenke will comply with and correct any cited regulation violations within the time period required, not to exceed 30 days.

4. 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.

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

6. 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.

7. Kroenke must comply with all of the terms of this Notice by submitting the required written corrections/documentation as indicated above or by May 31, 2018.

8. If Kroenke discontinues the child care program for any reason, the time Kroenke 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 Kroenke as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Kroenke 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 3, 2018, 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 April 3, 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 section.”**

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 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: March 19, 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 19th day of March 2018, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to SUSAN KROENKE, 422 CHIPPEWA DR., GRETNA, NE 68028


Chris Kort
Administrative Assistant

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

March 24, 2017

Susan Kroenke
422 Chippewa Dr.
Gretna, NE 68028

CERTIFIED AND FIRST CLASS MAIL

Dear Ms. Kroenke:

The Department of Health and Human Services, Division of Public Health, Licensure Unit, Children's Services Licensing, is withdrawing the action to suspend your Family Child Care Home I license (Notice of Suspension dated March 8, 2017) as you have come into compliance as of March 23, 2017.

In addition, you have now complied with the Notice of Disciplinary Action dated January 9, 2017, and have been assessed a civil penalty in the amount of \$420.00 (\$10.00 a day times 42 days, January 25, 2017 to March 23, 2017, not including Saturday and Sunday). This penalty must be received by or on April 24, 2017.

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 regarding this letter, please contact Jo Pfeiffer, Child Care Licensing Supervisor, at 402-595-3335 or Meghan Brewer, Child Care Inspection Specialist at 402-595-1958.

Thank you.

Sincerely,

[Redacted Signature]

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

[Redacted]

BW/mrw

Cc: Children's Services Licensing

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

January 25, 2017

Susan Kroenke
422 Chippewa Dr.
Gretna, NE 68028

CERTIFIED AND FIRST CLASS MAIL

Dear Ms. Kroenke:

Since you did not appeal the Notice of Disciplinary Action dated January 9, 2017 by or on January 24, 2017, you are being assessed a civil penalty in the amount of \$10.00 a day from January 25, 2017 and each day thereafter, not including Saturday and Sunday, that you fail to submit written corrections/documentation that all outstanding non-compliances noted at the inspection on October 5, 2016 and November 30, 2016 have been corrected.

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

If you have questions, please contact Jo Pfeiffer, Child Care Licensing Supervisor, Children's Services Licensing at 402-595-3335.

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) **NOTICE OF**
I LICENSE OF SUSAN KROENKE) **DISCIPLINARY ACTION**

LICENSED LOCATION: 422 CHIPPEWA DR., GRETNA, NE, 68028
LICENSE NUMBER: FI6460
CAPACITY: 10
AGES: SIX WEEKS TO 13 YEARS
HOURS AND DAYS: 6:30 A.M. TO 5:30 P.M., MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: PRIOR TO OCTOBER 26, 1996

NOTICE:

Susan Kroenke (hereinafter referred to as "Kroenke") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Kroenke'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 1-006.02C Reports of Law Enforcement Contact: "The applicant/licensee must complete a Report of Law Enforcement for him/herself ... The report must: 1. Be updated, signed and dated annually;" ...

391 NAC 1-006.04B Safety Training: "The licensee must complete training developed by the Early Childhood Training Center on Sudden Infant Death Syndrome (SIDS), safe sleep, shaken baby syndrome, and child abuse/neglect and reporting. Any proposed equivalent training must be approved by the Department."

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 1-006.04F Cardiopulmonary Resuscitation (CPR) and First Aid Training: ... "2. The licensee must maintain current CPR and First Aid Training as long as s/he is licensed. 3. The CPR card and documentation of First Aid training must be available upon request."

391 NAC 1-006.06 Child's Record: "A Child's Record must be completed before the child's enrollment. The record must be kept current and available for review upon request by the Department." ...

FACTS:

On October 5, 2016, Meghan Brewer (hereinafter referred to as "Brewer"), Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, conducted an unannounced annual inspection of Kroenke's program. At that time, Brewer noted numerous non-compliances and required that they be corrected by November 5, 2016.

On November 14, 2016, Jo Pfeiffer, Child Care Licensing Supervisor, sent Kroenke a letter indicating verification of compliance with regulations was required by December 5, 2016. On November 30, 2016, Brewer conducted a follow up inspection. As of this date, the following regulations remain in violation:

- Report of Law Enforcement Contact was not available for Kroenke.
- Safety Training had not been completed even though it was to have been completed May 20, 2016.
- Documentation of twelve hours of approved annual training for calendar year 2015 was not available for review.
- Documentation of current CPR/First Aid Training was not available.
- Child's Records were incomplete for C and B.

DISCIPLINARY ACTION IMPOSED:

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

1. Kroenke 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, January 25, 2017, and for each day thereafter, not including Saturday and Sunday, that Kroenke fails to submit written corrections/documentation that all of the outstanding non-compliances noted at the inspections conducted on October 5, 2016 and November 30, 2016 have been corrected.

Documentation must be submitted to Meghan Brewer, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, State Office Building, 1313 Farnam, Third Floor, Omaha, Nebraska, 68102. Once Brewer has received and verified the required submitted written corrections/documentation, which may require an on-site inspection, Kroenke 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 Kroenke.

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, PO Box 94986, Lincoln, Nebraska, 68509-4986.

2. Kroenke must comply with all of the terms of this Notice by submitting the required documentation as indicated above by or on February 8, 2017.

3. Failure to comply with the terms of this disciplinary action, the applicable Child Care Regulations, and failure to correct these 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 January 24, 2017, 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 January 24, 2017. 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

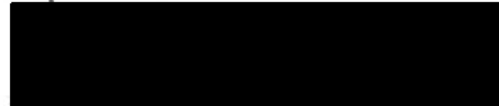
If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes, 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 9, 2017

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 9 day of January, 2017, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Susan Kroenke, 422 Chippewa Dr, Gretna, Nebraska, 68028,



Marsha Wandersee

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 SUSAN KROENKE)

NOTICE OF
DISCIPLINARY ACTION)

LICENSED LOCATION: 422 CHIPPEWA DRIVE, GRETNA, NE, 68028

NOTICE:

Susan Kroenke is hereby notified that the Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "department") intends to impose disciplinary action on the Family Child Care Home I license of Susan Kroenke (hereinafter referred to as "Kroenke") for violation of the following:

AUTHORITY:

Nebraska Revised Statutes, section 71-1919 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;" ...

391 NAC 6-007.03 Water Supply: "The child care provider shall ensure that the water temperature of the bathroom sink is at least 100 degrees Fahrenheit, but no greater than 120 degrees Fahrenheit." (Page 9, Standard 65, Family Child Care Home Standards)

FACTS:

Kroenke is the licensee of a Family Child Care Home I. This facility is licensed for a maximum of 10 children, 6 weeks to 13 years, Monday through Friday, 6:30 a.m. to 5:30 p.m. This facility has been licensed prior to October of 1996.

On June 20, 2007, Kroenke's license was placed on Corrective Action Status (attached hereto and included by reference herein) after receipt of Kroenke's written plan of correction because of a history of violations relating to Children's Records, annual in-service, CPR/First Aid training, locked storage, ceilings being in good repair, water temperature, pet vaccinations, fire safety, first aid kit and immunization records. On August 22, 2007, department staff conducted an unannounced monitoring inspection to Kroenke's facility in order to verify compliance with the Corrective Action Status. At that time, the following non-compliances were observed/noted:

- The laundry room containing cleaning agents and poisons was not locked.
- The water temperature at the bathroom sink was 20 degrees higher than the maximum temperature allowed of 120 degrees Fahrenheit.
- Current vaccination for the household pet was not available.
- A copy of an immunization record was not available for one child.

Because of these violations, Kroenke was assessed a civil penalty in the amount of \$50.00 by Notice of Disciplinary Action, which became final on September 14, 2007.

On November 28, 2007, department staff conducted an unannounced monitoring inspection to Kroenke's facility and observed/noted the following non-compliance:

- The water temperature at the bathroom sink was at least 10 degrees higher than the maximum temperature allowed of 120 degrees Fahrenheit.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts set out above and Kroenke's failure to follow her own plan that was contingent on Corrective Action Status, the department intends to impose the following:

1. The Corrective Action Status effective June 20, 2007 and Kroenke's written plan remains in effect and must be adhered to.
2. Kroenke is imposed a civil penalty in the amount of \$50.00 (\$5.00 per day times license capacity of 10 children times one day, November 18, 2007).

Said penalty in the amount of \$50.00 must be paid by January 18, 2007, which is 30 calendar days from the effective date of the Notice (December 20, 2007) and will be payable to the Nebraska Department of Health and Human Services, Division of Public Health. Said penalty is to be sent to Carmen Bachle, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

3. Kroenke must prominently post a copy of this Notice of Disciplinary Action with the current Family Child Care Home license so it is clearly visible to parents and department staff.
4. Failure to comply with the terms of this disciplinary action and the Family Child Care Home regulations may be grounds for revocation or such other discipline as the department may deem appropriate.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on December 20, 2007, which is fifteen days after the mailing of this Notice unless the department, within such fifteen-day period, receives a written request for a hearing. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such fifteen-day period, the action of the department is final.

If you decide to request a hearing, your written request for hearing must be received by the department no

later than December 20, 2007, which is fifteen days after the mailing of this Notice. It should be addressed to:

Marsha Wandersec, for HHS F&S
Legal Services - Child Care Licensing
P.O. Box 95007
Lincoln, NE 68509-5007

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."

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 ... action is still pending." In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that "amended applications will not be processed whenever a negative license action is pending."

Dated: December 5, 2007

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

By: Patricia Urzedowski, Administrator
Office of Children's Services Licensing
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 5th day of December, 2007, a copy of the foregoing NOTICE OF DISCIPLINARY ACTION was sent by certified and first class United States mail, sufficient postage prepaid to Susan Kroenke, 422 Chippewa Drive, Gretna, Nebraska, 68028.