

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

October 26, 2017

CRAYON CASTLE DAY CARE
Jacqueline Casey, Owner
8524 N. 30th Street
Omaha, NE 68112

Dear Ms. Casey:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, on October 20, 2017, the original License of Crayon Castle Day Care to operate as a Child Care Center in the State of Nebraska has been placed on Corrective Action Status. A license imprinted with the term "Corrective Action Status" is enclosed. This status became effective October 20, 2017, and it will remain in effect until April 20, 2018. Upon completion of this term, a new license will be issued to the Day Care.

At this time we ask that you submit the current license of Crayon Castle Day Care by return mail, within the next seven (7) days, to DHHS, Division of Public Health, Licensure Unit, Attn: Rita Krusemark, 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

Department of Health and Human Services
Division of Public Health

JACQUELINE CASEY

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating **Child Care Center**
located at: **8524 NORTH 30th ST OMAHA NE 68112**

A maximum of **99** children in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the hours of **0600** to **1800** on **MTWTHF**.

CRAYON CASTLE DAY CARE owned by **JACQUELINE CASEY** is hereby issued License No. **CCC7483**

whose status is **Active-Corrective Action Status** effective from **10/20/2017**

Amended: **10/20/2017**

Given under the name and Seal of the Department of Health and Human Services Regulation and Licensure of the State of Nebraska at Lincoln on **October 27, 2017**.



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

426315

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



October 20, 2017

Crayon Castle Day Care
Owner: Jacqueline Casey
8524 North 30th St.
Omaha, NE 68112

Dear Ms. Casey

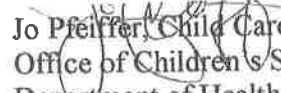
The Nebraska Department of Health and Human Services, Children's Services Licensing, has received your corrective action plan. The attached corrective action plan received on October 18, 2017 has been reviewed and given final approval effective October 20, 2017.

A new license identified with "Corrective Action Status" will be mailed to your facility. The new license is to be posted in a prominent location. This license status will be in effect for a period of six months from the date of approval, October 20, 2017 until April 20, 2018.

Compliance with the terms of the Corrective Action Status will be monitored by announced or unannounced inspections to your facility by Children's Services Licensing staff. Any violation may be grounds for discipline as the Office of Children's Services Licensing Program may determine appropriate.

If you have any questions, please contact Stef Sellers, Child Care Inspection Specialist, at 402-595-3340 or me.

Sincerely,


Jo Pfeiffer, Child Care Licensing Supervisor
Office of Children's Services Licensing
Department of Health and Human Services
1313 Farnam St.
Omaha, NE 68102

Cc: Stef Sellers, Child Care Inspection Specialist
Rita Krusemark, DHHS Program Specialist
Heather Stryker, Resource Development

Department of Health and Human Services

Compliance /complaint review

Division of Public Health

Licensure Unit

1313 Farnam street

Omaha Ne. 68102

Attention Stef Sellers,

This letter is in response to the 8/22/17 allegation that a child was left unsupervised at our neighborhood park by the staff at Crayon Castle

As requested by The Department of Health and Human Services I will compile a corrective action plan to put every stop humanly possible to prevent this nightmare from happening again.

On 8/22/17 our children were at Florence park playing. They arrived at park around 4:30 to play as we do every afternoon when weather permits. Our prior protocol was to walk all children not of school age to the park on walking ropes with handles and have one staff in the back and one in the front of the line. It is our custom to have closing person write down the time and the children as they leave the park. Parents are notified that they must get out of their car and report to staff that they are taking their child.... We also put periodic reminders out for our parents as they tend to summon children from their cars without notifying staff that they have their child.

On 8/22/17 staff Zoe Llyytikäinen and Courtney Roberts were leaving the park around 5 :30 and decided not to put the children on the rope to walk back. When staff counted the children they had counted along with the other children and began to walk back to the center. Upon leaving the park there were 10 children included in the count was , when they left the park... staff was aware that they had .n their count and upon breaking protocol and walking unaided by the walking ropes without a person in front and in back they walked away from . I received a phone call from Jamie Llyytikäinen that staff couldn't find . I was 3 blocks from the center and by the time I arrived back the child was back at the center.

By all accounts this is one of my worst nightmares and I have tried through the years to play out every scenario I can think of and put in place safety protocols to help prevent and incident such as this.

So as requested by DHHS these are the provisions I have put in place to do everything possible to prevent this type of incident from happening again.

The following are protocol some old and some new protocols for going to the park in the safest fashion possible

8-23-15 - date changed per jacque on 10-20-17

1. We had an emergency staff meeting at 1:00 on 10/18/17 to discuss what happened to and why.
2. Why this happened was because staff did not put the children on the rope with one staff in front and one in back ... had they followed protocol this would not have happened
3. Staff understood after much discussion the importance of maintaining all safety protocol and unfortunately what the results are when it is broken
4. We have implemented a new system for checking the children out as they leave. The pre-k teacher takes roll before we leave of all groups and the school age teacher does the same when they return from the school run.
5. The new system has an erasable surface with typewritten names and the children are checked off and times put in as the children leave
6. Before we leave the park a roll is taken, the children are put on the rope, teacher in the front and back.
7. When the children and staff get back another roll is taken and the board is turned into the office to be documented.

The following people are responsible for creating and implementing the corrective action plan and the maintenance of this plan.

The timeline was immediate implementation of correction ...effective 8/18/17

Jacqueline Casey, owner and Director, Laura Greiner, assistant Director, and Jamie Lyytikainen , Pre-K teacher and closing staff twice a week were and will be responsible for the implementation and the maintenance of the new protocol. Each of us close the center weekly and will be responsible to monitor staff and assure protocol is followed. We will on occasion after staff leaves check up on staff to be sure the children are on the rope and staff is following front and back. We will also be responsible to drive to park around the time children will be leaving to be sure staff have the children on the rope and that staff are following front and back. This new protocol was initiated immediately ... by the meeting the following day these new stops were put in place, discussed and we have followed through.

My staff is doing a great job of following through with all new protocol, that they understand the immense responsibility we have for the children and were sickened by the events of that day and understand why this happened and what it will take to prevent it from happening again.

Sincerely

J Jacqueline Casey

Name Crossed out means child
did NOT go to park.

Dot and time means left
from park.

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

October 4, 2017

CERTIFIED MAIL

Crayon Castle Day Care
Owner: Jacqueline Casey
8524 North 30th St.
Omaha, NE 68112

Dear Ms. Casey:

Nebraska Revised Statutes, section 71-1911 (4), of the Child Care Licensing Act provides that the department may place a license on Corrective Action Status...., a non-disciplinary probationary license may be issued for the licensee to operate under Corrective Action Status if the department determines that:

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

FACTS:

On August 22, 2017 a 2 year old female child was left unsupervised at a neighborhood park. It wasn't until the staff arrived back at the center did they realize the child was not with them. The child was left unsupervised at the park for approximately 5 minutes.

REGULATORY BASIS:

391 NAC 3-006.19 Supervision of Children (page 34):

Adequate and appropriate supervision must be provided to children at all times children are in attendance, including during outdoor play. Ultimate responsibility for supervision rests with the licensee.

391 NAC 3-003.05B, Corrective Action Status (page 11): The Department may place a provisional or operating license on corrective action status for up to six months if:

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

Based on the facts presented above and the regulations violated, the department is placing your license on Corrective Action Status for a period of 6 months.

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

1. Identification of issue(s) concern;
2. Provisions for how you will correct and maintain compliance;
3. Specify the written documentation to be provided to the Department;
4. Identify who is responsible (include position titles) for corrections and maintenance of compliance; and
5. Timelines.

Please submit your written Plan of Correction to Stef Sellers, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Office of Children's Services Licensing, 1313 Farnam St., 3rd Floor, Omaha, NE 68102 **within ten calendar days** after you receive this letter.

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

1. Issue a probationary (disciplinary) license;
2. Suspend or revoke a provisional, probationary or operating license;
3. 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 the violation, for each day the program is in violation;
4. Establish restrictions on new enrollment in the program;
5. Establish restrictions or other limitations on the number of children or the age of the children served in the program; or
6. Establish other restrictions or limitations on the type of service provided by the program.

If you have questions regarding this letter, please contact Child Care Inspection Specialist, Stef Sellers, 402-595-3340 or Child Care Licensing Supervisor, Jo Pfeiffer, 402-595-3335.

Sincerely,

Jo Pfeiffer, Child Care Licensing Supervisor
Nebraska Department of Health and Human Services
Office of Children's Services Licensing
1313 Farnam St, 3rd Floor
Omaha, NE 68102

cc: Stef Sellers, Child Care Inspection Specialist
Heather Stryker, Resource Development
Office of Children's Services Licensing, Central Office

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE
STATE OF NEBRASKA

IN THE MATTER OF)	94 - 070123
THE REQUEST FOR HEARING BY)	
)	FINDINGS OF FACT
JACQUELINE CASEY,)	CONCLUSIONS OF LAW
d/b/a CRAYON CASTLE DAY CARE)	AND ORDER
Child Care Center License)	

INTRODUCTION

On January 22, 2007, the Nebraska Department of Health and Human Services Regulation and Licensure (R&L) sent a notice of disciplinary action by certified mail to Jacqueline Casey, d/b/a Crayon Castle Day Care, notifying her that R&L intended to take certain action against her operating child care center license. On January 23, 2007, R&L received a request for hearing on this matter. On February 7, 2007, the Administrative Law Judge issued a notice of hearing setting forth the date, time, location and appropriate statutes and regulations for the hearing.

SUMMARY OF THE HEARING

A hearing on this matter was held on March 5, 2007. Appearing on behalf of R&L was Mr. Brad Gianakos. Defendant appeared pro se. Both sides were given the opportunity to call witnesses, present evidence and argue their respective cases.

FINDINGS OF FACT

1. On July 7, 2006 a notice of disciplinary action was sent to Jacqueline Casey ("Casey") informing her that her child care license was going to be placed on probation effective July 4, 2006, because of Casey's failure to comply with corrective action previously imposed on January 3, 2006. Terms of the probation were as follows:

a. The earlier corrective action status effective January 3, 2006 was to be unsatisfactorily terminated. The plan and the checklist submitted on January 3, 2006 were to remain in effect and were to be adhered to.

b. Casey's child care center license, Crayon Castle Day Care, was to be placed on disciplinary probation for a period of one (1) year effective fifteen (15) days from the mailing of the notice of the disciplinary action.

c. All staff responsible for food preparation, serving and handling, were to participate in food safety training conducted by the Douglas County Health Department within thirty (30) days from the mailing of the notice of disciplinary action. Documentation of attendance and successful completion of the required training was to be submitted to the Department of Regulation and Licensure. Newly hired staff responsible for food preparation, serving and handling, were to participate in the food safety training course thirty (30) days from the date of their hire.

d. Casey was to insure that compliance was maintained at all times.

e. Casey was prominently to post a copy of the notice of disciplinary action with her child care center license so it was clearly visible to parents.

2. Ms. Casey failed to appeal the notice of disciplinary action within the time allowed by the notice and was placed on probation effective July 24, 2006 continuing to July 24, 2007. She did request an appeal out of time, which was denied by the Department.

3. The hearing was held before an administrative law judge, and the director of the Department of Regulation and Licensure upheld the denial of her request for hearing which was filed late.

4. On December 14, 2006, two inspectors from the Department of Health and Human Services Regulation and Licensure conducted a monitoring inspection at the Crayon Castle Daycare. The inspectors observed a container of moldy oranges and frozen hamburger patties thawing out on the kitchen counter. In addition, an inspector observed a large tub containing infant toys soaking in dirty water. The inspector questioned the staff member regarding why the water appeared so dirty and was told that the water, which contained bleach, was about a week old. Following this inspection, a referral was sent to Douglas County Health Department regarding the observations in the kitchen and others in the infant room.

5. In addition, Casey failed to submit documentation of food safety training that was to be obtained by staff members by August 24, 2006. On January 12, 2007, the Department received documentation that staff members at Crayon Castle Daycare had been trained on January 11, 2007.

CONCLUSIONS OF LAW AND ORDER

In the notice of disciplinary action, the Department imposed the following disciplinary action and stipulations:

- a. Casey's child care license, Crayon Castle Day Care, will continue to be on disciplinary probation from July 24, 2006 to July 24, 2007.
- b. The plan and checklist submitted on January 3, 2006, shall remain in effect and must be adhered to until the end of the probation.
- c. The Department imposed a civil penalty in the amount of twenty-five cents per child times the licensed capacity of ninety-nine (99) children, for a total of \$24.75 per day running from October 26, 2006 (the date Ms. Casey's request for hearing was denied by the

Director) to January 10, 2007 (the date the training was conducted). The total for the seventy-six (76) day time span is \$1,881.00.

d. Casey must insure that compliance with regulations is maintained at all times.

e. Casey must prominently post a copy of this notice of disciplinary action and the notice of disciplinary action dated July 7, 2006 with the current child care center license so it is clearly visible to parents.

Ms. Casey did not produce any credible evidence that she was not guilty of any of the violations with which she was charged.

I find, as a matter of law, that Ms. Casey violated 391 NAC 8-013 Materials and Equipment, which requires that play materials, equipment and furnishings must be easily cleanable and kept clean and in good repair.

I find, as a matter of law, that Ms. Casey failed to meet the requirements of 391 NAC 8-020 Sanitation Regulations (page 13, Child Care Center Standards).

Finally, I find, as a matter of law, that Ms. Casey violated 391 NAC 8-020.09 Food Service (page 17, Child Care Center Standards).

As indicated earlier, Ms. Casey presented no credible evidence that she was not guilty of the behaviors or omissions with which she was charged. Her principal concern was that the fine imposed by the Department was so high that, if imposed, it would put her out of business.

When parsed out, the fine was actually quite nominal – twenty-five cents per child per day for failing to train food preparation staff is not excessive. That is about \$25.00 a day. The reason the final sum is so big is because Ms. Casey waited an unconscionably long time to provide her food handling staff with the training they needed to safely handle food that was going to be fed to young children. In finding, as a matter of law, that the fine was excessive, I

would have to determine that it was disproportionate to the public policy being served – the assurance to the moms and dads of the children of this state that those children are being fed nutritious meals in a sanitary way. This is a health and safety issue that can have very serious ramifications if proper food handling techniques are not followed. I therefore find, as a matter of law, that the fine is appropriate and should stand. I also find that the licensee should be allowed to pay the fine in six equal monthly installments of \$313.50 beginning on the first day of June 2007 and continuing on the first day of each month thereafter until paid in full.

Given this licensee's history of non-compliance dating back to December of 2005, I find that the other conditions of probation are appropriate and necessary to assure the Department that Ms. Casey is operating her day care in a way that is conducive to the health, safety and welfare of the children committed to her care.

SO ORDERED on May 16, 2007.



Joann Schaefer, MD, Chief Medical Officer
Director, HHS Regulation and Licensure

CERTIFICATE OF SERVICE

COMES NOW the undersigned and hereby certifies that on this 16th day of May, 2007, a true and correct copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** was sent by certified United States mail, postage prepaid, return receipt requested, to **Jacqueline Casey, Crayon Castle Day Care, 8524 N 30th Street, Omaha NE 68112** and hand-delivered to Agency Counsel, **Brad Gianakos, HHS Regulation and Licensure, Lincoln, Nebraska.**

Jo Seefeld
HHS R & L Administrative Services
P.O. Box 95007
Lincoln NE 68509-5007
(402) 471-0384

**THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE
STATE OF NEBRASKA**

IN THE MATTER OF:

**THE OPERATING CHILD
CARE CENTER LICENSE OF
JACQUELINE CASEY, D/B/A
CRAYON CASTLE DAY CARE**

**NOTICE OF
DISCIPLINARY
ACTION**

**LICENSED LOCATION: 8524 NORTH 30th STREET
OMAHA, NE 68112**

NOTICE:

Jacqueline Casey, d/b/a Crayon Castle Day Care, is hereby notified that the Department of Health and Human Services Regulation and Licensure (hereinafter referred to as "department") intend to impose disciplinary action against the nonexpiring, operating Child Care Center license that is currently on **Probation** of Jacqueline Casey, d/b/a Crayon Castle Day Care, 8524 North 30th Street, Omaha, Nebraska, 68112 (hereinafter referred to as "Casey" for the reasons set out below:

FACTS:

1. July 7, 2006 – Notice of Disciplinary Action sent to Casey informing her that the child care center license was going to be placed on **Probation** effective July 24, 2006 because of Casey's failure to comply with Corrective Action Status previously imposed on January 3, 2006 (see attached). Terms of **Probation** were as follows:

- The corrective action status effective January 3, 2006 to July 3, 2006 was to be **unsatisfactorily terminated. The plan and the checklists submitted on January 3, 2006, were to remain in effect and were to be adhered to.**
- Casey's Child Care Center License, Crayon Castle Day Care, was placed on **disciplinary probation** for a period of **one year effective 15 days from the mailing of the Notice of Disciplinary Action.**
- All staff responsible for food preparation, serving and handling was to participate in Food Safety Training conducted by the Douglas County Health Department **within 30 days from the mailing of the Notice of Disciplinary Action.** Documentation of

attendance and successful completion of the required training was to be submitted to Susanne Schnitzer, Child Care Resource Specialist, Regulation and Licensure, 1801 North 73rd Street, Omaha, Nebraska, 68114. Newly hired staff responsible for food preparation, serving and handling was to participate in Food Safety Training **30 days from the date of hire.**

- Casey was to ensure that compliance was maintained at **all times.**
 - Casey was to **prominently** post a copy of this **Notice of Disciplinary Action** with the current Child Care Center license so it was **clearly visible** to parents.
2. August 3, 2006 – Letter was sent informing Casey that her license was placed on **Probation** effective July 24, 2006 to July 24, 2007. Casey failed to appeal the department's decision within the time frame contained in the Notice.
 3. August 3, 2006 – Appeal received by Casey.
 4. August 4, 2006 – Letter was sent informing Casey that her appeal was not received within fifteen days of the date of the Notice, that the disciplinary action was now final and a hearing would not be scheduled. Casey was informed that she could appeal the decision within 30 days of denying her request for hearing.
 5. August 28, 2006 – Request for Hearing on the denial of her request for hearing received.
 6. October 3, 2006 – Hearing held and attended by Casey.
 7. October 25, 2006 – Findings of Fact, Conclusions of Law and Order, signed by Dr. Joann Schaefer affirming the department's decision to deny Casey's request for a hearing.

On December 14, 2006, Susanne Schnitzer and Joni Weddington, Child Care Resource Specialists, Department of Health and Human Services Regulation and Licensure, conducted a monitoring inspection to Crayon Castle Day Care. Ms. Schnitzer and Ms. Weddington observed a container of moldy oranges and frozen hamburger patties thawing out on the kitchen counter. In addition, Ms. Weddington observed a large tub containing infant toys soaking in dirty water. Ms. Weddington questioned the infant staff member regarding why the water appeared so dirty. The staff member indicated that the water, which contained bleach, was approximately a week old. Following the inspection, a referral was sent to Douglas County Health Department regarding the observations in the kitchen and the infant room.

In addition, Casey failed to submit documentation of Food Safety Training that was to be obtained by staff members by August 24, 2006. On January 12, 2007, documentation

was received that training staff members employed at Crayon Castle Day Care had been conducted on January 11, 2007.

REGULATORY BASES:

Nebraska Revised Statutes, section 71-1919, of the Child Care Licensing Act effective July 16, 2004, 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 8-013 Materials and Equipment: “Play materials, equipment, and furnishings must be easily cleanable, kept clean and in good repair, have no sharp edges, and have no rusty or loose parts. If available to infants and toddlers, play materials, equipment, and furnishings must be not be easily breakable nor have small parts.” (Page 10, Standard 46, Child Care Center Standards)

391 NAC 8-020 Sanitation Regulations: “Sanitation rules are set by the Department of Health and Human Services Regulation and Licensure as required by Section 71-1903, Nebraska Revised Statutes. Compliance with these rules is determined by the Nebraska Department of Health and Human Services Regulation and Licensure or its designated local representative.” (Page 13, Child Care Center Standards)

391 NAC 8-020.09 Food Service: “Standards governing food service sanitation are found in the Food Service Sanitation Manual; 1995; Recommendations of the U.S. Public Health Service, as they are amended from time to time.” (Page 17, Child Care Center Standards)

DISCIPLINARY ACTION IMPOSED:

Based upon the facts set out above, and Casey’s failure to follow her own plan that was contingent upon the approval of the Corrective Action Status and violation of **probation** that was imposed on July 24, 2006, the department is imposing the following disciplinary action and stipulations:

- Casey’s Child Care Center License, Crayon Castle Day Care, will continue to be on **disciplinary probation from July 24, 2006 to July 24, 2007.**

- **The plan and the checklists submitted on January 3, 2006, remain in effect and must be adhered to until the end of the probation period.**
- **Casey is imposed a civil penalty in the amount of \$.25 per child (\$.25 times license capacity of 99 children for a total of \$24.75 per day) from October 26, 2006 (date the Findings of Fact, Conclusions of Law and Order signed by the Director) to January 10, 2007 (date training was conducted), for a total of 76 days times \$24.75 per day for a grand total of \$1,881.00.**

If Casey does not appeal, this civil penalty is to be paid no later than **30 days after the effective date of this Notice of Disciplinary Action** and will be payable to the Department of Health and Human Services Regulation and Licensure and sent to Carmen Bachle, Administrative Assistant, Credentialing Division, Regulation and Licensure, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

- Casey must ensure that compliance with regulations is maintained at **all times**.
- Casey must **prominently post a copy of this Notice of Disciplinary Action and the Notice of Disciplinary Action dated July 7, 2006** with the current Child Care Center license so it is **clearly visible** to parents

CONCLUSION:

Failure to comply with the terms of this disciplinary action and the Family Child Care Home Standards will result in further discipline as the department deems appropriate.

Compliance with the terms of this disciplinary action will be **monitored by unannounced** inspections by an agency representative (i.e., Child Care Resource Specialist, Child Care Resource Consultant, Fire Marshal or designated agent, Registered Environmental Health Specialist, Resource Development Worker, Protection and Safety Worker).

If Casey discontinues the child care operation for any reason, the time Casey is not actively operating a licensed child care program will not count toward the fulfillment of the action listed above and any subsequent child care license would be subject to the remainder of the disciplinary action terms and such other restrictions or limitations as are determined to be necessary.

BE AWARE:

That Nebraska Revised Statutes, section 71-1922, **the disciplinary action in this Notice shall become FINAL on February 6, 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.**

TO REQUEST A HEARING:

If you decide to request a hearing, your written request for hearing must be received by the department **ON OR BY February 6, 2007, which is fifteen days after the mailing of this Notice.** It should be addressed to:

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

BE ADVISED:

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: JANUARY 22, 2007

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

By: Patricia Urzedowski, Administrator
Credentialing Division – Child Care
Licensing Program
Regulation and Licensure
P.O. Box 94986
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

Patricia Urzedowski COMES NOW, the undersigned and certifies that on the 22 of JANUARY, 2007, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Jacqueline Casey, Crayon Castle Day Care, 8524 North 30th Street, Omaha, Nebraska, 68112.

August 3, 2006

Crayon Castle Day Care
8524 North 30th Street
Omaha NE 68112

Dear Jacqueline Casey:

In accordance with the Notice of Disciplinary Action, issued by Patricia Urzedowski, Child Care Administrator, on July 7, 2006, your original License to operate a Child Care Center in the State of Nebraska has been placed on probation. A license imprinted with the term "PROBATION" is enclosed, this status became effective July 24, 2006; and it will remain in effect until July 24, 2007. Upon completion of the probation a new license will be issued to you.

At this time we ask that you return your current license, within the next ten (10) days, to Marsha Wandersee in the Credentialing Division. If you have any questions please contact Child Care Licensing, at (402) 471-9302.

Sincerely,

 Helen L. Meeks/Administrator
Credentialing Division

HLM/clb

cc: Child Care Licensing

Your application for Nebraska Child Care Center has been approved and your licensure document is attached. You will receive a new licensure document each time you amend your license.

This license shall be kept available in the establishment and such a copy shall be shown upon request.

PROBATION

State of Nebraska

Department of Health and Human Services

Regulation and Licensure

JACQUELINE CASEY

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an Operating **Child Care Center**

located at: **8524 NORTH 30TH ST OMAHA NE 68112**

A maximum of **99** children in ages **6 WKS to 13 YRS** may be in attendance at any one time during the hours of **0600 to 1800** on **MTWTF**.

CRAYON CASTLE DAY CARE is hereby issued License No. **CCC7483** which is effective on **05/26/1997**

Given under the name and Seal of the Department of Health and Human Services Regulation and Licensure of the State of Nebraska at Lincoln on **05/26/1997**.



Joan Schneider, M.D., Chief Medical Officer, Director
Department of Health & Human Services Regulation & Licensure

On April 12, 2006, Susanne Schnitzer, Child Care Resource Specialist, Department of Health and Human Services Regulation and Licensure, conducted a monitoring inspection of Crayon Castle Day Care in order to determine compliance with the corrective action status. At that time, Ms. Schnitzer observed that the plan submitted by Casey was not being adhered to:

- Medications were unlocked in the infant room.
- Daily checklists for the Bathroom and Preschool, which were included in the Correction Action Status plan, were not completed.
- Casey failed to complete the "Weekly Walk Through for Director" on a regular basis.
- Food service training had not been obtained from the Douglas County Health Department.

On April 19, 2006, the department received notification from Casey that a staff meeting had been conducted on April 17, 2006 to review the corrective action plan. Seven staff members signed the plan, confirming that all staff had reviewed and understood the current plan in place.

On April 25, 2006, Ms. Schnitzer conducted a follow-up inspection. At that time, only the staff in the infant room had been completing the daily checklist. Casey indicated that she would be having a separate meeting with preschool staff to review their responsibilities and would forward documentation that this meeting to the department.

On May 1, 2006, the department received documentation from Casey indicating that a staff meeting had been held on April 27, 2006. Eleven staff members indicated that they understood their responsibilities.

On May 24, 2006, Ms. Schnitzer conducted a follow-up inspection and observed that Casey had failed to ensure that the terms of the corrective action status were being followed:

- Daily checklists for the Infant Room, Bathroom, Toddler Room and Preschool Room had not been completed.
- Food service training had not been obtained from the Douglas County Health Department.

In addition, staff preparing and serving food were to have completed training conducted by the Douglas County Health Department by March 30, 2006. As of this date, no documentation of this training being conducted has been received.

REGULATORY BASES:

Nebraska Revised Statutes, section 71-1919, of the Child Care Licensing Act effective July 16, 2004, 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 8-013 Materials and Equipment: “Play materials, equipment, and furnishings must be easily cleanable, kept clean and in good repair, have no sharp edges, and have no rusty or loose parts. If available to infants and toddlers, play materials, equipment, and furnishings must be not be easily breakable nor have small parts.” (Page 10, Standard 46, Child Care Center Standards)

391 NAC 8-020.01 Facility: “To be licensed, all centers must have -

1. Clean and dry rooms.
2. Floors which are easily cleanable and kept clean and in good repair. ...
5. Walls and ceilings which are clean and in good repair.” (Page 13 and 14, Standards 1, 2, and 5, Child Care Center Standards)

391 NAC 8-020.02 Toilet and Lavatory Facilities: “The licensee shall ensure that - ...

2. Toilet rooms are kept clean, in good repair, well-lighted, well-ventilated, and fully enclosed. ...
7. Hot and cold running water and soap are provided.
8. Water temperature at the lavatory is at least 100 degrees Fahrenheit, but no greater than 120 degrees.
9. Single service towels and individual washcloths, and facilities for storing them are provided; the use of a common towel and washcloth is prohibited.
10. Sanitary dispensing and disposal units are provided for paper towels and are installed at heights convenient for the children's use.” (Page 14, Standards 16, 21, 22, 23, and 24, Child Care Center Standards)

391 NAC 8-020.05 Sewage and Garbage: “The licensee shall ensure that - ...

3. All containers, both indoor and outdoor, for garbage and refuse are watertight, have tight-fitting covers and are fly and rodent proof. Garbage containers must be kept clean.” (Page 15, Standard 37, Child Care Center Standards)

391 NAC 8-020.06 Storage: “The licensee shall ensure that -

1. Locked storage is provided solely for drugs.
2. Separate locked storage is provided for insecticides, cleaning, polishing and sanitizing agents, and any other poisons; these poisons must be kept separate from food items and inaccessible to children.” (Page 16, Standards 40 and 41, Child Care Center Standards)

391 NAC 8-020.08 Grounds: "The licensee shall ensure that - ...

6. The grounds are kept neat and clean and free from rodent harborages and accident hazards; the grounds must be properly sloped or drained to prevent stagnant water collection.

7. Accident hazards, such as flammable materials, deep pools, farm and lawn equipment are inaccessible; potential accident hazards such as uncovered wells, broken glass, boards containing nails, and other debris must be eliminated." (Page 17, Standards 58 and 59, Child Center Center Standards)

391 NAC 8-020.09 Food Service: "Standards governing food service sanitation are found in the Food Service Sanitation Manual; 1995; Recommendations of the U.S. Public Health Service, as they are amended from time to time." (Page 17, Child Care Center Standards)

DISCIPLINARY ACTION IMPOSED:

Based upon the facts set out above, and Casey's failure to follow her own plan that was contingent upon the approval of the corrective action status, the department is imposing the following disciplinary action and stipulations:

- The corrective action status effective January 3, 2006 to July 3, 2006 is **unsatisfactorily terminated. The plan and the checklists submitted on January 3, 2006, remain in effect and must be adhered to.**
- Casey's Child Care Center License, Crayon Castle Day Care, is placed on **disciplinary probation** for a period of **one year effective 15 days from the mailing of this Notice of Disciplinary Action.**
- All staff responsible for food preparation, serving and handling must participate in **Food Safety Training** conducted by the Douglas County Health Department **within 30 days from the mailing of this Notice of Disciplinary Action.** Documentation of attendance and successful completion of this required training must be submitted to Susanne Schnitzer, Child Care Resource Specialist, Regulation and Licensure, 1801 North 73rd Street, Omaha, Nebraska, 68114. Newly hired staff responsible for food preparation, serving and handling must participate in Food Safety Training **30 days from the date of hire.**
- Casey must ensure that compliance is maintained at **all times.**
- Casey must **prominently post a copy of this Notice of Disciplinary Action** with the current Child Care Center license so it is **clearly visible to parents.**

CONCLUSION:

Failure to comply with the terms of this disciplinary action and the Family Child Care Home Standards will result in further discipline as the department deems appropriate.

Compliance with the terms of this disciplinary action will be **monitored by unannounced** inspections by an agency representative (i.e., Child Care Resource Specialist, Fire Marshal or designated agent, Resource Development Worker, Protection and Safety Worker).

If Casey discontinues the child care operation for any reason, the time Casey is not actively operating a licensed child care program will not count toward the fulfillment of the action listed above and any subsequent child care license would be subject to the remainder of the disciplinary action terms and such other restrictions or limitations as are determined to be necessary.

BE AWARE:

That Nebraska Revised Statutes, section 71-1922, **this disciplinary action becomes final fifteen days after the mailing of the notice unless the licensee, within such fifteen-day period, makes 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.**

TO REQUEST A HEARING:

If you decide to request a hearing, your **written request for hearing must be received by the department within fifteen days from the mailing of this Notice.** It should be addressed to:

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

BE ADVISED:

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.”

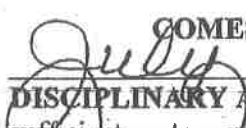
Title 391 of the Nebraska Administrative Code, section 4-001.04, also provides that the “licensee shall not transfer the license to a household member or current staff member while a ... action is still pending.” In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that “amended applications will not be processed whenever a negative license action is pending.”

Dated: JULY 7, 2006

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

By: Patricia Urzedowski, Administrator
Credentialing Division – Child Care
Licensing Program
Regulation and Licensure
P.O. Box 94986
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

 COMES NOW, the undersigned and certifies that on the 7 of JULY, 2006, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Jacqueline Casey, Crayon Castle Day Care, 8524 North 30th Street, Omaha, Nebraska, 68112.