

April 16, 2015

ST. PAUL UNITED METHODIST CHILDCARE & PRESCHOOL
St. Paul United Methodist Church, Licensee
5410 Corby Street
Omaha, NE 68104

Dear St. Paul United Methodist Church:

In accordance with the Notice of Disciplinary Action issued on March 31, 2015, by Joseph Acierno, MD, JD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, 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 April 16, 2015, and it will remain in effect until October 16, 2015. 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 Marsha Wandersee in the Licensure Unit. If you have any questions, please contact Children's Services Licensing at (402) 471-9302.

Sincerely,

B

Becky Wisell
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

ST PAUL UNITED METHODIST CHURCH

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: 5410 CORBY ST. OMAHA NE 68104

A maximum of 100 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

ST PAUL UNITED METHODIST CHILDCARE & PRESCHOOL owned by ST PAUL UNITED METHODIST CHURCH is hereby issued License No. CCC7488 which is effective on 04/07/1998

Amended: 04/16/2015

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 April 20, 2015.



Joseph M. Acerno
Joseph M. Acerno, M.D., J.D., Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

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

IN THE MATTER OF:

**THE OPERATING CHILD CARE CENTER
LICENSE OF ST. PAUL UNITED METHODIST
CHURCH D/B/A ST. PAUL UNITED METHODIST
CHILDCARE & PRESCHOOL**

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) **NOTICE OF DISCIPLINARY ACTION**
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LICENSED LOCATION: 5410 CORBY STREET, OMAHA, NE., 68104

NOTICE:

St. Paul United Methodist Church (hereinafter referred to as "St. Paul") is notified that the Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") is imposing disciplinary action against St. Paul's Child Care Center license for violation of the following statutes and regulations:

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; ...

Nebraska Revised Statutes, section 71-1920 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 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 3-008.01 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 3-006.19 Supervision of Children: "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 3-006.26 Transportation: "When transportation is provided for children in care, the licensee must ensure the following conditions are met:

1. No child must ever be left alone in the vehicle; ...

15. The center must have a written transportation policy that is given to all staff who transport children and is available to parents and the Department upon request. The transportation policy must describe:
 - a. Restraints and safety equipment;
 - b. Procedures to ensure children are never left alone in a vehicle at any time; and
 - c. Emergency procedures in the event a child becomes ill, the vehicle breaks down or is involved in an accident, or other emergencies.”

FACTS AND FINDINGS:

St. Paul is the licensee of an operating child care center that is licensed for a maximum of 100 children, ages six weeks to 13 years of age, 6:00 a.m. to 6:00 p.m., Monday through Friday. This program was licensed prior to April 7, 1998. Katy Smith (hereinafter referred to as “Smith”) is listed as the Director as of October 15, 2014.

St. Paul was placed on a Corrective Action Status beginning June 13, 2014 for leaving a 15 month old child unsupervised and unattended in the fenced playground of St. Paul for approximately five to 10 minutes in October of 2013. Two staff were unaware that the child was missing

On July 16, 2014, Interim Director at the time, Katy Smith, reported to Tammy Reeves (hereinafter referred to as “Reeves”), Child Care Inspection Specialist, Children’s Services Licensing, Licensure Unit, Division of Public Health that on July 16, 2014, an eight year old child was left on the school van after returning to the center from a field trip. The teachers responsible for the supervision of the children were Kaylee Parker (hereinafter referred to as “Parker”) and Smith, herself.

Parker assisted children getting off the school van, shut the van doors and walked in front of the children across the parking lot into the center. Smith followed behind the children across the parking lot to the center door where a parent was waiting to speak to her. Smith stood at the door and spoke to the parent when the eight year old approached them saying that he was left behind in the van.

Smith took the child to the school-age room that Parker supervises. Parker was unaware that the eight year old had been missing. The child was upset and Smith removed him from the classroom to calm him down. The child stated: “You left me; did you hear the honk?” Smith explained that they did not hear the honk but that he was safe now. The child then rejoined his group to play.

Parker had shut the van door with the child still sitting inside and the child said that he honked to get someone’s attention. The child did get out of the van by himself and walked across the parking lot the program.

Smith informed Reeves that the Corrective Action Plan which was a condition of the Corrective Action Status had not been followed. This plan included staff conducting a head count before leaving any area and completing a roll call attendance sheet to ensure every child has come inside with the class. Parker had admitted to Smith that she did not do a head count or check the attendance list at the time of the incident with the eight year old being left on the van.

Smith became the interim director on July 11, 2014 and informed the Department that she was not aware of the Corrective Action Status. Smith states that she never read the Corrective Action Plan and to her knowledge only a few teachers were using the classroom attendance sheets that were to be utilized whenever children transitioned to and from their rooms.

It was also determined that St. Paul's own transportation's policy was also not being adhered by staff at the time of the incident in that St. Paul's policy states: "A staff member will count and check their list of children. Once on the van, staff and driver will count and assist with buckling belts. Upon arrival at St. Paul, the staff member will get of the vehicle, assist with unbuckling and check children as they get out of the van. Once all children are counted and out of the van, the driver will do one last check and exit the van."

DISCIPLINARY ACTION IMPOSED:

Based on the above facts, the Department is imposing the following:

1. St. Paul's Child Care Center license is placed on probation for a period of six months effective April 16, 2015. The following terms and conditions will apply:

a. The Corrective Action Status was ended in December, 2014 by its own terms. St. Paul must:

- Only transport children with staff that understand and comply with the regulations related to transportation of children.
- Post a copy of Nebraska Revised Statute (§§ 60-6,267 and 60-268) in each and every vehicle used for transportation.
- Ensure that staff responsible for transporting children in care know each child's age and that each child is properly secured.

b. St. Paul must ensure that children are only transported by a qualified staff person in a vehicle that meets the requirements set out in the regulations. St. Paul must include this requirement in its transportation policy and ensure that all staff, both current and future, are aware of the policy.

c. During the probation period, and beginning the effective date of this Notice, a daily transportation schedule must be maintained in writing which includes: children's name, age, birthdate, name of staff person transporting, destination to drop off and/or pick up. This transportation schedule must be available for review upon request by Department staff.

d. By April 16, 2015, St. Paul must develop an alternate plan as to who will transport children in care if the assigned staff are not available. This plan will be submitted, for approval, to the Department, Attn: Tammy Reeves, Child Care Inspection Specialist, Children's Services Licensing, 1313 Farnam, Third Floor, Omaha, Nebraska, 68102 or at such other address as directed in writing, by the Department.

The Department agrees that after reviewing this written plan, it will either approve or require modifications. If modifications are required, St. Paul must, within ten calendar days of notice by the Department, resubmit the written plan to the Department with the required modifications. The Department reserves the right to make minor unilateral modifications to the written plan. Once approved, St. Paul agrees to implement the plan as approved by the Department.

e. By April 16, 2015, St. Paul must develop and establish written policies and procedures on how St. Paul will ensure that adequate and appropriate supervision is provided at all times children are in attendance especially during transporting. The written policies and procedures should incorporate, but not limited to:

- The use of checklists,
- Staffing charts,
- Frequent monitoring,

- Accountability,
- Training of staff
- Other detailed procedures to insure proper and adequate supervision of children at all times.

This plan will be submitted, for approval, to the Department, Attn: Tammy Reeves, Child Care Inspection Specialist, Children's Services Licensing, 1313 Farnam, Third Floor, Omaha, Nebraska, 68102 or at such other address as directed in writing, by the Department

The Department agrees that after reviewing this written plan, it will either approve or require modifications. If modifications are required, St. Paul must, within ten calendar days of notice by the Department, resubmit the written plan to the Department with the required modifications. The Department reserves the right to make minor unilateral modifications to the written plan. Once approved, St. Paul agrees to implement the plan as approved by the Department.

2. 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.). St. Paul and any employees and/or agents must cooperate with the Department in these monitoring inspections.

3. 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.

4. Failure to comply with the terms of this disciplinary action, the applicable Child Care 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.

5. If St. Paul discontinues the child care program for any reason, the time St. Paul 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 St. Paul and/or Katy Smith as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. St. Paul 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 child care 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 15, 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 no later than April 15, 2015. It should be addressed to:

Marsha Wandersee, for DHHS
 Children's Services Licensing
 Licensure – Division of Public Health
 P.O. Box 94986
 Lincoln, NE 68509-5986


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 "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.

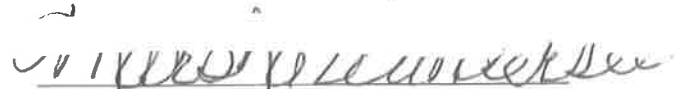
Dated: MARCH 31, 2015

Joseph M. Acierno, MD, JD
Acting Chief Executive Officer
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services


By: Patricia Urzedowski, Program Manager
Children's Services Licensing
Nebraska Department of Health and Human Services
Division of Public Health – Licensure Unit
P.O. Box 94986
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 31 March, 2015, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid, to St. Paul United Methodist Church, St. Paul United Methodist Child Care & Preschool, 5410 Corby Street, Omaha, Nebraska, 68104 and Dr. Keith W. Johnson, Registered Agent, St. Paul United Methodist Church, 5410 Corby Street, Omaha, Nebraska, 68104.


Marsha Wandersed

June 24, 2014


ST. PAUL CHILDCARE
Barbara Parker, Director
5410 Corby Street
Omaha, NE 68104

Dear Ms Parker:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, on June 23, 2014, your original License to operate 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 June 13, 2014, and it will remain in effect until December 13, 2014. Upon completion of this term, a new license will be issued to you.

At this time we ask that you return your current license, within the next seven (7) days, to Marsha Wandersee in the Licensure Unit. If you have any questions, please contact Children's Services Licensing at (402) 471-9302.

Sincerely,


Helen L. Meeks, Administrator
Licensure Unit

HLM/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

ST PAUL UNITED METHODIST CHURCH
is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at **5410 CORBY ST. OMAHA NE 68104**

A maximum of 100 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.

ST PAUL CHILDCARE is hereby issued License No. **CCC7488**
whose status is **Active-Corrective Action Status** effective from **06/13/2014**
Amended: 06/13/2014

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
July 1, 2014.



Joseph M. Acerno
Joseph M. Acerno, M.D., J.D., Chief Medical Officer,
Director, Division of Public Health
Department of Health and Human Services

CCC 7488
Compl. # 25196



Division of Public Health

State of Nebraska

Dave Heineman, Governor

June 23, 2014

St Paul Childcare
5410 Corby St
Omaha, NE 68104
Attn: Barbara Parker

Dear Ms. Parker:

The Nebraska Department of Health and Human Services, Division of Public Health, Children's Services Licensing Program, has received your corrective action plan accepting Corrective Action Status. The attached plan has been reviewed and approved effective June 13, 2014.


A new license indicating "Corrective Action Status" will be mailed to your Child Care Center, which you must post in a prominent place.

The license status will be in effect for a period of six months from the date of approval.

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

If you have questions, please contact Tammy Reeves at 402 595-3341.

Sincerely,


Jo Pfeiffer
Child Care Licensing Supervisor
DHHS Division of Public Health
Children's Services Licensing

Cc: Tammy Reeves, Child Care Inspection Specialist
Robert Cummings, Resource Development, Contract Management Division
Marsha Wandersee, Administrative Assistant II

PLAN OF CORRECTION

REGULATORY BASES:

391 NAC 3-006.19 Supervision of Children

A child was left on the playground unsupervised on October 10, 2013.

391 NAC 3-006.30E Notification to the Department of Emergencies

The director failed to notify the department within 24 hours or the next business day.

391 NAC 3-006.02 #8 Director Requirements

The director failed to document the concerns and the actions that we taken to alleviate problems.

The director has developed a Plan of Supervision. The director or assistant director will ensure that this plan is being followed by doing random checks at least three times a week. The director or assistant director will initial that they have done a random check. The director will also notify the department within the 24 hour timeline if a concern arises. She will also do written documentation to ensure that the center staff identify incidents, accidents, complaints and concerns. Through this written documentation, the director can monitor patterns and trends and take the appropriate actions to alleviate the problems. It is the responsibility of the director with the assistance of the assistant director to see that the corrections have been made and compliance is maintained.

The timeline for the correction was immediate and continues to be a priority. The director and/or the assistant director will do random checks at least three times a week.

The entire staff has been enrolled in a class on July 8th from 6:30 to 8:30 presented by Heartland Family Service entitled "Supervision of Children".

OUTSIDE SUPERVISION PLAN

- 1. Teachers will count number of students to be taken to the playground at the doorway to the outside. They will also take their classroom clipboards for attendance lists.**
- 2. When coming inside after outside activities, staff will take a head count before leaving the play area. Then one staff member will check the entire play area including the sitting area under the slide before leaving. She will then place the lock on the gate.**
- 3. Once inside the door, staff will complete a roll call sheet to ensure that every child has come inside with the class. The teacher will initial that she has completed the roll call.**

INSIDE SUPERVISION PLAN

Whenever the children are transitioning:

- 1. A teacher should do a physical head count before leaving any area.**
- 2. A teacher should check the entire classroom before leaving the area to be sure that her counts match and that no one is still in the classroom before closing the door.**
- 3. A teacher should check the restroom stalls and be sure that her counts match before turning the lights off in the restrooms.**

It is the classroom teachers responsibility to supervise children at all times and the director will ensure that there are sufficient staff available to maintain adult/child ratios throughout the hours of operation.

CCC 7488
Compl# 25196



Division of Public Health

State of Nebraska
Dave Heineman, Governor

May 21, 2014

CERTIFIED MAIL

St Paul Childcare
5410 Corby St.
Omaha, NE 68104
Attn: Barbara Parker

Dear Ms. Parker:

Nebraska Revised Statutes, section 71-1911 (4), of the Child Care Licensing Act, effective July 16, 2004, provides the department may place a license on Corrective Action Status.

FACTS:

On October 10, 2013, a 15 month old child was left unsupervised and unattended on the fenced playground of St. Paul Childcare for approximately five to 10 minutes. A neighbor to the child care stated that he noticed the child on the fenced playground and no staff or other children present. The man brought the child into the center to a staff, who then took the child to the director. It was determined by the director, that two staff, Amanda and Kaylee, had eight children on the playground. The two staff were not aware that the child was missing until the director brought the child into their classroom.

The director did not notify the Department that the child was left unsupervised and no incident reports were written regarding the incident, until requested by Child Care Inspection Specialist, Reeves.

REGULATORY BASES:

391 NAC 3-006.19 Supervision of Children:

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 3-006.30E Notification to the Department of Emergencies:

The licensee/director must notify the Department within 24 hours or next business day of the following occurrences at the center:

3. When a child has been missing, lost, or left unsupervised on or off the premises;

391 NAC 3-006.02 #8 Director Requirements:

Ensure that center staff identify and review incidents, accidents, complaints, and concerns, and monitor patterns and trends in overall operation and take action to alleviate problems

391 NAC 3-008.01 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:

4. Conduct or practices detrimental to the health or safety of an individual served by or employed at the program.

DETERMINING CORRECTIVE ACTION STATUS:

The Department may place a provisional or operating license on a non-disciplinary Corrective Action Status for up to six months if:

- (a) The licensee is unable to comply with all licensure requirements and standards or has a history of non-compliance
- (b) The effect of the non-compliance 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

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

CORRECTIVE ACTION STATUS: PLAN OF CORRECTION

Corrective action status is voluntary and the decision regarding the 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.

Your written plan of correction must:

- 1) Identify the issue(s) of concern
- 2) Identify who is responsible for corrections and maintenance of compliance
- 3) Include timelines; and
- 4) Specify the documentation to be provided to the Department.
- 5) Plan should include provision for providing adequate and appropriate supervision at all times children are in care at your program. Plan should specifically address appropriate supervision during outside activities and transition times.
- 6) Plan should include written procedures to ensure all children are supervised at all times while in your care.
- 7) Plan may include face-to-face in-service trainings received by staff, regarding proper supervision techniques.

Please submit your written Plan of Correction to Tammy Reeves, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Office of Children's Services Licensing, 1801 North 73rd Street, Omaha, NE 68114 **within ten calendar days** after you receive this letter.

FAILURE TO SUBMIT CORRECTIVE ACTION PLAN:

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:

- (a) Issue a probationary (disciplinary) license;
- (b) Suspend or revoke a provisional, probationary, or operating license;
- (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 effective date of finding violation, for each day the program is in violation;
- (d) Establish restrictions on new enrollment of the program;
- (e) Establish restrictions or other limitations on the number of children, or the age of the children served in this program; or
- (f) Establish other restrictions or limitations on the type of service provided by the program.

If you have questions regarding this letter, please contact Tammy Reeves, Child Care Inspection Specialist at 402-595-3341 or Jo Pfeiffer, Child Care Licensing Supervisor at 402-595-3335.

Sincerely,

Jo Pfeiffer, Child Care Licensing Supervisor
Children's Services Licensing
1801 North 73rd Street
Omaha, NE 68114

Cc: Tammy Reeves, Child Care Inspection Specialist
Marsha Wandersee, Administrative Assistant II
Bob Cummings, Resource Development, Contract Management Division