

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

June 13, 2018

Merry Manor School of Childhood
Attn: Tina Wright-Licensee
320 North 48th Street
Lincoln, NE 68504

Dear Ms. Wright,

This letter is to inform you that the Interim Licensing Agreement you signed on May 17, 2018 has been terminated effective June 13, 2017.

If you have any questions, please contact me at Teresa.Neal@nebraska.gov or 402-471-6730.

Sincerely,

[Redacted Signature]
Teresa Neal
Child Care Inspection Specialist
Office of Children's Services Licensing



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

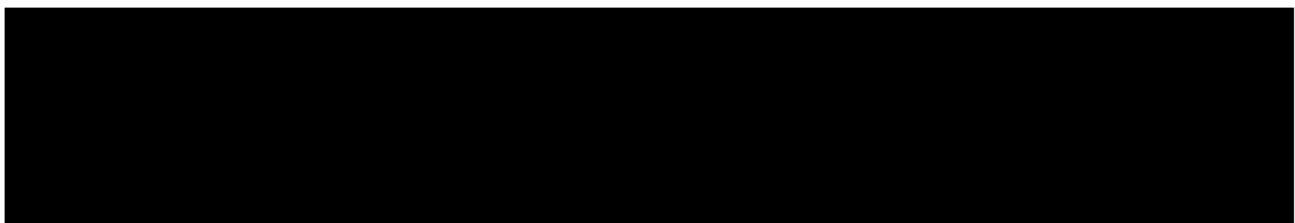
THE OPERATING CHILD CARE CENTER OF) INTERIM
MERRY MANOR SCHOOL OF CHILDHOOD) LICENSING
OWNED BY MERRY MANOR SCHOOL OF CHILDHOOD, INC) AGREEMENT

LICENSED LOCATION: 320 NORTH 48TH STREET, LINCOLN
LICENSE NUMBER: CCC7719
CAPACITY: 90
AGES: 6 WEEKS TO 13 YEARS
HOURS AND DAYS: 5:30 AM TO 6:00 PM MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: FEBRUARY 14, 2003

I, Tina Wright, hereby state and declare:

1. I am the owner of the above-mentioned childcare program.
2. I have read, understand and agree to comply with all the Regulations Governing Licensure of Child Care Centers, Title 391, as long as I am licensed by the State of Nebraska to provide child care services. Specifically,

3-006.03D Notification of Law Enforcement Contact: "As soon as the licensee/director becomes aware of the occurrence, s/he must notify the Department of any arrest, misdemeanor ticket other than a traffic violation, pending criminal charges, and any felony or misdemeanor convictions of him/herself, staff, volunteers, or household members if the center is located in a private residence. The licensee/director must request a criminal history record check on the individual within five working days. Failure to notify the Department of law enforcement contacts as described may result in disciplinary action."



2. Any individual who is under investigation for abuse, neglect, or sexual abuse of a child or vulnerable adult must not be left alone with children until the investigation is completed and the findings are determined.”

3. I understand that this agreement is based on the fact that **the Office of Children’s Services Licensing (OCSL) became aware of an investigation involving Raechel Nagle** on May 11, 2018.

4. I understand and agree with the following:

- A. Under no circumstances will Raechel Nagle be alone with childcare children until the investigations by Law Enforcement and the OCSL are complete and findings are determined.
- B. All parents of children enrolled will receive a copy of this Interim Licensing Agreement within 24 hours and that documentation of each parent receipt will be maintained and available for review upon request.
- C. This Interim Licensing Agreement will be prominently posted with the current license so it is clearly visible to parents and Department representatives.
- D. That the OCSL shall conduct announced or unannounced visits to my facility to determine compliance with this Agreement

5. This Agreement is an Interim Licensing Agreement, which means that the OCSL reserves the right to take additional action as deemed appropriate. Any violation of this Agreement may be grounds for further negative action or discipline.

6. This Agreement shall be in effect from the signing date for as long as the OCSL deems it appropriate and upon completion of an ongoing investigation. Should the license be amended because of a change of address, this Agreement may transfer to the new address if appropriate to the conditions of this Interim Licensing Agreement.

[Redacted Signature]

Licensee/Registered Agent

5-17-2018
Date

[Redacted Signature]

Child Care Inspection Specialist
Teresa Neal

5-17-18
Date

INSPECTION COMPLIANCE REVIEW

Nebraska Department of Health and Human Services
 Division of Public Health
 Licensure Unit
 PO Box 94986
 Lincoln, NE 68509

Department of Health & Human Services



TO BE COMPLETED BY CHILD CARE INSPECTION SPECIALIST

Facility Name and Physical Address MERRY MANOR SCHOOL OF CHILDHOOD 320 NORTH 48TH ST LINCOLN NE 68504	License #/Licensee CCC7719 MERRY MANOR SCHOOL OF CHILDHOOD, INC.	Time of Visit NA
	Telephone 402-466-2215	Date of Visit 05/14/2018
Child Care Inspection Specialist/Telephone Number Teresa Neal - 402-471-6730	Purpose of Visit Self Report	Type of Facility Child Care Center

STANDARDS VIOLATED

NARRATIVE: Narrative must include observation, discussion, action needed and date corrections are to be made by.	Correct By	Actual Date Corrected
CCIS Neal received a call from Licensee/Director Tina Wright on 5/11/2018 reporting an incident. CCIS Neal returned the call on 5/14/2018 and spoke with Tina Wright. The following regulations were reviewed. 391 NAC 3-006.03D Notification of Law Enforcement Contact [REDACTED] The licensee Tina Wright reported that she had received information from teacher Raechel Nagle about an incident that occurred outside of work on the evening of 5/10/2018 in which Raechel was issued a citation for [REDACTED]. As required by regulation Tina was reporting to the Office of Children's Services Licensing the law enforcement contact for staff. Tina gave the staff a suspension from work and is not allowing the staff to be left alone with children during the investigation as required by regulation. <u>The Department will do an interim licensing agreement stating Raechel Nagle can not be left alone with children pending outcome of the investigation.</u>		

PROVIDER COMMENTS

A Provider may submit written comments to be attached to this form.

August 3, 2015

MERRY MANOR SCHOOL OF CHILDHOOD
Tina Wright, Registered Agent
320 N. 48th Street
Lincoln, NE 68504

Dear Ms Wright:


In accordance with the Notice of Disciplinary Action issued on July 15, 2015, by Courtney N. Phillips, MPA, Chief Executive Officer, Department of Health and Human Services, the 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 31, 2015, and it will remain in effect until July 31, 2016. Upon completion of the Probation, a new license will be issued to Merry Manor School of Childhood.

At this time we ask that you return the current license, within seven (7) days, to Marsha Wandersee in the Licensure Unit. The license should be mailed to DHHS, Division of Public Health, Licensure Unit, Attn: Marsha Wandersee, 301 Centennial Mall South, Lincoln, NE 68509-4986.

Pursuant to the above-mentioned Order, Merry Manor School of Childhood is assessed a Civil Penalty in the amount of \$180.00, payable by August 31, 2015. Make checks payable to the *Licensure Unit* and send payment to DHHS, Division of Public Health, Licensure Unit, Attn: Marsha Wandersee, 301 Centennial Mall South, Lincoln, NE 68509-4986.

If you have any questions, please contact Kathee Sanchez, Supervisor, Children's Services Licensing at (402) 471-9193.

Sincerely,


Becky Wise⁴, 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

MERRY MANOR SCHOOL OF CHILDHOOD, INC.

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating **Child Care Center**
located at: **320 NORTH 48TH ST LINCOLN NE 68504**

A maximum of **90** children in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the hours of **0530** to **1800** on **MTWTF**.

MERRY MANOR SCHOOL OF CHILDHOOD is hereby issued License No. **CCC7719** which is effective on **02/14/2003**

Amended: 07/31/2015

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 **August 4, 2015**.



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

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

IN THE MATTER OF:)	
THE OPERATING CHILD CARE CENTER)	
LICENSE OF MERRY MANOR SCHOOL OF)	NOTICE OF
CHILDHOOD, INC.)	DISCIPLINARY ACTION

LICENSED LOCATION: 320 NORTH 48TH STREET, LINCOLN, NE, 68504

NOTICE:

Merry Manor School of Childhood, Inc. (hereinafter referred to as "Merry Manor") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Merry Manor's Child Care Center 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;" ...

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;

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

391 NAC 3-006.20 Discipline: When parents are not present, the responsibility for the discipline of children in care lies only with the licensee/director or the designated substitute.

391 NAC 3-006.20A Prohibited Forms of Discipline: The following actions are prohibited as a form of discipline: ... 2. Slapping; ... 9. Handling roughly;" ...

FACTS AND FINDINGS:

Merry Manor is the licensee of an operating Child Care Center. This program is licensed for a maximum of 90 children, ages six weeks to 13 years of age, 5:30 a.m. to 6:00 p.m., Monday through Friday. This program was licensed prior to 1981.

Merry Manor was placed on probation from July 25, 2013 to July 25, 2014 for an employee disciplining a child.

On April 20, 2015 and April 21, 2015, Monica Barger (hereinafter referred to as "Barger"), Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, conducted a complaint inspection of Merry Manor.

As a result of the complaint inspection it was determined that:

Christina Shavers, a staff member of the program, picked up a three year old by the arm and hit the child on the back of the head with an open hand as part of disciplining the child on or about April 10, 2015. The incident was reported to the owner, Tina Wright and the Director, Kathy Turner by others at the program. At the time of the inspection, no inquiry or further action had been taken by the program to determine if the reported incident had occurred nor had any action been taken to prevent a reoccurrence of this or similar behavior or to protect the children while a determination was made by the program.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts set out above, the Department is imposing the following:

1. Merry Manor is assessed a civil penalty in the amount of \$180.00 (\$2.00 times license capacity of 90 children times one day, April 20, 2015).

Said penalty must be paid on or by August 31, 2015, which is thirty (30) calendar days from the effective date of this Notice, July 31, 2015, and must be payable to the Nebraska Department of Health and Human Services, Division of Public Health, Licensure. Said penalty must be sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, Children's Services Licensing, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

2. Merry Manor's Child Care Center license is placed on Probation for a period of one year effective July 31, 2015. Terms and conditions include:

a. By October 31, 2015, Merry Manor must ensure that all staff, including Kathy Turner, Tina Wright, and Erin Humphrey who have the responsibility of caring for children will register/enroll, attend and successfully complete the approved training developed by the Early Childhood Training Center (ECTC) on child abuse/neglect and reporting.

Merry Manor must submit verification of attendance and successful completion by all staff responsible for the care of children, as well as Kathy Turner, Tina Wright, and Erin Humphrey, within fifteen calendar

days after completion of the approved training to the Department; Attn: Monica Barger, at the address listed below, or at such address as directed, in writing, by the Department.

This training will not count toward the required 12 hours of in-service training.

b. By October 31, 2015, Merry Manor must ensure that all staff, including Kathy Turner, Tina Wright, and Erin Humphrey who have the responsibility of caring for children will register/enroll, attend and successfully complete a minimum of two hours of face-to-face training related to appropriate forms of discipline.

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

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

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

Merry Manor must submit verification of attendance and successful completion by all staff responsible for the care of children, as well as Kathy Turner, Tina Wright, and Erin Humphrey, within fifteen calendar days after completion of the approved training to the Department; Attn: Monica Barger, at the address listed below, or at such address as directed, in writing, by the Department.

c. Merry Manor is responsible for paying for all costs associated with compliance.

d. All documentation required must be submitted to Monica Barger, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, PO Box 94986, Lincoln, Nebraska, 68509-4986, or at other such address as directed, in writing, by the Department.

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

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

5. Failure to comply with the terms of this disciplinary action, the applicable 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.

6. If Merry Manor discontinues the child care program for any reason, the time Merry Manor 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 Merry Manor as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Merry Manor 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 July 30, 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 July 30, 2015. It must be addressed to:

Marsha Wandersee, for DHHS
Children's Services Licensing
Licensure Unit – 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.

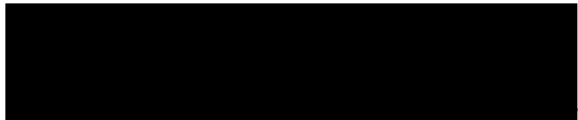
Nebraska Revised Statutes, section 71-1920 of the Child Care Licensing Act, provides that "any fine imposed and unpaid under the Child Care Licensing Act shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper 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 that "a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time,

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

Dated: July 15, 2015

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



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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 15 day of July, 2015, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Merry Manor School of Childhood, 320 North 48th Street, Lincoln, Nebraska, 68504 and Merry Manor School of Childhood, Inc., C/O Tina Wright, Registered Agent, 320 North 48th Street, Lincoln, Nebraska, 68504.



Marsha Wandersee



Division of Public Health, Licensure Unit
301 Centennial Mall South, 3rd Floor, P.O. Box 94986
Lincoln, NE 68509-4986
Phone (402) 471-2115 FAX (402) 471-3577

Division of Public Health

State of Nebraska
Dave Heineman, Governor

July 30, 2013

MERRY MANOR SCHOOL OF CHILDHOOD, INC.
Tina Wright, Registered Agent
320 N. 48th Street
Lincoln, NE 68504

Dear Ms Wright:

In accordance with the Notice of Disciplinary Action issued on July 9, 2013 by Joseph Acierno, MD, JD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, the facility's original License to operate as 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 25, 2013, and it will remain in effect until July 25, 2014. Upon completion of the Probation, a new license will be issued to the Child Care Center.

At this time we ask that you return the current license, within the next seven (7) days, to Marsha Wandersee in the Licensure Unit. If you have any questions, please contact Child Care 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

PROBATION

Department of Health and Human Services,
Division of Public Health

MERRY MANOR SCHOOL OF CHILDHOOD, INC.

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: **320 NORTH 48TH ST LINCOLN NE 68504**

A maximum of **90** 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**.

MERRY MANOR SCHOOL OF CHILDHOOD is hereby issued License No. **CCC7719** which is effective on **02/14/2003**.

Amended: 07/25/2013

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 **August 2, 2013**.



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

301253



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

IN THE MATTER OF:)	
THE OPERATING CHILD CARE CENTER)	NOTICE OF
LICENSE OF MERRY MANOR SCHOOL OF)	DISCIPLINARY ACTION
CHILDHOOD, INC.)	

LICENSED LOCATION: 320 NORTH 48TH STREET, LINCOLN, NE, 68504

NOTICE:

Merry Manor School of Childhood, Inc. (hereinafter referred to as "Merry Manor") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Merry Manor's Child Care Center license for violation of the following:

AUTHORITY:

Nebraska Revised Statutes, section 71-1919, of the Child Care Licensing Act provides that "the Department may ... take disciplinary action against a license issued under the Child Care Licensing Act on any of the following grounds:

- (1) Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the act; ...

- (4) Conduct or practices detrimental to the health or safety of a person served by or employed at the program;" ...

391 NAC 8-002 Staff Qualifications: ... "Center staff, whether paid or volunteer, shall not engage in or have a history of behaviors injurious to or which may endanger the health or morals of the children in care." (Page 5, Standard 13, Child Care Center Standards, Rev. 8/2010)

391 NAC 8-009 Staffing: "Center staff or any person designated by the licensee as having responsibility for children shall have the responsibility to provide adequate and appropriate supervision at all times children are in attendance." ... (Page 7, Standard 36, Child Care Center Standards, Rev. 8/2010)

391 NAC 8-012 Discipline: "The center shall ensure that no child is left alone, pinched, punched, shaken, struck with any object, bitten, or spanked by staff; a brief, supervised separation from the group may be used." (Page 7, Standard 43, Child Care Center Standards, Rev. 8/2010)

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

391 NAC 3-006: "To provide adequate protection to children in care and to comply with state law, a child care center must meet the following standards." (Regulations Governing Licensure of Child Care Centers)

391 NAC 3-006.01 Licensee Requirements: "The licensee must:

1. Ensure that the center is administered and managed appropriately;
 2. Maintain compliance with all applicable state statutes and child care center regulations;" ...
- (Regulations Governing Licensure of Child care Centers)

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." (Regulations Governing Licensure of Child Care Centers)

FACTS AND FINDINGS:

Merry Manor is the licensee of an operating Child Care Center. This program is licensed for a maximum of 90 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 1981.

On May 6, 2013, Katie Zabel (hereinafter referred to as "Zabel"), Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure Unit, conducted a complaint inspection of Merry Manor. At that time, interviews were conducted with Kathy Turner (hereinafter referred to as "Turner"), director, several staff persons and the parent/staff person. The parent/staff person stated that when she went to get lunch for her classroom, she observed her own child pulling another child's hair. The parent/staff person stated the teachers in her own child's classroom were not aware of what was occurring, so she took her child's hand out of the child's hair and "popped" her own child's knuckles. Other staff reported that after the parent/staff person apologized to the child, the child then stuck out his tongue and the parent/staff member then "flicked his mouth with her finger". The entire incident occurred in front of other children who were waiting for lunch to be served.

Turner discussed the incident with the parent/staff person and that the policy is you let the teachers in your child's room handle the situation and if a teacher needs to discuss an inappropriate behavior, they should do that in another room.

On May 8, 2013, Children's Services Licensing received a report from Turner, director of Merry Manor, that two children, age two years, had gotten outside of the fenced play area and were found by a parent on 48th Street around 4:15 p.m. as the parent was picking up her own children. Staff members, Dru King (hereinafter referred to as "King") and Stephanie Clark (hereinafter referred to as "Clark"), were unaware the children had gotten outside of the fenced play area and were in the street.

Turner stated that at approximately 4:15 p.m., she saw a parent pull up and saw the parent rush toward the street. When she looked outside, she saw the parent with a small child. Turner rushed to the back of the building and out to the toddler playground where she observed King and Clark swinging children and talking to each other. King and Clark were not aware that a child was missing. When Turner returned to the building, Turner realized that the parent had two children in her care and not just one child. Turner spoke with the director of Merry Manor's second site and the owner of Merry Manor, the decision was made to immediately terminate the employment of King and Clark due to their lack of supervision and because the staff had not followed the playground policy of moving around and stationing themselves to be aware of all the children and their whereabouts. Parents of the children were contacted and informed of the incident.

Turner stated that Merry Manor installed a new lock on the gate and an existing chain has been tightened. Turner believes that the children were able to push the gate far enough to squeeze through the opening. Turner also said that the center would also look into moving a large piece of equipment so as not to block the view of the gate from other areas of the playground.

On June 11, 2013, Teresa Neal (hereinafter referred to as "Neal"), Child Care Inspection Specialist, conducted an on-site inspection and viewed the changes that Merry Manor had made regarding the gate/fence and equipment. The equipment which blocks the view of the gate has not yet been moved; however, the lock has been fixed and the chain securing the gate had been tightened. The equipment was moved on June 26, 2013.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts set out above, the Department is imposing the following:

1. Merry Manor's Child Care Center license is placed on Probation for a period of one year effective July 25, 2013. Terms and conditions include:

a. By September 23, 2013, Merry Manor must ensure that all staff, including Kathy Turner and Tina Wright, who have the responsibility of caring for children will register/enroll, attend and successfully complete a minimum of two hours of face-to-face training in the area of providing adequate and appropriate supervision at all times children are in care, including during outdoor play.

Merry Manor must, prior to Merry Manor and its staff participating in any training, submit in writing the following to the Department, Attention: Teresa Neal, Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure Unit, P.O. Box 98933, Lincoln, Nebraska, 68508, or at such address as directed, in writing, by the Department, to determine if the training meets the requirements for which it is intended: names of Merry Manor child care staff attending, their titles,

training curriculum, date and time of training, name of the training, presenter/instructor's name, and the number of hours. This training will not count toward the required 12 hours of in-service training.

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

Merry Manor must submit verification of attendance and successful completion by all staff responsible for the care of children, as well as Kathy Turner and Tina Wright, within fifteen calendar days after completion of the approved training to the Department; Attn: Teresa Neal, at the address listed above, or at such address as directed, in writing, by the Department.

b. During the probation period, Kathy Turner and Tina Wright must enroll in, attend and complete the Management Training Program offered by the Early Childhood Training Center, 1-800-89-CHILD. Turner and Wright must submit quarterly certificates of completion. This training will count toward the required 12 hours of in-service training.

c. Merry Manor must develop and submit to the Department; Attn: Teresa Neal, at the address listed above, or at such address as directed in writing, by the Department, a written supervision policy and procedure which incorporates the use of checklists, frequent monitoring, accountability and training of staff on this supervision policy/procedure who are responsible for caring for children. This policy/procedure must also include language as to how the program will ensure that adequate and appropriate supervision is maintained at all times children are in attendance outside the facility as well as inside the facility itself and on and off the premises.

These policies/procedures must be submitted to the Department at the address listed above for approval by July 25, 2013. The Department agrees that after reviewing the policies/procedures, it will either approve it or require modifications thereto. If modifications are required, Merry Manor must, within ten calendar days of notice by the Department, resubmit the written policies/procedures to the Department with the required modifications.

The Department reserves the right to make minor unilateral modifications to the written policies/procedures. Once approved by the Department, Merry Manor agrees to implement the written policies/procedures as approved by the Department.

d. Merry Manor must have signed documentation that all staff responsible for children and all future employees responsible for children are familiar and are trained in the policies/procedures. Documentation must be maintained on site and available for review upon request by the Department.

e. By July 25, 2013, Merry Manor will submit a written statement to the Department, Attn: Teresa Neal at the address listed above, or at such address as directed, in writing by the Department, that when parent(s) are employed as staff who have the responsibility for caring for children and whose own child(ren) are enrolled as child care children that they read and understand the Regulations Governing Licensing of Child Care Centers, which includes compliance with all regulations, including discipline.

Merry Manor will also submit a list of parent(s) who are currently employed that have signed and dated the statement indicating that they understand.

4. During the probationary period, Merry Manor must maintain compliance with all Child Care Center regulations. 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.). Merry Manor 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 child care license so it is clearly visible to parents and agency representatives.

6. Failure to comply with the terms of this disciplinary action or with the applicable Child Care Regulations 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. If Merry Manor discontinues the child care program for any reason, the time Merry Manor 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 Merry Manor, Tina Wright and/or Kathy Turner as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Merry Manor must notify the Department, in writing, within seven (7) working days of any period they are not actively operating the program. Active operation is the provision of child care for a minimum of forty hours a week for 50 weeks of a calendar year.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on July 24, 2013, 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 within such 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 July 24, 2013. It must be addressed to:

Marsha Wandersee, for DHHS
Children's Services Licensing
Licensure Unit – 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 that "a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under investigation or if the Department has initiated disciplinary action against the licensee.

Dated: July 9, 2013

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


By: Patricia Urzedowski, Section Administrator
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 9th day of July, 2013, a copy of the foregoing **CORRECTED NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Merry Manor School of Childhood, Inc., 320 North 48th Street, Lincoln, Nebraska, 68504 and Merry Manor School of Childhood, Inc., C/O Tina Wright, Registered Agent, 320 North 48th Street, Lincoln, Nebraska, 68504.

October 12, 2006

Merry Manor School of Childhood
320 N 48th St
Lincoln NE 68504

Dear Merry Manor School of Childhood, Inc.:

In accordance with the Notice of Disciplinary Action, issued by the Director, Dr. Joann Schaefer, on September 19, 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 October 4, 2006; and it will remain in effect until April 4, 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,

[REDACTED]
Helen L. Meeks, Administrator
Credentialing Division

HI.M/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 proof of credentialing shall be shown upon request.

PROBATION *State of Nebraska*
Department of Health and Human Services
Regulation and Licensure

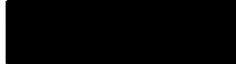
MERRY MANOR SCHOOL OF CHILDHOOD, INC.
Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: **320 NORTH 48TH ST LINCOLN NE 68504**

A maximum of **90** 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**.

MERRY MANOR SCHOOL OF CHILDHOOD is hereby Issued License No. **CCC7719** which is effective on **02/14/2003**

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 **02/14/2003**.




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

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

IN THE MATTER OF:

THE OPERATING CHILD CARE)
CENTER LICENSE OF MERRY)
MANOR SCHOOL OF CHILDHOOD,)
INC., D/B/A MERRY MANOR SCHOOL)
OF CHILDHOOD)

NOTICE OF
DISCIPLINARY
ACTION

LICENSED LOCATION: 320 NORTH 48TH STREET
LINCOLN, NE 68504

NOTICE:

Merry Manor School of Childhood, Inc., d/b/a Merry Manor School of Childhood, is hereby notified that the Department of Health and Human Services Regulation and Licensure (hereinafter referred to as "department") intends to impose disciplinary action against Merry Manor School of Childhood, Inc., d/b/a Merry Manor School of Childhood, 320 North 48th Street, Lincoln, Nebraska, 68504 (hereinafter referred to as "Merry Manor"), for reasons set out below:

FACTS:

Merry Manor School of Childhood, Inc. is the licensee of a nonexpiring, operating Child Care Center. This facility is licensed for a maximum of 90 children, six weeks to 13 years of age, Monday through Friday, 6:00 a.m. to 6:00 p.m. This facility has been licensed prior to March 19, 1981.

On July 26, 2006, Marvie Sullivan, Child Care Resource Specialist, Department of Health and Human Services Regulation and Licensure, conducted an investigation to Merry Manor in response to a complaint that a seven-year-old child had been left unattended at a library during a field trip in which two vans were being used to transport children.

During the course of the investigation and through interviews conducted with the director, staff and librarian, it was determined that a child was left unattended for approximately five minutes at a library during a field trip. Center staff were not aware that the child had been left behind until the librarian contacted the one of the van drivers in the parking lot of the library to inquire if the child belonged with the Merry Manor

group. The second van driver returned to the library to pick up the child. Neither the parents or the director of the center were informed of this incident, however, staff did have a written incident report on file.

Ms. Sullivan was able to substantiate a violation of adequate and appropriate supervision.

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 8-009 Staffing: "Center staff or any person designated by the licensee as having responsibility for children shall have the responsibility to provide adequate and appropriate supervision at all times children are in attendance." ... (Page 9, Standard 36, Child Care Center Standards)

DISCIPLINARY ACTION IMPOSED:

Based upon the facts set out above and violation of adequate and appropriate supervision, the department is imposing the following disciplinary action and stipulations:

1. Merry Manor School of Childhood, Inc.'s license, d/b/a Merry Manor School of Childhood, placed on **disciplinary probation** for a period of **six months effective 15 days from the mailing of this Notice of Disciplinary Action**.
2. The transportation policies and procedures submitted on July 26, 2006 and approved by the department on July 26, 2006 remain in effect the duration of the **disciplinary probation**.
3. Merry Manor School of Childhood, Inc., 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 and agency representatives.

CONCLUSION:

Failure to comply with the terms of this disciplinary action and the Child Care Center 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 Merry Manor School of Childhood, Inc., **discontinues** the child care operation for any reason, the time Merry Manor School of Childhood, Inc., 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 effective on October 4, 2006, which is fifteen days from the mailing of the 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 within fifteen days from the mailing of this Notice, which is October 4, 2006.** 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: SEPTEMBER 19, 2006

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


By: Patricia Orzedowski, 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 19 of September, 2006, a copy of the foregoing NOTICE OF DISCIPLINARY ACTION was sent by certified and first class United States mail, sufficient postage prepaid to Merry Manor School of Childhood, Inc., C/O Tina Wright, 320 North 48th Street, Lincoln, Nebraska, 68504 and Merry Manor School of Childhood, 320 North 48th Street, Lincoln, Nebraska, 68504.