

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

4/18/2018

TINY TREASURES
OWNED BY SHUNTA PAUL
2450 North 33rd Street
Omaha, NE. 68111

CERTIFIED AND FIRST CLASS MAIL

Dear Licensee:

Since you did not appeal the Notice of Disciplinary Action dated April 2, 2018, by or on April 17, 2018, you are assessed a civil penalty. The amount due is:

(A) \$150.00 (\$3.00 times license capacity of 50 children for 1 day) for noncompliance with Records and staff-child ratio regulations on the day of inspection, January 3, 2018, and

(B) 1950.00 (\$3.00 times license capacity of 50 children) from January 3, 2018, to January 19, 2018, for no proof of insurance.

The above penalties must be received by or on May 18, 2018. Your check or money order should be payable to the Nebraska Department of Health and Human Services and sent to Chris Kort, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, PO Box 94986, Lincoln, Nebraska, 68509-4986.

If you have questions, please contact Jo Pfeiffer, Child Care Licensing Supervisor, Children's Services Licensing at 402-471-9193

Sincerely,

[Redacted Signature]
Becky Wisell, Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

BW/ck

Cc: Children's Services Licensing

Helping People Live Better Lives



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

**IN THE MATTER OF:
THE OPERATING CHILD CARE CENTER
TINY TREASURES OWNED BY
SHUNTA PAUL**

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**NOTICE OF
DISCIPLINARY ACTION**

LICENSED LOCATION: 2450 North 33rd Street, Omaha, NE. 68111
MAILING ADDRESS: PO Box 111000 Omaha, NE 68111
LICENSE NUMBER: CCC108
CAPACITY: 50
AGES: 6 WEEKS TO 13 YEARS
HOURS AND DAYS: 6:00 AM TO 6:00 PM, MONDAY THROUGH SATURDAY
DATE INITIALLY LICENSED: OCTOBER 14, 2003

NOTICE:

Tiny Treasures, owned by Shunta Paul (hereinafter referred to as "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 Paul's Operating 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;"

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

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

391 NAC 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;
2. Violation of an order of the Department under the Act;..
4. Conduct or practices detrimental to the health or safety of a person served by or employed at the program;" ...

3-006.03C Reports of Law Enforcement Contact: "The applicant/licensee must complete a Report of Law Enforcement Contact for him/herself, if an individual or an individual in a partnership, and must obtain a completed report for each staff member and volunteer age 19 or older and each household member age 19 or older if the center is located in a private residence. The report must:

1. Be updated, signed, and dated annually;
2. Be updated any time one of these individuals is arrested, issued a citation other than a minor traffic violation, or charged with or convicted of any felony, misdemeanor, or infraction;
3. List all previous and pending criminal charges and arrests, both felony and misdemeanor, regardless of prosecution;
4. List any record of felony and/or misdemeanor charges and arrests related to crimes against children;
5. List any record of felony and/or misdemeanor convictions;
6. List any current or past parole or probation status, including diversion or court supervision; and
7. List details, dates, county, and state of the contact, arrest, charge, conviction, and disposition, if any."

391 NAC 3-006.11A Staff: Records for all staff, except substitutes and volunteers, must include: ... "5. A completed Report of Law Enforcement Contact;" ...

391 NAC 3-006.12 Child's Record: "A Child's Record must be completed before the child's enrollment. The record must be kept current and available for review upon request by the Department. A Child's Record form may be used or a form may be created and must contain the following information for each child: ...

10. Current health status of the child; and
11. List of child's allergies and intolerance to food, insect bites, or stings, or other factors that result in a medical reaction, and clear instructions in the event of an exposure to the factor."

391 NAC 3-006.23A Infant Care Rooms: Rooms where infants are receiving care must be limited to the care of no more than 12 children at any one time. "1. If five or more infants are receiving care in a room, at least two staff members must be in the room." ...

3-006.22B Beds, Cribs, and Sleeping Surfaces: "The licensee must ensure that sleeping surfaces appropriate to the child's age and level of development are available for each child in care.

1. Acceptable sleeping surfaces for children over 12 months of age are:
 - a. Beds;
 - b. Cots;
 - c. Cribs;
 - d. Playpens;
 - e. Sofas;
 - f. Washable sleeping bags; and
 - g. Waterproof mats, which must be at least one inch thick and at least 45 inches long; ...
3. Cribs, playpens, cots, and mats must be separated by at least three feet of space." ...

Nebraska Revised Statutes, section 71-1911.03 Applicant; liability insurance: "... shall provide to department written proof of liability insurance coverage of at least one hundred thousand dollars per occurrence. ..."

FACTS AND FINDINGS:

On January 3, 2018, Dawn Kozak, Child Care Inspection Specialist Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Kozak"), conducted an unannounced semi-annual and monitoring inspection of Paul. The monitoring portion of this inspection is the result of probation that became final on July 25, 2017.

Kozak found that an updated report of Law Enforcement Contact was missing for the substitute van driver Nicki Paul. Kozak found three Children's Records were incomplete. Kozak also found five infants in a room with one staff when two staff was required. These noncompliances are in violation of Paul's current probation. In addition, Kozak also found nap mats to be closer than three feet as required by regulations.

At the time of the inspection, Paul was not able to provide a valid certificate of Child Care Liability Insurance. Paul has been unable to provide verification of valid liability insurance for two consecutive years. Paul informed Kozak the insurance had not been in effect since August of 2017.

DISCIPLINARY ACTION IMPOSED:

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

1. Paul is assessed a civil penalty in the amount of:
 - a) \$150.00 (\$3.00 times license capacity of 50 children) for noncompliance of Records and staff-child ratios on the day of the inspection.
 - b) \$1,950.00 (\$3.00 X license capacity of 50 children X 13 days-not including Sunday) for the number of days from the January 3, 2018 inspection to January 19, 2018, when the Department received documentation of liability insurance.

Said penalties must be paid by May 18, 2018, which is thirty (30) calendar days from the effective date of this notice. Penalties must be payable to the Nebraska Department of Health and Human Services, Division of Public Health and sent to Chris Kort, PO Box 94986, Lincoln, NE 68509-4986.

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

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on April 18, 2018, unless the Department receives a written request for a hearing on or before such date. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request on or before such date, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department on or by April 17, 2018. It should be addressed to:

Chris Kort, for DHHS
Children's Services Licensing – Licensure Unit
Division of Public Health
P.O. Box 94986
Lincoln, NE 68509-4986

If you request a hearing, you will be notified of the time, date, and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify, or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes, section 71-1920, upon completion of any hearing held, the director may impose any or a combination of any of the following: probation, suspension, revocation, civil penalty, restrictions of new enrollment, restrictions or other limitations on the number of children or the ages of the children served in the program, or other restrictions or limitations on the type

of service provided by the program. On the basis of the hearing, a modification by the director may include sanctions important to your program, up to and including the loss of your license.

Nebraska Revised Statutes, section 71-1911, provides that a person who has had their **“license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action.”**

Nebraska Revised Statutes, section 71-1920 of the Child Care Licensing Act, provides that “any fine imposed and unpaid under the Child Care Licensing Act shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of State of Nebraska in the district court of the county in which the program is located.” In addition, section 71-1920, (2), states that “a person who has had a license revoked for any cause other than nonpayment of fees shall not be eligible to reapply for a license for a period of two years.”

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

Dated: April 2, 2018

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


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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 2nd day of April, 2018, a copy of the foregoing NOTICE OF DISCIPLINARY ACTION was sent by certified and first class United States mail, sufficient postage prepaid to Tiny Treasures owned by Shunta Paul, 2450 North 33rd Street, Omaha, NE. 68111 and Tiny Treasures owned by Shunta Paul, PO Box 111000, Omaha, NE 68111


Chris Kort
Administrative Assistant

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

August 2, 2017

TINY TREASURES CHILDCARE

Shunta Paul, Owner

PO Box 111000

Omaha, NE 68111

Dear Ms. Paul:

In accordance with the Notice of Suspension and Disciplinary Action issued on May 25, 2017, by Thomas L. Williams, MD, Chief Medical Officer, 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, following compliance prior to the suspension period. A license imprinted with the term "PROBATION" is enclosed. This status became effective July 25, 2017, and it will remain in effect until July 25, 2018. Upon completion of the Probation, a new license will be issued to you.

At this time we ask that you submit your current license by return mail, within the next seven (7) days, to DHHS, Division of Public Health, Licensure Unit, Attn: 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/dep

cc: Children's Services Licensing

Helping People Live Better Lives

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

SHUNTA PAUL

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: **2450 NORTH 33rd ST OMAHA NE 68111**

A maximum of **50** children in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the hours of **0000** to **2400** on **MTWTHFS**.

TINY TREASURES CHILDCARE owned by **SHUNTA PAUL** is hereby issued License No. **CCC108** which is effective on **10/14/2004**

Amended: **07/25/2017**

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 August 3, 2017.



Thomas L. Williams, MD Chief Medical Officer
Director, Division of Public Health
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) NOTICE OF SUSPENSION AND
LICENSE OF TINY TREASURES CHILDCARE) DISCIPLINARY ACTION
OWNED BY SHUNTA PAUL)

LICENSED LOCATION: 2450 NORTH 33RD ST., OMAHA, NE, 68111
LICENSE NUMBER: CCC108
CAPACITY: 50
AGES: SIX WEEKS TO 13 YEARS
HOURS AND DAYS: 24 HOURS A DAY, MONDAY THROUGH SATURDAY
DATE INITIALLY LICENSED: OCTOBER 15, 2003

NOTICE:

Shunta Paul (hereinafter referred to as "Paul") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is suspending and imposing disciplinary action against Paul's operating 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;"...

Nebraska Revised Statutes, section 71-1920, of the Child Care Licensing Act provides that "...the Department may impose any one or a combination of the following types of disciplinary action against a license issued under the Child Care Licensing Act: (a) Issue a probationary license; (b) Suspend or revoke a provisional, probationary, or operating license;"...

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:

391 NAC 3-006.01 Licensee Requirements: “The licensee must: 1. Ensure that the center is administered and managed appropriately;”

391 NAC 3-006.02 Director Requirements: ... “The director must: ... 6. Provide orientation for new staff, including training on child care center regulations;” ...

391 NAC 3-006.05B Non-Certificated Teachers: “To be employed as a teacher in a licensed child care center, an individual who is not a certificated teacher must be at least 18 years of age and of good moral character, and must meet one of the following requirements:

1. Hold a bachelor’s degree from an accredited college or university in early childhood education, education or child/youth development;
2. Hold an associate degree from an accredited college or university in early childhood education, education or child/youth development;
3. Have a Child Development Associate Credential; or
4. Have a high school diploma or GED; and
 - a. 1500 verified clock hours of experience in organized group activities for young children as indicated by a positive reference from a former employer or supervisor; or
 - b. Submit a written plan for Department approval to acquire at least three credit hours or 45 clock hours of training in administration, early childhood education, education, or child/youth development, in a period not to exceed six months. The licensee must maintain a copy of the written plan and Department approval for Department review.”

391 NAC 3-006.10A Orientation: “When new staff or volunteers are employed, those individuals must be provided with orientation prior to their having direct responsibility for the care of children. The orientation must include:

1. Job duties and responsibilities;
2. Infection control practices including proper hand washing techniques, personal hygiene, and disposal of infectious material;
3. Information on abuse, neglect and sexual abuse of children and the state’s reporting requirements;
4. Child care center regulations;
5. Evacuation plans in the event of fire;
6. Safety plans in the event of a tornado;
7. Emergency preparedness in the event of a natural or man made disaster; and
8. The center’s method of interacting with children and discipline policies.”

391 NAC 3-006.11 Employee Records Requirements: “The licensee must ensure the following employee records are maintained, updated as needed, and made available to the Department upon request. Records must be maintained for at least one year after an employee leaves the center.”

391 NAC 3-006.11A Staff: “Records for all staff, except substitutes and volunteers, must include:

1. Name;
2. Address and telephone number;
3. Social Security Number;
4. Date of hire/termination;
5. A completed Report of Law Enforcement Contact;
6. Documentation of a criminal history record check;
7. A completed Health Information Report;
8. Documentation of Nebraska registry checks with no adverse findings;
9. Documentation that the individual has met the qualifications for the position;
10. Documentation of orientation training and required ongoing training; and
11. Documentation that the individual has read and understands these regulations.”

391 NAC 3-006.11B Substitutes: “Records for each substitute must include:

1. Name;
2. Address and telephone number;
3. Social Security number;
4. A completed Report of Law Enforcement Contact;
5. Documentation of a criminal history record check;
6. Documentation of Nebraska registry checks with no adverse findings;
7. Documentation that the individual has met the qualifications for the position; and
8. Documentation that the individual has read and understands these regulations.”

391 NAC 3-006.11C Volunteers: “Records for each volunteer must include:

1. Name;
2. Address and telephone number;
3. Start date;
4. A completed Report of Law Enforcement Contact;
5. Documentation of Nebraska registry checks with no adverse findings; and
6. A written schedule that includes the hours and days of the week the individual serves as a volunteer.”

391 NAC 3-006.12 Child’s Record: “A Child’s Record must be completed before the child’s enrollment. The record must be kept current and available for review upon request by the Department.”

391 NAC 3-006.13 Parent Information Brochure: “At the time of enrollment, the licensee must give the parent(s) of each enrolled child a Parent Information Brochure provided by the Department. The licensee must maintain receipts signed and dated by the parent and make the receipts available for review by the Department.”

391 NAC 3-006.15B Staffing Requirements: ... “2. Each room where children are receiving care must have a teacher who is involved with the direct care of children.” ...

391 NAC 3-006.15C Staff-to-Child Ratio: “The center must maintain accurate staff and daily attendance records to verify compliance with staff-to-child ratios. Compliance with staff-to-child ratios is determined on a center-wide basis. Only staff involved in the direct care of children are counted.” ...

391 NAC 3-006.23A Infant Care Rooms: “Rooms where infants are receiving care must be limited to the care of no more than 12 children at any one time. 1. If five or more infants are receiving care in a room, at least two staff members must be in the room.” ...

FACTS:

On March 15, 2017, Dawn Kozak (hereinafter referred to as “Kozak”), Child Care Inspection Specialist, Children’s Services Licensing, Licensure Unit, Division of Public Health, conducted an unannounced semiannual inspection of Paul’s program.

At the time of the inspection, there were 28 children present being cared for in five rooms. Those children included five infants, four toddlers, three 3 year olds, seven 4 and 5 year olds and ten school-age children. Each room where children were being cared for is required to have a person who meets teacher qualifications and have adequate qualified staff to meet staff-to-child ratio.

There were six adults present. Paul was in her office and not providing direct care at the time of the inspection; therefore, Paul could not be counted in ratio. Corine was the only person at the time of inspection who met teacher qualifications. Two volunteers, Latisha and Bettie, could not be counted in ratio. Staff qualifications for Dorsharica and Carolyn were not available at the time of inspection. Since their qualifications could not be verified, they could not be counted in staff-to child ratio. At least five qualified staff needed to be present at the time of the inspection. Corine was the only person who could be counted in staff-to-child ratio, leaving the facility out of compliance with ratio by four staff.

Latisha, a volunteer, was caring for four toddlers by herself. This room did not have a staff person qualified as a teacher.

Of the two staff in the infant room, only one person could be counted in ratio. Five infants were in care; two qualified staff were required to be in the room.

In addition, Kozak noted numerous non-compliances and required that they be corrected immediately, by March 20, 2017 or by April 15, 2017. On April 14, 2017, Paul notified Kozak that she believed she was now in compliance and on April 19, 2017, Kozak conducted a follow-up inspection to Paul’s facility and observed the following:

- The staff orientation program was missing job descriptions and duties and the child abuse/neglect reporting policy.
- Bettie, Corine, Dorsharica and Carolyn were missing a signed statement they had read the child care regulations or been given orientation training.
- The Qualification Statement for Corine was not signed or dated by Paul.
- There was no training plan signed by the Department of Education for Carolyn.
- Documentation of orientation training for Dorsharica was missing.
- Employee Records were incomplete.
- Parents had not signed the Parent Brochures as the receipts were in the children’s files and attached to the brochures. There were also no receipts for Parent Information Brochures for several children.
- Child’s Records were incomplete for several children.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts presented above, the Department is suspending Paul's Child Care Center license until:

1. The outstanding non-compliances noted at the inspections conducted on March 15, 2017 and April 19, 2017 have been corrected. Paul must submit written corrections/documentation that she is in compliance with the Inspection Compliance Review dated March 15, 2017, Purpose of Visit, Unannounced Semiannual. Such documentation must be acceptable to the Department, may require an on-site inspection and must be submitted to Dawn Kozak, Child Care Inspection Specialist, at the address listed in #4 or at such other address as directed, in writing, by the Department.

2. Once Paul has complied with 1., above, the suspension will be lifted and Paul's Child Care Center license will be placed on probation for a period of one year.

Paul will ensure that she will comply with the following terms and conditions:

a. During the first 15 days of the probation period, Paul must submit written plans to the Department for approval as to how she will:

- Ensure all staff records are complete and meet regulatory requirements,
- Ensure all staff are "qualified" in writing and documentation exists for the position they are assuming,
- Ensure there is a teacher in each room, and
- Ensure staff-to-child ratio is met at all times.

These plans must be submitted to the Department in writing. The Department agrees that after reviewing these written plans, it will either approve or require modifications. If modifications are required, Paul must within ten calendar days of notice by the Department resubmit the written plan(s) to the Department with the required modifications. The Department reserves the right to make minor unilateral modifications to the written plan.

Once approved, Paul must implement the plans as approved by the Department.

b. Within 45 days of being placed on probation, Paul must retain a Consultant, at Paul's own expense, for a total of 30 hours, weekly hours to be determined by the Consultant. Consultant's name, address and identifying information must also be submitted to the Department within ten days after being retained. The Consultant must be approved by the Department, Child Care Licensing Program, and clear all required background checks, as well as not have any negative licensing and/or contract history with the Department prior to Paul employing the Consultant. The total consultation hours (30) must be completed within 120 days from the date of Department approval.

The role of the Consultant will be to assist the program with records management and records requirements in a child care center. For example: required documents for staff files, ongoing maintenance and update of staff records, etc.

Paul and all staff must cooperate with the Consultant. Consultation hours will be documented in writing and be available for Department review.

3. Paul is responsible for paying for all costs associated with compliance.
4. All documentation required must be submitted to Dawn Kozak, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, State Office Building, 1313 Farnam, Third Floor, Omaha, Nebraska, 68102.
5. 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.). Paul and any employees and/or agents must cooperate with the Department in these monitoring inspections.
6. A copy of this Notice of Suspension and Disciplinary Action must be posted with the current child care license so it is clearly visible to parents and agency representatives after the suspension has been completed.
7. 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.
8. If Paul discontinues the child care program for any reason, the time 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 Shunta Paul as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. 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 June 9, 2017, unless the Department receives a written request for a hearing on or before such date. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request on or before such date, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department on or by June 9, 2017. It should be addressed to:

Rita Krusemark, for DHHS
Children's Services Licensing – Licensure Unit
Division of Public Health
P.O. Box 94986
Lincoln, NE 68509-4986

If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm,


modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes, section 71-1920, upon completion of any hearing held, the director may impose any or a combination of any of the following: probation, suspension, revocation, civil penalty, restrictions of new enrollment, restrictions or other limitations on the number of children or the ages of the children served in the program, or other restrictions or limitations on the type of service provided by the program. On the basis of the hearing, a modification by the director may include sanctions important to your program, up to and including the loss of your license.

Nebraska Revised Statutes, section 71-1911, provides that a person who has had their “license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action.” In addition, section 71-1920, (2), states that “a person who has had a license revoked for any cause other than nonpayment of fees shall not be eligible to reapply for a license for a period of two years.”

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

Dated: May 25, 2017

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


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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 25 day of May, 2017, a copy of the foregoing **NOTICE OF SUSPENSION AND DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Shunta Paul, Tiny Treasures Childcare, PO Box 111000, Omaha, Nebraska, 68111 and Shunta Paul, Tiny Treasures Childcare, 2450 North 33rd St., Omaha, Nebraska, 68111.


Rita Kusemark, Program Specialist
Licensure Unit

LICENSING AGREEMENT

I, Shunta Paul, Licensee/Director of a Child Care Center, Tiny Treasures, located at 2450 N. 33rd Street, Omaha, Nebraska. 68111 voluntarily state and declare:

I have read and understand the Child Care Center Standards (CRED-PB-365).

I agree to comply with each of the Child Care Center Standards as long as I am licensed by the State of Nebraska to provide child care services.

I understand that this Licensing Agreement is a result of a history of non-compliance related to the below regulations and an unannounced annual inspection conducted on August 23, 2016 by Dawn Kozak, Child Care Inspection Specialist, where the following violations were found:

- Infants sleeping in cribs that had mattresses and fitted sheets, however, several infants were also sleeping on top of blankets that were laying on top of the sheet.
- Infants were not assigned to caregivers in writing
- Infant was in a crib and bottle was propped up in the slats of the crib
- Facilities diaper changing policy requires that changing table be sanitized after changing a diaper, and that was not being done.
- Breast milk in a baggie that was partially frozen and partially liquefied was dripping out of the bag. The bag was outdated (January of 2016.) Staff were unaware of what the expiration dates were for frozen breast milk.

I understand and agree to comply with the following regulations:

3-006.22B Beds, Cribs, Sleep Surfaces:

The licensee must ensure that sleeping surfaces appropriate to the child's age and level of development are available for each child in care.

b. Cribs must be equipped with a waterproof crib mattress covered by a fitted sheet. The mattress pad for a playpen must be specifically designed for playpen use and covered by a fitted sheet;

c. Cribs and playpens must contain no soft objects, bumper pads, toys, or loose bedding. If a blanket is used, it must be secured or tucked under the crib mattress or the pad of the playpen and reach no higher than the infant's chest;

3-006.23 Infant/Toddler Care:

If care is provided to infants and/or toddlers, the licensee must ensure that the emotional and physical needs of infants and toddlers are met consistently and promptly. Staff assigned to infants must be identified in writing and assigned to the same infants whenever possible.

Center staff must:

3. Hold infants under six months of age or those not yet able to hold their own bottles. Bottles must not be propped and must be removed from sleeping infants;

3-006.23B Diapering and Toileting:

1. The licensee must ensure that diapering procedures are established and followed by center staff. The procedures must include:

e. Diaper-changing surfaces are cleaned after each use by sanitizing the surface or changing the diaper pad or disposable sheeting and are disinfected daily; and

3-006.29A Storage Breast Milk / Formula:

All prepared formula or breast milk must be refrigerated and clearly labeled with the child's name, date received, and date expressed and date frozen if applicable.

1. Unused prepared formula must be discarded as indicated by the label.
2. Unfrozen breast milk must be discarded after 48 hours.
3. Frozen breast milk must be kept in a freezer for no more than three months.

I understand and agree that will this Licensing Agreement will be prominently posted with the current Child Care Center license so it is clearly visible to parents and Department representatives.

In addition, I agree to notify parents of infants enrolled in care and parents of future infant enrollees by providing the Department a copy of the Acknowledgement of Licensing Agreement signed by the parent (s) of these infants in care ten days from the signing of this agreement. Acknowledgments from parents of future enrollees are due to the Department within 15 calendar days from the date of enrollment.

A copy of this Acknowledgement is attached to this Agreement. These Acknowledgements will be sent to the Department, Attention: Dawn Kozak, Children's Services Licensing, 1313 Farnam 3rd Floor, Omaha, NE. 68102.

I understand that Children's Services Licensing Staff shall conduct announced or unannounced visits to my program to determine compliance with this agreement.

I agree that this Licensing Agreement will be prominently posted with my Child Care Center License so that it is clearly visible to parents and agency representatives.

Any violation of this Agreement may be grounds for further negative action or discipline as the Department of Health and Human Services, Division of Public Health, Children's Services Licensing may deem appropriate.

This Agreement shall be in effect from the signing of this Agreement until February 28, 2017 after which time the Agreement will be reviewed, extended and/or modified, terminated, or alternative disciplinary action taken by the Department. Should the child care center license be amended because of a change of address, this Agreement may transfer to the new address if appropriate to the conditions of the Licensing Agreement.

SEP 16 2016



Child Care Inspection Specialist

Date

OR



Not Relative Witness

9.13.16

Date

OR

Notary Public

Date

Provider/Licensee

2450 N. 33rd St

Street/Address

Omaha Ne 68111

City and Zip Code

Date

Sept 13, 16



April 7, 2016

Shunta Paul
Tiny Treasures Childcare
2450 North 33rd Street
Omaha, Ne 68111

CERTIFIED AND FIRST CLASS

Dear Ms. Paul:

Since you have complied with the Notice of Disciplinary Action dated February 19, 2016, by coming into compliance with Step Up to Quality as of April 1, 2016, you have been assessed a civil penalty in the amount of \$1,050.00 (\$50.00 a day times 21 days from March 8, 2016 to April 1, 2016, not counting Sundays). This penalty must be received by or on May 7, 2016.

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

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

Sincerely,



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

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BW/mrw

Cc: Children's Services Licensing



Division of Public Health

State of Nebraska
Pete Ricketts, Governor

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 TINY TREASURES CHILDCARE)
OWNED BY SHUNTA PAUL)

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 2450 NORTH 33RD STREET, OMAHA, NE., 68111
LICENSE NUMBER: CCC108
CAPACITY: 50
AGES: SIX WEEKS TO 13 YEARS
HOURS AND DAYS: 24 HOURS A DAY, MONDAY THROUGH SATURDAY
DATE INITIALLY LICENSED: OCTOBER 14, 2003

NOTICE:

Shunta Paul (hereinafter referred to as "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 Paul's operating Child Care Center license, Tiny Treasures Childcare, 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;
- (12) Failure to comply with the Step Up to Quality Child Care Act."

Nebraska Revised Statutes, section 71-1957, of the Step Up to Quality Child Care Act provides that, "Application to participate in the quality rating and improvement system shall be voluntary for applicable child care and early childhood education programs with the following exceptions: ... (2) Beginning July 1, 2015, and not later than December 31, 2015, each applicable child care or early childhood education program that received over two hundred fifty thousand dollars in child care assistance pursuant to section 68-1202 for FY2011-12 shall apply to participate in the quality rating and improvement system and shall be assigned a quality scale rating as provided in sections 71-1956 and 71-1958;" ...

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

301 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; ...

FACTS:

Shunta Paul is listed as the director of record for the program and owner.

Paul received over \$250,000 in child care assistance pursuant to section 68-1202 for FY2011-12.

Paul received a certified letter on June 12, 2015 from Nicole Vint, Program Manager for the Child Care Development Fund dated June 1, 2015 informing Paul that Tiny Treasures Childcare was identified as one of the programs required to participate in "Step Up to Quality".

Paul received a certified letter on November 12, 2015 from Nicole Vint, Program Manager for the Child Care Development Fund dated November 9, 2015 reminding Paul to register in "Step Up to Quality" before December 31, 2015.

Paul failed to participate in the quality rating and improvement system, Step Up to Quality, between July 1, 2015 and December 31, 2015.

DISCIPLINARY ACTION IMPOSED:

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

1. Paul is assessed a civil penalty in the amount of \$50.00 per day (\$1.00 times license capacity of 50 children) from the effective date of this Notice, March 8, 2016, and for each day thereafter, including Saturday, that Paul fails to register to participate in Step Up to Quality.

2. Paul will submit documentation of enrollment in Step Up to Quality by submitting such documentation to Marsha Wandersee, Children's Services Licensing - Licensure Unit, Division of Public Health, PO Box 94986, Lincoln, Nebraska, 68509-4986. Once Ms. Wandersee has received and verified the required documentation, Paul will be informed in writing of the total of the civil penalty, which will be due 30 calendar days from the date of the notification to Paul.

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

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

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on March 7, 2016, unless the Department receives a written request for a hearing on or before such date. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request on or before such date, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department on or by March 7, 2016. It should be addressed to:

Marsha Wandersee, for DHHS
Children's Services Licensing -- Licensure
Division of Public Health
PO Box 94986
Lincoln, NE 68509-4986

If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes, section 71-1920, upon completion of any hearing held, the director may impose any or a combination of any of the following: probation, suspension, revocation, civil penalty, restrictions of new enrollment, restrictions or other limitations on the number of children or the ages of the children served in the program, or other restrictions or limitations on the type of service provided by the program. On the basis of the hearing, a modification by the director may include sanctions important to your program, up to and including the loss of your license.

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

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

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

Dated: *February 19*, 2016

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



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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 19 day of February, 2016, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Shunta Paul, Tiny Treasures Childcare, 2450 North 33rd Street, Omaha, Nebraska, 68111 and Shunta Paul, Tiny Treasures Childcare, PO Box 111000, Omaha, Nebraska, 68111.



Clashia...