

JUN 09 2015



Division of Public Health

State of Nebraska
Pete Ricketts, Governor

May 19, 2015

Roxanne Dunfee
13512 Wright Street
Omaha, NE 68144

CERTIFIED AND FIRST CLASS MAIL

Dear Ms. Dunfee:

Since you have complied with Notice of Disciplinary Action dated March 31, 2015 by coming into compliance as of May 14, 2015, you have been assessed a civil penalty in the amount of \$280.00 (\$10.00 a day times twenty-eight days, April 16, 2015 through May 13, 2015). This penalty must be received by or on June 19, 2015.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Becky Wisell'. The signature is written in a cursive style with some loops and flourishes.

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

BW/rk

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

IN THE MATTER OF:

NOTICE OF

) **DISCIPLINARY ACTION**

THE OPERATING FAMILY CHILD CARE

)

HOME I LICENSE OF ROXANNE DUNFEE

)

Roxanne Dunfee, (hereinafter referred to as “Dunfee”), is hereby notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as “Department”) intends to impose disciplinary action against the operating Family Child Care Home I License as listed below for violation of the following statutes and regulations:

AUTHORITY:

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

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

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

Nebraska Revised Statutes, section 71-1911.03 of the Child Care Licensing Act provides that “An applicant for a license under the Child Care Licensing Act shall provide to the department written proof of liability insurance coverage of at least one hundred thousand dollars per occurrence prior to issuance of the license. A licensee subject to the Child Care Licensing Act on July 1, 2014, shall obtain such liability insurance coverage and provide written proof to the department within thirty days after July 1, 2014. Failure by a licensee to maintain the required level of liability insurance coverage shall be deemed noncompliance with the Child Care Licensing Act. ...”

391 NAC 1-008.01 Grounds for Denial or Disciplinary Action: “The Department may deny the issuance of or take disciplinary action against a license on any of the following grounds:

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

FACTS AND FINDINGS:

Dunfee license number FI8682 - is located at 13512 Wright Street, Omaha, NE 68114 and is currently licensed for a maximum of 10 children, ages 6 weeks to 13 years, from 5:00 a.m. to 11:00 p.m., seven days a week. This program was licensed on June 20, 2014.

On or about May 5, 2014, the Department notified all licensed child care and preschool programs by mail of the passage of LB 105 requiring child care programs obtain and maintain Child Care Liability Insurance of at least one hundred thousand dollars per occurrence and provide written proof to the department no later than August 11, 2014.

On or about February 17, 2015, the Department mailed a Compliance Review notifying Dunfee no proof of Child Care Liability Insurance had been received and informed Dunfee that disciplinary action would be taken if proof of Child Care Liability Insurance was not received by February 26, 2015.

As of March 31, 2015, no proof of Child Care Liability Insurance has been submitted by Dunfee.

DISCIPLINARY ACTION IMPOSED:

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

Dunfee is assessed a civil penalty in the amount of \$10.00, \$1.00 times license capacity of 10 to begin fifteen (15) days after the date of this Notice, April 16, 2015 and accrue each day thereafter.

The civil penalty will continue to accrue until such time that Dunfee:

- Has submitted written proof of Child Care Liability Insurance with a minimum coverage of \$100,000 per occurrence for her Family Child Care Home I.

The written proof of insurance must be submitted to the Department, Attn: Kathryn Parham, Staff Assistant II, Children's Services Licensing, Licensure Unit, Division of Public Health, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

Dunfee must submit the required proof of Child Care Liability Insurance with a minimum coverage of \$100,000 per occurrence on or before April 30, 2015.

Failure to comply with the terms of this disciplinary action, the applicable Family Child Care Home I 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 15, 2015, unless the Department receives a written request for a hearing on or before such date. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request on or before such date, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than April 15, 2015. It should be addressed to:

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

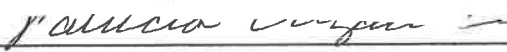
If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes,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

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

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

Dated: MARCH 31, 2015

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


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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 31 day of March, 2015, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was mailed to Roxanne Dunfee, 13512 Wright Street, Omaha, NE 68144.

J. Wilson



April 3, 2014

CERTIFIED AND FIRST CLASS MAIL

Roxanne Dunfee
13512 Wright Street
Omaha, NE 68144

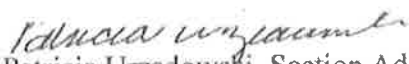
Dear Ms. Dunfee:

Since you have complied with the Notice of Disciplinary Action dated February 5, 2014 by coming into compliance as of April 2, 2014, you have been assessed a civil penalty in the amount of \$400.00 (\$10.00 per day times 40 days, including Saturday and Sunday – February 21, 2014 through April 1, 2014). This civil penalty must be received by or on May 3, 2014.

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

If you have questions, please notify Jo Pfeiffer at 402-595-3335 or Stefanie Sellers at 402-595-3340.

Sincerely,


Patricia Urzedowski, Section Administrator
Department of Health and Human Services
Division of Public Health
Licensure Unit – Children's Services Licensing
P.O. Box 94986
Lincoln, NE 68509-4986
Patricia.Urzedowski@nebraska.gov

/mrw

Cc: Jo Pfeiffer, Child Care Licensing Supervisor
Stefanie Sellers, Child Care Inspection Specialist
Marsha Wandersee, Administrative Assistant II
Kathy Olmsted-Backhus, Staff Assistant
Bob Cummings, Resource Development

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

IN THE MATTER OF:)
THE OPERATING FAMILY CHILD CARE HOME)
I LICENSE OF ROXANNE DUNFEE)

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 13512 WRIGHT STREET, OMAHA, NE, 68144

NOTICE:

Roxanne Dunfee (hereinafter referred to as "Dunfee") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Dunfee's Family Child Care Home I license for violation of the following statutes and regulations:

AUTHORITY:

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

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

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

391 NAC 1-008.01 Grounds for Denial or Disciplinary Action: "The Department may deny the issuance of or take disciplinary action against a license on any of the following grounds:

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

391 NAC 1-006.01 Licensee Qualifications and Requirements: "The Family Child Care Home I licensee must: 4. Be responsible for the day-to-day operation of the child care program; 5. Read, understand, and be familiar with these regulations; ... 7. Be in compliance with all regulations whenever children are in care;" ...

391 NAC 1-006.02C Reports of Law Enforcement Contact: "The applicant/licensee must complete a Report of Law Enforcement for him/herself and must obtain a completed report for each staff member and volunteer age 19 or older and each household member age 19 or older. The report must: 1. Be updated, signed and dated annually;" ...

391 NAC 1-006.15 Child Development Program: "The licensee must provide an age-appropriate program designed to promote the cognitive, social, emotional and physical development of children in care. Information about the program must be given to parents and the Department upon request. The program must include: 1. Indoor play; 2. Outdoor play; 3. Napping and rest periods; 4. Opportunities for individual and group play times; 5. Opportunities for children to read and explore books; 6. Daily reading with children of age-appropriate literature; and 7. Fostering language and social development by talking and interacting with children and modeling appropriate language and behavior."

391 NAC 1-006.16 Infant/Toddler Care: "If care is provided to infants and/or toddlers, the licensee and staff must: ... 5. Obtain and keep on file a signed and dated statement by the parent(s) that describes the formula and feeding schedule for each infant in care;" ...

391 NAC 1-006.16A Diapering and Toileting: "1. The licensee must ensure that diapering procedures are established and followed by staff. The procedures must require that: a. Wet and/or soiled diapers are changed immediately; b. Diapers are checked on a frequent and regular basis; c. Individual washcloths or disposable towelettes are used; d. Wet and soiled diapers are properly stored and disposed; e. Diaper-changing surfaces are cleaned after each use by sanitizing the surface or changing the diaper pad or disposable sheeting; and f. Proper hand washing is done after each diaper change."

391 NAC 1-006.19 Transportation: "When transportation is provided for children in care, the licensee must ensure the following conditions are met: ...5. The vehicle used to transport children must be properly registered and must contain a first aid kit and parent contact information for each child being transported;" ...

391 NAC 1-006.23B Fire and Tornado Drills: "Fire and tornado drills must be practiced with the children and staff. Written documentation of drills, including dates conducted, must be kept and available for review by the Department. 1. Fire drills must be completed a minimum of once per month. 2. Tornado drills must be completed a minimum of four times per year during the months of March through September."

391 NAC 1-006.23D Disaster Preparedness: "The licensee must have a written plan that addresses: 1. Evacuating and moving children to a safe location in the event of a fire, tornado, flood, or other natural or man-made disaster; 2. Notifying parents of children in care of any emergency; 3. Reunification of parents with their children in the event of an emergency that requires evacuation; and 4. How children with special needs will be safe in the event of a disaster including evacuation and reunification with the parent."

FACTS AND FINDINGS:

Dunfee is the licensee of a Family Child Care Home I that is currently licensed for a maximum of 10 children, ages six weeks to 13 years, 5:00 a.m. to 11:00 p.m., Monday through Sunday. This program as licensed on June 20, 2004.

On November 21, 2013, Stefanie Sellers (hereinafter referred to "Sellers"), Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, conducted an unannounced annual inspection of Dunfee's program. At that time, Sellers noted the following non-compliances and required that they be corrected by December 21, 2013:

- Dunfee was not familiar with the new child care regulations. Dunfee was given a new regulation booklet. Dunfee must notify the Department when she has read and is familiar with the new regulations.
- A current Report of Law Enforcement contact was not available for review.
- There was no written Child Development Program.
- There was no written formula/feeding schedule for infants signed by the parents.
- There was no written Diapering/Toileting policy available for review.
- A first aid kit must be in the vehicle while transporting as well as maintain parent contact information in the vehicle.
- Seven fire drills were missing.
- There was no written Disaster Preparedness Plan with all the required elements.

Sellers sent reminder notices to Dunfee on December 17, 2013 and January 21, 2014; however, as of the date of this Notice, Dunfee remains in non-compliance with all of the above regulations.

DISCIPLINARY ACTION IMPOSED:

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

1. Dunfee is assessed a civil penalty in the amount of \$10.00 per day (\$1.00 times license capacity of 10 children) from the effective date of this Notice, February 21, 2014, and for each day thereafter, including Saturday and Sunday, that Dunfee fails to submit documentation that all of the outstanding non-compliances noted at the inspection conducted on November 21, 2013 have been corrected.

Documentation must be submitted to Stefanie Sellers, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, 1801 North 73rd Street, Omaha, Nebraska, 68114. Once Sellers has received and verified the written documentation, which may require an on-site inspection, Dunfee 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 Dunfee.

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, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

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

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on February 20, 2014, 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 February 20, 2014. It should be addressed to:

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

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

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

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

Dated: February 5, 2014

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

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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 5 day of February, 2014, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Roxanne Dunfee, 13512 Wright Street, Omaha, Nebraska, 68144.

Marsha Wandersee
Marsha Wandersee