Department of Health & Human Services
DHHS
NEBRASKA

State of Nebraska
Pete Ricketts, Governor

March 18, 2016

Tonja Kobza
Kobza Kidz Daycare
2453 Pershing rd.
Columbus, NE 68601

CERTIFIED AND FIRST CLASS MAIL

Dear Ms. Kobza:

Since you have complied with the Notice of Disciplinary Action dated January 20, 2016 by coming into compliance as of March 17, 2016, you have been assessed a civil penalty in the amount of $348.00 ($12.00 a day times 17 days in February, beginning February 5, 2016, not including Saturday and Sunday and $12.00 a day times 12 days in March, not including Saturday and Sunday, for a total of 29 days). This penalty must be received by or on April 18, 2016.

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, PO Box 94986, Lincoln, Nebraska, 68509-4986.

If you have questions, please contact Kathee Sanchez, Child Care Licensing Supervisor, at 402-471-9193.

Sincerely,

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

BW/mrw

Cc: Children's Services Licensing

Department of Health & Human Services
DHHS
NEBRASKA

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 FAMILY CHILD CARE HOME	)	**NOTICE OF**
II OF TONJA KOBZA D/B/A KOBZA DAYCARE	)	**DISCIPLINARY ACTION**
	)	

LICENSED LOCATION: 2453 PERSHING RD., COLUMBUS, NE., 68601
LICENSE NUMBER: FII8892
CAPACITY: 12
AGES: SIX WEEKS TO 13 YEARS
HOURS AND DAYS: 7:30 A.M. TO 5:30 P.M., MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: SEPTEMBER 29, 2005

NOTICE:

Tonja Kobza (hereinafter referred to as "Kobza") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Kobza's Family Child Care Home II 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 2-008.01 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; ...

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391 NAC 2-006.01 Licensee Qualifications and Requirements: "The Family Child Care Home II licensee must: ...7. Be in compliance with all regulations whenever any children are in care;" ...

391 NAC 2-006.04E Annual Training: "The primary provider and each staff member, not including substitutes or volunteers, must obtain 12 clock hours of training annually. Staff who work 20 hours or less each week must complete six hours of training annually."

391 NAC 2-006.07 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 keep receipts signed and dated by the parent and make them available for review by the Department."

391 NAC 2-006.11 Immunizations: "Within 30 days of a child's enrollment, the licensee must obtain a copy of the child's immunization record. Immunization records must be available for review upon request by the Department and updated each time the child receives additional immunizations." ...

391 NAC 2-006.16 Infant/Toddler Care: "If care is provided to infants and/or toddlers, the primary provider and staff must: ... 4. Only use high chairs that are equipped with three-point safety straps;" ...

391 NAC 2-006.23B 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."

FACTS:

On June 18, 2015, Brenda Herring (hereinafter referred to "Herring"), Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, conducted an unannounced annual inspection of Kobza's program. At that time, Herring noted numerous non-compliances and required that they be corrected by July 19, 2015.

On October 30, 2015, Herring sent a letter to Kobza informing her that the correction of the non-compliances was past due. On December 28, 2015, Kathee Sanchez, Child Care Supervisor, sent Kobza a letter indicating verification of compliance with regulations was required by January 8, 2016.

As of this date, the following regulations remain in violation:

- Documentation of approved annual training was not available for calendar year 2014 for Kobza.
- Documentation of approved annual training was not available for calendar year 2014 for staff person, Hilary.
- Signed Parent Information Brochure Receipts were not available for AS and BT.
- Immunization records were not available for AS.
- Three high chairs were missing three point safety straps.
- Documentation of fire and tornado drills for calendar year 2014 was not available.

DISCIPLINARY ACTION IMPOSED:

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

1. Kobza is assessed a civil penalty in the amount of $12.00 per day ($1.00 times license capacity of 12 children) from the effective date of this Notice, February 5, 2016, and for each day thereafter, not including Saturday and Sunday, that Kobza fails to submit corrections/documentation that all of the outstanding non-compliances noted at the inspection conducted on June 18, 2015 have been corrected.

Documentation must be submitted to Brenda Herring, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, 1955 E. Military Avenue, Fremont, Nebraska, 68025. Once Herring has received and verified the submitted written corrections/documentation, which may require an on-site inspection, Kobza 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 Kobza.

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.

2. Kobza must comply with all of the terms of this Notice by submitting the required written corrections/ documentation as indicated above by or on February 20, 2016.

3. 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 February 4, 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 or on 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 February 4, 2016. It should be addressed to:

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

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: January 20, 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 20 day of January, 2016, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Tonja Kobza, 2453 Pershing Rd., Columbus, Nebraska, 68601.

Marsha Wandersee

Department of Health & Human Services
DHHS
NEBRASKA

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

March 10, 2011

KOBZA KIDZ DAYCARE
2453 Pershing Road
Columbus, NE 68601

Dear Ms Kobza:

In accordance with the letter written by Harriet Spelts, Child Care Licensing Supervisor, on March 1, 2011, your original License to operate a Family Child Care Home II in the State of Nebraska has been placed on Corrective Action Status. A license imprinted with the term "Corrective Action Status" is enclosed. This status became effective February 28, 2011, and it will remain in effect until August 28, 2011. Upon completion of this term, a new license will be issued to you.

At this time we ask that you return your current license, within the next ten (10) 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: Child Care Licensing

This license shall be kept available in the establishment and such proof of credentialing shall be shown upon request.

State of Nebraska

Department of Health and Human Services
Division of Public Health

Tonja Kobza
is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an Operating Family Child Care Home II
located at: 2453 PERSHING RD Columbus NE 68601

A maximum of 12 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0730 to 1730 on MTWTHF.

KOBZA KIDZ DAYCARE is hereby issued License No. FII8892
whose status is Active-Corrective Action Status effective from 02/28/2011
Amended: 02/28/2011

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 March 11, 2011.

SEAL

Joann Schaefer, MD, Chief Medical Officer, Director
Division of Public Health, Department of Health and Human Services

346085

Department of Health & Human Services
DHHS
NEBRASKA

Division of Public Health

State of Nebraska
Dave Heineman, Governor

March 7, 2011

Kobza Kids
Tonja Kobza
2463 Pershing Rd.
Columbus, NE 68601

CERTIFIED MAIL

Dear Ms. Kobza:

I have received and reviewed the Corrective Action Plan that was submitted via email to CCIS Jedlicka on 2/28/11. You have addressed all the items listed in your Corrective Action Status Notice. Your plan is approved.

Your plan stated you will:

1. Complete all modules via the computer and will send them in via email as they are returned to you. You stated you would have the hours completed in two weeks from 2/25/11. (see attached)

All of the hours have been submitted via email and received by CCIS Jedlicka. Please reference letter dated 3/7/11 from CCIS Jedlicka regarding the in-service hours.

You are required to follow the plan you submitted as outlined above.

Your Corrective Action Status is in effect from February 28, 2011 through August 28, 2011 at which time your corrective action status will end. A new license indicating "Corrective Action Status" will be mailed to you. Please post the license in a prominent place upon its arrival.

You are subject to monitoring visits by Children's Services Licensing staff to determine compliance with this plan.

If at any time subsequent to your placement on Corrective Action Status, should Children's Services Licensing receive substantiated concerns or complaints relating to the care, well being or risk to children in care, Children's Services Licensing/Licensure Unit will initiate further negative action against your Family Child Care Home license.

If you have any questions, please contact Tasha Jedlicka at 402-564-1113 ext. 210 or myself, Harriet Spells at 308-535-8246.

Sincerely,

Harriet Spelts, Child Care Licensing Supervisor
Division of Public Health
Children's Services Licensing
200 S. Silber
North Platte, NE 69101

cc: Tasha Jedlicka, Child Care Inspection Specialist

Department of Health & Human Services
DHHS
NEBRASKA

Division of Public Health

State of Nebraska
Dave Heineman, Governor

March 7, 2011

Kobza Kids
Tonja Kobza
2453 Pershing Rd.
Columbus, NE 68601

Dear Ms. Kobza:

This letter is in reference to the recent letter that was mailed to you on 2/7/11 regarding the need for you to submit a Corrective Action Plan. Since that time you have submitted documentation of in-service hours you have completed and a plan was sent via email on 2/28/11.

To this date I have received the following documentation for in-service hours:

Tonja:

1. NAP SACC Training 5 hours received 1/11/11
2. First Connections 45 hours received 1/17/11
3. School-Age Connections Module 3 -2 hours received 2/28/11
4. School- Age Connections Module 4- 2 hours received 2/28/11
5. School- Age Connections Module 5 -2 hours received 3/2/11

Hilary:

1. NAP SACC Training 5 hours received 1/11/11
2. First Connections 45 hours received 1/17/11
3. School-Age Connections Module 1- 2 hours received 2/18/11
4. School-Age Connections Module 2 -2 hours received 2/18/11
5. School-Age Connections Module 3-2 hours received 2/18/11

For your 2009, 2010 and 2011 in-service hours a total of 27.5 hours were needed for you. You have submitted 56 hours. Hilary would have needed to submit 27 hours for 2009, 2010 and 2011. She has submitted 56 hours. At this time both of you have met the requirement for the in-service hours needed that were outlined in your Corrective Action Letter dated 2/2/11. Please note that the additional hours and any other hours you complete in 2011 will be extra hours. You will not be able to carry over or apply them for 2012 or beyond.

If you have any other question please contact me at 402-564-1113 ext. 210 or my supervisor, Harriet Speits at 308-535-8246. Thank You.

Sincerely,

Tasha Jedlicka, Child Care Inspection Specialist
Division of Public Health
Children's Services Licensing
2965 39th Ave.
Columbus, NE 68601

cc: Harriet Speits, Child Care Licensing Supervisor

Jedlicka, Tasha

From:
Sent: Monday, February 28, 2011 12:01 PM
To: Jedlicka, Tasha

This is a letter to inform you of my plans to complete 2008-2009 services hours.

I will complete all modules via computer and send them via email as completed and hours returned to me. This process will be done in a timely manner. I give my self two weeks as of Feb 25th to finish the needed hours.

Thank you

Kobza kids daycare

Tonja Kobza
Hilary Rocha

Department of Health & Human Services
DHHS
NEBRASKA

Division of Public Health

State of Nebraska
Dave Heineman, Governor

February 2, 2011

Kobza Kids
Tonja Kobza
2453 Pershing Rd
Columbus, NE 68601

CERTIFIED MAIL

Dear Ms. Kobza:

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

FACTS:

On November 17, 2010 an unannounced annual visit was conducted to your licensed Family Child Care Home II.

At the visit you were unable to locate your 2009 in-service hours for CCIS Jedlicka. She was able to verify that CPR and First Aid classes were taken in 2009 (3 hours total) for yourself as well as Hilary. At the visit she said she would review your licensing file and determine how many hours of in-service you would need to mail in for 2009.

Following that visit CCIS Jedlicka reviewed your file and sent you a note via email on 11/18/10. The note stated that there was documentation that you had ¼ hour and Hilary had one hour from certificates previously mailed in that could be applied to your 2009 in-service hours. With the 3 hours for CPR and First Aid and the time noted above you would need to submit 8.5 more hours. Hilary would need to submit 8 hours.

CCIS Jedlicka received documentation of 5 hours of in-service for yourself and 5 hours of in-service for Hilary on 1/11/11. In your email to her on 1/11/11, you noted that you would be receiving 5 more hours within the next 5 weeks. On 1/20/11 CCIS Jedlicka sent you an email to check on the status of your hours. To this date, she has not heard from or received anything else from you.

A review of your licensing file has been conducted. There is a history of violations regarding in-service hours. At the unannounced annual visit to your home on 12/17/2008, you were behind and needed to mail in hours for your 2008 in-service hours. At the visit to your home on 12/22/2008, you were behind and needed to mail in hours for your 2007 in-service hours. In 2009 and 2009 you had to complete hours and mail them in so that you and Hilary were in compliance with the required 12 hours. This history of violations has been a factor in determining the need for disciplinary action.

Please note the above mentioned violations are not all inclusive of violations that have been noted at the visit on 11/17/10 and previous unannounced annual visits to your licensed Family Child Care Home II.

REGULATORY BASIS:

391 NAC 6-005.03: Child care providers shall obtain a minimum of 12 clock hours of in-service training annually. Secondary providers who work 20 hours or less will be required to complete six hours of training.

391 NAC 6-005.03: Written documentation of annual in-service training will be maintained on the Family Child Care Home premises and available for review upon request.

DETERMINING CORRECTIVE ACTION STATUS:

A non-disciplinary probationary license may be issued for the licensee to operate under corrective action status if the department determines that:

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

Based on the facts presented above and the regulations violated, the department is placing your operating Family Child Care Home II license on Corrective Action Status for a period of six months.

CORRECTIVE ACTION STATUS: PLAN OF CORRECTION

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

- **Describe how you will ensure documentation of your 2009 in-service hours will be obtained. Please include how and when you will submit the 3.5 hours needed for yourself and 3 hours for Hilary. The documentation will need to be submitted to CCIS Jedlicka on or before 2/18/11.**
- **Describe how you will ensure documentation of your 2010 in-service hours will be obtained. Please include how and when you will submit 12 hours for yourself and 12 hours for Hilary to CCIS Jedlicka on or before 2/18/11.**
- **Describe how you will ensure that your 2011 in-service hours are obtained and completed by 12/31/2011. You will need to include in your plan how you will ensure the hours are submitted to CCIS Jedlicka on or before 1/06/2012.**

Please submit your written Plan of Correction to Tasha Jedlicka, Child Care Inspection Specialist; 2365 39th Ave. Columbus, NE 68601 within ten calendar days after you receive this letter.

FAILURE TO SUBMIT CORRECTIVE ACTION PLAN:

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

(a) Issue a probationary (disciplinary) license;
(b) Suspend or revoke a provisional, probationary, or operating license;
(c) Impose a civil penalty of up to five dollars per child, based upon the number of children for which the program is authorized to provide child care on the effective date of the finding of violation, for each day the program is in violation;

(d) Establish restrictions on new enrollment in the program;
(e) Establish restrictions or other limitations on the number of children or the age of the children served in the program; or
(f) Establish other restrictions or limitations on the type of service provided by the program.

If you have any questions regarding this letter, please contact Tasha Jedlicka, Child Care Inspection Specialist at 402-564-1113 ext. 210 or myself, Harriet Spelts, Child Care Licensing Supervisor at 308-535-8246. Thank you.

Sincerely,

Harriet Spelts, Child Care Licensing Supervisor
Children's Services Licensing
Division of Public Health
200 South Silber
North Platte, NE 69101

cc: Tasha Jedlicka, Child Care Inspection Specialist