

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

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

**THE OPERATING CHILD CARE CENTER ) INTERIM  
OWNED BY PEGGY A SCHAFFER ) LICENSING AGREEMENT**

**LICENSED LOCATION:** 85482 Hwy 15, Wayne NE 68787  
**MAILING ADDRESS:** Same  
**LICENSE NUMBER:** CCC8849  
**AGES:** 6 WEEKS TO 13 YEARS  
**HOURS AND DAYS:** 4:30 AM TO 11:00 PM MONDAY THROUGH SATURDAY

Dear Ms. Schaffer,

This letter is to inform you that the Interim Licensing Agreement you signed on 12/18/2017 has been terminated effective 2/2/2018. If you have any questions, please contact Jeann Granstra, 209 N. 5th St., Norfolk, NE 68701, (402)370-3126, Jeann.Granstra@nebraska.gov .

Sincerely,

A black rectangular redaction box covering the signature of the administrative assistant.

Administrative Assistant  
Chris Kort  
PO Box 94986  
Lincoln, NE 68509-4986  
(402)471-9302  
Chris.Kort@nebraska.gov

2/5/18  
Date

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

## INTERIM LICENSING AGREEMENT

I, Peggy A Schaffer, Licensee/Director, PJ's Child Care, a Child Care Center licensed to operate six days a week Monday through Saturday, 4:30 AM to 11:00 PM, license number CCC8849, 85482 Hwy 15, Wayne, NE 68787, hereby voluntarily state and declare: I have read and understand the Regulations governing licensure of Child Care Centers.

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

I understand and agree to comply with:

[Redacted]

On Friday, January 11, 2018, the Office of Children's Services Licensing (OCSL) became aware of an investigation involving [Redacted]

I understand and agree that under no circumstances will [Redacted] be on the premises until the investigations by Law Enforcement, [Redacted] and the OCSL are complete and findings are determined.

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

I understand that the OCSL shall conduct announced or unannounced visits to my facility to determine compliance with this Agreement.

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, OCSL may deem appropriate.

This Agreement is an **Interim Licensing Agreement** which means that the Department reserves the right to take additional action as deemed appropriate. However, any violation of this Interim Licensing Agreement may be grounds for further negative action or discipline as the Department of Health and Human Services, Division of Public Health, OCSL may deem appropriate.

This Agreement shall be in effect from the signing of this Agreement for as long as the Department deems it appropriate and upon completion of an ongoing investigation. 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 this Interim Licensing Agreement.

Licensee/Director

1-12-18

Date

Child Care Inspection Specialist

Date

Authorized Agent/Witness

1-12-18

Date



## INTERIM LICENSING AGREEMENT

I, Peggy A Schaffer, Licensee/Director, PJ's Child Care, a Child Care Center licensed to operate six days a week Monday through Saturday, 4:30 AM to 11:00 PM, license number CCC8849, 85482 Hwy 15, Wayne, NE 68787, hereby voluntarily state and declare: I have read and understand the Regulations governing licensure of Child Care Centers.

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

I understand and agree to comply with:

[Redacted]

On Friday, December 15, 2017, the Office of Children's Services Licensing (OCSL) became aware of an investigation involving Peggy Schaffer.

I understand and agree that under no circumstances will I, Peggy Schaffer, be alone with child care children until the investigations by Law Enforcement, [Redacted] and the OCSL are complete and findings are determined.

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

I understand that the OCSL shall conduct announced or unannounced visits to my facility to determine compliance with this Agreement.

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, OCSL may deem appropriate.

This Agreement is an Interim Licensing Agreement which means that the Department reserves the right to take additional action as deemed appropriate. However, any violation of this Interim Licensing Agreement may be grounds for further negative action or discipline as the Department of Health and Human Services, Division of Public Health, OCSL may deem appropriate.

This Agreement shall be in effect from the signing of this Agreement for as long as the Department deems it appropriate and upon completion of an ongoing investigation. 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 this Interim Licensing Agreement.

[Redacted]  
Licensee/Director

\_\_\_\_\_  
Child Care Inspection Specialist

12-18-17  
Date

\_\_\_\_\_  
Date

[Redacted]  
Authorized Agent/Witness

12-18-17  
Date

March 12, 2013


PJ'S CHILD CARE CENTER  
Peggy A. Schaffer, Licensee  
85482 Hwy 15  
Wayne, NE 68787

Dear Ms Schaffer:

In accordance with the Order on Agreed Settlement issued on February 28, 2013 by Joann Schaefer, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, your original License to operate a Child Care Center in the State of Nebraska has been placed on probation. A license imprinted with the term "PROBATION" is enclosed. This status became effective February 28, 2013, and it will remain in effect until February 28, 2014. Upon completion of the probation, a new license will be issued to you.

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

Sincerely,

  
Helen L. Meeks, Administrator  
Licensure Unit

HLM/dcp

cc: 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

**PROBATION**

Department of Health and Human Services  
Division of Public Health

**Peggy A. Schaffer**

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
**Operating Child Care Center**  
located at: **85482 HWY 15 Wayne NE 68787**

A maximum of **30** children in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the hours of **0430** to **2300** on **MTWTHFS**

**PJ'S CHILD CARE CENTER** is hereby issued License No. **CCC8849** which is effective on **03/30/2007**

**Amended: 02/28/2013**

Given under the name and Seal of the Department of Health and Human Services Regulation and Licensure of the State of Nebraska at Lincoln on **March 13, 2013.**



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

303432

LICENSURE UNIT  
MAR 01 2013  
RECEIVED

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

**FILED**  
MAR - 1 2013  
DHHS Hearing Office

IN THE MATTER OF ) 12-3245  
THE REQUEST FOR HEARING )  
BY ) ORDER ON AGREED SETTLEMENT  
)  
PEG SCHAFFER d/b/a )  
PJ'S CHILD CARE CENTER )  
Child Care Center )

This matter came before the Director of the Division of Public Health on the Department's Motion for Approval of Agreed Settlement. The Director having considered said Motion and Agreed Settlement:

1. Approves the Agreed Settlement;
2. Finds the facts as set out in the Notice of Disciplinary Action as true and adopted herein; and
3. Orders the parties to comply with all of the terms of the Agreed Settlement.

DATED this 28 day of February, 2013



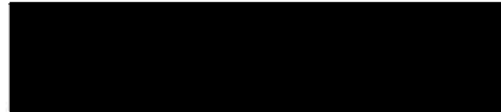
Joann Schaefer, MD,  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

(Space intentionally blank)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> day of March 2013 true and correct copies of the foregoing **Order on Agreed Settlement** were served upon the parties by sending the same by regular United States mail, sufficient postage prepaid, to Peg Schaffer, 85482 Highway 15, Wayne, NE 68787 and electronically to Teresa Hampton, Attorney for the Department, at [Teresa.Hampton@Nebraska.gov](mailto:Teresa.Hampton@Nebraska.gov).

LICENSURE UNIT  
MAR 01 2013  
RECEIVED



DHHS Legal Services  
P.O. BOX 98914  
Lincoln, NE 68509-8914  
(402)471-7237 F. (402)742-2376

LICENSURE UNIT

MAR 01 2013

RECEIVED

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

IN THE MATTER OF	)	
THE REQUEST FOR HEARING BY	)	12-3245
	)	
PEG SCHAFFER d/b/a	)	AGREED SETTLEMENT
PJ'S CHILD CARE CENTER	)	
Child Care Center	)	

COMES NOW the Department of Health and Human Services, Division of Public Health (hereinafter "Department") and Peggy A. Schaffer (hereinafter "Licensee"), and in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. Licensee holds a Child Care Center license issued by the Department, the executive agency of the state of Nebraska charged with administration of child care licensure statutes and regulations. The licensed location is 85482 Highway 15, Wayne, NE 68787.
2. The program is licensed for a maximum of thirty (30) children, six weeks to 13 years of age, Monday through Saturday, 04:30 a.m. to 11:00 p.m., and has been licensed since March 30, 2006. On September 11, 2012, the Department notified Licensee that it was proposing to discipline its Child Care Center license for the reasons set out in the Notice of Disciplinary Action. A copy of that is on file herein and incorporated into this agreement by this reference.
3. Licensee is entitled to a hearing upon request after the issuance of a Notice of Disciplinary Action. Licensee filed a timely written request for a hearing. A copy of the request is on file herein and incorporated into this Agreement by this reference. Licensee hereby waives her right to an administrative contested case hearing and any right to judicial review of any order that approves the terms of this Agreed Settlement.
4. Licensee was placed on Probation for one year on May 29, 2012, by the Department for violations of regulations.



5. Licensee is entitled to a hearing before disciplinary measures may be taken against its license. Licensee hereby waives its right to an administrative contested case hearing and any right to judicial review of any order that approves the terms of this Agreed Settlement.
6. Licensee is not represented by an Attorney in this matter. Licensee understands that she can have this document reviewed by an attorney, at her cost, and has chosen not exercise this right.
7. Licensee agrees that she and her representatives have the authority to enter into this Agreed Settlement. Licensee's signature below represents her entry into this Agreed Settlement freely, voluntarily and knowingly. No coercion, threats, or promises other than those stated herein were made to induce Licensee to enter into this Agreed Settlement.
8. Licensee admits the allegations cited in Paragraph 4 of this Agreed Settlement. Licensee admits the allegations in the Notice of Disciplinary Action. Licensee consents to the disposition of this matter as set out in this Agreed Settlement. Licensee acknowledges that under Nebraska statutes a Probation is considered a disciplinary sanction. Licensee acknowledges that she has received no representations from the Department or its employees or representatives of the effect this Agreed Settlement may have on her ability to obtain a license or other authorization document of any nature in this or any other state.
9. Since the date of the Notice of Disciplinary Action Licensee has been inspected and found to be in compliance and/or taking steps to be in compliance.
10. This Agreed Settlement does not constitute a waiver, suspension, or modification of the requirements of the Child Care Licensing Act or the regulations adopted thereunder which remain in full force and effect.
11. Licensee, in resolution of the Department's concerns, agrees to the provisions of this Agreed Settlement, and expressly agrees that violation of any of the terms of this Agreed Settlement or the statutes and

regulations governing its license is grounds for revocation of its license, or such other discipline as the Department may determine appropriate.

12. Licensee's owner has read and understands the Child Care Center Standards and agrees to comply with all of the provisions of the child care licensing statutes, Neb. Rev. Stat. §§71-1908 through 71-1917, and the child care licensing regulations set out in Title 391, Nebraska Administrative Code, as long as she is licensed by the Department to provide child care services.
13. Compliance with the terms of this Agreed Settlement will be monitored by unannounced inspections by Children's Services Licensing staff and may be monitored by other Department representatives (i.e. Fire Marshal or designated agent, Environmental Health Specialist or designated agent, Resource Development Worker, Children and Family Specialist, etc.). Licensee and any of its employees and agents must cooperate with the Department in these monitoring visits. Any violation will be grounds for revocation or such other discipline as the Department may determine appropriate after notice to Licensee and an opportunity for a hearing.
14. Licensee understands that this Agreed Settlement is not effective until it is approved by the Director of the Division of Public Health. If the Director of the Division of Public Health does not approve this Agreed Settlement, it shall become null and void and will not be admissible. As the caption of this document indicates, this is an "Agreed Settlement." As such, it is the intent of the parties that this Agreed Settlement is not admissible for any purpose under NEB. REV. STAT. §27-408 (Reissue 2008), except to the extent necessary for an enforcement action by the Department for any purpose at any hearing that may be held on this matter or for showing a prior disciplinary action.
15. Licensee agrees its license will be placed on Probation for one (1) year under the following terms and conditions:
  - a. The conditions and terms imposed in the May 29, 2012, probation remain in effect.

b. Within the first forty-five (45) days of the probation must develop and submit to the Department for approval, the following written policies and procedures:

- A Supervision and Staff-Child Ratio Policy, which incorporates the use of checklists, frequent monitoring, accountability and training of staff that are responsible for caring for children, including director, assistant/co-director, teacher, substitutes and vehicle drivers.
- A Discipline Policy, which incorporates acceptable types of discipline, frequent monitoring and training of staff who are responsible for caring for children, including the director, assistant/co-director, teacher, assistant teacher, substitute and vehicle drivers.
- A Cleaning Policy which incorporates the use of checklists and frequent monitoring, including but not limited to, changing the cat litter box, and the training of staff who are responsible for cleaning and maintaining the facility.

The Department shall respond with approval or disapproval of the policies within ten (10) working days of receipt. If a policy is not approved Licensee must resubmit the policy with changes needed to address the Department's reasons for disapproval within ten (ten) days to the Department. The Department reserves the right to make minor unilateral changes to the policies. Licensee must implement the policies after approval by the Department.

- c. Licensee must develop and maintain a currently written daily attendance chart that includes the name of each child in care, date of birth of each child, and the arrival and departure times of each child. This chart must be kept on the premises and be available for review upon a request by Department staff. A copy of the chart must be submitted by the fifteenth of each month beginning March 15, 2013 to the Department.
- d. Licensee must develop and maintain a current written staff attendance chart that includes the name of each staff person, the day's assignment

and arrival and departure times of each staff to ensure that staff-child ratio is met at all times. The chart must be kept on the premises and available for review upon request by the Department. A copy of the chart must be submitted to the Department by the fifteenth of each month beginning March 15, 2013.

e. During the probation period, Schaffer, will at her own expense, register/enroll, attend and successfully complete the Management Training Program through the Early Childhood Training Center (402-423-6219). Schaffer must submit quarterly documentation of her participation in the Management Training Program to the Department.

Upon successful completion of the program, Schaffer will submit documentation to the Department. This training will count toward the required 12 hours of annual in-service training.

f. Licensee must retain, for at least five (5) hours a week for a minimum of the first eight (8) weeks, after approval by the Department, during the probation period and for a minimum of two (2) hours a week thereafter, at Licensee's own expense, an Early Childhood Consultant approved by the Department. The consultant must be used by Licensee to assist in the management and operation, including but not limited to providing adequate and appropriate supervision and maintaining a clean and safe environment, of Licensee's child care program. Prior to the use of this consultant, Schaffer must provide to the Department, the name and contact information of the Early Childhood Consultant, the proposed consultant's professional resume as an Early Childhood Consultant, and the projected start date of the consultant. This information must be submitted within fifteen (15) days after the effective date of this Agreed Settlement. The Department shall respond with approval or disapproval of the consultant within ten (10) working days of receipt of the documentation from Licensee. The Licensee may request permission from the Department to discontinue use of the Consultant after three (3) months. Such permission is at the discretion of the Department.

g. Licensee must post a copy of the Agreed Settlement with the current child care license so it is clearly visible to parents and Department representatives during the probation period.

16. If Licensee discontinues the childcare program for any reason, the time Licensee is not actively operating a licensed childcare program will not count toward the probation period and any subsequent childcare license issued by the Department shall be subject to the remainder of the probation period. Licensee must notify the Department, in writing, within seven (7) calendar days of any period Licensee 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. Any subsequent child care license issued by the Department indicating Peggy A. Schaffer and/or PJ's Child Care Center, as a licensee/director/owner shall be subject to the terms of this probation including completion of the probation period.
17. All documentation required to be submitted under this Agreed Settlement must be submitted to Jeann Granstra, Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure Unit, 2009 North 5<sup>th</sup> Street, Norfolk, Nebraska 68701 or such other address indicated by the Department in writing.


WHEREFORE, the parties request that an Order be entered approving and adopting the terms of this Agreement.

(Signature Page follows)

**AGREED TO:**


Dated this 21<sup>st</sup> day of Feb, 2013.

**PEGGY A. SHAFFER**

By   
Peggy A. Shaffer

Dated this 27<sup>th</sup> day of February, 2013.

**Nebraska Department of Health  
and Human Services**

By   
Teresa M. Hampton #16746  
Legal Services  
P.O. Box 95026  
Nebraska Department of Health and  
Human Services  
Lincoln, Nebraska 68509-5026  
(402) 471-4051  
Attorney for the Department

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

<b>IN THE MATTER OF:</b>	)	
<b>THE OPERATING CHILD CARE CENTER</b>	)	
<b>LICENSE OF PEGGY A. SCHAFFER, D/B/A</b>	)	<b>NOTICE OF</b>
<b>PJ'S CHILD CARE CENTER</b>	)	<b>DISCIPLINARY ACTION</b>

**LICENSED LOCATION: 85482 HWY. 15, WAYNE, NE, 68787**

**NOTICE:**

Peggy A. Schaffer (hereinafter referred to as "Schaffer") 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 Schaffer's Child Care Center license for violation of the following:

**AUTHORITY:**

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

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

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

391 NAC 8-005 Teacher/Assistant Teacher Qualifications: "The Director shall insure that nay person having responsibility for children has read and is familiar with the "Child Care Center Regulations." ... (Page 6, Standard 21, Child Care Center Standards, Rev. 8/2010)

391 NAC 8-009 Staffing: "Each room where children are receiving care must include a teacher/assistant teacher." (Page 7, Standard 32, Child Care Center Standards, Rev. 8/2010)

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

391 NAC 8-013 Materials and Equipment: "Play materials, equipment, and furnishings must be easily cleanable, kept clean and in good repair, have no sharp edges, and have no rusty or loose parts." ... (Page 7, Standard 46, Child Care Center Standards, 8/2010)

391 NAC 8-020.01 Facility: "To be licensed, all centers must have – 1. Clean and dry room." ... (Page 10, Standard 1, Child Care Center Standards, Rev. 8/2010)

## **FACTS AND FINDINGS:**

Schaffer is the licensee of an operating Child Care Center known as PJ's Child Care Center (hereinafter known as "PJ's"). This program is licensed for a maximum of 30 children, ages six weeks to 13 years of age, 4:30 a.m. to 11:00 p.m., Monday through Saturday. This program has been licensed since March 30, 2006.

On May 29, 2012, Schaffer's child care center license was placed on Probation and a civil penalty was imposed.

On June 29, 2012, Schaffer submitted a Supervision and Staff-Child Ratio Policy. The Policy submitted was not approved because it did not contain the specific information required in the Notice of Disciplinary Action dated May 14, 2012. As of the date of this Notice, this term/condition has not been complied with.

Prior to June 29, 2012 and shortly after Schaffer's license was placed on probation, Jeann Granstra (hereinafter referred to as "Granstra"), Child Care Inspection Specialist, and Susanne Schnitzer (hereinafter referred to as "Schnitzer"), Children's Services Licensing, Division of Public Health, Licensure Unit, conducted a complaint investigation of Schaffer's program on June 5, 2012.

A photograph, taken on March 26, 2012, showed a young child in time-out trapped in the corner by a crib. The second photograph taken the same date showed this same child in a pac-n-play while the other children are playing. A third photograph taken on March 26, 2012, showed a litter box that had not been cleaned in some time. Cat feces were on the floor as well as cat food.

Upon arrival at PJ's, Granstra and Schnitzer observed there was no staff person in the front area of the center supervising school-aged children. When Granstra informed Schaffer, who had been in the kitchen, that a staff person needed to be in the school-aged children, Schaffer responded that she was not aware that there needed to be a staff person in each room when children were present. A young boy was also in this front area swinging a wooden slat like a sword from an unassembled or broken children's picnic bench. The floor in the front area had dirt and debris on the carpet and tile areas. The counters in this room were dirty with grime and dirt. Toys were broken and/or disassembled in this room.

Schaffer stated she does use a crib to keep children trapped in a corner for time out and also uses a pac-n-play as a means of disciplining children who are difficult to discipline. Schaffer denied that children are kept in time out for lengthy periods of time. When confronted with information that two former staff persons had reported that the child in the photograph had been in time out from two to four hours, Schaffer stated that this particular child could be placed in time out up to five times in a day and that it might appear to staff that the child is in timeout two to four hours.

Granstra and Schnitzer observed the litter box in the office which contained an excessive amount of cat feces. The office is located adjacent to the front room in which children were observed unattended with the door open.



A review of Schaffer's file shows that on May 16, 2012, a sanitation inspection was conducted. It was noted at that time that the litter box needed cleaned. A prior sanitation inspection conducted April 8, 2010 noted the litter box needed cleaned.

Schaffer's file shows previous violations on April 8, 2010 and February 8, 2012 for failing to ensure that floors and counters were clean.

#### **DISCIPLINARY ACTION IMPOSED:**

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

1. Schaffer's child care center license remains on probation with the terms/conditions imposed on May 29, 2012 remain in effect. In addition, the probation period has been extended from May 29, 2013 to November 29, 2014, which will be effective September 26, 2012, which is 15 days after the mailing of this Notice.

Further, the following terms and conditions are being imposed to the existing probation effective September 16, 2012, which is 15 days after the mailing of this Notice.

a. By November 13, 2012, which is 45 days after the effective date of this Notice (September 26, 2012), Schaffer must develop and submit to the Department the following written policies and procedures:

- A Supervision and Staff-Child Ratio Policy with incorporates the use of checklists, frequent monitoring, accountability and training of staff who are responsible for caring for children, including director, assistant/co-director, teacher, assistant teacher, substitutes or vehicle drivers.
- A Discipline Policy which incorporates acceptable types of discipline, frequent monitoring and training of staff who are responsible for caring for children, including director, assistant/co-director, teacher, assistant teacher, substitute or vehicle drivers.
- A Cleaning Policy which incorporates the use of checklists and frequent monitoring, including, but not limited to, changing the cat litter box, and the training of staff who are responsible for cleaning and maintaining the facility.

These policies must be submitted to the Department, Attn: Jeann Granstra, Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure Unit, 209 North 5<sup>th</sup> Street, Norfolk, Nebraska, 68701. The Department agrees that after reviewing these policies, it will either approve them or require modifications thereto within ten calendar days. If modifications are required, Schaffer agrees to reply within ten calendar days of notice by the Department by resubmitting the written policy/policies to the Department for approval. The Department reserves the right to make minor unilateral modifications to the written policy/policies. Once approved by the Department, Schaffer agrees to implement the written policy/policies as approved by the Department.

Once approved, Schaffer must have signed documentation that all current staff responsible for children and all future employees responsible for children are familiar and are trained in the above policies. In addition, Schaffer shall ensure that current staff responsible for children have reviewed the Child Care Center Regulations and all future employees responsible for children have read and are familiar with the Child Care Center Regulations. Documentation must be sent to Ms. Granstra at the address listed above and also be maintained on site and available for review upon request by the Department.

b. Schaffer will develop and maintain a currently written daily attendance chart that includes the name of each child in care, date of birth of each child, and the arrival and departure times of each child. This chart will be kept on the premises and available for review upon request by the Department. This chart must also be submitted by the fifteenth of each month beginning October 15, 2012 to the Department, Attn: Jeann Granstra, at the address listed above.

c. Schaffer will develop and maintain a current written staff attendance chart that include the name of each staff person, the day's assignment and arrival and departure times of each staff to ensure that staff-child ratio is met. This chart will be kept on the premises and available for review upon request by the Department. This chart must also be submitted by the fifteenth of each month beginning October 15, 2012 to the Department, Attn: Jeann Granstra, at the address listed above.

d. During the probation period, Schaffer, will at her own expense, register/enroll, attend and successfully complete the Management Training Program through the Early Childhood Training Center (402-423-6219). Schaffer must submit quarterly documentation of her participation in the Management Training Program to the Department.

Upon successful completion of the program, Schaffer will submit documentation to the Department, Attn: Jeann Granstra, Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure Unit, 209 North 5<sup>th</sup> Street, Norfolk, Nebraska, 68701. This training will count toward the required 12 hours of annual in-service training.

e. Schaffer must retain, for at least five hours a week for a minimum of six months during the probation period, at Schaffer's own expense, an Early Childhood Consultant. The consultant must be currently approved by the Early Childhood Training Center to be an instructor in the child care management training program. The consultant must be used by Schaffer to assist in the management and operation, including but not limited to providing adequate and appropriate supervision and maintaining a clean and safe environment, of Schaffer's child care program. Prior to the use of this consultant, Schaffer must provide to the Department, Attn: Jeann Granstra, at the address listed above, the name and contact information of the Early Childhood Consultant and the start date of the Consultant by October 11, 2012, which is 15 days after the effective date of this Notice (September 26, 2012).

2. During the probationary period, Schaffer must maintain compliance with all Child Care Center regulations. Compliance will be monitored by Children's Services Licensing staff and may be monitored by other Department representatives (i.e., Fire Marshal or designated agent, Environmental Health Specialist/Scientist or designated agent, Resource Development Worker, Children and Family Specialist, etc). Schaffer and any employees and/or agents must cooperate with the Department in these monitoring inspections.

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

4. Failure to comply with the terms of this disciplinary action and the Child Care Center Regulations will be grounds for revocation or such other discipline as the Department may deem appropriate after notice to the licensee and an opportunity for a hearing.

5. If Schaffer discontinues the childcare program for any reason, the time Schaffer is not actively operating a licensed childcare program will not count toward the probation period and any subsequent childcare license issued by the Department shall be subject to the remainder of the probation period. Schaffer must notify the

Department, in writing, within seven (7) calendar days of any period Schaffer is not actively operating the program. Any subsequent child care license issued by the Department indicating Peggy A. Schaffer and/or PJ's Child Care Center, as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period.

**BE ADVISED:**

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on September 26, 2012, which is fifteen days after the mailing of this Notice unless the Department, within such fifteen-day period, receives a written request for a hearing. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such fifteen-day period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than September 26, 2012, which is fifteen days after the mailing of this Notice. 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

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.

In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that "amended applications will not be processed whenever a negative license action is pending."

Dated: SEPTEMBER 11, 2012

**Joann Schaefer, M.D.**  
**Chief Medical Officer**  
**Director, Division of Public Health**  
**Department of Health and Human Services**

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

**CERTIFICATE OF SERVICE**

**COMES NOW**, the undersigned and certifies that on the 11th day of September, 2012, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Peggy A. Schaffer, PJ's Child Care Center, 85482 Hwy. 15, Wayne, Nebraska, 68787.





Division of Public Health, Licensure Unit  
301 Centennial Mall South, 3<sup>rd</sup> 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

June 1, 2012

PJ'S CHILD CARE CENTER  
Peggy Schaffer, Licensee  
85482 Hwy 15  
Wayne, NE 68787

Dear Ms Schaffer:

In accordance with the Notice of Disciplinary Action issued on May 14, 2012 by Joann Schaefer, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, your license to operate a Child Care Center in the State of Nebraska has been placed on probation. A license imprinted with the term "PROBATION" is enclosed. This status became effective May 29, 2012, and it will remain in effect until May 29, 2013. Upon completion of the probation, a new license will be issued to you. At this time we ask that you return your current license, within seven (7) days, to Marsha Wandersee in the Licensure Unit.

Pursuant to the above-mentioned Order, you are to pay by June 28, 2012, a Civil Penalty in the amount of \$ 90.00. Make checks payable to the *Licensure Unit* and send payment to the attention of Marsha Wandersee at the herein provided address.

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

EAC

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

**Peggy A. Schaffer**

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
**Operating Child Care Center**  
located at: 85482 HWY 15 Wayne NE 68787

A maximum of 30 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0430 to 2300 on MTWTHFS.

**PJ'S CHILD CARE CENTER** is hereby issued License No. **CCG8849** which is effective on **03/30/2007**

Amended: 05/29/2012

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 **June 1, 2012.**



**Peggy A. Schaffer, MD**, Chief Medical Officer, Director  
Division of Public Health, Department of Health and Human Services

309-432

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 PEGGY A. SCHAFER, D/B/A  
PJ'S CHILD CARE CENTER

)  
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)  
)

NOTICE OF  
DISCIPLINARY ACTION

LICENSED LOCATION: 85482 HWY. 15, WAYNE, NE, 68787

**NOTICE:**

Peggy A. Schaffer (hereinafter referred to as "Schaffer") 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 Schaffer's Child Care Center license for violation of the following:

**AUTHORITY:**

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

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

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

391 NAC 8-002 Staff Qualifications: ... "Center staff, whether paid or volunteer, shall not engage in or have a history of behaviors injurious to or which may endanger the health or morals of the children in care." (Page 6, Standard 13, Child Care Center Standards)

391 NAC 8-009 Staffing: "Staff-child ratio must be met at all times. Compliance with staff-child ratio must be determined on a center-wide basis." (Page 8, Standard 30, Child Care Center Standards)

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

391 NAC 8-015 Infant Care: "Rooms where infants are receiving care must be limited to the care of 12 children at any one time. If five or more infants are receiving care in a room, at least two staff persons must be in the room at all times." (Page 11, Standard 63, Child Care Center Standards)

## **FACTS AND FINDINGS:**

Schaffer is the licensee of an operating Child Care Center known as PJ's Child Care Center (hereinafter known as "PJ's"). This program is licensed for a maximum of 30 children, ages six weeks to 13 years of age, 4:30 a.m. to 11:00 p.m., Monday through Saturday. This program has been licensed since March 30, 2006.

On April 5, 2012, upon arrival to PJ's to conduct a complaint investigation, Jeann Granstra (hereinafter referred to as "Granstra"), Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure Unit, observed a small child playing outside alone in the playground located in front of PJ's. Both gates of the playground fence were open. When Granstra entered the building, she informed staff that there was a small child outside alone. Staff went out and brought the child back into the building. Staff stated they were unaware that the child was outside alone.

During the investigation, Granstra determined the center was out of compliance with staff-child ratio. Granstra observed two staff were present with nineteen children in which two were infants. The program was required to have three staff present. Schaffer then entered the building; thereby meeting staff-child ratio. In addition, these nineteen children plus the two infants were in the same room. After Granstra inform Schaffer that the infants could not be in this room, the infants were moved to a room by themselves. Schaffer indicated that she "forgets" that infants cannot be in a room with more than twelve children.

Granstra was unable to substantiate the complaint allegations; however, Granstra was able to substantiate that the above regulations had been violated as it related to staff-child ratio and supervision.

A review of Schaffer's licensing file shows that when Granstra conducted an unannounced annual inspection on March 16, 2012, seventeen children were in the same room including three infants. To comply, the older children were moved to a front room and the remaining children stayed in the back room of the facility with the staff-child ratio being met.

## **DISCIPLINARY ACTION IMPOSED:**

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

1. Schaffer's child care center license is placed on Probation for a period of one year effective May 29, 2012, which is 15 days after the mailing of this Notice. Terms and conditions include:
  - a. By August 27, 2012, which is 90 days after the effective date of this Notice (May 29, 2012), Schaffer, owner and center director, and all staff currently employed at PJ's who have the responsibility of caring for children (which includes director, assistant/co-director, teacher, assistant teacher, substitutes, volunteers or vehicle drivers) will at the program's expense, register/enroll, attend and successfully complete a minimum of three hours of face-to-face training in the area of providing adequate and appropriate supervision at all times children are in care.

Schaffer must, prior to Schaffer and the staff participating in any training, submit in writing the following to the Department, Attention: Jeann Granstra, Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure Unit, 209 N. 5<sup>th</sup> Street, Norfolk, Nebraska, 68701 in order for the



Department to determine if the training meets the requirements for which it is intended: names of PJ's staff attending, training curriculum, date and time of training, name of the training, presenter/instructor's name, and the number of hours. This training will not count toward the required 12 hours of in-service training.

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

Schaffer must submit verification of attendance and successful completion by all staff responsible for the care of children and as well as herself, within fifteen calendar days after completion of the approved training to the Department to the address listed above.

b. Schaffer must develop and submit to the Department to the address listed above, a written policy as to how the program will ensure that no child(ren) is left alone outside and that adequate and appropriate supervision is maintained at all times children are in attendance; inside and outside the facility and that staff-child ratio is maintained at all times. The Supervision and Staff-Child Ratio Policy should incorporate the use of checklists, frequent monitoring, accountability and training of staff on this policy who are responsible for caring for children, including: director, assistant/co-director, teacher, assistant teacher, substitutes or vehicle drivers.

This Policy must be submitted to the Department to the address listed above for approval by June 13, 2012, which is 15 calendar days after the effective date of this Notice (May 29, 2012). The Department agrees that after reviewing the Supervision and Staff-Child Ratio Policy, it will either approve it or require modifications thereto within ten calendar days. If modifications are required, Schaffer agrees to reply within ten calendar days of notice by the Department by resubmitting the written Supervision and Staff-Child Ratio Policy to the Department for approval. The Department reserves the right to make minor unilateral modifications to the written policy. Once approved by the Department, Schaffer agrees to implement the written Supervision Policy as approved by the Department.

Schaffer must have signed documentation that all current staff responsible for children and all future employees responsible for children are familiar and are trained in the Supervision and Staff-Child Ratio Policy. In addition, Schaffer shall ensure that current staff responsible for children have reviewed the Child Care Center Regulations and all future employees responsible for children have read and are familiar with the Child Care Center Regulations. Documentation must be maintained on site and available for review upon request by the Department.

c. Schaffer is assessed a civil penalty in the amount of \$90.00 (\$3.00 times license capacity of 30 children times one day of non-compliance, April 5, 2012, when infants were in a room with more than twelve (12) other children).

Said penalty in the amount of \$90.00 must be paid on or by June 28, 2012, which is thirty (30) calendar days from the effective date of this Notice (May 29, 2012) and must be payable to the Nebraska Department of Health and Human Services, Division of Public Health, Licensure. Said penalty must be sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, Children's Services Licensing, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

2. During the probationary period, Schaffer must maintain compliance with all Child Care Center regulations. Compliance will be monitored by Children's Services Licensing staff and may be monitored by other Department representatives (i.e., Fire Marshal or designated agent, Environmental Health Specialist or designated agent, Resource Development Worker, Children and Family Specialist, etc). Schaffer and any employees and/or agents must cooperate with the Department in these monitoring inspections.
3. A copy of this Notice of Disciplinary Action must be posted with the current childcare license so it is clearly visible to parents and agency representatives.
4. Failure to comply with the terms of this disciplinary action and the Child Care Center Regulations will be grounds for revocation or such other discipline as the Department may deem appropriate after notice to the licensee and an opportunity for a hearing.
5. If Schaffer discontinues the childcare program for any reason, the time Schaffer is not actively operating a licensed childcare program will not count toward the probation period and any subsequent childcare license issued by the Department shall be subject to the remainder of the probation period. Schaffer must notify the Department, in writing, within seven (7) calendar days of any period Schaffer is not actively operating the program. Any subsequent child care license issued by the Department indicating Peggy A. Schaffer and/or PJ's Child Care Center, as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period.

**BE ADVISED:**

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on May 29, 2012, which is fifteen days after the mailing of this Notice unless the Department, within such fifteen-day period, receives a written request for a hearing. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such fifteen-day period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than May 29, 2012, which is fifteen days after the mailing of this Notice. 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

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In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that "amended applications will not be processed whenever a negative license action is pending."

Dated: May 14, 2012

**Joann Schaefer, M.D.**  
**Chief Medical Officer**  
**Director, Division of Public Health**  
**Department of Health and Human Services**

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

**CERTIFICATE OF SERVICE**

**COMES NOW**, the undersigned and certifies that on the 14th day of May, 2012, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Peggy A. Schaffer, PJ's Child Care Center, 85482 Hwy. 15, Wayne, Nebraska, 68787.