

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

August 25, 2017

IT'S A KIDZ WORLD

Marion's Quality Services, Inc.
Angela Marion, Owner
810 Fort Crook Road South
Bellevue, NE 68005

Dear Ms. Marion:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, on August 18, 2017, your original License to operate a Child Care Center 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 July 13, 2017, and it will remain in effect until January 13, 2018. Upon completion of this term, a new license will be issued to you.

At this time we ask that you submit your current license by return mail, within the next seven (7) days, to DHHS, Division of Public Health, Licensure Unit, Attn: Rita Krusemark, 301 Centennial Mall South, Lincoln, NE 68509-4986.

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

Sincerely,

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

BW/dcp

cc: Children's Services Licensing

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

State of Nebraska

Department of Health and Human Services
Division of Public Health

MARION'S QUALITY SERVICES INC

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating **Child Care Center**

located at: **810 FORT CROOK RD SOUTH Bellevue NE 68005**

A maximum of **123** children-in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the hours of **0600** to **1930** on **MTWTHF**.

IT'S A KIDZ WORLD owned by **MARION'S QUALITY SERVICES INC** is hereby issued License No. **CCC8861**

whose status is **Active-Corrective Action Status** effective from **07/13/2017**

Amended: 07/13/2017

Given under the name and Seal of the Department
of Health and Human Services Regulation and
Licensure of the State of Nebraska at Lincoln on
August 29, 2017.



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



Division of Public Health

State of Nebraska
Dave Heineman, Governor

1313 Farnam Street, Omaha, NE 68102

August 18, 2017

CERTIFIED MAIL

It's A Kidz World owned by Marion's Quality Services, INC
810 Fort Crook Rd South
Bellevue, NE 68005

Dear Lacey Drews:

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

Due to the results of an incident that occurred on April 26th, your program was offered a Corrective Action Status (CAS). As a condition of the CAS, your program was required to submit a Corrective Action Plan that would alleviate the violations that were substantiated on April 26th for a failure to supervise appropriately. The Department verifies that your program sent in this plan of action on July 13, 2017 to comply with the CAS.

The purpose of this letter is to inform you that after a review of your finalized plan of action sent July 13, 2017 this plan (which is attached) has been approved by the Office of Children's Services Licensing as of the July 13th date.

While the CAS is in place, Children's Services Licensing staff shall conduct announced or unannounced visits to your facility to determine compliance with this discipline. Any violation of this Corrective Action Status may be grounds for further negative action or discipline as the Department of Health and Human Services, Division of Public Health, Children's Services Licensing may deem appropriate.

This Corrective Action Status shall be in effect for a period of six (6) months, from **July 13, 2017 to January 13, 2018**. Should the Child Care Center license be amended because of a change of address, this Correction Action Status may transfer to the new address if appropriate to the conditions of the discipline.

If you have questions regarding this letter, please contact Fabian Awanyai, Child Care Inspection Specialist at 402-595-3342 or Jo Pfeiffer, Child Care Licensing Supervisor at 402-595-3335.

Sincerely,


Jo Pfeiffer, Child Care Inspection Supervisor
Children's Services Licensing
1313 Farnam Street, 3rd Floor
Omaha, NE 68102

Cc: Fabian Awanyai, Child Care Inspection Specialist
Bob Cummings, Resource Development, Contract Management Division

JUL 13 2017



July 10, 2017

Fabian Awanyai, Child Care Inspection Specialist
Office of Children's Services Licensing
Nebraska Department of Health and Human Services
1313 Farnam Street, 3rd Floor
Omaha, NE 68102

Dear Mr. Awanyai:

We have received a certified letter stating the fact that It's a Kidz World has been placed on Corrective Action Status for a period of six months. We have completed our written Plan of Correction to ensure that this does not happen again.

On April 26, 2017, a 5 year old child was dropped off by the center van outside Birchcrest Elementary at 11:40 a.m. and was left by center staff, Jolice Kemp with an unknown person, who Kemp believed to be a parent. This "parent" eventually left the school premises and the 5 year old child. The child was outside alone for approximately 10 minutes, before being found outside the school by a teacher. This action violates regulation NAC 391 3-006.19 Supervision of Children.

On April 26, 2017, Jolice Kemp was terminated from employment with It's a Kidz World due to noncompliance of NAC 391 3-006.19 Supervision of Children. To further correct and maintain compliance, revisions were made to the transportation policy that is provided to and signed by all employees. The It's a Kidz World Employee Handbook was also amended to include the revised transportation policy. Transportation and Supervision policy will be the topic of the next staff meeting, occurring on July 12, 2017, to ensure complete understanding of the policies.

Attached to this letter is the revised transportation policy and amended section of the employee handbook. Upon completion of the next staff meeting on July 12,



2017, It's a Kidz World will provide copies of transportation policies signed by all employees as well as a copy of the sign-in sheet from the staff meeting, showing that all employees have attended and have been coached on the transportation and supervision policies.

I, Lacey Drews, director of It's a Kidz World, am responsible for corrections and maintenance of compliance. I have amended the transportation policy, staff handbook, prepared materials to cover during the staff meeting and posted the date and time for said meeting. I will ensure that all current staff members have been thoroughly coached, trainings will be provided annually on the topic, and that all new staff members are coached on and sign the transportation policy to be stored in their staff files.

Timeline:

7/10/17.....	Amendments were made to Staff Handbook
.....	Amendments were made to Transportation Policy
.....	Staff Meeting Sign was posted and materials prepared
7/12/17.....	Staff Meeting will occur to cover transportation and supervision policy
.....	All employee will be required to sign the transportation policy
7/13/17.....	Copies of Staff Meeting Sign in Sheet will be provided to this office
.....	Any employee unable to attend the meeting will be privately coached on the matter and required to sign the transportation policy
.....	Copies of signed transportation policies will be provided to this office

JUL 13 2017



Upon hire of
new employee.....New staff will be trained on the
transportation policy
.....New staff will be required to have a signed
transportation policy in their file
Annually.....Staff will complete an annual transportation
and supervision training

With implementation of the above correction action, I am sure that this will no longer be an issue of concern. If you have any further questions or comments regarding this letter, please contact It's a Kidz World at 402-933-3955.

Sincerely,

Lacey Drews
It's a Kidz World
810 Fort Crook Road South
Bellevue, NE 68005

TRANSPORTATION POLICY

(391 NAC 3-006.26 Transportation)

Reason this policy is important:

The safety of children and staff must be provided in all activities of child care programs. Proper restraint systems and the correct use of them are critically important during travel to/from the child care program as well as a part of the activities of the setting.

Procedure and Practices, including responsible person(s):

- A Consent for Child Care Program Activities form will be filled out for each child being transported.
- Smoking is prohibited in vehicles used to transport children.
- Children will be transported properly in a seat belt, car seat, or booster seat according to current Nebraska regulations. IAKW will supply a booster or car seat for children that are transported.. Staff will be sure that car seats, booster seats and seat belts are used properly and each child is properly secured before setting the vehicle in motion. Staff will assist with releasing children from their transportation safety restraints, when needed. All adults in the vehicle will use proper restraining devices according to the vehicle manufacturer's recommendations.
- The number of passengers in the vehicle will not exceed the manufacturer's stated capacity for the vehicle.
- Children will be prohibited from eating, drinking, standing, or other dangerous or distractive activities during transportation.
- Children will never be left unattended in a vehicle, even for brief periods. All children will be accompanied by an adult to/from the vehicle to insure safety.

****When dropping off children at their school, home, or other destination, staff can only leave the child with the designated person receiving the child, e.g. teacher of the child, parent or guardian of the child. Under no circumstance will the child(ren) be left at their destination alone or with another parent.****

***Designated staff will check ALL Vans upon returning to the facility. (as listed on the Management Staff Task List)**

- All children will be accounted for before leaving the facility and again before returning.

*** Vans will have a check off sheet. All drivers will check off prior to entering/exiting and loading/unloading. Van count sheets will be initialed by designated staff.**

*The van driver will conduct a count prior to loading and unloading the van. A count will be done prior to entering and exiting the building.

- All travel routes will be planned in advance.

Vehicle Requirements:

- Only insured, licensed, well-maintained vehicles will be used to transport children. 18 passenger vans are not permitted.
- A back up vehicle will be available if needed and can be dispatched immediately in case of an emergency.
- A first aid kit and list of emergency contacts for all children and adults will be in the vehicle during transportation of children.
- A cell phone will be available in case of emergency.

Driver Qualifications:

- Drivers will be legally-licensed and shall not be under the influence of any chemical substance that may alter their ability to drive safely.
- Drivers will meet staff qualifications including a criminal history check.
- Drivers will be first aid and CPR certified if another staff member present is not.
- Drivers will obey all traffic regulations.
- Drivers must not be distracted from safe driving practices, driver is not permitted to talk on a cell phone or play loud music
- The driver will be familiar with the planned route ahead of time.
- Staff will be required to complete the driver's training course yearly

****The greatest care needs to be ensured while transporting children under our care. Noncompliance of the transportation policy will result in immediate termination of employment.****

TRANSPORTATION POLICY

(391 NAC 3-006.26 Transportation)

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Procedure and Practices, including responsible person(s):

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- Smoking is prohibited in vehicles used to transport children.
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- The number of passengers in the vehicle will not exceed the manufacturer's stated capacity for the vehicle.
- Children will be prohibited from eating, drinking, standing, or other dangerous or distractive activities during transportation.
- Children will never be left unattended in a vehicle, even for brief periods. All children will be accompanied by an adult to/from the vehicle to insure safety.

When dropping off children at their school, home, or other destination, staff can only leave the child with the designated person receiving the child, e.g. teacher of the child, parent or guardian of the child. Under no circumstance will the child(ren) be left at their destination alone or with another parent.

**Designated staff will check ALL Vans upon returning to the facility. (as listed on the Management Staff Task List)*

- All children will be accounted for before leaving the facility and again before returning.
 - * *Vans will have a check off sheet. All drivers will check off prior to entering/exiting and loading/unloading. Van count sheets will be initialed by designated staff.*
 - *The van driver will conduct a count prior to loading and unloading the van. A count will be done prior to entering and exiting the building.
- All travel routes will be planned in advance.

****The greatest care needs to be ensured while transporting children under our care. Noncompliance of the transportation policy will result in immediate termination of employment.****

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- A back up vehicle will be available if needed and can be dispatched immediately in case of an emergency.
- A first aid kit and list of emergency contacts for all children and adults will be in the vehicle during transportation of children.
- A cell phone will be available in case of emergency.

Driver Qualifications:

- Drivers will be legally-licensed and shall not be under the influence of any chemical substance that may alter their ability to drive safely.
- Drivers will meet staff qualifications including a criminal history check.
- Drivers will be first aid and CPR certified if another staff member present is not.
- Drivers will obey all traffic regulations.
- Drivers must not be distracted from safe driving practices, driver is not permitted to talk on a cell phone or play loud music
- The driver will be familiar with the planned route ahead of time.
- Staff will be required to complete the driver's training course yearly

_____ (staff title/name) is responsible for collecting background checks, driving histories and updating this information yearly for those who are transporting children.

_____ (staff title/name) is responsible for ensuring the safety of the vehicle and proof of insurance for the vehicle.

When the policy applies:

This policy is in force anytime children are transported by the child care program. Staff will adhere to the policy guidelines even if no children are present when using a vehicle owned by the child care facility.

Communication plan for staff and parents:

- _____ will cover policies, plans, and procedures with all new staff (paid and volunteer) during orientation training. They will sign that they have read, understand and agree to abide by the content of the policies.
- During enrollment this policy will be reviewed by _____ with the parents. Parents will sign that they have read, understand, and agree to abide by the content of the policies.
- A copy of all policies will be available during all hours of operation to staff and parents in the policy handbook located _____.
- Parents may receive a copy of the policy at any time upon request. A summary of this policy will be included in the parent handbook.
- Parents and staff will receive written notification of any updates.
- Parents will sign Consent for Child Care Program Activities form for all outings where transportation is required.

JUL 13 2017

Reviewed by: _____ Director/Owner
(Print) (Signature)

(Print) (Signature) Assistant Director

(Print) (Signature) Van Driver

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

June 23, 2017

Marion's Quality Services, INC
It's A Kidz World
810 Fort Crook Rd South
Bellevue, NE 68005
ATTENTION: Angela Marion, Owner

CERTIFIED MAIL and REGULAR MAIL

Dear Mrs. Marion:

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.....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 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.

Facts:

On April 26, 2017 a 5 year old child was dropped off by the center van outside Birchcrest Elementary at 11:40 a.m. and was left by Center staff with an unknown person, who staff believed to be a parent. This "parent" eventually left the school premises and the 5 year old child. The child was outside alone for approximately 10 minutes, before being found outside the school by a teacher.

Regulatory Basis:

NAC 391 3-006.19 Supervision of Children, Adequate and appropriate supervision must be provided to children at all times children are in attendance, including during outdoor play. Ultimate responsibility for supervision rests with the licensee.

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

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

1. Identification of issue(s) of concern;
2. Provisions for how you will correct and maintain compliance;
3. Specify the written documentation to be provided to the Department;
4. Identify who is responsible (include position titles) for corrections and maintenance of compliance; and
5. Timelines.

Please submit your written Plan of Correction to Fabian Awanyai, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Office Of Children's Services Licensing 1313 Farnam, Floor 3, Omaha, NE 68102, within 10 calendar days after you receive this letter.

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:

1. Issue a probationary (disciplinary) license;
2. Suspend or revoke a provisional, probationary, or operating license;
3. 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;
4. Establish restrictions on new enrollment in the program;
5. Establish restrictions or other limitations on the number of children or the age of the children served in the program; or
6. Establish other restrictions or limitations on the type of service provided by the program.

If you have any questions regarding this letter, please contact Fabian Awanyai, Child Care Inspection Specialist at 402-595-3342 or Jo Pfeiffer, Child Care Licensing Supervisor at 402-595-3335.

Sincerely,



Jo Pfeiffer, Child Care Licensing Supervisor
Office of Children's Services Licensing
Nebraska Department of Health and Human Services
1313 Farnam Street, 3rd Floor
Omaha, NE 68102

cc: Fabian Awanyai, Child Care Inspection Specialist
Office of Children's Services Licensing, Central Office



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

November 19, 2014

IT'S A KIDZ WORLD
Marion's Quality Services, Licensees
810 Fort Crook Rd.
Bellevue, NE 68005

Dear Mr. and Mrs. Richard Marion:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, on November 12, 2014, your original License to operate a Child Care Center 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 November 10, 2014, and it will remain in effect until May 10, 2015. 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 seven (7) days, to Marsha Wandersee in the Licensure Unit. If you have any questions, please contact Children's Services Licensing at (402) 471-9302.

Sincerely,

A handwritten signature in black ink, appearing to read "Becky Wisell".

Becky Wisell, Administrator
Licensure Unit

BW/dcp

cc: Children's Services Licensing

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

State of Nebraska

Department of Health and Human Services
Division of Public Health

MARION'S QUALITY SERVICES INC

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: **810 FORT CROOK RD SOUTH Bellevue NE 68005**

A maximum of 123 children in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the hours of **0600** to **1930** on **MTWTHF**.

IT'S A KIDZ WORLD is hereby issued License No. **CCC8861**
whose status is **Active-Corrective Action Status** effective from **11/10/2014**
Amended: **11/10/2014**

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
November 19, 2014.



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

Division of Public Health

State of Nebraska
Dave Heineman, Governor

1801 North 73 ST, Omaha, NE 68114

November 12, 2014

It's a Kidz World
810 Fort Crook Rd. South
Bellevue, NE 68005

Dear Mr. and Mrs. Marion:

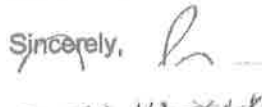
The Department of Health and Human Services, Office of Children's Services Licensing, received your corrective action plan on October 23, 2014. Your final corrective action plan received on November 10, 2014, will be approved effective November 10, 2014. In addition to your plan, documentation of monthly staff meetings as well as the two forms submitted for counting children need to be ready and available for Children's Services Licensing to review. Your Corrective Action Status will be effective until May 10, 2015

A license indicating "Corrective Action Status" will be mailed to your facility, which you must post in a prominent place.

Compliance with the terms of the Corrective Action Status will be monitored by unannounced inspections to your facility by Child Care Licensing staff. Any violation may be grounds for discipline as the Office of Children's Services Licensing program may determine appropriate.

If you have any questions, please contact Stef Sellers at 402-595-3340 or Jo Pfeiffer at 402-595-3335.

Sincerely,


Jo Pfeiffer, Child Care Licensing Supervisor
Children's Services Licensing
Nebraska Department of Health and Human Services, Division of Public Health
1801 North 73rd Street
Omaha, NE 68114

cc: Gina Ewing, Staff Assistant II
Stef Sellers, Child Care Inspection Specialist
Marsha Wandersee, Administrative Assistant II
Bob Cummings, Resource Development, Contract Management Division

Plan of Correction

1. Identify the issues of Concern:
 - a. Supervision Of Children
 - b. Handling a child Roughly
2. Who is responsible for corrections?
Corrections: The Director is responsible for corrections.
Maintenance: The Director or designated staff.
3. How often do we monitor compliance?
**Director will monitor compliance by having monthly staff meetings to discuss accident/incident reports. Talk about different ways that we can use to redirect the children in our care.

IAKW staff will take a training with Tammi Winchester from Project Harmony on Monday November 17, 2014 on Proper Discipline.
4. The Director/designated staff should regularly count children (name to face on a scheduled basis. Teachers should count children at every transition, and whenever leaving one area and arriving at another), going indoors or outdoors, to confirm the safe whereabouts of every child at all times. Additionally, they must be able to state how many children are in their care at all times.



Policy for Supervision of Children
(391 NAC 3-006.19)

All staff should directly supervise infants, toddlers, and preschoolers by sight and hearing at all times, even when the children are going to sleep, napping or sleeping, or are beginning to wake up, or are indoors or outdoors. School-age children should be within sight or hearing at all times. Ratios should remain the same whether inside or outside, and on and off the premises.

[illegible]

****Whoever is doing the count MUST put their initials in the box above the times. *****



Division of Public Health

State of Nebraska
Dave Heineman, Governor

1801 North 73 ST, Omaha, NE 68114

October 10, 2014

CERTIFIED MAIL

It's A Kidz World
810 Fort Crook Rd. South
Bellevue, NE 68005

Dear Mr. and Mrs. Marion:

Nebraska Revised Statutes, section 71-1911 (4), of the Child Care Licensing Act, effective July 16, 2004, provides the department may place a license on Corrective Action Status.

FACTS:

On 8-29-14 a staff member, Minnie Cooks, left a 4 year old child unsupervised on the van once the van returned to It's A Kidz World. The child was in the van for approximately 10 minutes and then a staff member saw child exiting the vehicle by themselves and crying. The staff member, Minnie Cooks was ultimately terminated on 8-29-14.

On 9-23-14 a staff member, Samantha Barrett, was seen via video tape holding the right hand of a 2 year old male with her left hand to place him in the "Think About It" spot. Video shows when they were several feet away from the spot the child had dropped to his knees and Ms. Barrett continued to walk, holding on to his hand. She used her left foot to propel him by placing it under his knees. The child had a hard time moving his arm after the incident. Upon viewing the video tape regarding the incident on the same date, Ms. Barrett's employment was terminated.

Both of the above incidents were reported to Children's Services Licensing and the Abuse/Neglect Hotline by the licensee.

REGULATORY BASES:

391 NAC 3-008.01 Licensee Qualifications and Requirements

#16. Not engage in or have a history of behavior injurious to or which may endanger the health or morals of children.

391 NAC 3-006.19 Supervision of Children

Adequate and appropriate supervision must be provided to children at all times children are in attendance, including during outdoor play. Ultimate responsibility for supervision rests with the licensee.

391 NAC 3-006.20A Prohibited Forms of Discipline

The following actions are prohibited as a form of discipline:

#9. Handling roughly

391 NAC 3-008.01 Denial and Disciplinary Actions

The Department may deny the issuance of or take disciplinary action against a license on any of the following grounds:

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

Based on the facts presented above and the regulations violated, the department is placing your operating license on Corrective Action Status for a period of six (6) months.

CORRECTIVE ACTION STATUS: PLAN OF CORRECTION

Corrective action status is voluntary and the decision regarding the placement on corrective action status is not appealable. However, you are required to submit a written Plan of Correction that must be approved by the department.

Your written plan of correction must:

- 1) Identify the issue(s) of concern
- 2) Identify who is responsible for corrections and maintenance of compliance
- 3) Include timelines; and
- 4) Specify the documentation to be provided to the Department.
- 5) Include provision for providing adequate and appropriate supervision at all times children are in care at your program. Plan should specifically address appropriate supervision during transition times from outside to inside care.
- 6) Include written procedures to ensure all children are supervised at all times while in your care.

Please submit your written Plan of Correction to Stef Sellers, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Office of Children's Services Licensing, 1801 North 73rd Street, Omaha, NE 68114 **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;

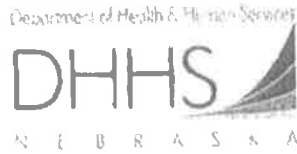
- (c) Impose a civil penalty of up to five dollars per child, based upon the number of children for which the program is authorized to provide child care effective date of finding violation, for each day the program is in violation;
- (d) Establish restrictions on new enrollment of the program;
- (e) Establish restrictions or other limitations on the number of children, or the age of the children served in this program; or
- (f) Establish other restrictions or limitations on the type of service provided by the program.

If you have questions regarding this letter, please contact Stef Sellers, Child Care Inspection Specialist at 402-595-3340 or Jo Pfeiffer, Child Care Licensing Supervisor at 402-595-3335.

Sincerely,


Jo Pfeiffer, Child Care Licensing Supervisor
Children's Services Licensing
1801 North 73rd Street
Omaha, NE 68114

Cc: Stef Sellers, Child Care Inspection Specialist
Marsha Wandersee, Administrative Assistant II
Bob Cummings, Resource Development, Contract Management Division



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

October 17, 2012

MARION'S QUALITY SERVICES, INC.
IT'S A KIDZ WORLD
810 Fort Crook Road South
Bellevue, NE 68005

Dear MARION'S QUALITY SERVICES, INC.:

In accordance with the Findings of Fact, Conclusions of Law and Order issued on October 3, 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 October 3, 2012, and it will remain in effect until October 3, 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 seven (7) days, to Marsha Wandersee in the Licensure Unit.

Pursuant to the above-mentioned Order, you are to pay by November 2, 2012, a Civil Penalty in the amount of \$ 615.00. 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

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

MARION'S QUALITY SERVICES INC

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located at: **810 FORT CROOK RD SOUTH Bellevue NE 68005**

A maximum of 123 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0600 to 1930 on MTWTFH

IT'S A KIDZ WORLD is hereby issued License No. **CCC8861** which is effective on **05/23/2007**

Amended: 10/03/2012

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 October 17, 2012.



Angela L. Johnson, M.D., Chief Medical Officer, Director
Division of Public Health, Department of Health and Human Services

2012-001

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

**IN THE MATTER OF
THE REQUEST FOR HEARING BY**

11-1699

11-1822

**MARION'S QUALITY SERVICES, INC.
D/B/A IT'S A KIDZ WORLD
Child Care Center**

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER**

**MARION'S QUALITY SERVICES, INC.
D/B/A DEB'S LEARNING PLACE
Family Child Care Home II**

STATEMENT OF THE CASE

In a letter dated May 24, 2011, Marion's Quality Care Services Inc., doing business as, It's a Kids World, was notified of the department intent to revoke their Operating Child Care Center license. In a separate letter dated June 3, 2011, Marion's Quality Care Services Inc., doing business as Deb's Learning Place, was informed the department intended to deny their Application to Amend and to revoke their Operating Family Child Care Home license. This operation known as Deb's Learning Place was not operating at the time of the hearings and had not been in operation for some time. The corporation appealed both cases and they were combined for hearing. That combined hearing was begun on December 5, 2011, continued until February 27, 2012 and concluded on May 15, 2012.

SUMMARY OF THE HEARING

At all sessions of the hearing, the department was represented by Assistant Agency Counsel Teresa Hampton and the two facilities by James Place, Attorney at law. Testimony was taken from Richard Marion; from Susanne Schnitzer, a Child Care Licensing Supervisor; from Jo Pfeiffer, Supervisor, Children's Services licensing; from Cristina Carrizales; from Christine John; from Greta Johnson and from Angela Marion.

In addition to the testimony, forty seven (47) exhibits were offered and received. Official notice was taken of the pertinent statutes and rules and regulations.

**FINDINGS OF FACT
(Deb's Learning Place)**

1. Marion's submitted a Family Child Care II application to amend days of operation and staff members.
2. One of the proposed substitute employees was Caria Mason. Marion's was aware she had been investigated for allegations of inappropriate discipline and behaviors injurious to the health of children when previously employed by them. This allegation was substantiated by the department.

3. All three proposed staff members, Carla Mason, Shantee Richardson and Shonae Doremus failed to fully and accurately disclose their entire criminal history.
4. Marion's has a history of non-compliance at other licensed locations.

(It's a Kids World)

1. The allegations concerning the staff/child ratio occurring at 8:00 a.m. on March 29, 2011 were not established by a preponderance of the evidence.
2. Two individuals, Shannon Tays and Greta Johnson, were current inmates at the Omaha Correctional Center and were participating in a work release program and employed by Marion's. Neither individual correctly or accurately completed their felony misdemeanor statements. Marion's was aware however, that both individuals had been convicted of theft by deception for which they had been and were currently incarcerated.
3. Ms. Tays' felony misdemeanor statement failed to indicate specifically that she had been convicted of five felony counts for forgery and one felony count for possession of a controlled substance (meth) in addition to numerous other law enforcement contacts.
4. Marion's failed to recognize that hiring these two felons was a clear violation of child care regulations.
5. Marion's violated terms and conditions of a preexisting probation which required the facility to maintain compliance with child care regulations.

GENERAL DISCUSSION

As to the charges against Deb's Learning Center concerning the child/staff ratio on the date and time at issue, the evidence in this record is unclear and contradictory. Therefore, it cannot be found that the department sustained its burden of proving a violation by a preponderance of the evidence. That allegation will be dismissed.

Concerning the employment of unqualified individuals. Mr. and Mrs. Marion contend they did not possess actual knowledge of the exact nature of the crimes committed by these two individuals and that they were unclear about whether what they did know would constitute a disqualification.

The fact that these two individual employees had to be picked up on work release, from a correctional facility where they were incarcerated, would lead a reasonable person to make further inquiry.

Claiming ignorance, under these circumstances, defies credulity and ignores the responsibilities taken on by a provider, once licensed, for the care and safety of the children left in their facility and cared for by their employees.

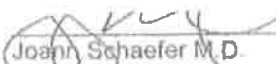
CONCLUSIONS OF LAW

1. The department may initiate a revocation proceeding where a licensee has a history of violations of the regulations. 391 NAC 4-001.04.
2. The department may take disciplinary action against a license issued under the Child Care Licensing Act for failure of the licensee to comply with requirements of the act or for violations of the rules and regulations. Neb. Rev. Stat. Section 71-1919.
3. The licensee and the director shall not allow any person where there is evidence that person has been convicted of crimes involving illegal use of controlled substances or crimes of moral turpitude to be on the premises. 391 NAC 8-002.
4. A licensee or director shall request additional information from law enforcement for candidates being considered for employment who have submitted the required felony misdemeanor statement and where circumstances dictate additional information is needed to determine eligibility. Child Care Standards.
5. A denial may be based on the applicant's unwillingness or inability to comply with regulations. 391 NAC 3-001.12
6. The department may take action against an applicant or licensee for the failure to meet any of the requirements of the act or the rules and regulations or for conduct or practices detrimental to the health and safety of any person served by the program. Neb. Rev. Stat. Sec. 71 1919(1)(4).

ORDER

1. The appeal filed by Marion's Quality Services Inc D/B/A as Deb's Learning Place, Case number Inc., is denied and this license now held by Marion's, but not in operation, is revoked effective on the date of this order.
2. The appeal filed by Marion's Quality Services Inc D/B/A It's a Kid's World Inc. Case number is granted to the extent the license will not be revoked but will have additional sanctions placed against it in the form of additional probation. See Attachment A.
3. The allegations concerning the staff/child ratio on March 27, 2011 in case number 11-1699 are dismissed.

DATED this 3 day of October 2012.


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

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 5th day of October, 2012, a copy of the foregoing **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER** was sent by certified United States mail, postage prepaid, to **James Place, Place Law Office, Montana Building, 2813 South 87th Avenue, Omaha, NE 68124** and interagency mail to Agency Counsel, **Teresa Hampton**, Department of Health and Human Services, Lincoln, Nebraska.

DHHS Legal Services
P.O. Box 98914
Lincoln NE 68509-8914
(402) 471-7237 Fax (402) 742-2376

ATTACHMENT A
PROBATION AND CIVIL PENALTY
IT'S A KIDZ WORLD

1. A civil penalty of \$615.00 for the Staff Qualifications relating to the hiring of Ms. Johnson and Ms. Tays (\$5.00 X 123 license capacity for one day violation).
2. Two (2) years of probation with the following terms and conditions:
 - a. Licensee is required to provide Children's Services Licensing staff information about all proposed employees that have convictions prior to hiring any of these individuals as employees to determine if the criminal history is not acceptable for the individual(s) to work in a child care program.
 - b. Licensee must not hire any employee with an entry on either the Nebraska Child Abuse and Neglect Central Registry and/or Nebraska Adult Protective Services Central Registry.
 - c. Licensee must have a director and/or co-director/person in charge and on site during all licensed hours. Within 15 days of the effective date of the Order Licensee must submit or resubmit an application to the Department indicating the name of a director and co-director/person in charge who meet director qualifications. The Department will inform Licensee, in writing, when these individuals are approved.
 - d. Licensee must notify the Department, by telephone within 24 hours and in writing within 36 hours to the Department of any changes in the director and/or co-director/person in charge.
 - e. Licensee 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.). Licensee and any employees and/or agents must cooperate with the Department in these monitoring inspections.

- f. A copy of this Order must be posted with the current child care license so it is clearly visible to parents and agency representatives. Licensee must have all parents of children in care read this Order and sign an acknowledgment of such action. The Acknowledgment must be kept on site in the child's record and be immediately available for review upon the request of Department staff.
- g. Licensee must contact local law enforcement agencies and document how it can obtain publicly available information about the criminal history of individuals from those agencies. Licensee must develop and submit to the Department a written policy and procedure which sets out the steps it will take to use the information it can obtain from law enforcement agencies to ensure staff have adequate and appropriate criminal history checks, and how it will ensure that registry checks, and training prior to hiring are completed and how hiring decisions are made when an individual is found to have a conviction or convictions and or a registry entry, documentation of such, and that staff continue to meet requirements.

These policies/procedures must be submitted to the Department within 15 calendar days after the effective date of this Order. The Department agrees that after reviewing the policies/procedures, it will either approve it or require modifications thereto within ten calendar days. If modifications are required, Licensee must reply within 10 calendar days of notice by the Department by resubmitting the written policies/procedures to the Department for approval. The Department may make minor unilateral modifications to the written policies/procedures. Once approved by the Department, Licensee must implement the written policies/procedures as approved by the Department.

- h. Licensee must have signed documentation that all staff are familiar and are trained in the Policies and Procedures. Documentation must be maintained on site and available for review upon request by the Department.
- i. Licensee must send all documents required by this Order to: Stefanie Sellers, Child Care Inspection Specialist, 1801 North 73rd Street, Omaha NE 68114 or such other address required by the Department in writing.
- j. If the Licensee discontinues its child care program for any reason, the time Licensee is not actively operating a licensed child care program will not count toward the term of probation and any subsequent child care license shall be subjected to the remainder of the term of probation. Any subsequent child care license indicating Licensee or its owners as Licensee/Director shall be subject to the terms of this Order including completion of the term of probation and all other requirements set forth herein.

- k. Licensee must notify the Department, in writing, within seven days of any period it is not actively operating, and the probationary period will toll as of the date the Licensee stopped operation. Violation of any of the terms of this Order or the statutes and regulations governing its license is grounds for revocation of her license or as such other discipline as may be deemed determine appropriate.

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 MARION'S QUALITY SERVICES,
INC. D/B/A IT'S A KIDZ WORLD

)
)
)
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NOTICE OF
REVOCATION

LICENSED LOCATION: 810 FORT CROOK ROAD SOUTH, BELLEVUE, NE, 68005

NOTICE:

Marion's Quality Services, Inc. (hereinafter referred to as "Marion's") is hereby notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") intends to revoke Marion's operating 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 of the Department under the act; ...
- (4) Conduct or practices detrimental to the health or safety of a person served by or employed at the program;"

...
391 NAC 4-001.04 Suspension or Revocation: "The Department may initiate ... or revocation proceedings under any of the following circumstances:

1. When a licensee has shown a history of repeated violations of regulations; 2. When a licensee has violated a regulation(s) so as to create a situation which places children at substantial risk; ...17. When a licensee has violated any regulation; ...".

391 NAC 8-002 Staff Qualifications: "The licensee and the director shall not knowingly allow any person, neither paid nor volunteer, who has been convicted of, admitted to, or there is substantial evidence of crimes involving intentional bodily harm, crimes against children, crimes involving the illegal use of a controlled substance, or crimes involving moral turpitude to be on the center premises. 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 391 NAC 8-006 Prior to Hire: "Candidates being considered for employment as a director, teacher, assistant teacher, and all support staff must be checked against the Nebraska Central Registry of Child Abuse and Neglect and the Nebraska Adult Protective Services Central Registry before being hired." (Page 7, Standard 22, Child Care Center Standards)

"Candidates being considered for employment as a director, teacher, assistant teacher, and/or support staff shall submit a signed "Felony/Misdemeanor Statement" to the licensee or director. The licensee or director shall request additional information from the appropriate law enforcement agency as needed to comply with Department regulations." (Page 7, Standard 23, Child Care Center Standards)

391 NAC 8-007 Felony/Misdemeanor Statement: "The licensee is responsible for reporting any arrests, misdemeanor tickets other than traffic violations, pending criminal charges, and/or any felony/misdemeanor convictions on themselves, the director and staff which includes teachers/assistant teachers and all support staff." (Page 8, Standard 24, Child Care Center Standards)

"The licensee of a child care center shall submit a "Felony/Misdemeanor Statement," signed and dated by the licensee, director, and staff, which includes teachers, assistant teachers, and all support staff, age 19 and older, which includes the following information:

1. Felony and/or misdemeanor arrests related to crimes against children;
2. Misdemeanor tickets, other than minor traffic violations;
3. Felony and/or misdemeanor convictions;
4. Any pending criminal charge(s); and
5. Current parole or probation status.

This statement must include all law enforcement contacts, regardless of prosecution." (Page 8, Standard 25, 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 8-009.01 Staff Child Ratio:

"Age Range of Children	Number of Staff	Number of Children
6 weeks to 18 months	1	4
18 months to 3 years	1	6
3 years	1	10
4 and 5 years	1	12
Kindergarten and up	1	15"

(Page 9, Standard 37, Child Care Center Standards)

FACTS AND FINDINGS:

Marion's is the licensee of a child care center. Such license is on Probation until March 14, 2012. This program is licensed for a maximum of 123 children, ages six weeks to 13 years, Monday through Saturday, 6:00 a.m. to 7:30 p.m. and has been licensed since May 23, 2006. Marion's is also the licensee of a Family Child Care Home II located at 3516 Madison Street, Omaha, Nebraska, 68107 by the name of Deb's Learning Place, Inc.

On April 1, 2011, Department staff initiated a complaint investigation of Marion's. The Department has determined the following facts:

- Staff/child ratio was not met on March 29, 2011. Documentation provided by Marion's stated there were 44 total children in care at 8:00 a.m. According to Marion's records attending the program on that date and time were: four infants, nine toddlers, 13 three-year-olds, 10 four and five year-olds and eight school-age children. According to Marion's records, four staff were directly caring for the children on such date and time. Six staff were required based on the number and age of the children present at the program.
- A review of staff files showed that two staff employed by Marion's, Shannon Tays and Greta Johnson, were current inmates and participants in a work-release program through the Nebraska Department of Correctional Services (DCS). Ms. Johnson is a relative of Angela Marion, Secretary of Marion's Quality Services, Inc. and was hired by Ms. Marion. Ms. Johnson was identified by the program as a "person in charge" when the director, Ms. Parnell, was not on-site. Neither, Ms. Tays or Ms. Johnson accurately completed their felony/misdemeanor statement as each had been convicted of felonies and both were currently incarcerated. Marion's, under the management of Ms. Parnell and/or Ms. Marion, failed to obtain additional law enforcement information on Ms. Tays or Ms. Johnson.

Ms. Johnson's Felony/Misdemeanor Statement signed and dated January 7, 2011 by Ms. Johnson, stated her record of felony and/or misdemeanor convictions included "theft by deception" and disclosed she received "jail time". The Department's investigation shows that Ms. Johnson's actual criminal history includes that she is currently serving time for three (3) felony counts of theft by deception, and has previous additional criminal history/law enforcement contacts.

Ms. Tays' Felony/Misdemeanor Statement signed and dated March 1, 2011 by Ms. Tays, stated she had "no" record of felony or misdemeanor convictions. As part of the investigation, Ms. Tays completed a new Felony/Misdemeanor Statement, dated April 12, 2011, where she disclosed "felony theft, felony forgeries and felony possession" in Douglas and Dodge Counties. The Department's investigation shows that Ms. Tays is currently serving time for five (5) felony counts of forgery and one (1) felony count of possession of a controlled substance (meth), and her criminal history shows numerous additional law enforcement contacts.

- Ms. Marion confirmed that she was aware that Ms. Tays and Ms. Johnson were inmates and in a work release program. Ms. Marion stated she was responsible for providing transportation for Ms. Tays and Ms. Johnson to and from the DCS facility to the program.

- Ms. Marion and Ms. Parnell each stated that the other was responsible for making Ms. Johnson as a "person in charge" when Ms. Parnell was not at the program.
- In addition, on April 11, 2011, the Department received a request to conduct a registry check on a Ms. Cristina Carrizales. No record was found, however, Marion's time-in and time-out records show Ms. Carrizales had been hired prior to the registry checks being conducted. This was confirmed in an interview with Ms. Parnell.

In summary:

- Marion's knowingly hired two individuals who were DCS inmates.
- Marion's failed to conduct a complete criminal history check and ensure that Ms. Johnson and Ms. Tays completed their felony/misdemeanor statement accurately.
- Marion's failed to recognize that hiring Ms. Johnson and Ms. Tays was a violation of the child care center regulations.
- The program has violated the terms of the probation which required Marion's to maintain compliance with all child care regulations.

A review of Marion's licensing file shows that this program was placed on probation and imposed a civil penalty on July 21, 2008 to July 21, 2009. After violating the terms of this probation, the probation period was extended to July 21, 2010 and a second civil penalty was imposed.

Based on the above information and a history of non-compliance, the Department is revoking Marion's Quality Services, Inc.'s child care center license, located at 810 Fort Crook Road, Bellevue, Nebraska, 68005.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on June 8, 2011, 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 June 8, 2011, 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

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

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

Title 391 of the Nebraska Administrative Code, section 4-001.04, also provides that the "licensee shall not transfer the license to a household member or current staff member while a ... revocation action is still pending." In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that "amended applications will not be processed whenever a negative license action is pending."

Dated: May 24, 2011

Joann Schaefer, M.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
Nebraska Department of Health and Human Services
Division of Public Health - Licensure
P.O. Box 94986
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 24th day of May, 2011, a copy of the foregoing **NOTICE OF REVOCATION** was sent by certified and first class United States mail, sufficient postage prepaid to It's a Kidz World, 810 Fort Crook Rd. South, Bellevue, Nebraska, 68005 and Marion's Quality Services, Inc., C/O Richard Marion, Registered Agent, 5606 Willit Street, Omaha, Nebraska, 68152.

Patricia Urzedowski



Division of Public Health, Licensure Unit
301 Centennial Mall South, 3rd Floor, P.O. Box 94988
Lincoln, NE 68509-4988
Phone (402) 471-2115 FAX (402) 471-3577

Division of Public Health

State of Nebraska
Dave Heineman, Governor

March 15, 2011

IT'S A KIDZ WORLD
810 Fort Crook Road
Bellevue, NE 68005

Dear Marion's Quality Services, Inc:

In accordance with the Notice of Disciplinary Action, issued by the Director, Dr. Joann Schaefer, on February 25, 2011, 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 March 14, 2011, and it will remain in effect until March 14, 2012. Upon completion of the probation, a new license will be issued to you.

At this time we ask that you return your current license, within the next ten (10) days, to Marsha Wandersee in the 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
MARION'S QUALITY SERVICES INC	
Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an Operating Child Care Center located at: 810 FORT CROOK RD SOUTH Bellevue NE 68005	
A maximum of 123 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0600 to 1930 on MTWTHF	
IT'S A KIDZ WORLD is hereby issued License No. CCC8861 which is effective on 05/23/2007	
Amended: 03/14/2011	
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 16, 2011.	
Karin Schaefer, MD, Chief Medical Officer, Director Division of Public Health, Department of Health and Human Services	

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

IN THE MATTER OF:
THE OPERATING CHILD CARE CENTER
LICENSE OF MARION'S QUALITY SERVICES,
INC. D/B/A IT'S A KIDZ WORLD

) **NOTICE OF**
) **DISCIPLINARY ACTION**
)

LICENSED LOCATION: 810 FORT CROOK ROAD SOUTH, BELLEVUE, NE, 68005

NOTICE:

Marion's Quality Services, Inc. (hereinafter referred to as "Marion's") 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 Marion's operating 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 1-003.04 Definitions for Child Care Centers: ... "Director - The person who is responsible for the daily operation of the child care center, including compliance with all regulations." ... (Page 4, Child Care Center Standards)

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: "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 8-012 Discipline: "Staff shall not discipline children - ... 4. With subjection to derogatory remarks about themselves, or their families, abusive or profane language, yelling or screaming, or threats of physical punishment;" ... (Page 10, Standard 44, Child Care Center Standards)

FACTS AND FINDINGS:

Marion's Quality Services, Inc. is the licensee of a child care center. This program is licensed for a maximum of 123 children, ages six weeks to 13 years, Monday through Saturday, 6:00 a.m. to 7:30 p.m. and has been licensed since May 23, 2006. Marion's is also the licensee of a Family Child Care Home II located at 3516 Madison Street, Omaha, Nebraska, 68107 by the name of Deb's Learning Place, Inc.

On December 17, 2010, January 12, 2011 and February 15, 2011, Children's Services Licensing staff conducted a complaint investigation of It's a Kidz World regarding allegations that a staff person, J. Salazar, yells and screams at children in care and speaks to them in a demeaning tone. It was substantiated through interviews with the center director, Kim Parnell, staff members including J. Salazar, the parent of a four-year-old child in care, and two members (Kids Squad) of the Early Childhood Network that assists child care programs with high risk children in their care, that the above regulations were violated. The facts are as follows:

- J. Salazar was left alone with a group of child care children on more than one occasion where she was observed yelling, screaming and speaking to children in a demeaning tone. On January 12, 2011, Department staff, while conducting an interview with staff person, C. Mason, observed and heard J. Salazar yell in an aggressive and demeaning tone by telling children "you better sit down" and "you better knock it off." When this occurred, Ms. Mason had just finished informing Department staff that Ms. Salazar was "great with children" and that she had no concerns with Ms. Salazar. When Department staff asked Ms. Mason if she could hear Ms. Salazar and if she thought that Ms. Salazar was acting appropriately, Ms. Mason responded that she could hear Ms. Salazar and did not think Ms. Salazar was acting appropriately. Department staff questioned Ms. Mason as to why she wasn't honest in the interview; to which Ms. Mason responded that she did not want to become involved in the situation. Ms. Mason did state that her own child was afraid to be placed in a room with Ms. Salazar. Department staff contacted Ms. Parnell by phone to inform her of Ms. Salazar's behavior and to ensure that Ms. Salazar was not left alone with children. Prior to leaving, Department staff observed Ms. Salazar with another teacher.
- Center director, Kim Parnell, had been made aware of J. Salazar's behavior and inappropriateness with children on more than one occasion by Kids Squad staff, and specifically, a parent of a four-year-old child, with behavioral needs. According to the parent, Ms. Parnell had been contacted on at least four or five occasions concerning Ms. Salazar's tone of voice and inappropriate demeanor with children dating back to September, 2010. The parent saw no improvement with the exception of her four-year-old being moved from Ms. Salazar's room. The parent had particularly requested her four-year-old not be yelled at because it would escalate the four-year-old's behavior.
- Ms. Parnell did nothing to address the concerns voiced by Kids Squad staff and others. Ms. Parnell maintained that she was comfortable with Ms. Salazar's ability to care for children and continued to allow Ms. Salazar to be employed at the program without any additional training or oversight, and left alone to care and supervise children.
- Staff records obtained show that Ms. Salazar was terminated from employment at It's a Kidz World on January 13, 2011. According to Ms. Parnell, Ms. Salazar was terminated after Department staff observed her yelling, screaming and threatening child care children on January 12, 2011.

- During a follow-up interview with Ms. Parnell on February 15, 2011, Ms. Parnell stated she had been at the center of It's a Kidz World two to three hours a day during November and December of 2010. Ms. Parnell was responsible for all the transportation for the center during this time. At no time did any staff members or the licensee take over the responsibility of director or place a specific staff "in charge" during this time period. It was determined that Ms. Parnell was off-site a majority of the time when violations related to this investigation were occurring.

A review of It's a Kidz World's licensing file shows that this program was placed on probation and imposed a civil penalty on July 21, 2008 to July 21, 2009. After violating the terms of this probation, the probation period was extended to July 21, 2010 and program imposed a second civil penalty.

DISCIPLINARY ACTION IMPOSED:

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

1. Marion's Child Care Center license, It's a Kidz World, is placed on Probation for a period of one year effective March 14, 2011, which is 15 days after the mailing of this Notice. Terms and conditions include:

a. By June 13, 2011, which is 90 days after the effective date of this Notice (March 14, 2011), Richard Marion, President/Treasurer of Marion's, Angela Marion, Secretary of Marion's, and Kim Parnell, center director of It's a Kidz World, and all staff currently employed at It's a Kidz World who have the responsibility of caring for children (which includes director, co-director, teacher, assistant teacher, substitutes and/or volunteers) will, at the program's expense, register/enroll, attend and successfully complete a minimum of six hours of face-to-face training. The training should include but is not limited to appropriate use of discipline, adequate and appropriate supervision, adequate and appropriate communications and interactions when working with children, and dealing with children with behavioral needs.

Marion's must submit in writing, prior to Richard Marion, Angela Marion, Kim Parnell and all staff currently employed at It's a Kidz World, participating in any training, the following to the Department, Attention Susanne Schnitzer, Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure, 1801 North 73rd Street, Omaha, Nebraska, 68114, in order for Ms. Schnitzer to determine if the training meets the requirements for which it is intended: names of It's a Kidz World staff attending, date and time of training, name of the training, presenter/instructor's name, and the number of training hours. This training will not count toward the required 12 hours of annual in-service training.

Upon receipt of the above information, the Department will either approve or require additional information in writing from Marion's within ten working days of the receipt of the letter requesting approval of the training.

Marion's must submit verification of attendance and successful completion by all staff responsible for the care of children and as well as Richard Marion, Angela Marion and Kim Parnell, within fifteen calendar days to the Department at the address listed above.

b. Marion's must establish and implement policies and procedures regarding what is considered appropriate interaction between program staff and children, including developmentally appropriate /non-demeaning communication by program staff towards children, and adequate and appropriate supervision. The policy should also include how staff are informed regarding their compliance with the child care center regulations related to appropriate discipline and specified discipline and/or behaviors which are not allowed by staff. In

addition, the policy must include how management will ensure that compliance with appropriate discipline of children is occurring and what disciplinary measures will be taken if violated.

These policies and procedures must be submitted to the Department for approval at the address indicated above 30 calendar days after Richard Marion, Angela Marion and Kim Parnell have completed the training required and approved above. These policies and procedures must be part of the written policy developed by Marion's. The written policy shall also include procedures for all staff who have the responsibility of caring for children to have read the policy and agree to follow it.

The Department agrees that after reviewing the written policies and procedures, it will either approve it or require modifications thereto. If modifications are required, Marion's agrees to reply within ten calendar days of notice by the Department by resubmitting the written policy to the Department at the above address for approval. The Department reserves the right to make minor unilateral modifications to the written protocol. Marion's agrees to implement the written policies and procedures as approved by the Department.

Marion's will also ensure that all staff responsible for children and all future employees responsible for children have read the policies and procedures, understand them and agree to follow them by maintaining documentation of such (sample of which is attached) which will be available for review upon request by the Department. In addition, all staff responsible for children and all future employees will be familiar and will have read the Child Care Center Standards (CRED-PB-365).

c. By March 14, 2011, which is 15 days after the mailing of this Notice, Kim Parnell, current director of It's a Kidz World, will submit in writing to the Department at the above address, a written schedule outlining the days and times of the week that Ms. Parnell will be present at the center and be able to carry out the duties of director. The Department reserves the right to request additional information regarding this schedule if necessary.

d. During the probationary period, Marion's 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). Marion's and any employees and/or agents must cooperate with the Department in these monitoring inspections.

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

3. 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.

4. If Marion's discontinues the child care program for any reason, the time Marion's is not actively operating a licensed child care program will not count toward the probation period and any subsequent child care license issued by the Department shall be subject to the remainder of the probation period. Marion's must notify the Department within seven (7) days of any period they are not actively operating the program. Any subsequent child care license issued by the Department indicating Marion's Quality Services, Inc. and/or Richard Marion and/or Angela Marion and/or Kim Parnell 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 March 14, 2011, 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 March 14, 2011, which is fifteen days after the mailing of this Notice. It should be addressed to:

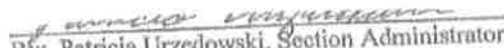
Marsha Wandersee, for DHHS
Children's Services Licensing
Licensure - Division of Public Health
P.O. Box 94986
Lincoln, NE 68509-5986

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."

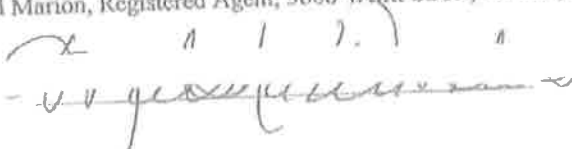
Dated: FEBRUARY 25, 2011

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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 25th day of February, 2011, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to It's a Kidz World, 810 Fort Crook Rd. South, Bellevue, Nebraska, 68005 and Marion's Quality Services, Inc., C/O Richard Marion, Registered Agent, 5606 Willit Street, Omaha, Nebraska, 68152.



ACKNOWLEDGMENT OF POLICIES AND PROCEDURES

I acknowledge that I have read the policies and procedures, understand them and agree to follow them.

Printed Name _____

Staff Position

Date _____

Signature

Printed Name _____



April 14, 2009

State of Nebraska

Dave Heineman, Governor

Marion's Quality Services, Inc.
Richard Marion
5606 Wilit Street
Omaha, NE 68152

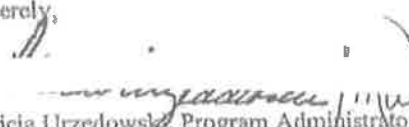
FIRST CLASS AND CERTIFIED MAIL

Dear Mr. Marion:

Since you did not appeal the Notice of Disciplinary Action dated March 26, 2009 by or on April 10, 2009, the civil penalty in the amount of \$615.00 must be paid on or by May 9, 2009 as per the conditions listed on Page 2, #3 of the Notice of Disciplinary Action. Your check or money order is to 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 regarding this letter, please contact me at 402-471-9431.

Sincerely,


Patricia Urzedowska, Program Administrator
Department of Health and Human Services
Division of Public Health
Licensure - Children's Services Licensing
P.O. Box 94986
Lincoln, NE 68509-4986

/mrw

Cc: It's a Kidz World, 810 Fort Crook Road South, Bellevue, NE, 68005

THE 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 THE MARION'S QUALITY
SERVICES, INC. D/B/A IT'S A KIDZ WORLD

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 810 FORT CROOK ROAD SOUTH, BELLEVUE, NE, 68005

NOTICE:

Marion's Quality Services, Inc. d/b/a It's a Kidz World (hereinafter referred to as "Marion's") is hereby notified that the Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") intends to impose disciplinary action against Marion's Child Care Center license for the reasons set out below:

AUTHORITY:

Nebraska Revised Statutes, section 71-1919, 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 of the Department under the act; ...
- (4) Conduct or practices detrimental to the health or safety of a person served by or employed at the program;

...

391 NAC 8-002 Staff Qualifications: "The licensee and the director shall not knowingly allow any person, neither paid nor volunteer, who has been convicted of, admitted to, or there is substantial evidence of crimes involving intentional bodily harm, crimes against children, crimes involving the illegal use of a controlled substance, or crimes involving moral turpitude to be on the center premises. Center staff, whether paid or volunteer, shall not engage in 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: "Center staff or any person designed 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)

FACTS:

Marion's Quality Services, Inc. is the licensee of a Child Care Center located at 810 Fort Crook Road South, Bellevue, Nebraska, 68005. This facility is licensed for a maximum of 123 children, ages 6 weeks to 13 years, Monday through Saturday, 6:00 a.m. to 7:30 p.m. This facility has been licensed since May 23, 2006. On July 21, 2008, Marion's Child Care Center license, It's a Kidz World, was placed on Probation and imposed a civil penalty by Findings of Fact, Conclusions of Law and Order, signed by the Director of the Division of Public Health. This was a result of violations of the responsibilities of a child care center director and the licensing process, staff-child ratio, infant care and supervision.

On February 12, 2009, Department staff conducted a complaint investigation to It's a Kidz World. Department staff were able to substantiate a violation of adequate and appropriate supervision in that:

- On January 15, 2009, two children, ages two years and five years, enrolled at It's a Kidz World were left unattended on a van for approximately ten minutes in sub-zero temperatures by the van driver, Christine Patten.
- Ms. Patten was cited by the Bellevue Police Department for child abuse/neglect, a misdemeanor.
- It's a Kidz World was notified on January 15, 2009 by the Bellevue Police Department that their employee, Ms. Patten, had been cited for child/abuse neglect.
- It's a Kidz World allowed Ms. Patten to transport children the morning of January 16, 2009. Ms. Patten was terminated from employment later in the day.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts presented above and violation of an order by the Department, the Department intends to impose the following conditions:

1. The Probationary license of Marion's Child Care Center is extended from July 21, 2009 until January 21, 2010, effective April 10, 2009, which is 15 days after the mailing of this Notice.
2. Marion's will submit to the Department by April 10, 2009, which is 15 days from the mailing of this Notice, written policies and procedures in regard to the transporting of children and how children will be supervised at all times; i.e., drop-off, pick-up, etc. These policies and procedures must be sent to Susanne Schnitzer, Child Care Inspection Specialist, Children's Services Licensing, 1801 North 73rd Street, Omaha, Nebraska, 68114. In addition, these policies and procedures will be posted so as to be visible by center staff and Department staff.
3. Marion's is imposed a civil penalty in the amount of \$615.00 (\$5.00 per day times license capacity of 123 times one day, January 15, 2009).

Said penalty in the amount of \$615.00 must be paid by May 9, 2009, which is 30 calendar days from the effective date of this Notice (April 10, 2009) and will 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 II, Children's Services Licensing, Licensure - Division of Public Health, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

4. Marion's must prominently post a copy of this Notice of Disciplinary Action with the current child care license so it is clearly visible to parents.

5. 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.
6. Any portion of the probation period during which the child care facility is not operating shall not count towards completion of the probation period.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on April 10, 2009 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 April 10, 2009, 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 68509-4986

That 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.

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."

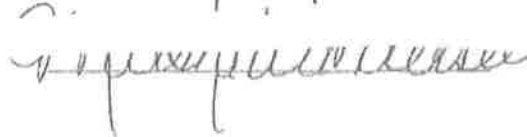
Dated: MARCH 26, 2009

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

Patricia Urzedowski
By: Patricia Urzedowski, Administrator
Children's Services Licensing
Licensure - 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 26th day of March, 2009, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Marion's Quality Services, Inc., C/O Richard Marion, Registered Agent, 5606 Willit Street, Omaha, Nebraska, 68152 and It's a Kidz World, 810 Port Crook Road South, Bellevue, Nebraska, 68005.

A handwritten signature in cursive script, appearing to read "Richard Marion", is written over a horizontal line.



FEB 12 2009

State of Nebraska

Dave Heineman, Governor

Licensing Agreement

We, Marion's Quality Services, Richard and Angela Marion, d/b/a It's A Kidz World, located at 810 Fort Crook Road South, Bellevue, Nebraska, 68005, hereby voluntarily state and declare:

We have read and understand the Child Center Standards (CRCD-PB-0365).

We agreed to comply with each of the Child Care Center Standards as long as we are licensed by the State of Nebraska to provide child care services.

We agree to comply and understand 391 NAC 3-002.01 Required Materials which states: "Evidence of compliance with sanitation rules, fire safety rules, and all Department rules (current fire safety and sanitation approvals must be maintained for a license to be effective)."

We understand and agree that Children Services Licensing, conducted unannounced inspections on October 6, 2006, September 4, 2008, and September 15, 2008. During these inspections the Department observed the fire panel at your child care program not working properly. Bellevue Fire Department confirmed the fire panel was not working and issued a written warning after the September 2008 incident. Statements provided by staff indicated the program failed to repair the fire panel promptly regarding both incidents, October 2006 and September 2008.

We agree to comply with the above stated Nebraska Administrative Code and Child Care Center Standards.

We understand and agree that Children's Services Licensing staff shall conduct unannounced inspections to my program to determine compliance with this Agreement.

Any violation of this Agreement may be grounds for further discipline the Nebraska Department of Health and Human Services, Licensure Unit, Children's Services Licensing may deem appropriate.

This Agreement shall be in effect from date of signing. No expiration date will associated with this licensing agreement as the agreement will stay in effect while you have a current Child Care License with the State of Nebraska.

Department Witness

Angela Marion / Licensee

Date

2/13/09

Date

OR

FEB 17 2009

Page 2 - It's A Kidz World Licensing Agreement

[Signature]
Non-Relative Witness/Notary Public

02/13/2009
Date



[Signature]
Richard Marion, Licensee

2/13/09
Date

5606 WILLIT ST.
Street Address

UMANA, NE 68152
City, Zip Code



Division of Public Health

Division of Public Health, Licensure Unit
301 Centennial Mall South, 3rd Floor, P.O. Box 94000
Lincoln, NE 68509-4000
Phone (402) 471-2115 FAX (402) 471-3677

State of Nebraska

Dave Heineman, Governor

August 6, 2008

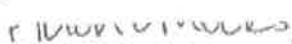
It's a Kidz World
5606 Willitt St
Omaha NE 68152

Dear Marion's Quality Services Inc:

In accordance with the Findings of Fact Conclusions of Law and Order, issued by the Director, Dr. Joann Schaefer, on July 21, 2008, 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 July 21, 2008; and it will remain in effect until July 21, 2009. Upon completion of the probation a new license will be issued to you.

At this time we ask that you return your current license, within the next ten (10) days, to Marsha Wandersee in the Licensure Unit. If you have any questions please contact Child Care Licensing, at (402) 471-9302.

Sincerely,


Helen L. Meeks, Administrator
Licensure Unit

HLM/oib

cc: Child Care Licensing

B14P22016

Your application for Nebraska Child Care Center has been approved and your licensure document is attached. You will receive a new licensure document each time you amend your license.

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

State of Nebraska

PROBATION

Department of Health and Human Services
Regulation and Licensure

MARION'S QUALITY SERVICES, INC.

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: 810 FORT CROOK RD SOUTH Bellevue NE 68005

A maximum of 123 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the
hours of 600 to 1930 on MTWTFSS.

IT'S A KIDZ WORLD is hereby issued License No. OCC8861 which is
effective on 05/23/2007

Amended: 07/21/2008

Given under the name and seal of the Department
of Health and Human Services Regulation and
Licensure of the State of Nebraska at Lincoln on
August 7, 2008.



By: [Signature] Director, Department of Health and Human Services

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

**IN THE MATTER OF THE
REQUEST FOR HEARING**

CASE NO. H08-1085

**MARION'S QUALITY SERVICES,
INC., d/b/a It's a Kidz World,
Child Care Center**

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER**

INTRODUCTION

On April 2, 2008, the Nebraska Department of Health and Human Services Division of Children and Family Services (referred to as "HHS" or "the department") sent a notice of action by certified mail, to Marion's Quality Services, Inc., d/b/a It's A Kidz World, (referred to as "appellant") at 810 Fort Crook Road South, Bellevue, NE 68005. The notice set forth HHS's proposed actions and the statutes, rules and regulations which HHS believed supported its actions. On April 11, 2008, HHS received from appellant a request for fair hearing on the notice of action. On May 2, 2008, a hearing officer issued a notice setting forth the date, time, location, rights, responsibilities and issues for the hearing.

SUMMARY OF THE HEARING

Pursuant to the Notice of Hearing, the hearing on this matter was held on June 2, 2008. Appearing on behalf of the Department was Teresa Hampton. Angela Marion, director of the facility and Dorothy Jacobs, acting director of the facility were present. In addition to the testimony of witnesses, seven (7) exhibits were offered and received into evidence.

FINDINGS OF FACT

1. Susanna Schnitzer, Child Care Inspection Specialist, and Patricia Urzodowski, Administrator of Office of Children's Services for Licensing, both for the Department, testified at the hearing. Angel Marion and Dorothy Jacobs both testified for the facility. After considering the testimony and exhibits, I find as stated in these findings of fact. That on October 6, 2006 and January 22, 2008, Department staff conducted complaint investigations at the facility and it was determined that the staff-child ratio was not met, there was a failure to provide adequate supervision in the infant room and no director was present. A follow-up investigation was conducted on March 11, 2008 and the center was found to be in compliance on all regulations except the

director violation. On March 11, 2008, Department staff conducted a third complaint investigation and violations of staff-child ratio and adequate and appropriate supervision and infant care were observed, including the infant room containing a mixed age of group with a total of 15 children, six being infants and 2 staff members. The toddler room had a total of 16 toddlers with 2 staff members. The program was required to have seven staff members present; however, only 4 staff were present; infants were unattended to in high chairs while eating; infants were observed crying in their cribs; staff were observed leaving children unattended. In addition, the facility failed to notify the Department of a change in director by completion of an application. The most current application on file with the Department identifies Angela Marion as the director, but during the course of the investigation, Dorothy Jacobs identified herself as the director; however, no required background checks were completed before Ms. Jacobs was hired at the facility. On March 27, 2008, a follow-up investigation was conducted and again substantiated the staff-child ratio was not met at the facility.

2. Ms. Marion disagreed with the March 27, 2008 report of staff-child ratio not being met, as she testified that only 31 children and 7 staff members were present. She agreed with the rest of the Department's testimony.
3. Susanne Schmitzer testified for the Department that not enough staff was present on the days of inspection and there was inadequate supervision. Specifically on March 27, 2008, thirty-seven children were present supervised by 5 staff members. One staff member then left the facility; then Ms. Jacobs arrived. However, a director does not count as a staff member when doing administrative duties and cannot be included in the staff count, since she was observed doing administrative duties.
4. Patricia Urzedowski testified that several penalties were considered, such as limits of children or a suspension of license or a revocation. The penalties imposed were based upon the severity and numerous violations at the center. The requirements of a new director, as listed in NEB. REV. STAT. § 391-8-006, include a background check prior to the hire of a director.

CONCLUSIONS OF LAW

The Department is allowed to take disciplinary action against the licensee pursuant to NEB. REV. STAT. § 71-1919. The Notice of Disciplinary Action dated April 2, 2008 cites numerous regulations which have been violated due to the non-compliances found above, including 391 NAC 1-003.04 regarding the responsibilities of a child care center director and the licensing process; 391 NAC 8-009 and 391 NAC 8-009.01 regarding the staff-child ratio being met at all times; and 391 NAC 8-015 regarding the specifics of infant care. The failure to follow regulations relating to a child center director, the ongoing failure to maintain proper staff-child ratio at all times and the failure to follow proper infant care regulations support the Department's action and imposition of fines. The continual failures to comply, after being brought to the facility's attention, show the need for severe consequences to bring this facility into compliance for the safety of the children being cared for. It is

not clear in the regulations as to when to report the hiring of a new director; however, regulations are clear that a background check must be completed for any new director being hired and, therefore, such notification should have occurred prior to acting as Director if the facility had followed the regulation for a background check and Department notification for such background check.

ORDER

The decision of the Department to place Marion's Child Care license on probation for one year effective April 17, 2008; the civil penalty in the amount of \$1,230.00; the completion and submission of a new director application for a background check; and the prominent display in the facility of the Notice of Disciplinary Action, dated April 2, 2008 is hereby affirmed. Marion's Quality Services, Inc, d/b/a It's a Kidz World is hereby advised that NEB. REV. STAT. § 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 the State of Nebraska in the district court in which the program is located," ... and that NEB. REV. STAT. § 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 the department has initiated disciplinary action against the licensee," and that 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: July 21, 2008, 2008.


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

CERTIFICATE OF SERVICE

COMES NOW the undersigned and hereby certifies that on July 21, 2008, a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER was sent by certified United States mail, postage prepaid, return receipt requested, to Marlon's Quality Services, Inc., d/b/a It's a Kidz World, 810 Fort Crook Road South, Bellevue, Nebraska 68005 and by hand-delivery to Teresa Hampton, HHS Regulation and Licensure, Lincoln, Nebraska

Jan Wagner
Jan Wagner

DHHS Legal Services

P.O. Box 95026

Lincoln NE 68509-5026

P. (402) 471-3519 P. (402) 471-9518

THE 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 THE MARION'S QUALITY
SERVICES, INC. D/B/A IT'S A KIDZ WORLD

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 810 FORT CROOK ROAD SOUTH, BELLEVUE, NE, 68005

NOTICE:

Marion's Quality Services, Inc. d/b/a It's a Kidz World (hereinafter referred to as "Marion's") is hereby notified that the Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") intends to impose disciplinary action against Marion's Child Care Center license for the reasons set out below:

AUTHORITY:

Nebraska Revised Statutes, section 71-1919, 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 1-003.04 Definitions for Child Care Centers: "Director - The person who is responsible for the daily operation of the child care center, including compliance with regulations." (Page 4, Child Care Center Standards)

Licensing Process: "The licensee shall report the following changes to the Department of Health and Human Services Regulation and Licensure: ... "c. Change in director." ... (Page 5, Standard 2, Child Care Center Standards)

391 NAC 8-009 Staffing: "The 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)

"The center shall count only those persons directly involved with the immediate care of the children in the staff-child ratio." (Page 8, Standard 31, Child Care Center Standards)

"Center staff or any person designed 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 8-009.01 Staff Child Ratio:

"Age Range Of Children	Number of Staff	Number of Children
6 weeks to 18 months	1	4
18 months to 3 years	1	6
3 years	1	10
4 and 5 years	1	12
Kindergarten and up	1	15"

391 NAC 8-015 Infant Care: Center staff shall meet the emotional and physical needs of infants consistently and promptly. This includes -

1. Talking to, holding, and playing with infants;
2. Allowing infants the opportunity (both morning and afternoon) to explore the environment outside their cribs;" ...
4. Immediately investigating cries of infants;" ... (Page 10, Standard 52, Child Care Center Standards)

"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:

Marion's Quality Services, Inc. is the licensee of a Child Care Center located at 810 Fort Crook Road South, Bellevue, Nebraska, 68005. This facility is licensed for a maximum of 123 children, ages 6 weeks to 13 years, Monday through Saturday, 6:00 a.m. to 7:30 p.m. This facility has been licensed since May 23, 2006.

On October 6, 2006, Department staff conducted a complaint investigation to It's a Kidz World in response to allegations the program was failing to meet staff-child ratio, failing to provide adequate supervision in the infant room and no director being present. Department staff was able to substantiate that the program failed to provide adequate and appropriate supervision and failed to ensure there was enough staff present in the infant room in that six infants were present with one staff member; whereas two were required.

In addition, Department staff substantiated that the program failed to notify the Department of a director change in that director left the program in early September of 2006; whereas, Marion's did not submit an application until April 9, 2007.

On January 22, 2008, Department staff conducted a second complaint investigation to It's a Kidz World in response to allegations that staff-child ratio and adequate supervision were being violated. Department staff substantiated these violations, observing nine infants, 13 toddlers and 14 preschoolers in care this date. Seven staff were required, however, only six staff were directly caring for the children. In addition, the infant room was chaotic with infants crying and needing the attention of staff. A follow-up investigation was conducted on March 11, 2008 and the center was in compliance with the above regulations.

On March 18, 2008, Department staff conducted a third complaint investigation of It's a Kidz World. Department staff substantiated violations of staff-child ratio, adequate and appropriate supervision and infant care. Department staff made the following observations at the program this date:

- The infant room contained a mixed age group with a total of 15 children; six being infants and two staff members. The toddler room had a total of 16 toddlers with two staff members. The program was required to have seven staff present; however, only four staff were present.
- Children were feeding other children.
- Infants were unattended in high chairs while eating.
- Infants were crying in their cribs.
- Staff were observed leaving children unattended.

In addition, Department staff substantiated It's a Kidz World had failed to notify the Department of a change in director by completing an application. During the course of the investigation on March 18, 2008, Dorothy Jacobs identified herself as the Director of the program. The most current application on file with the Department identifies Angela Marion.

On March 27, 2008, Department staff conducted a follow-up investigation and again substantiated staff-child ratio was not met in that there were 37 children present with five staff. Regulations required seven staff be present.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts and repeated violations listed above, the Department intends to impose the following conditions:

1. Marion's Child Care Center license is placed on disciplinary probation for a period of one year effective April 17, 2008.
2. Marion's is imposed a civil penalty in the amount of \$1,230.00 (\$5.00 per day times license capacity of 123 times two days of non-compliance - March 18, 2008 and March 27, 2008).

Said penalty in the amount of \$1,230.00 must be paid by May 17, 2008, which is 30 calendar days from the effective date of the Notice (April 17, 2008) and will 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 II, Nebraska Department of Health and Human Services, Division of Public Health, Children's Services Licensing, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

3. Prior to the use of any new director, Marion's must submit a complete Child Care Center application by April 17, 2008 so that all of the required background checks may be completed.
4. Marion's must prominently post a copy of this Notice of Disciplinary Action with the current child care license so it is clearly visible to parents.
5. 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.

6. Any portion of the probation period during which the child care facility is not operating shall not count towards completion of the probation period.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on April 17, 2008, 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 April 17, 2008, which is fifteen days after the mailing of this Notice. It should be addressed to:

Marsha Wandersee, for MHS P&S
Legal Services - Child Care Licensing
P.O. Box 95007
Lincoln, NE 68509-5007

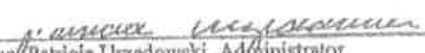
That Nebraska Revised Statutes, section 71-1920 of the Child Care Licensing Act, provides that "any fine imposed and unpaid under the Child Care Licensing Act shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper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

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: APRIL 2, 2008

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


By: Patricia Urzedowski, Administrator
Office of Children's Services Licensing
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 2nd day of April, 2008, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Marion's Quality Services, Inc., C/O Richard Marion, Registered Agent, 5606 Willit Street, Omaha, Nebraska, 68152 and It's a Kidz World, 810 Port Crook Road South, Bellevue, Nebraska, 68005.

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