

February 27, 2014


BONNIE'S DAYCARE
Bonnie Knoop, Licensee
1110 North 18th Street
Beatrice, NE 68310

Dear Ms Knoop:

In accordance with the Notice of Disciplinary Action issued on February 10, 2014, by Joseph Acierno, MD, JD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, your original License to operate a Family Child Care Home II in the State of Nebraska has been placed on Probation. A license imprinted with the term "PROBATION" is enclosed. This status became effective February 26, 2014, and it will remain in effect until August 26, 2014. Upon completion of the Probation, a new license will be issued to you.

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

Sincerely,


Helen L. Meeks, Administrator
Licensure Unit

HLM/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

PROBATION

Department of Health and Human Services
Division of Public Health

BONNIE KNOOP

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Family Child Care Home II
located at: 1110 NORTH 18TH BEATRICE NE 68310

A maximum of 12 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0600 to 1730 on MTWTHF.

BONNIE'S DAYCARE is hereby issued License No. F18352 which is effective on 06/20/2007

Amended: 02/26/2014

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 February 27, 2014.



Joseph M. Acierno
Joseph M. Acierno, M.D., J.D., 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 FAMILY CHILD CARE HOME I)
LICENSE OF BONNIE KNOOP, D/B/A BONNIE'S)
DAYCARE)**

**NOTICE OF
DISCIPLINARY ACTION**

LICENSED LOCATION: 1110 NORTH 18TH STREET, BEATRICE, NE, 68310

NOTICE:

Bonnie Knoop (hereinafter referred to as "Knoop") is notified that the Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") is imposing disciplinary action against Knoop's Operating Family Child Care Home II license for violations of the following statutes and regulations:

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; ..."

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

391 NAC 2-008.01 Grounds for Denial or Disciplinary Action: "The Department may deny the issuance of or take disciplinary action against a license on any of the following grounds:

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

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

391 NAC 2-006.01 Licensee Qualifications and Requirements: “The Family Child Care Home I licensee must: 4. Be responsible for the day-to-day operation of the child care program; ...7. Be in compliance with all regulations whenever children are in care;” ...

391 NAC 2-006.06 Child’s Record: “A Child’s Record must be completed before the child’s enrollment. The record must be kept current and available for review upon request by the Department.” ...

391 NAC 2-006.08B Staff-to-Child Ratio: “The appropriate staff-to-child ratio must be met at all times, as follows: ...2. Mixed ages. If the program providers care to children of mixed ages, the following ratios apply:

Number of Children in Care	Number of Staff Required
1-10	1
11-12	2

- a. Programs serving children of mixed ages may provide care for up to three infants if no more than two of the infants are under 12 months of age.
- b. Programs serving ten children with one staff are limited to two infants and the ninth and tenth children must be school-age.”

391 NAC 2-006.15B Beds, Cribs, and Sleeping Surfaces: “Appropriate sleeping surfaces must be available for each child in care. ...b. Cribs must be equipped with a tight-fitting waterproof mattress covered by a fitted sheet. The mattress pad for a playpen must be specifically designed for playpen use and covered by a fitted sheet; c. Cribs and playpens must contain no soft objects, bumper pads, toys, or loose bedding. If a blanket is used, it must be secured or tucked under the crib mattress or the pad of the playpen and reach no higher than the infant’s chest;” ...

391 NAC 2-006.25E Other Environmental Safety Requirements: ...“2. All cleaning agents, medications (both prescription and nonprescription), and poisonous materials must be kept in locked storage at all times children are in care.” ...

391 NAC 2-007.07 Fire Safety: ...“There must be two unblocked exits approved by the fire Marshal from every floor on which child care is provided.” ...

FACTS AND FINDINGS:

Knoop is licensee of a Family Child Care Home I that is currently licensed for a maximum of 12 children, ages six weeks to 13 years, 6:00 a.m. to 5:30 p.m. Monday through Friday. This program was licensed on June 20, 2007.

On January 9, 2014, Angie Lewis (hereinafter referred to as “Lewis”), Child Care Inspection Specialist, Children’s Services Licensing, Licensure Unit, Division of Public Health, conducted a visit to Knoop’s program to deliver a Licensing Agreement. The Licensing Agreement was a result of an inspection conducted on December 10, 2013 in which Knoop was found to be in violation of staff-to-child ratio and having cleaning agents unlocked.

Upon arrival at 10:15 a.m., Lewis observed five children in the main room and one child in a playpen. Knoop said that another child was in a playpen in a bedroom with the lights off. Lewis could hear this child talking. At this time, Knoop signed the Licensing Agreement.

At approximately 10:30 a.m., Lewis went into the bedroom to observe the child in the playpen and observed four children in playpens in the dark bedroom. Each child in each of the playpens was awake, each playpen contained blankets but fitted sheets were needed in all four of the playpens.

Knoop was alone with: one 9 month old; one 10 month old; one 16 month old; one 17 month old; one 18 month old, one 21 month old; two 3 year olds; and two 4 year olds. No school-age children were present.

Lewis directed Knoop to reduce the number of children in care to eight children that would include three infants or less and/or contact an additional caregiver to come in to care for the children. Knoop contacted a parent to pick up two of the children. A mother picked up two of the children; a 21 month old and a 3 year old at 11:00 a.m. Shortly after that, a 4 year old child arrived from preschool. At 11:20 a.m., a second caregiver arrived. At that time, Knoop was in compliance with the staff-to-child ratio with nine children in care.

Knoop had initially told Lewis that she had seven children in care when Knoop had ten children were in care with Knoop as the only provider. Knoop was not accurate in the information Knoop provided to Lewis as to the ages of the children in care. Knoop informed Lewis that one child in care was 18 months old when the child was 16 months old; another child was 21 months old when the child was 17 months old; and another child was 22 months old when the child was 18 months old.

Lewis also observed the following violations during her visit:

- Cleaning agents were on the counter. Knoop placed in locked storage after the violation was brought to her attention. This is a repeat violation from October 12, 2011, October 22, 2012; November 12, 2013.
- Loose bedding was in the playpens with children. This is a repeat violation from November 12, 2013.
- The four playpen mattresses had no fitted sheets. Knoop corrected at the time of the visit after the violation was brought to her attention.
- A Child's Record was not available for one child in care. This is a repeat violation from November 12, 2013.
- One approved fire exit was blocked by a recliner/rocker. Knoop corrected at the time of visit after the violation was brought to her attention. This is a repeat violation from October 28, 2010.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts presented above, the Department is imposing the following:

1. Knoop is assessed a civil penalty in the amount of \$60.00 (\$5.00 times license capacity of 12 children times one day of non-compliance: December 10, 2013), effective February 26, 2014.

Said penalty in the total amount of \$60.00 must be paid on or by March 28, 2013, which is thirty (30) calendar days from the effective date of this Notice, February 26, 2014 and must be payable to the Nebraska Department of Health and Human Services, Division of Public Health, Licensure. Said penalty must be sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, Children's Services Licensing, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

2. Knoop's Family Child Care Home II license is placed on Probation for a period of six months effective February 26, 2014. Terms and conditions include:

a. By February 26, 2014, Knoop must develop and submit to the Department, Attn: Angie Lewis, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Courthouse, 1700 Stone Street, Falls City, Nebraska, 68355, or at such address as directed in writing by the Department, a plan as to how Knoop will ensure that:

- The appropriate staff-to-child ratio is maintained at all times children are in attendance;
- Cleaning agents and poisons are kept in locked storage at all times children are in attendance;
- Child's Records are completed before enrollment;
- Mattress pads in playpens have fitted sheets; and
- There are two unblocked fire exits

The Department agrees that after reviewing this written plan, it will either approve or require modifications thereto. If modifications are required, Knoop must within ten calendar days of notice by the Department resubmit the written plan to the Department with the required modifications. The Department reserves the right to make minor unilateral modifications to the written policy.

Once approved, Knoop must implement the plan as approved by the Department.

b. During the probationary period, Knoop must maintain compliance with all applicable Child Care Regulations; specifically those regulations listed in the Inspection Compliance Review dated January 9, 2014 and the Licensing Agreement signed by Knoop on January 9, 2014.

c. Knoop agrees to notify all parent(s)/guardian(s) of all children enrolled in her program and parents of future enrollees by providing the Department a copy of the Acknowledgment of Notice of Disciplinary Action dated February 11, 2014 and Inspection Compliance Review dated January 9, 2014 signed by all parent(s)/guardian(s) of all children enrolled in her program by February 26, 2014.

Acknowledgments from parent(s)/guardian(s) of future enrollees are due to the Department within fifteen calendar days from the date of enrollment. A copy of this Acknowledgment is attached to this Notice.

These Acknowledgments must be sent to the Department, Attn: Angie Lewis, at the above address, or at such address as directed in writing by the Department.

3. Compliance will be monitored by Children's Services Licensing staff and may be monitored by other Department representatives (i.e., Fire Marshal or designated agent, Environmental Health Specialist/Scientist or designated agent, Resource Development Worker, Children and Family Services

Specialist/Worker, etc.). Knoop and any employees and/or agents must cooperate with the Department in these monitoring inspections.

4. 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.

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

6. If Knoop discontinues the child care program for any reason, the time Knoop is not actively operating a licensed child care program will not count toward the probation period and any subsequent child care license issued by the Department indicating Knoop and/or Bonnie's Daycare as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Knoop must notify the Department, in writing, within seven (7) working days of any period she is not actively operating the program. Active operation is the provision of child care for a minimum of forty (40) hours a week for fifty (50) weeks of a calendar year.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on February 25, 2014, unless the Department receives a written request for a hearing on or before such date. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than February 25, 2014. It should be addressed to:

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

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

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

form of action in the name of State of Nebraska in the district court of the county in which the program is located.” ...

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

Dated: February 10, 2014

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

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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 10 day of February, 2014, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Bonnie Knoop, Bonnie’s Daycare, 1110 North 18th Street, Beatrice, Nebraska, 68310.

Marsha Wandersee
Marsha Wandersee

**ACKNOWLEDGMENT OF NOTICE OF DISCIPLINARY ACTION
AND INSPECTION COMPLIANCE REVIEW**

NAME: _____

ADDRESS AND PHONE NUMBER: _____

I have received a copy of the Notice of Disciplinary Action and Inspection Compliance Review.

Names of my child(ren) enrolled for child care in the Family Child Care Home II of Bonnie Knoop and schedule:

Day:	(enter time and circle "a.m." or "p.m.")	Name of Child(ren)
Monday:	___ a.m./p.m. to ___ a.m./p.m.	_____
Tuesday:	___ a.m./p.m. to ___ a.m./p.m.	_____
Wednesday:	___ a.m./p.m. to ___ a.m./p.m.	_____
Thursday:	___ a.m./p.m. to ___ a.m./p.m.	_____
Friday:	___ a.m./p.m. to ___ a.m./p.m.	_____
Saturday	___ a.m./p.m. to ___ a.m./p.m.	_____
Sunday	___ a.m./p.m. to ___ a.m./p.m.	_____

Date child(ren) enrolled: _____

Date: _____ Signed _____

Date: _____ Signed _____

A signed and dated copy of this Acknowledgment must be signed by at least one parent. The Acknowledgment will be mailed or faxed by Bonnie Knoop to the Department. The Department's fax number is 402-245-4085. The Department's mailing address is:

Angie Lewis, Child Care Inspection Specialist
Children's Services Licensing - Licensure Unit
Courthouse - 1700 Stone Street
Falls City, NE 68355

Date Received: _____

You as a parent may contact these individuals: Kathee Sanchez, Child Care Licensing Supervisor, 402-471-9193 or Angie Lewis, Child Care Inspection Specialist, 402-245-4439.



Division of Public Health

State of Nebraska

Dave Heineman, Governor

LICENSING AGREEMENT

I, Bonnie Knoop, hereby voluntarily state and declare:

I am the licensee of a Family Child Care Home II #F18352, located at 1110 North 18th Street, Beatrice, Nebraska 68310.

I agree to comply with all the regulations governing licensure of Family Child Care Home II, effective May 20, 2013 as long as I am licensed by the State of Nebraska to provide child care services.

I understand and agree to comply with:

391NAC 2-006,08B Staff-to-Child Ratio: The appropriate staff-to-child ratio must be met at all times as follows:

2. Mixed ages. If the program provides care to children of mixed ages, the following Ratios apply:

Number of Children in Care	Number of Staff Required
1 - 10	1
11 - 12	2

- a. Programs serving children of mixed ages may provide care for up to three infants if No more than two of the infants are under 12 months of age.
- b. Programs serving ten children with one staff are limited to two infants and the ninth and tenth children must be school-age.

391 NAC 2-006,25E Environmental Safety Requirements:

2. All cleaning agents, medications (both prescription and nonprescription), and poisonous materials must be kept in locked storage at all times children are in care. Separate locked storage must be provided for medications requiring refrigeration.

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

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

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

This Agreement shall be in effect for one year from the signing after which time the Agreement will be reviewed and terminated, extended and/or modified. In addition, should a change of address occur or should I reapply for a different type of child care license, this Licensing Agreement may transfer to the new license and/or address if appropriate to the conditions of this Licensing Agreement.

Child Care Inspection Specialist <u>Provider/Licensee</u>	_____ Provider/Licensee
Date <u>1-9-14</u>	_____ Street/Address

OR

Non-Relative Witness/Notary Public <u>Child Care Inspection Specialist</u>	_____ City and Zip Code
Date <u>1-9-14</u>	_____ Date