



May 7, 2015

Alma Cannon
5830 Sahler
Omaha, NE 68104

CERTIFIED AND FIRST CLASS MAIL

Dear Ms. Cannon:

Since you have complied with Notice of Disciplinary Action dated March 31, 2015 by coming into compliance as of May 1, 2015, you have been assessed a civil penalty in the amount of \$150.00 (\$10.00 a day times fifteen days, April 16, 2015 through April 30, 2015). This penalty must be received by or on June 7, 2015.

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

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

Sincerely,

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

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

BW/rk

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

IN THE MATTER OF:

**THE OPERATING FAMILY CHILD CARE
HOME I LICENSE OF ALMA CANNON**

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

AUTHORITY:

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

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

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

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

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

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

FACTS AND FINDINGS:

Cannon license number FI4100 - is located at 5830 Sahler, Omaha, NE 68104 and is currently licensed for a maximum of 10 children, ages 6 weeks to 13 years, 6:00 a.m. to 12:30 a.m., seven days a week. This program was licensed on September 25, 2007.

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

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

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

DISCIPLINARY ACTION IMPOSED:

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

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

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

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

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

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

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

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on April 15, 2015, unless the Department receives a written request for a hearing on or before such date. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request on or before such date, the action of the Department is final.

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

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

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

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

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

Dated: MARCH 31, 2015

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

Patricia Urzedowski

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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 31 day of March, 2015, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was mailed to Alma Cannon, 5830 Sahler, Omaha, NE 68104.

Alma Cannon