

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

March 17, 2017

NORTH CREEK CHILD DEVELOPMENT CENTER
Parkview Child Development Services, LLC, Owner
Greg Dillavon, Registered Agent
2070 Fletcher Ave.
Lincoln, NE 68521

Dear Mr. Dillavon:

In accordance with the Notice of Disciplinary Action that was issued on March 1, 2017, by Thomas L. Williams, Chief Medical Officer, Division of Public Health, Department of Health and Human Services, the original License of North Creek Child Development Center 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 17, 2017, and it will remain in effect until March 17, 2018. Upon completion of the Probation, 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: Marsha Wandersee, 301 Centennial Mall South, Lincoln, NE 68509-4986.

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

Sincerely,

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

BW/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

PARKVIEW CHILD DEVELOPMENT SERVICES, LLC

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

located at: 2070 FLETCHER AVE Lincoln NE 68521

A maximum of 125 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0630 to 1800 on MTWTHF.

NORTH CREEK CHILD DEVELOPMENT CENTER is hereby issued License No. CCC8904 which is effective on 02/29/2008

Amended: 03/17/2017

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 March 20, 2017.



The Honorable [Name], MD Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

NEBRASKA

Good Life. Great Mission.



DEPT. OF HEALTH AND HUMAN SERVICES

Pete Ricketts, Governor

**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 PARKVIEW CHILD
DEVELOPMENT SERVICES, LLC, D/B/A NORTH
CREEK CHILD DEVELOPMENT CENTER

**NOTICE OF
DISCIPLINARY ACTION**

LICENSED LOCATION: 2070 FLETCHER AVE., LINCOLN, NE, 68521
LICENSE NUMBER: CCC8904
CAPACITY: 125
AGES: SIX WEEKS TO 13 YEARS
HOURS AND DAYS: 6:30 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: FEBRUARY 21, 2007

NOTICE:

Parkview Child Development Services, LLC (hereinafter referred to as "Parkview") 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 Parkview's operating Child Care Center license known as North Creek Child Development Center (hereinafter referred to as "North Creek") 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; ...
- (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;" ...

391 NAC 3-008.01 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 3-002 DEFINITIONS "Adequate and appropriate supervision includes: 1. Knowing the whereabouts and being within sight or sound of all children at all times; 2. Being awake, alert, attentive, and responsive to the needs of all children, and 3. Protecting or removing children from harm."

391 NAC 3-003.05B Corrective Action Status: "The Department may place a provisional or operating license on corrective action status for up to six months if: 1. The licensee is unable to comply with all licensure requirements and standards or has a history of noncompliance;" ...

391 NAC 3-003.05B2: "The Department may discipline the license if the written plan of correction is not approved."

391 NAC 3-006.01 Licensee Requirements: "The licensee must: 1. Ensure that the center is administered and managed appropriately; 2. Maintain compliance with all applicable state statutes and child care center regulations;" ...

391 NAC 3-006.02 Director Requirements: "The director is responsible for managing the day-to-day operations of the child care center. ... The director must: 1. Be responsible for the center's compliance with rules and regulations; 13. Ensure that staff-to-child ratios are met at all times;" ...

391 NAC 3-006.15B Staffing Requirements: "1. All staff must be awake and alert to the needs of the children at all times, including napping/sleeping times. 2. Each room where children are receiving care must have a teacher who is involved with the direct care of children." ...

391 NAC 3-006.15C Staff-to-Child Ratio: "The center must maintain accurate staff and daily attendance records to verify compliance with staff-to-child ratios. Compliance with staff-to-child ratios is determined on a center-wide basis.

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 3-006.23A Infant Care Rooms: "Rooms where infants are receiving care must be limited to the care of no more than 12 children at any one time." ...

391 NAC 3-006.30E Notification to the Department of Emergencies: "The licensee/director must notify the Department within 24 hours or next business day of the following occurrences at the center: ... 3. When a child has been missing, lost, or left unsupervised on or off the premises;" ...

FACTS:

Greg Dillavon is listed as the authorized agent of record and Kaleigh Powell is listed as the director.

On November 30, 2016, Angie Lewis (hereinafter referred to as "Lewis"), Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, cited North Creek for not having the required number of staff needed in an infant room and not meeting sanitation requirements. A review of North Creek's licensing file indicates the following history of violations:

- November 25, 2013: Staff washed hands in sink that was used to wash dishes, etc. in the infant room; notification of changes – new director at center and licensing not notified; playpens contained loose bedding; playpens not separated by 3 feet of space; fire and tornado safety diagrams did not explain the evacuation of children with special needs; first aid kit did not have all supplies; Bumby seat did not have required safety strap; no parent permission for child to leave the premises; incomplete staff records; no written duties and responsibilities for director; no written criteria to assess the ability of staff to give or apply medications; incomplete description of services; center policy incomplete; no Disaster Preparedness Plan available for review; incomplete transportation policy; incomplete policy on communicable disease; and no first aid kit for transportation vehicle.
- July 2, 2014: Infant care rooms with 10 infants in care with 2 staff; fire and tornado diagrams did not explain evacuation of children with special needs; no proof of written documentation of fire and tornado drills; mold visible on pipe covers under sinks in two rooms; Bumby seat had no safety straps; medication in unlocked storage; nap mats with exposed foam in need of repair; staff records incomplete; center policies unavailable that include staff qualifications and training requirements; no documentation of routine and preventive maintenance; no written transportation policy available; no proof of specific center staff assigned to infants in writing; high chairs not equipped with 3 point safety straps; no signed statement from parent describing formula and feeding schedule; and no written permission from parent to take child off premises for swimming.
- November 19, 2014: Infant care rooms - 10 infants in care in one room with only 2 staff assigned to care for the infants; no current Health Information Report on one staff; no registry check completed on one staff; no receipt of Parent Information Brochure signed by parent for one child; mats were not separated by 3 feet of space in toddler and preschool rooms; fire drills were not conducted monthly; one tornado drill practiced instead of 4 drills; and no Disaster Preparedness Plan available.

Based on the violations substantiated during the November 30, 2016 inspection and the history of violations specific staff/child ratio and sanitation violations, the Department notified North Creek of an offer to place the license on Corrective Action Status. If accepted, North Creek was required to submit a Plan of Correction to be approved by the Department. The plan was to be received within ten calendar days of receipt of the letter. The Department did not receive a Plan of Correction.

While waiting on a response from North Creek regarding the Corrective Action Status offer, the Department received information that two children were left alone in the facility. Lewis conducted an investigation of North Creek on December 21, 2016. Based on interviews conducted, Lewis was able to substantiate that two children, ages two and three years of age, were left alone in the facility. Center staff had closed the facility for the day, locked the door to the building and were prepared to leave the

premises. The assistant director was still in the parking lot when the mother of the children arrived and alerted the assistant director, Kari Stattler, that she was there to pick up her children. Ms. Stattler and the parent entered the center and found the children in the bathroom alone with the lights on playing in the water. Based on staff interviews, it was determined that the two year old was missing from approximately 5:15 p.m. to 6:05 p.m. and the three year old was missing from approximately 5:40 p.m. to 6:05 p.m.

North Creek failed to notify the Department of this incident within 24 hours or the next business day. This incident occurred on December 13, 2016. The Department was not notified until December 15, 2016.

The investigation also indicated that the center violated staff-to-child ratio for infants with more than 12 children in a room with two staff.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts set out above, the Department rescinds the offer of Corrective Action Status and intends to impose the following:

1. The Licensee's Child Care Center license is placed on probation for a period of one year effective March 17, 2017. The following terms and conditions will apply:

a. The Licensee will submit written policies and procedures describing how North Creek will ensure that staff-to-child ratio will be maintained at all times children are in attendance as well as ensuring that adequate and appropriate records are being used and available for review that include attendance times and accurate recording of information by staff.

The Department agrees that after reviewing these written policies and procedures, it will either approve or require modifications. If modifications are required, the Licensee 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 plan. Once approved, the Licensee agrees to implement the written policies and procedures as approved by the Department.

b. By March 17, 2017, the Licensee will submit a written plan identifying how the program will ensure that there will be no combining of infants (six weeks to 18 months) with other children.

The Department agrees that after reviewing this written plan, it will either approve or require modifications. If modifications are required, the Licensee 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 plan. Once approved, the Licensee agrees to implement the plan as approved by the Department.

c. Staff-to-child ratio must be checked and documented at least twice during the day at varying times during the probationary period. Documentation must be maintained on the child care premises and available for review by the Department upon request. If at any time the program is out of compliance with staff-to-child ratio, this is to be recorded and submitted to the Department.

d. By March 17, 2017, the Licensee must submit a written plan outlining a tracking system that has been developed to monitor children transitioning from room to room. The Licensee will ensure that all staff, including the director and assistant director, are trained in the use of and importance of this tracking

system. This tracking system should include conducting a daily head count every time a child(ren) leaves one area/room of the center to go to another area/room of the center. The director/assistant director will recount to ensure accuracy at least once a week.

The Department agrees that after reviewing this written plan, it will either approve or require modifications. If modifications are required, the Licensee 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 plan. Once approved, the Licensee agrees to implement the tracking system as approved by the Department.

e. By March 17, 2017, the Licensee will submit a written plan as to how the above policies and procedures will be implemented and how current and new staff will be made aware of these policies and procedures.

The Department agrees that after reviewing this written plan, it will either approve or require modifications. If modifications are required, the Licensee 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 plan. Once approved, the Licensee agrees to implement the plan as approved by the Department.

2. The Licensee is responsible for paying for all costs associated with compliance.

3. All documentation required must be submitted to Department, Attn: Angie Lewis, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, Courthouse, 1700 Stone Street, Falls City, Nebraska, 68355, or at such other address as directed in writing, by the Department.

4. 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.). The Licensee and any employees and/or agents must cooperate with the Department in these monitoring inspections.

5. 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.

6. Failure to comply with the terms of this disciplinary action, the applicable Child Care Regulations and failure to correct the 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.

7. If the Licensee discontinues the child care program for any reason, the time the Licensee 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 Parkview Child Development Services, LLC and/or North Creek Child Development Center as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. The Licensee must notify the Department, in writing, within seven (7) working days of any period that it 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 March 16, 2017, 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 March 16, 2017. It should be addressed to:


Marsha Wandersee, for DHHS
Children's Services Licensing
Licensure Unit – 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.

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 1, 2017

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


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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 1 day of March, 2017, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to:

North Creek Child Development Center
2070 Fletcher Ave.
Lincoln, NE 68521

Parkview Child Development Services, LLC
C/O Greg Dillavon, Registered Agent
2070 Fletcher Ave.
Lincoln, NE 68521

Parkview Child Development Services, LLC
4400 North 1st
Lincoln, Ne 68521


Marsha Wanderssee

March 17, 2016

North Creek Child Development Services
Parkview Child Development Services, LLC
2070 Fletcher Avenue
Lincoln, NE 68521

CERTIFIED AND FIRST CLASS MAIL

Dear North Creek Child Development Services:

Since you have complied with Notice of Disciplinary Action dated February 19, 2016 by coming into compliance with Step Up to Quality as of March 14, 2016, you have been assessed a civil penalty in the amount of \$500.00 (\$125.00 a day times four days, March 8, 9, 10, and 11, 2016). This penalty must be received by or on April 17, 2016.

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

If you have questions, please contact Diane Kvasnicka, Program Manager, at 402-471-9431.

Sincerely,


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

BW/mrw

Cc: Children's Services Licensing



Division of Public Health

State of Nebraska
Pete Ricketts, Governor

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

**IN THE MATTER OF:)
THE OPERATING CHILD CARE CENTER)
LICENSE OF PARKVIEW CHILD DEVELOPMENT)
SERVICES, LLC, D/B/A NORTH CREEK CHILD)
DEVELOPMENT SERVICES)**

**NOTICE OF
DISCIPLINARY ACTION**

LICENSED LOCATION: 2070 FLETCHER AVENUE, LINCOLN, NE., 68521

LICENSE NUMBER: CCC8904

CAPACITY: 125

AGES: SIX WEEKS TO 13 YEARS

HOURS AND DAYS: 6:30 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY

DATE INITIALLY LICENSED: FEBRUARY 21, 2007

NOTICE:

Parkview Child Development Services, LLC (hereinafter referred to as "Parkview") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Parkview's operating Child Care Center license, North Creek, 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;

(12) Failure to comply with the Step Up to Quality Child Care Act."

Nebraska Revised Statutes, section 71-1957, of the Step Up to Quality Child Care Act provides that, "Application to participate in the quality rating and improvement system shall be voluntary for applicable child care and early childhood education programs with the following exceptions: ... (2) Beginning July 1, 2015, and not later than December 31, 2015, each applicable child care or early childhood education program that received over two hundred fifty thousand dollars in child care assistance pursuant to section 68-1202 for FY2011-12 shall apply to participate in the quality rating and improvement system and shall be assigned a quality scale rating as provided in sections 71-1956 and 71-1958;" ...

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: ... (e) 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 3-008.01 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:

Greg Dillavon is listed as the authorized agent of the program.

Parkview received over \$250,000 in child care assistance pursuant to section 68-1202 for FY2011-12.

Parkview received a certified letter on June 10, 2015 from Nicole Vint, Program Manager for the Child Care Development Fund informing Parkview that their program was identified as one of the programs required to participate in "Step Up to Quality".

North Creek received a certified letter on November 12, 2015 from Nicole Vint, Program Manager for the Child Care Development Fund reminding North Creek to register in "Step Up to Quality" before December 31, 2015.

Parkview failed to participate in the quality rating and improvement system, Step Up to Quality, between July 1, 2015 and December 31, 2015.

DISCIPLINARY ACTION IMPOSED:

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

1. Parkview is assessed a civil penalty in the amount of \$125.00 per day (\$1.00 times license capacity of 125.00 children) from the effective date of this Notice, March 8, 2016, and for each day thereafter, not including Saturday and Sunday, that Parkview fails to register to participate in Step Up to Quality.

2. Parkview will submit documentation of enrollment in Step Up to Quality by submitting such documentation to Marsha Wandersee, Children's Services Licensing - Licensure Unit, Division of Public Health, PO Box 94986, Lincoln, Nebraska, 68509-4986. Once Ms. Wandersee has received and verified the required documentation, Parkview will be informed in writing of the total of the civil penalty, which will be due 30 calendar days from the date of the notification to Parkview.

Said penalty will then be payable to the Nebraska Department of Health and Human Services, Division of Public Health. Said penalty is to be sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, PO Box 94986, Lincoln, Nebraska, 68509-4986.

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

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on March 7, 2016, unless the Department receives a written request for a hearing on or before such date. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request 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 on or by March 7, 2016. It should be addressed to:

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

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

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

That Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that "a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the

Department may refuse to accept a voluntary surrender of a license if the licensee is under investigation or if the Department has initiated disciplinary action against the licensee.

Dated: February 17, 2016

Courtney N. Phillips, MPA
Chief Executive Officer
Department of Health and Human Services


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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 19 day of February, 2016, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to North Creek Child Development Center, 2070 Fletcher Avenue, Lincoln, Nebraska, 68521, Parkview Child Development Services, LLC, Greg Dillavon, Registered Agent, 4400 N. 1st Street, Lincoln, Nebraska, 68521 and Parkview Child Development Services, LLC, 2070 Fletcher Avenue, Lincoln, Nebraska, 68521.


Marsha Wandersee



Division of Public Health

State of Nebraska
Dave Heineman, Governor

September 5, 2014

PARKVIEW CHILD DEVELOPMENT CENTER
d/b/a NORTH CREEK CHILD DEVELOPMENT CENTER
Alan Branding, Registered Agent
2070 Fletcher Ave.
Lincoln, NE 68521

Re: Civil Penalty Payment – License No. CCC8904

Dear Mr. Branding:

Pursuant to the Notice of Disciplinary Action issued on August 15, 2014, by Joseph Acierno, MD, JD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, you are to pay by October 3, 2014, a Civil Penalty in the amount of \$250.00. 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 Children's Services Licensing at (402) 471-9302.

Sincerely,

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

Becky Wisell, Administrator
Licensure Unit

HLM/dcp

cc: Children's Services Licensing

**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 PARKVIEW CHILD)	NOTICE OF
DEVELOPMENT SERVICES, LLC, D/B/A NORTH)	DISCIPLINARY ACTION
CREEK CHILD DEVELOPMENT CENTER)	

LICENSED LOCATION: 2070 FLETCHER AVE., LINCOLN, NE, 68521

NOTICE:

Parkview Child Development Services, LLC (hereinafter referred to as "Parkview") 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 Parkview's operating Child Care Center license known as North Creek Child Development Center (hereinafter referred to as "North Creek") 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; ...

(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: ... (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 3-008.01 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 3-007 PHYSICAL PLANT STANDARDS: "The center must be designed, constructed and maintained in a manner that is safe, clean and functional for child care." ...

FACTS AND FINDINGS:

Parkview is the licensee of an Operating Child Care Center. This program is licensed for a maximum of 125 children, ages six weeks to 13 years of age, 6:30 a.m. to 6:00 p.m., Monday through Friday. This program was licensed on February 21, 2007.

On August 6, 2014, Angie Lewis (hereinafter referred to "Lewis"), Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, conducted a follow-up inspection at North Creek. At that time, Lewis observed bottles, cups and other items on the counter next to the sink on a drying rack in the infant room. Staff stated that dishes are washed in one sink and staff wash their hands in the other sink located in the adjacent infant room. Sinks in both of the infant rooms consist of one basin and do not have a separate basin for sanitizing the dishes.

Ben Davey, Inspector with the Lincoln-Lancaster County Health Department, had previously instructed North Creek staff on December 10, 2013 and January 9, 2014 regarding the three compartment set-up for the wash, rinse, and sanitize procedure to clean bottles, cups and other items in the kitchen. Sinks located in the infant rooms were to be used for hand washing purposes only.

DISCIPLINARY ACTION IMPOSED:

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

1. Parkview is assessed a civil penalty in the amount of \$250.00 (\$2.00 times license capacity of 125.00 children times one day, August 6, 2014) effective September 3, 2014.

Said penalty must be paid on or by October 3, 2014, which is thirty (30) calendar days from the effective date of this Notice, September 3, 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. Failure to comply with the terms of this disciplinary action, the applicable Child Care Regulations and failure to correct the 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.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on September 2, 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 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 September 2, 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

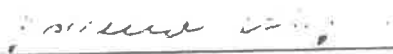
If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes, 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 "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: August 15, 2014

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


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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 15 day of August, 2014, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to:

North Creek Child Development Center
2070 Fletcher Ave.
Lincoln, NE 68521

Parkview Child Development Services, LLC
C/O Alan Branding, Registered Agent
2070 Fletcher Ave.
Lincoln, NE 68521

Parkview Child Development Services, LLC
4400 North 1st
Lincoln, Ne 68521


Marsha Wandersee

Division of Public Health

State of Nebraska
Dave Heineman, Governor

August 21, 2012

NORTH CREEK CHILD DEVELOPMENT CENTER
2070 Fletcher Ave.
Lincoln, NE 68521


Re: Civil Penalty Payment – License #CCC8904

Dear North Creek Child Development Center:

Pursuant to the Notice of Disciplinary Action issued on August 2, 2012 by Joann Schaefer, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, you are to pay by September 17, 2012, a Civil Penalty in the amount of \$625.00. 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

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

IN THE MATTER OF:)	
THE OPERATING CHILD CARE)	NOTICE OF
CENTER LICENSE OF PARKVIEW CHILD)	DISCIPLINARY ACTION
DEVELOPMENT SERVICES, LLC, D/B/A NORTH)	
CREEK CHILD DEVELOPMENT CENTER)	

LICENSED LOCATION: 2070 FLETCHER AVENUE, LINCOLN, NE, 68521

NOTICE:

Parkview Child Development Services, LLC (hereinafter referred to as "Parkview") 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 Parkview's operating Child Care Center license known as North Creek Child Development Center (hereinafter referred to as "North Creek") 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;" ...

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

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

FACTS AND FINDINGS

Parkview is the licensee of an operating Child Care Center. This program is licensed for a maximum of 125 children, ages six weeks to eight years, 6:30 a.m. to 6:00 p.m., Monday through Friday. This program has been licensed since February 21, 2007.

On April 18, 2012, Parkview's license was placed on Corrective Action Statue for violation of regulations including staffing and infant care.

On May 22, 2012, Department staff conducted a monitoring inspection of Parkview's program. At that time, Department staff found that one program staff was caring for six infants in the infant room. As a result of this incident, the Department imposed a civil penalty against Parkview effective June 19, 2012.

On June 29, 2012, Department staff conducted a monitoring inspection of Parkview's program and observed that one program staff was caring for five infants in the infant room; when two were required.

DISCIPLINARY ACTION IMPOSED:

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

1. The terms and conditions of the Corrective Action Plan and Parkview's plan submitted on April 18, 2012 remain in effect.
2. Parkview is assessed a civil penalty in the amount of \$625.00 (\$5.00 times license capacity of 125 children times one day of non-compliance – June 29, 2012).

Said penalty in the amount of \$625.00 must be paid on or by September 17, 2012, which is thirty (30) calendar days from the effective date of this Notice (August 17, 2012) and must be payable to the Nebraska Department of Health and Human Services, Division of Public Health, Licensure. Said penalty must be sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, Children's Services Licensing, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

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.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on August 17, 2012, which is fifteen days after the mailing of this Notice unless the Department, within such fifteen-day period, receives a written request for a hearing. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such fifteen-day period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than August 17, 2012, which is fifteen days after the mailing of this Notice. It should be addressed to:

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

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.

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: August 2, 2012

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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 2nd day of August, 2012, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to:

North Creek Child Development Center
2070 Fletcher Avenue
Lincoln, NE 68521

Parkview Child Development Services, LLC
C/O Alan Branding, Registered Agent
2070 Fletcher Avenue
Lincoln, Ne 68521

Patricia Urzedowski



Division of Public Health

State of Nebraska
Dave Heineman, Governor

June 20, 2012

PARKVIEW CHILD DEVELOPEMNT SERVICES, LLC
NORTH CREEK CHILD DEVELOPMENT CENTER
Alan Branding, Registered Agent
2070 Fletcher Ave.
Lincoln, NE 68521

Re: Civil Penalty Payment – Child Care Center License #CCC8904

Dear Mr. Branding:

Pursuant to the Notice of Disciplinary Action issued on June 4, 2012 by Joann Schaefer, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, you are to pay by July 19, 2012, a Civil Penalty in the amount of \$312.50. 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

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 PARKVIEW CHILD)	NOTICE OF
DEVELOPMENT SERVICES, LLC, D/B/A NORTH)	DISCIPLINARY ACTION
CREEK CHILD DEVELOPMENT CENTER)	

LICENSED LOCATION: 2070 FLETCHER AVENUE, LINCOLN, NE, 68521

NOTICE:

Parkview Child Development Services, LLC (hereinafter referred to as "Parkview") 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 Parkview's operating Child Care Center license known as North Creek Child Development Center (hereinafter referred to as "North Creek") 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;" ...

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

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

FACTS AND FINDINGS

Parkview is the licensee of an operating Child Care Center. This program is licensed for a maximum of 125 children, ages six weeks to eight years, 6:30 a.m. to 6:00 p.m., Monday through Friday. This program has been licensed since February 21, 2007.

On April 18, 2012, Parkview's license was placed on Corrective Action Statue for violation of regulations including staffing and infant care.

On May 22, 2012, Department staff conducted a monitoring inspection of Parkview's program. At that time, Department staff found that one program staff was caring for six infants in the infant room

DISCIPLINARY ACTION IMPOSED:

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

1. The terms and conditions of the Corrective Action Plan and Parkview's plan submitted on April 18, 2012 remain in effect.
2. Parkview is assessed a civil penalty in the amount of \$312.50 (\$2.50 times license capacity of 125 children times one day of non-compliance – May 22, 2012).

Said penalty in the amount of \$312.50 must be paid on or by July 19, 2012, which is thirty (30) calendar days from the effective date of this Notice (June 19, 2012) and must be payable to the Nebraska Department of Health and Human Services, Division of Public Health, Licensure. Said penalty must be sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, Children's Services Licensing, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

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.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on June 19, 2012, which is fifteen days after the mailing of this Notice unless the Department, within such fifteen-day period, receives a written request for a hearing. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such fifteen-day period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than June 19, 2012, which is fifteen days after the mailing of this Notice. It should be addressed to:

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

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.

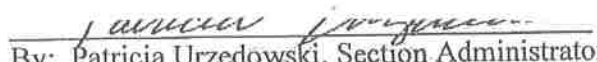
Nebraska Revised Statutes, section 71-1920 of the Child Care Licensing Act, provides that "any fine imposed and unpaid under the Child Care Licensing Act shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper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

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: JUNE 4, 2012

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


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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 4th day of June, 2012, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to:

North Creek Child Development Center
2070 Fletcher Avenue
Lincoln, NE 68521

Parkview Child Development Services, LLC
C/O Alan Branding, Registered Agent
2070 Fletcher Avenue
Lincoln, Ne 68521



Division of Public Health

State of Nebraska
Dave Heineman, Governor

April 26, 2012

NORTH CREEK CHILD DEVELOPMENT CENTER
Alan Branding, Licensee
2070 Fletcher Avenue
Lincoln, NE 68521

Dear Mr. Branding:

In accordance with the letter written by Suzanne Schnitzer, Child Care Licensing Supervisor, on April 23, 2012, 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 April 18, 2012, and it will remain in effect until October 18, 2012. Upon completion of this term, a new license will be issued to you.

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

Sincerely,

Helen L. Meeks, Administrator
Licensure Unit

HLM/dcp

cc: Child Care Licensing



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

State of Nebraska

Department of Health and Human Services
Division of Public Health

PARKVIEW CHILD DEVELOPMENT SERVICES, LLC

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating **Child Care Center**
located at: **2070 FLETCHER AVE Lincoln NE 68521**

A maximum of **125** children in ages **6 WKS to 8 YRS** may be in attendance at any one time during the hours of **0630 to 1800** on **MTWTF**

NORTH CREEK CHILD DEVELOPMENT CENTER is hereby issued License No. **CCC8904**
whose status is **Active-Corrective Action Status** effective from **04/18/2012**

Amended **04/18/2012**

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
April 26, 2012.



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

April 23, 2012

North Creek Child Development Center
Parkview Christian School
Atten: Alan Branding
2070 Fletcher Ave
Lincoln, Nebraska 68521

CERTIFIED MAIL

Dear Mr. Branding:

The Nebraska Department of Health and Human Services, Office of Children's Services Licensing, has received your letter and corrective action plan accepting Correction Action Status. The attached corrective action plan has been reviewed and approved effective, April 18, 2012

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

This license status will be in effect for a period of 6 months from the date of approval.

Compliance with the terms of the Correction Action Status will be monitored by announced or 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 me at 402 471 9193.

Susanne Schnitzer, Child Care Licensing Supervisor
Children's Services Licensing
1050 "N" Street, Suite 540
Lincoln, Nebraska 68508

cc: Sara Martin, Director
Lori Pflanz, Child Care Inspection Specialist
Marsha Wandersee, Administrative Assistant II

Nebraska Department of Health and Human Services
Children Services Licensing
Attention: Lori Pflanz

This is a written plan to correct licensing violations discovered in February and March of 2012, the following written plan has been adopted and has been initiated to avoid future violations. (Please see attached)

If you feel this plan requires further action or explanation please feel free to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to be "Sara Martin", with a stylized flourish at the end.

Sara Martin
Center Director
North Creek Child Development Center
402-477-5440

Plan of Action to adhere to all staff/child ratio requirements:

Both staff mentioned in violation report, were verbally warned and reprimanded for stepping out of their rooms and therefore violating child/staff ratio. Because NCCDC has had a higher number of families in the mornings, than previously, we have adjusted our full time staff member' s schedules to accommodate this, as well as:

- We have hired an on-call staff to assist in the event that we are short staffed
- Adjusted our attendance tracking sheet, which will track children in care every half an hour instead of every hour.
- Neither Director nor Assistant Director will be scheduled in rooms; making them available to cover in the unlikely event that our on-call staff is unable to make it in.
- North Creek CDC will conduct a staff meeting, Tuesday May 1, 2012, covering said section of the Child Care Licensing & Regulation handbook (391 NAC 8-009 Staffing)
- Staff meeting will cover the following:
 - o Continuity of Care
 - o Importance of teachers staying in rooms.
 - o What to do in the event that teachers need to leave the class
 - o Staff/child ratio worksheet activity
 - o Discuss in-service packet that will cover adequate and appropriate supervision. This will be a one hour in-service activity that all staff will be required to complete.

We will continue to reinforce, with penalty, all licensing and regulation requirements at each staff meeting and individual reviews thereafter. Although our business manager, Alan Branding, does random, informal inspections he has agreed to conduct inspections on a weekly basis with a follow up report to be kept on file at the center for the next 90 days or until further notice.

This document and Corrective Action Status License will be posted in North Creek' s front lobby.

	630	7	730	8	830	9	930	10	1030	11	1130	12	1230	1	2	3	330	4	430	5	530	6
Monday																						
# of teachers																						
Tuesday																						
# of teachers																						
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# of teachers																						
Thursday																						
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4775441

402 471 6407

April 4, 2012

North Creek Child Development Center
Parkview Christian School
Atten: Alan Branding
2070 Fletcher Ave
Lincoln , NE 68521

Dear Mr. Branding:

Nebraska Revised Statutes, Section 71-1911(4), of the Child Care Licensing Act, effective July 16, 2004, provides that the Department may place a license on corrective action status.

FACTS:

March 2, 2012: - Lori Pflanz, Child Care Inspection Specialist conducted an unannounced follow up inspection to your facility. CCIS Pflanz observed nine teachers caring for children, ten teachers were required to meet staff/child ratio requirements. At that time, the cook was moved into a room, and simultaneously a teacher, in the first toddler room, proceeded to leave a room to make copies/work in office, still placing your program in violation of meeting staff/child ratio requirements. Prior to completion of the inspection, another teacher arrived and staff/child ratio was met. CCIS Pflanz also observed school age children in the front hallway with no staff present. A staff later joined the children and drove these children to school.

HISTORY:

February 22, 2012: - Lori Pflanz, Child Care Inspection Specialist conducted an unannounced annual inspection to your facility at 9:30 a.m. CCIS Pflanz noted that eleven staff was required to meet staff/child ratio requirements, only ten staff were caring for and supervising the children. The director was having a meeting in her office and could not be counted in ratio. Another staff arrived at 10:05 a.m., and at this time, ratio was met. CCIS Pflanz observed eight infants in a room with one staff. During the inspection, another staff came into the room.

REGULATORY BASES:

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.

391 NAC 8-009 Staffing: Each room where children are receiving care must include a teacher/assistant teacher.

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. Evidence of negligent or willful lack of supervision is basis for denial of an application or suspension or revocation of the center's license.

391 NAC 8-015 Infant Care: If five or more infants are receiving care in a room, at least two staff persons must be in the room at all times.

DETERMINING CORRECTIVE ACTION STATUS:

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

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

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

CORRECTIVE ACTION STATUS PLAN:

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 minimum the plan should specifically address is the following:

- (1) How you will ensure that you will maintain overall compliance with the child care regulations.
- (2) A written plan for how you will ensure that staff/child ratio is met at all times.
- (3) A written plan for you how will ensure that adequate and appropriate supervision is maintained in your facility.

- (4) A written plan for how you will ensure that infant care regulations for staff are met at all times.
- (5) You will post a copy of this action with your Corrective Action Status License.

Please submit your written Corrective Action Plan to Lori Pflanz, Child Care Inspection Specialist, Children's Services Licensing, P.O. Box 98933 Lincoln, NE 68509, within 10 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 \$5.00 per child, based upon the number of children for which the program is authorized to provide child care on the effective date of the finding of violation, for each day the program is in violation;
- (d) Establish restrictions on new enrollment in the program;
- (e) Establish restrictions or other limitations on the number of children or the age of the children served in the program; or
- (f) Establish other restrictions or limitations on the type of service provided by the program.

If you have questions regarding this letter, please contact Lori Pflanz at 402-471-9102 or myself at 402.471.9193

Thank you.

Sincerely,

A. *4* *7*

Susanne Schnitzer, Child Care Licensing Supervisor
Children's Services Licensing
Division of Public Health
P.O. Box 98933
Lincoln, NE 68509

cc. Lori Pflanz, Child Care Inspection Specialist
Marsha Wandersee, Administrative Assistant II
Sara Martin, Director