

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

March 5, 2018

Dear Licensee:

This letter is to acknowledge receipt, as of March 5, 2018, of check number 3140 for \$2,204.00 which is payment remitted in accordance with the Notice of Disciplinary Action issued on November 14, 2017, by Thomas L. Williams, MD, Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services. Therefore, the total amount of \$2204.00 has been paid in full.

Thank you for your remittance.

Sincerely,



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

BW/ck

Cc: Children's Services Licensing

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

February 2, 2018

CERTIFIED AND FIRST CLASS MAIL

BETHESDA CHILD DEVELOPMENT CENTER
o/b BETHESDA URBAN COMMUNITY DEVELOPMENT
5116 Terrace Drive
Omaha, NE 68134

Dear Licensee:

Since you did not appeal the Notice of Disciplinary Action dated November 14, 2017 by or on November 29, 2017 but have since come into compliance as of January 23, 2018, you are being assessed a civil penalty in the amount of \$2,204.00 (\$58.00 a day times 38 days of noncompliance, during the dates of November 30, 2017 to January 22, 2017, not including Saturday and Sunday). This penalty must be received by or on March 5, 2007.

Your check or money order should be payable to the Nebraska Department of Health and Human Services and sent to Chris Kort, 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 Jo Pfeiffer, State Office Building, 3rd Floor, 1313 Farnam St., Omaha, Nebraska, 68102, (402)595-3335, Jo.Pfeiffer@nebraska.gov.

Sincerely,

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

BW/ck

Cc: Children's Services Licensing

Helping People Live Better Lives

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

December 11, 2017

CERTIFIED AND FIRST CLASS MAIL

BETHESDA CHILD DEVELOPMENT CENTER
o/b BETHESDA URBAN COMMUNITY DEVELOPMENT
5116 Terrace Drive
Omaha, NE 68134

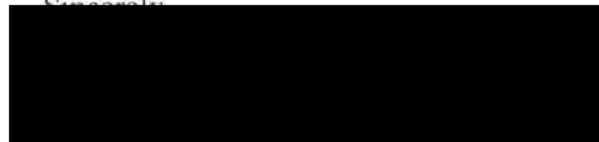
Dear Licensee:

Since you did not appeal the Notice of Disciplinary Action dated November 14, 2017 by or on November 28, 2017, you are being assessed a civil penalty in the amount of \$58.00 (\$1.00 times license capacity of 58) a day from November 29, 2017 and each day thereafter, not including Saturdays and Sundays, that you fail to submit written corrections/documentation that all outstanding non-compliance noted at the inspection on July 25, 2017 have been corrected.

You will be notified of the amount of your civil penalty when all of the written corrections/documentation have been received and verified.

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

Sincerely,



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

BW/ck

Cc: Children's Services Licensing

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 CENTER LICENSE)
D/B/A BETHESDA CHILD DEVELOPMENT)
CENTER OWNED BY BETHESDA URBAN)
COMMUNITY DEVELOPMENT)

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 5116 Terrace Drive, Omaha, NE 68134
MAILING ADDRESS: P.O. BOX 642178, Omaha, NE 68164
LICENSE NUMBER: CCC9054
CAPACITY: 58
AGES: 6 WEEKS TO 12 YEARS
HOURS AND DAYS: 6:30 A.M. TO 9:00 P.M., MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: SEPTEMBER 24, 2008

NOTICE:

Bethesda Child Development Center owned by Bethesda Urban Community Development, (hereinafter referred to as "Bethesda") and Joseph L Shannon, Sr., Authorized Agent, (hereinafter referred to as "Shannon") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Bethesda's Operating Child Care Center license, 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; ..."

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; ...”

391 NAC 3-006.05B Non-Certificated Teachers: To be employed as a teacher in a licensed child care center, an individual who is not a certificated teacher must be at least 18 years of age and of good moral character, and must meet one of the following requirements:

1. Hold a bachelor’s degree from an accredited college or university in early childhood education, education or child/youth development;
2. Hold an associate degree from an accredited college or university in early childhood education, education or child/youth development;
3. Have a Child Development Associate Credential; or
4. Have a high school diploma or GED; and
 - a. 1500 verified clock hours of experience in organized group activities for young children as indicated by a positive reference from a former employer or supervisor; or
 - b. Submit a written plan for Department approval to acquire at least three credit hours or 45 clock hours of training in administration, early childhood education, education, or child/youth development, in a period not to exceed six months. The licensee must maintain a copy of the written plan and Department approval for Department review.

391 NAC 3-006.09A Safety Training: “Teachers must complete training developed by the Early Childhood Training Center (ECTC) on Sudden Infant Death Syndrome (SIDS), safe sleep, shaken baby syndrome, and child abuse/neglect and reporting. Any proposed equivalent training must be approved by the Department...”

391 NAC 3-006.09B Nebraska’s Early Learning Guidelines Training: “Teachers must receive training in the domains of Nebraska’s Early Childhood Learning Guidelines developed by the ECTC. Any proposed equivalent training must be approved by the Department. 1. Beginning four years after the operative date of these regulations, 25% of all teachers employed by the center must have completed training in at least one domain...”

391 NAC 3-006.09C Evidence of Teacher Training: “The director must maintain a list of all teachers for each calendar year that identifies which individuals have completed:...”

391 NAC 3-006.10B Nutrition and Food Safety Training: When meals are served, all staff responsible for menu planning, food preparation, and food safety must be provided at least four clock hours of training in nutrition and food safety within 30 days of employment and annually thereafter.

391 NAC 3-006.11A Staff: “Records for all staff, except substitutes and volunteers, must include:

8. Documentation of Nebraska registry checks with no adverse findings;
9. Documentation that the individual has met the qualifications for the position;
10. Documentation of orientation training and required ongoing training; and ...”

FACTS:

On July 25, 2017, Meghan Brewer, (hereinafter referred to as "Brewer"), Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, conducted an unannounced semi-annual inspection of Bethesda. At that time, Brewer noted several non-compliances and required that they be corrected by August, 25, 2017.

On August 31, 2017, Jo Pfeiffer, Child Care Licensing Supervisor, sent Bethesda a letter indicating verification of compliance with regulations was required by September 25, 2017.

The following contacts were also made by Brewer related to compliance with the violations noted on July 25, 2017:

- September 25, 2017 - Email to Katrina McGhee, Director, with CC to Bethesda
- October 2, 2017 - Email to Bethesda and Kathrina Mcghee
- October 5, 2017 - Email to Bethesda with CC to Katrina Mcghee
- October 19, 2017 - Email to Bethesda and Kathrina Mcghee

As of November 1, 2017, the following remain in violation:

- No documentation of teacher qualifications.
- No documentation that the teachers have completed Safety Training.
- No documentation of completion of Nebraska's Early Learning Guidelines Training.
- No documentation / spread sheet to show that staff have completed required teacher trainings.
- No documentation staff responsible for meal service completed 4 hours of Nutrition and Food Safety Training in 2016.
- No documentation that Staff Brenda has met the qualifications for the position.
- No documentation of annual training for 2016 was available for staff Brenda (12 hours), Kaushan (11 hours), and Annie (12 hours).
- No documentation of child abuse / neglect / adult protective services registry check for staff Brenda.

DISCIPLINARY ACTION IMPOSED:

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

1. Bethesda is assessed a civil penalty in the amount of \$58.00 per day (\$1.00 times license capacity of 58 children) from the effective date of this Notice November 30, 2017, and for each day thereafter, not including Saturday and Sunday, that Bethesda fails to submit corrections / documentation that all of the outstanding non-compliances noted at the inspection conducted on July 25, 2017 have been corrected.

Documentation must be submitted to Meghan Brewer, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, 1313 Farnam, 3rd Floor, Omaha, Nebraska, 68102, or at such other address as directed in writing by the Department. Once Brewer has received and verified the required submitted written documentation, which may require an on-site inspection, Bethesda, 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 Bethesda.

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 Chris Kort, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

2. Bethesda must comply with all of the terms of this Notice by submitting the required documentation as indicated above by or on November 29, 2017.
3. Failure to comply with the terms of this disciplinary action, the applicable Child Care Center 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 November 29, 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 on or by November 29, 2017. It should be addressed to:

Chris Kort, for DHHS
Children's Services Licensing – Licensure Unit
Division of Public Health
P.O. Box 94986
Lincoln, NE 68509-4986

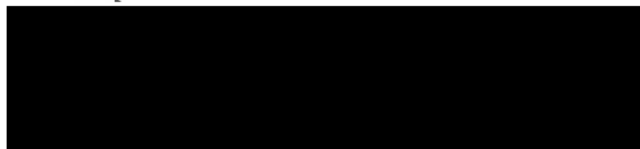
If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes, 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: November 14, 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 15th day of November, 2017, a copy of the foregoing NOTICE OF DISCIPLINARY ACTION was sent by certified and first class United States mail, sufficient postage prepaid to Bethesda Child Development Center, 5116 Terrace Drive, Omaha, NE 68134 , and to Joseph L Shannon, Sr., Authorized Agent, P.O. BOX 642178, Omaha, NE 68164



Chris Kort

July 20, 2015

BETHESDA CHILD DEVELOPMENT CENTER
Bethesda Urban Community Development Corporation, Inc., Licensee
Joseph L. Shannon, Sr., Registered Agent
5116 Terrace Drive
Omaha, NE 68164


Dear Mr. Shannon, Sr.:

In accordance with the Notice of Disciplinary Action issued on June 29, 2015, by Courtney N. Phillips, MPA, Chief Executive Officer, Department of Health and Human Services, the license of Bethesda Child Development Center in the State of Nebraska has been placed on Probation. A license imprinted with the term Probation "PROBATION" is enclosed. This status became effective July 15, 2015, and it will remain in effect until July 15, 2016. Upon completion of the Probation, a new license will be issued to the Center. At this time we ask that you return the current license, within seven (7) days, to Marsha Wandersee in the Licensure Unit. Said license should be mailed to DHHS, Division of Public Health, Licensure Unit, Attn: Marsha Wandersee, 301 Centennial Mall South, Lincoln, NE 68509-4986.

Pursuant to the above-mentioned Order, the Licensee is to pay by August 15, 2015, a Civil Penalty in the amount of \$580.00. Checks are to be made payable to the *Licensure Unit* and payment sent 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 Children's Services Licensing at (402) 471-9302.

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

BETHESDA URBAN COMMUNITY DEVELOPMENT CORPORATION INC
Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: **5116 TERRACE DR - Omaha NE 68134**

A maximum of 58 children in ages 6 WKS to 12 YRS may be in attendance at any one time during the hours of 0630 to 2100 on MTWTFH

BETHESDA CHILD DEVELOPMENT CENTER owned by **BETHESDA URBAN COMMUNITY DEVELOPMENT CORPORATION INC** is hereby issued License No. **CCC9054** which is effective on **09/30/2009**

Amended: 07/15/2015

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 July 20, 2015.



Caution: Exhibition, Transfer, and Exchange of License
Department of Health and Human Services

411480

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 BETHESDA CHILD DEVELOPMENT)
CENTER OWNED BY BETHESDA URBAN)
COMMUNITY DEVELOPMENT CORPORATION,)
INC.)

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 5116 TERRACE DR., OMAHA, NE, 68134

NOTICE:

Bethesda Urban Community Development Corporation, Inc. (hereinafter referred to as "Licensee") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against the operating Child Care Center license, Bethesda Child Development Center, 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 an individual 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 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 3-006.01 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;
3. Permit announced and unannounced inspections by agency representatives during the hours of operation;
4. Either manage the day-to-day operations of the center or designate a director who is responsible for the day-to-day management of the center and define the duties and responsibilities of the director in writing; and
5. Ensure that the center has sufficient resources to provide a safe, healthy, and nurturing environment to all children enrolled in the center.”

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 report to the licensee all matters related to the maintenance, operation, and management of the child care center and be directly responsible to the licensee or to a person delegated governing authority by the licensee. The director must: ...

8. Ensure that center staff identify and review incidents, accidents, complaints, and concerns, and monitor patterns and trends in overall operation and take action to alleviate problems;” ...

391 NAC 3-006.03A Criminal History Record Checks: “The applicant/licensee, if an individual or an individual in a partnership, must complete a pre-employment criminal history record check on him/herself, on each staff member and volunteer age 19 or older, and on each household member age 19 or older if the center is located in a private residence. Documentation must be kept and available for review by the Department.”

“The check must be conducted through the Nebraska State Patrol or through one or more local law enforcement agencies, as appropriate to the individual’s residence(s). If an individual has lived in Nebraska less than 12 months, the applicant/licensee must obtain documentation of a criminal history record check from the previous state(s) of residence.”

391 NAC 3-006.03B Registry Checks: “The applicant/licensee, if an individual or an individual in a partnership, staff, volunteers, and household members if the center is located in a private residence, must not be listed as a perpetrator of abuse or neglect on the Nebraska: ...

3. State Patrol sex offender registry.”

391 NAC 3-006.03C Reports of Law Enforcement Contact: “The applicant/licensee must complete a Report of Law Enforcement Contact for him/herself, if an individual or an individual in a partnership, and must

obtain a completed report for each staff member and volunteer age 19 or older and each household member age 19 or older if the center is located in a private residence. The report must:

1. Be updated, signed, and dated annually;
2. Be updated any time one of these individuals is arrested, issued a citation other than a minor traffic violation, or charged with or convicted of any felony, misdemeanor, or infraction;
3. List all previous and pending criminal charges and arrests, both felony and misdemeanor, regardless of prosecution;
4. List any record of felony and/or misdemeanor charges and arrests related to crimes against children;
5. List any record of felony and/or misdemeanor convictions;
6. List any current or past parole or probation status, including diversion or court supervision; and
7. List details, dates, county and state of the contact, arrest, charge, conviction, and disposition, if any."

391 NAC 3-006.06 Substitute, Support Staff, Volunteer, and Parent Helper Qualifications

- "2. The director may hire support staff to assist in the care of children. Support staff must be at least 16 years of age and be of good moral character. A teacher must be in the room with support staff at all times when children are in care."

391 NAC 3-006.11A Staff: "Records for all staff, except substitutes and volunteers, must include: ...

10. Documentation of orientation training and required ongoing training; and
11. Documentation that the individual has read and understands these regulations."

391 NAC 3-006.11 Employee Records Requirements: "The licensee must ensure the following employee records are maintained, updated as needed, and made available to the Department upon request. Records must be maintained for at least one year after an employee leaves the center."

391 NAC 3-006.12 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. A Child's Record form may be used or a form may be created and must contain the following information for each child:

1. Name of child;
2. Birthdate of child;
3. Enrollment date;
4. Date care ceased, if applicable;
5. Parent or guardian's home address and telephone number;
6. Parent or guardian's employment address and telephone number;
7. Individual(s) to whom the child may be released by the caregiver;
8. Individual(s) who will take responsibility for the child in an emergency when the parent or guardian cannot be reached;
9. Consent to contact a physician in an emergency;
10. Current health status of the child; and
11. List of child's allergies and intolerance to food, insect bites, or stings, or other factors that result in a medical reaction, and clear instructions in the event of an exposure to the factor."

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.
3. During naptime, at least one teacher must be in the room where children are napping, as long as the staff-to-child ratio is maintained center-wide.
4. At least two staff members must be on the premises at all times, except:
 - a. When the number of children in care is 12 or fewer; or
 - b. When all children in care are school-age and there are 15 or fewer.”

391 NAC 3-006.17 Children Excluded Due to Illness: “The center must have a written policy that identifies the circumstances under which children would be excluded from child care due to illness.”

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 3-006.23 Infant/Toddler Care: “If care is provided to infants and/or toddlers, the licensee must ensure that the emotional and physical needs of infants and toddlers are met consistently and promptly. Staff assigned to infants must be identified in writing and assigned to the same infants whenever possible. Center staff must: ...

5. Obtain and keep on file a signed and dated statement by the parent(s) that describes the formula and feeding schedule for each infant in care;” ...

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.

1. If five or more infants are receiving care in a room, at least two staff members must be in the room.
2. If nine or more infants are receiving care in a room, at least three staff members must be in the room.” ...

391 NAC 3-006.23B Diapering and Toileting: 1. The licensee must ensure that diapering procedures are established and followed by center staff. The procedures must include: a. Wet and/or soiled diapers are changed immediately; b. Diapers are checked on a frequent and regular basis; c. Individual washcloths or disposable towelettes are used;” ...

391 NAC 3-006.20C Use of Time Out: “Separation from the group, if used, must be brief and appropriate for the child’s age. The time out period must:

1. Take place within a safe, lighted, and well-ventilated area;
2. Occur within direct vision of staff; and
3. Not exceed more than one minute for each year of the child’s age.”

391 NAC 3-006.27D Written Permission and Instructions: “Any staff who gives or applies prescription or non-prescription medication may do so only with prior written permission and written instructions from a

parent. Staff must comply with the instructions provided by the parent or inform the parent the medications will not be given or applied.

1. Any error in the giving or applying of medication must be reported to the parent.” ...

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 AND FINDINGS:

Bethesda Urban Community Development Corporation, Inc. is the licensee of a Child Care Center known as Bethesda Child Development Center that is currently licensed for 58 children, ages six weeks to 12 years, 6:00 a.m. to 9:00 p.m., Monday through Friday. This program was licensed on September 24, 2008.

The following is a listing of complaints investigated by Meghan Brewer (hereinafter referred to as “Brewer”), Child Care Inspection Specialist, Children’s Services Licensing, Licensure, Division of Public Health, of Bethesda’s program, with substantiated violations:

April 7, 2014: Diapering and Toileting and Written Permission and Instructions: Infant had diaper rash and staff, Ms. Brown, was instructed to change infant every hour and use the cream, Desitin, that the mother had provided. Ms. Brown used a paper towel to apply A and D ointment, instead of Desitin.

May 30, 2014: Use of Time Out: Investigation completed on January 26, 2015 by Sarah Liggett, Children and Family Services Specialist determined that several children over time had been placed in a room with the lights off, and door shut, as a method of time out.

July 10, 2014: Child’s Records, Excluding Children when Ill, Infant/Toddler Care, Written Permission and Instructions: Staff working with the infants were giving an infant water who had a physician’s note stating that she was not to have water, except for water added to the formula. Staff did not send an ill child home who had a fever, or call the child’s foster parents to pick the child up. Records were not being updated with the correct parent information. An infant still had the biological parents’ information, which would not correctly depict the child’s address, nor whom the child could be released. Bethesda knew the child had entered foster care, but did not ask for the child’s record to be updated. The foster parents were not asked by any staff to complete a feeding schedule for their infant.

July 18 and July 23, 2014: Licensee Qualifications, Director Requirements, Criminal History Record, Registry Check, Report of Law Enforcement Contact, Health Information Report, Substitute, Support Staff, Volunteer, and Parent Helper Qualification, Employee Records, Staff, Staffing Requirements, Supervision of Children, Infant Room Care, Notification to the Department of Emergencies: The licensees were not familiar with the new regulations, which went into effect on May 20, 2013. Staff were not aware that an infant approximately one and ½ years of age had gotten out of the center and was alone in the center’s parking lot approximately three to four minutes on July 14, 2014. An incident report was not written. A criminal history record check was not completed for a new staff member nor was a Report of Law Enforcement Contact completed by a new staff member nor was a registry check completed. This new staff did not have orientation and had not read the regulations. This same individual was left alone with children

and was not qualified as a teacher. When Brewer tried to review employee records, the director's office was locked and staff records were not available. In addition, Brewer observed the infant room had 11 infants with one staff member. In one room, a two year old was alone and unattended. The new staff was not aware that you could not leave children unattended.

The center did not notify the Department as required by regulations that a child had been missing from the center.

January 29, 2015: Staffing Requirements, Supervision of Children: Ms. Katrina told Brewer, during a complaint investigation, that she drove down the wrong way down a one way street while on the way to pick up children from school on at least three to four occasions. The street had just recently turned into a one way because of school hours. On the day of the incident, the person providing the transportation, Mr. McGhee, was driving the van. Both were aware of the street signs posted.

While at the facility conducting a complaint inspection, Brewer observed children being left unattended on three separate occasions. Ms. Katrina, told Brewer that staff know that they cannot leave children unattended.

DISCIPLINARY ACTION IMPOSED:

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

1. The Licensee is assessed a civil penalty in the amount of \$580.00 (\$5.00 times license capacity of 58 children times two days, May 30, 2014 and July 18, 2014).

Said penalty must be paid on or by August 15, 2015, which is thirty (30) calendar days from the effective date of this Notice, July 15, 2015, 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. The Licensee's Child Care Center license is placed on probation for a period of one year effective July 15, 2015. The following terms and conditions will apply:

a. Licensee must have one additional staff providing care for children on the premises at all times during the first six months of the probationary period, July 15, 2015 to January 15, 2016. This condition can be ended if compliance on this requirement is maintained for a period of six months.

b. By September 15, 2015, all staff currently employed by the child care program who have the responsibility for the direct care of children and count in the staff-to-child ratio, including Directors, Katrina McGhee and Helene Shannon, must register/enroll, attend and successfully complete a minimum of:

- Six hours of face-to-face training related to adequate and appropriate supervision.

This training must be approved by the Early Childhood Training Center as well as the Department of Health and Human Services, as meeting the requirements for acceptable training for child care program staff.

Prior to Ms. McGhee and Ms. Shannon and staff participating in any training, the Licensee must submit in writing the following to the Department, in order for the Department to determine if the training meets the requirements for which it is intended: names of staff attending, training curriculum, date and time of training, name of the training, presenter/instructor's name, and the number of hours. This training will not count toward the required 12 hours of annual training.

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

Once the training is approved as meeting the requirement for which it was intended, it is the responsibility of the Licensee to obtain final approval from the Early Childhood Training Center.

The Licensee must submit verification of attendance and successful completion by Ms. McGhee and Ms. Shannon and all staff responsible for the care of children and count in the staff-to-child ratio, within fifteen calendar days after completion of the approved training.

c. By August 15, 2015, the Licensee must:

- Develop and establish written policies and procedures on how the accident/incident reports will be reviewed and what information will be included in these reports;
- Develop and establish written policies and procedures on how staff will follow a room to room ratio rather than center-wide ratio during the probationary period.
- Develop and establish written policies and procedures on how documentation will be maintained when staff are assigned to infants and when the same staff are not available to care for the infant.
- The written policies and procedures should incorporate, but not limited to:
 - The use of checklists,
 - Staffing charts,
 - Frequent monitoring,
 - Accountability,
 - Training of staff who count in the staff-to-child ratio,
 - Other detailed procedures to insure proper and adequate supervision of children at all times and
 - Other information to include in accident/incident reports.

These plans must be submitted to the Department in writing. The Department agrees that after reviewing these written plans, 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 policy to the Department with the required modifications. The Department reserves the right to make minor unilateral modifications to the written plans.

Once approved, the Licensee must implement the plans as approved by the Department.

c. By July 15, 2015, the Licensee will ensure that all current and future employee files are updated and maintained. These employee files will be available for review upon request by Department staff.

d. By August 15, 2015, the Licensee must conduct a staff meeting(s) to review the Child Care Center Regulations and its own policies and procedures. The Licensee must maintain: a staff sign-in sheet which shows the signature of staff attending and the date and time the staff meeting(s) were held. This sign-in sheet must be available for review upon request by Department staff.

e. All documentation required must be submitted to Meghan Brewer, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, 1313 Farnam, 3rd Floor, Omaha, Nebraska, 68102, or at such other 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.). The Licensee 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 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.

6. 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 Bethesda Urban Community Development Corporation, Inc. shall be subject to the terms of this probation including completion of the probation period. Bethesda Urban Community Development Corporation, Inc. must notify the Department, in writing, within seven (7) working days of any period that they are 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 July 14, 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 on or by July 14, 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 68509-4986

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: June 29, 2015

**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 29 day of June, 2015, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Bethesda Child Development Center, 5116 Terrace Dr., Omaha, Nebraska, 68134, Bethesda Child Development Center, PO Box 642178, Omaha, Nebraska, 68164; Bethesda Urban Community Development Corporation, Inc., Joseph L. Shannon, Sr. Registered Agent, 2123 Miami Street, Omaha, Nebraska, 68110 and Joseph L. Shannon, 7148 North 80th Street, Omaha, Nebraska, 68122.



Marsha Wandersee