



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

IN THE MATTER OF:)
THE OPERATING FAMILY CHILD CARE HOME I) NOTICE OF
MEREDITH SPENCER'S DAYCARE OWNED BY) DISCIPLINARY ACTION
MEREDITH SPENCER)

LICENSED LOCATION: 4119 21ST AVENUE PLACE, KEARNEY, NE 68845
LICENSE NUMBER: FI10275
CAPACITY: 10
AGES: 6 WEEKS TO 13 YEARS
HOURS AND DAYS: 6:00 AM TO 8:30 PM MONDAY THROUGH SUNDAY
DATE INITIALLY LICENSED: JANUARY 2, 2009

NOTICE:

Meredith Spencer's Daycare owned by Meredith Spencer (hereinafter referred to as "Spencer") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Spencer's Operating Family Child Care Home I 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; ...

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

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

4. Conduct or practices detrimental to the health or safety of a person served by or employed at the program;” ...

391 NAC 1-002 DEFINITIONS

“Adequate and Appropriate Supervision means:

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 1-006.12 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.”

FACTS AND FINDINGS:

On July 11, 2017, Officer Dave Sesna, Kearney Police Department, contacted Lori Altmaier Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as “Altmaier”), regarding four children who attended Spencer’s child care program that had left the premises and were found approximately one mile from Spencer’s home. Officer Sesna stated the children had been gone for approximately one hour. Additional information obtained from the Kearney Police Department indicates that at the time the children had left the child care premises, the temperature was 89 degrees and one of the children was not wearing shoes.

On July 13, 2017, Altmaier conducted an unannounced complaint investigation regarding the incident. Spencer stated that after lunch on July 11, 2017, four children, ages 5 years to 8 years, went outside to play while the others finished eating and she cleaned the kitchen. Another child went outside and then came back in and told Spencer that he couldn't find the four children who went out earlier. Spencer sent her daughter out to look for the children. Spencer's daughter could not locate the children. Spencer stated she went to look for the children, but was not able to locate them. Spencer stated she called her husband to have him come home and help her look for the children. According to information obtained from the Kearney Police Department, Spencer informed them the children were gone for approximately 30 minutes. Law enforcement determined the children had been gone at least one hour.

As a result of this incident, Spencer was cited for four counts of Child Abuse/Neglect. Those charges were dismissed by the Buffalo County Attorney's Office.

Spencer was found to be in violation of the regulation regarding providing adequate and appropriate supervision of children in care. She did not have knowledge of the whereabouts of four children in her care for approximately one hour on a day that reached up to 89 degrees.

DISCIPLINARY ACTION IMPOSED:

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

1. Spencer's Operating Family Child Care Home I license is placed on probation for a period of six months from the effective date of January 9, 2018. The following terms and conditions will apply:

a. By February 5, 2018, Spencer must provide the Department with a written plan detailing physical and procedural changes at the facility to prevent this type of violation again.

Within ten working days of receipt of the above information, the Department will either approve the plan or require additional information, in writing, from Spencer. If additional information is required, Spencer must submit the required information to the Department within ten calendar days of notice by the Department.

b. By April 13, 2018, Spencer must successfully complete two hours of face-to-face training relating to Adequate and Appropriate Supervision of children approved by the Department.

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 participating in any training, Spencer will 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: 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, Spencer must reply with the required information within ten calendar days of notice by the Department.

Spencer must submit verification of attendance and successful completion within fifteen calendar days after completion of the approved training.

c. Spencer is responsible for paying for all costs associated with compliance.

All documentation required must be submitted to Department, Attn: Lori Altmaier, Child Care Inspection Specialist, Children's Services Licensing, 4011 7th Avenue, Suite A, Kearney, NE 68845, or at such other address as directed in writing, by the Department.

2. 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.

3. 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.

4. Failure to comply with the terms of this disciplinary action, the applicable Family Child Care Home I 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.

5. If Spencer 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 Spencer 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 January 8, 2018 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 January 8, 2018. 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 71-1911, provides that a person who has had their “**license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action.**”

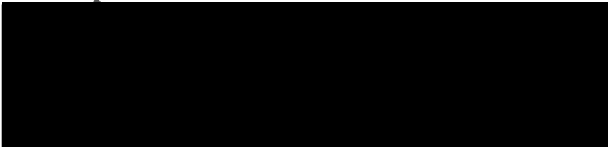
Nebraska Revised Statutes, section 71-1920 of the Child Care Licensing Act, provides that “any fine imposed and unpaid under the Child Care Licensing Act shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of State of Nebraska in the district court of the county in which the program is located.” In addition, section 71-1920, (2), states that “a person who has had a license revoked for any cause other than nonpayment of fees shall not be eligible to reapply for a license for a period of two years.”

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: December 22, 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 22 day of December, 2017, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to MEREDITH SPENCER'S DAYCARE, 4119 21ST AVENUE PLACE, KEARNEY, NE 68845.


Chris Kort

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

INTERIM LICENSING AGREEMENT

I, Meredith Spencer, FI10275, operating seven days a week, 6:00 a.m to 8:30 p.m. as a Family Child Care Home I, 4119 21st Avenue Place, Kearney, NE 68845, hereby voluntarily state and declare: I have read and understand the Regulations governing licensure of Family Child Care Child Home I.

I agree to comply with each of the Child Care Home I Regulations, as long as I am licensed by the State of Nebraska to provide child care services.

I understand and agree to comply with:

391 NAC 1-006.02E Investigations and Repeat Registry Checks:

2. Any individual who is under investigation for abuse, neglect, or sexual abuse of a child or vulnerable adult must not be left alone with children until the investigation is completed and the findings are determined.

391 NAC 1-006.12 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.

On Tuesday, July 11, 2017, the Office of Children's Services Licensing (OCSL) became aware of an investigation involving Meredith Spencer and four children that had left the premises without supervision or permission. Spencer was issued a citation for four counts of child abuse.

I understand and agree that under no circumstances will I, Meredith Spencer, be alone with child care children until the investigations by Law Enforcement and the OCSL are complete and findings are determined.

I understand and agree that if I remain open I must immediately provide OCSL with the name of the "staff" that will provide care with me, including submission of a Consent and Authorization for Release of Information to conduct the appropriate background checks.

I understand and agree that if there is no one 19 years of age or older, that is available to provide care with me, and clears background checks, that I shall voluntarily close my program until such time that the investigation by Law Enforcement and the OCSL is complete and findings are determined, AND that I have written documentation from OCSL stating that I can reopen.

I understand and agree that I, or an approved "staff" person, will accompany and directly supervise children at all times when they are outside, as well as inside the home.

I understand and agree that all parents of children currently enrolled have received a copy of this Interim Licensing Agreement within 24 hours and that documentation of each parents receipt will be maintained and available for review upon request.

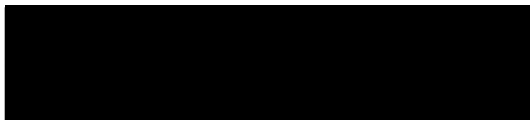
I will ensure that this Interim Licensing Agreement will be prominently posted with the current Family Child Care Home I license so it is clearly visible to parents and Department representatives.

I understand that the OCSL shall conduct announced or unannounced visits to my facility to determine compliance with this Agreement.

Any violation of this Agreement may be grounds for further negative action or discipline as the Department of Health and Human Services, Division of Public Health, OCSL may deem appropriate.

This Agreement is an **Interim Licensing Agreement** which means that the Department reserves the right to take additional action as deemed appropriate. However, any violation of this Interim Licensing Agreement may be grounds for further negative action or discipline as the Department of Health and Human Services, Division of Public Health, OCSL may deem appropriate.

This Agreement shall be in effect from the signing of this Agreement for as long as the Department deems it appropriate and upon completion of an ongoing investigation. Should the Family Child Care Home I license be amended because of a change of address, this Agreement may transfer to the new address if appropriate to the conditions of this Interim Licensing Agreement.



Licensee

7/13/17

Date

Child Care Inspection Specialist

7-13-17

Date