

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

September 28, 2017

Connie Ross
1005 South 3rd Street
Holdrege, NE 68949

Dear Ms. Ross:


In accordance with the Amended Notice of Disciplinary Action issued on August 4, 2017, by Thomas L. Williams, MD, Chief Medical Officer, Division of Public Health, Department of Health and Human Services, your original License to operate a Family Child Care Home I in the State of Nebraska has been placed on Probation. A license imprinted with the term "PROBATION" is enclosed.

You appealed the Department's decision, but withdrew your appeal on September 21, 2017. Therefore, the probation began on September 21, 2017, and it will remain in effect until March 21, 2018. The letter sent to you on September 22, 2017, by Shonna Werth, Child Care Inspection Specialist, modified the due dates of the probationary requirements included in the Amended Notice of Disciplinary Action. 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: Rita Krusemark, 301 Centennial Mall South, Lincoln, NE 68509-4986.

If you have any questions, please contact Harriet Spelts, Child Care Licensing Supervisor, at (308) 535-8246.

Sincerely,


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

BW/dcp

cc: Children's Services Licensing

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

9-22-17

Connie Ross
1005 South 3rd Street
Holdrege NE 68949

Dear Ms. Ross,

The following is a summary of our telephone conversation on September 21, 2017 regarding the probationary license requirements.

1. By October 2, 2017, report to Child Care Inspection Specialist, Shonna Werth, in writing, the Supervision Training you plan to take, the number of hours the training will be, the date and time you plan to take it, and the name of the trainer. This class must be approved by the Department and taken by November 20, 2017. Documentation of the class must be submitted to CCIS Werth within 15 calendar days upon completion.
2. By October 2, 2017, submit a written plan to CCIS Werth as to how you will ensure that adequate and appropriate supervision is provided at all times children are in attendance. Submit a plan as to what steps you will take if a child is missing.
3. By October 2, 2017 submit a plan for ensuring children will not be allowed to exit the facility without your knowledge. The plan must include how all windows will have tight-fitted screens and doors will have some type of mechanism that produces a sound attached to alert you when the door is opened.

These plans will be reviewed by the Department and will either be approved or require modifications. If modifications are required, you will submit revisions within 10 calendar days of notice from the Department.

All documents and plans can be submitted to: shonna.werth@nebraska.gov or Shonna Werth, CCIS Werth, Children's Services Licensing, PO Box E, Lexington NE 68850.

Sincerely,

Shonna Werth, CCIS
DHHS, Dept. of Public Health, Children's Services Licensing
PO Box E
Lexington NE 68850
Shonna.werth@nebraska.gov
308-324-7633

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

CONNIE ROSS

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating **Family Child Care Home I**
located at: **1005 SOUTH 3RD ST Holdrege NE 68949**

A maximum of **10** children in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the
hours of **0000** to **2400** on **MTWTHFSSU**.

ROSS, CONNIE is hereby issued License No. **FI10381** which is
effective on **05/31/2010**

Amended: 09/21/2017

Given under the name and Seal of the Department
of Health and Human Services Division of Public
Health of the State of Nebraska at Lincoln on
September 28, 2017.



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

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Pete Ricketts, Governor

9-22-17

Connie Ross
1005 South 3rd Street
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Sincerely,

Shonna Werth, CCIS
DHHS, Dept. of Public Health, Children's Services Licensing
PO Box E
Lexington NE 68850
Shonna.werth@nebraska.gov
308-324-7633

LICENSURE UNIT
SEP 08 2017
RECEIVED

FILED
09/06/2017
DHHS Hearing Office

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

IN THE MATTER OF:)
THE OPERATING FAMILY CHILD) AMENDED NOTICE OF
CARE HOME I LICENSE OF CONNIE ROSS) DISCIPLINARY ACTION
)

LICENSED LOCATION: 1005 SOUTH 3RD STREET, HOLDREGE, NE 68949

LICENSE NUMBER: FI10381

CAPACITY: 10

AGES: SIX WEEKS TO 13 YEARS

HOURS AND DAYS: 6:00 A.M. TO 6:00 A.M., MONDAY THROUGH SUNDAY

DATE INITIALLY LICENSED: May 6, 2009

NOTICE:

Connie Ross (hereinafter referred to as "Ross") 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 Ross' 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 probation 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 an individual served by or employed at the program;” ...

391 NAC 1-002 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 1-006.01 Licensee Qualifications and Requirements: “The Family Child Care Home I licensee must;...16. Not engage in or have a history of behavior injurious to or which may endanger the health or morals of children;”...

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:

On Monday, July 10, 2017, Ross contacted Harriet Spelts, Child Care Licensing Supervisor, Nebraska Department of Health and Human Services, Division of Public Health, to report that a child had left her child care unattended. Ross reported that on Sunday, July 9, 2017, a 3 year old in care left her home. The child had arrived at Ross’ home around 4:00 a.m. and Ross laid him on the living room floor next to her bedroom door for him to go back to sleep. Ross checked on the child around 7:30 a.m. and he was still sleeping. Ross laid back down on the couch and fell asleep. When she woke up around 8:50, she was not able to locate him. She determined he had left through a screen in an open window. Ross called the child’s parent. The parent called the Holdrege Police Department and was informed the child was safe at the police station.

According to police reports, the child was found by a resident at 8:35 approximately one mile from Ross’ home. The child was returned to Ross’s care by law enforcement.

On August 8, 2017, Ross contacted Shonna Werth, Child Care Services Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health, to report that a child had left her child care unattended. Ross reported that on August 8, 2017, a three year old had arrived at Ross’s home and was left in her care around 4:00 a.m. Ross reported the child was laid down to sleep in front of her bedroom door after he was dropped off. Ross thought the child was asleep and she went to sleep in her bedroom around 4:30 a.m. Ross received a telephone call from the police around 6:15 a.m. informing her that the police had the three year old in their custody. Ross reported she had a tracking device on the child but that it failed to work. Ross also reported she forgot to close and lock a window and that it appeared the child left through that window.

Police reported finding the child approximately a half mile north of Ross’s home. The child was returned to Ross’s care.

DISCIPLINARY ACTION IMPOSED:

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

1. Ross' Family Child Care Home I license is placed on Probation for a period of six months effective August 20, 2017. Terms and conditions include:

a. By November 20, 2017, Ross must register/enroll, attend and successfully complete a minimum of:

- Two 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 Ross participating in any training, Ross 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: 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 Ross within ten working days of the receipt of the letter requesting approval of the training. If additional information is required, Ross must reply with the required information within ten calendar days of notice by the Department.

Ross must submit verification of attendance and successful completion within 15 calendar days after completion of the approved training.

b. By September 5, 2017, Ross must submit a written plan as to how she will ensure that adequate and appropriate supervision is provided at all times children are in attendance. Ross must submit a plan as to what steps she will take if a child is missing.

Ross must submit a plan for ensuring children will not be allowed to exit the facility without Ross' knowledge. The plan must include how all windows will have tight-fitting screens and doors will have some type of mechanism that produces a sound attached to alert Ross when the door is opened.

Ross must follow the safety plan implemented by Children and Family Services which includes a tracking device for the child who left the premises while that child is enrolled in her program.

These plans must be submitted to the Department for approval. The Department agrees that after reviewing these plans, it will either approve or require modifications. If modifications are required, Ross agrees to reply within ten calendar days of notice by the Department by resubmitting the written plans to the Department for approval.

The Department reserves the right to make minor unilateral modifications to the written policies and procedures. Once approved, Ross agrees to implement the policies and procedures as approved by the Department.

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

d. All documentation required must be submitted to Shonna Werth, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, PO Box E, Lexington, NE 68850, 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.). Ross 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 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.

5. If Ross discontinues the child care program for any reason, the time Ross 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 Connie Ross as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Ross 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 August 19, 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 August 19, 2017. It should be addressed to:

Rita Krusemark, for DHHS
Children's Services Licensing
Licensure Unit – 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.

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 4, 2017

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

s/s Becky Wisell
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 4th day of August, 2017, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Connie Ross, 1005 South 3rd Street, Holdrege, NE 68949.

s/s Rita Krusemark
Rita Krusemark, Program Specialist

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

Teresa M. Hampton
Teresa M. Hampton #16746
Attorney for Department

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 4th day of September 6, 2017, a copy of the foregoing **AMENDED NOTICE OF DISCIPLINARY ACTION** was sent by first class United States mail, sufficient postage prepaid and electronically to Connie Ross, 1005 South 3rd Street, Holdrege, NE 68949 and conniez1@hotmail.com.


Teresa M. Hampton

LICENSURE UNIT

SEP 08 2017

RECEIVED