

August 13, 2015

Venus D. Neemann
410 South 15th Street
Nebraska City, NE 68410

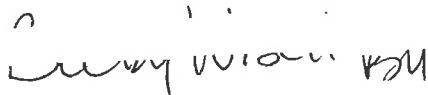
Dear Ms Neemann:

In accordance with the Notice of Disciplinary Action issued on July 28, 2015, by Courtney N. Phillips, MPA, Chief Executive Officer, 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. This status became effective August 13, 2015, and it will remain in effect until August 13, 2016. 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, Supervisor, Children's Services Licensing 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

VENUS D. NEEMANN

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: 410 SOUTH 15TH ST Nebraska City NE 68410

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 MTWTFSSU.

NEEMANN, VENUS is hereby issued License No. FI10696 which is effective on 05/19/2011

Amended: 08/13/2015

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 August 14, 2015.



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

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

IN THE MATTER OF:)
)
THE OPERATING FAMILY CHILD CARE HOME) **NOTICE OF DISCIPLINARY ACTION**
I LICENSE OF VENUS NEEMANN)

LICENSED LOCATION: 410 SOUTH 15TH STREET, NEBRASKA CITY, NE., 68410

NOTICE:

Venus Neemann (hereinafter referred to as "Neemann") is notified that the Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department") is imposing disciplinary action against Neemann's Family Child Care Home I license for violation of the following statutes and regulations:

AUTHORITY:

Nebraska Revised Statutes, section 71-1919 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 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 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 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: ... 4. Be responsible for the day-to-day operation of the child care program; 5. Read, understand, and be familiar with these regulations; ... 7. Be in compliance with all regulations whenever any children are in care; ... 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."

391 NAC 1-006.12D1 Fenced Play Area: "Children under the age of two must be accompanied and supervised while in a fenced play area. Children two or older may play in a fenced area unaccompanied, but must be supervised at all times."

FACTS AND FINDINGS:

Neemann is the licensee of an operating Family Child Care Home I that is licensed for a maximum of 10 children, ages six weeks to 13 years of age, 24 hours a day, seven days a week. This program has been licensed since April 5, 2010.

On June 11, 2015, Angie Lewis (hereinafter referred to as "Lewis"), Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, conducted a complaint investigation to Neeman's program.

Neemann stated she left a 17 month old in an outdoor play area without a caregiver present on June 10, 2015. Four other children were in the outdoor area. During the time the children were not supervised, the 17 month old was injured.

DISCIPLINARY ACTION IMPOSED:

Based on the above presented facts, the Department is imposing the following:

1. Neemann's Family Child Care Home I license is placed on probation for a period of one year effective August 13, 2015. The following terms and conditions will apply:

a. By August 13, 2015, Neemann will provide the Department with a comprehensive plan on how she will ensure that adequate and appropriate supervision is maintained at all times during outdoor play.

This plan must be submitted to the Department: Attn: Angie Lewis, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, 1700 Stone Street, Courthouse, Falls City, Nebraska, 68355 or such other address as directed, in writing, by the Department, for approval. The Department agrees that after reviewing these written policies, procedures and plans, it will either approve or require modifications. If modifications are required, Neemann agrees to reply within ten calendar days of notice by the Department by resubmitting the written plan to the Department at the above address for approval.

The Department reserves the right to make minor unilateral modifications to the written plan. Once approved by the Department, Neemann agrees to implement the plan as approved by the Department.

b. By November 13, 2015, Neemann must register/enroll, attend and successfully complete a minimum of four 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 Neemann participating in any training, Neemann 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 Neemann within ten working days of the receipt of the letter requesting approval of the training. If additional information is required, Neemann 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 Neemann to obtain final approval from the Early Childhood Training Center.

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

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.). Neemann 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 Neemann discontinues the child care program for any reason, the time Neemann 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 Venus Neemann as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Neemann 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 12, 2015, unless the Department receives a written request for a hearing on or before such date. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request on or before such date, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than August 12, 2015. It should be addressed to:

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

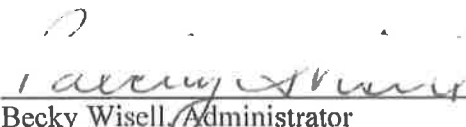
If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes,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

Nebraska Revised Statutes, section 71-1920 of the Child Care Licensing Act, provides 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 “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: July 28, 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 July 28, 2015, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid, to Venus Neemann, 410 South 15th Street, Nebraska City, Nebraska, 68410.


Marsha Wanderssee