

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

March 20, 2017

The Salvation Army
1020 N. Adams Avenue
North Platte, NE 69101

CERTIFIED AND FIRST CLASS MAIL


Dear Salvation Army:

Since you have complied with the Notice of Disciplinary Action dated March 1, 2017 by coming into compliance as of March 20, 2017, you have been assessed a civil penalty in the amount of \$75.00 (\$75.00 a day times one day, March 17, 2017, not including Saturday and Sunday). This penalty must be received by or on April 20, 2017.

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 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/mrw

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 CARE CENTER) **NOTICE OF**
LICENSE OF THE SALVATION ARMY) **DISCIPLINARY ACTION**

LICENSED LOCATION: 1020 N. ADAMS AVENUE, NORTH PLATTE, NE, 69101
LICENSE NUMBER: CCC9170
CAPACITY: 75
AGES: TWO YEARS TO 13 YEARS
HOURS AND DAYS: 7:30 A.M. TO 7:00 P.M., MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: OCTOBER 28, 2009

NOTICE:

The Salvation Army (hereinafter referred to as "Salvation Army") 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 the Salvation Army's 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 3-006.09 Teacher Training: “The licensee must ensure that teachers employed at the center complete the following training:

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. 1. Beginning three years after the operative date of these regulations, 50% of all teachers employed by the center must have completed this training. 2. This training counts toward the annual training requirement.”

391 NAC 3-006.10C Transportation Training: “Individuals who transport children on behalf of a child care center must: 1. Receive and maintain a valid certificate of completion of the “Safe Kids Buckle Up” program within 90 days of employment and every five years thereafter. Individuals who transport children who were employed before the operative date of these regulations must receive and maintain a valid certificate of completion for “Safe Kids Buckle Up” within one year and every five years thereafter. Any proposed equivalent training must be approved by the Department.” ...

FACTS:

On December 12, 2016, Tori Urbanovsky (hereinafter referred to “Urbanovsky”), Child Care Inspection Specialist, Children’s Services Licensing, Licensure Unit, Division of Public Health, conducted an unannounced semiannual inspection of the Salvation Army. At that time, Urbanovsky noted numerous non-compliances and required that they be corrected by January 12, 2017.

On January 19, 2017, Harriet Spelts, Child Care Licensing Supervisor, sent the Salvation Army a letter indicating verification of compliance with regulations was required by February 12, 2017. As of this date, the following remains in violation:

- Documentation of four hours of Safe with You training for at least 50% of teachers is not available.
- Documentation that the individual who transports children has obtained Safe Kids Buckle Up training is not available.

DISCIPLINARY ACTION IMPOSED:

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

1. The Salvation Army is assessed a civil penalty in the amount of \$75.00 per day (\$1.00 times license capacity of 75 children) from the effective date of this Notice, March 17, 2017, and for each day thereafter, not including Saturday and Sunday, that the Salvation Army fails to submit written corrections/documentation that all of the outstanding non-compliances noted at the inspection conducted on December 12, 2016 have been corrected.

Documentation must be submitted to Tori Urbanovsky, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, State Office Building, 200 South Silber, North Platte, Nebraska, 69101, or at such other address as directed in writing by the Department. Once Urbanovsky has received and verified the submitted written corrections/documentation, which may require an on-site inspection, the Salvation Army 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 the Salvation Army.

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.

2. The Salvation Army must comply with all of the terms of this Notice by submitting the required written corrections/ documentation as indicated above by or on March 31, 2017.

3. Failure to comply with 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 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 68509-4986

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 “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 The Salvation Army, 1020 N. Adams Avenue, North Platte, Nebraska, 69101, The Salvation Army, 10 W. Algonquin Rd., Des Plaines, Illinois, 60016 and CSC - Lawyers Incorporating Service Company, Registered Agent, Suite 1900, 233 South 13th Street, Lincoln, Nebraska, 68508.



Marsha Wandersge

March 2, 2015

THE SALVATION ARMY
AFTER SCHOOL PROGRAM
Captain Brianne Bowers
1020 N. Adams Ave.
North Platte, NE 69101

Dear Captain Bowers:

In accordance with the Notice of Disciplinary Action issued on February 10, 2015, by Joseph Acierno, MD, JD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, the original License to operate a School Age Only 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 February 26, 2015, and it will remain in effect until February 26, 2016. Upon completion of the Probation, a new license will be issued to the Center.

At this time we ask that you return your current license, within the next seven (7) days, to Marsha Wandersee in the Licensure Unit. 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

THE SALVATION ARMY

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating School Age Only Child Care Center
located at: 1020 N ADAMS AVENUE North Platte NE 69101

A maximum of 75 children in ages 5 YRS to 13 YRS may be in attendance at any one time during the hours of 1530 to 1900 on MTWTFH.

THE SALVATION ARMY - AFTER SCHOOL PROGRAM is hereby issued License No. SAOC8724
which is
effective on 12/02/2013

Amended: 02/26/2015

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
March 3, 2015.



Joseph M. Aclerno
Joseph M. Aclerno, M.D., J.D., Chief Medical Officer
Director, Division of Public Health
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 SCHOOL-AGE-ONLY CHILD)
CARE CENTER LICENSE OF THE SALVATION)
ARMY D/B/A THE SALVATION ARMY - AFTER)
SCHOOL PROGRAM)

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 1020 N. ADAMS AVENUE, NORTH PLATTE, NE, 69101

NOTICE:

The Salvation Army (hereinafter referred to as "Salvation Army") 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 Salvation Army's operating School-Age-Only 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 4-008.01 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 4-004.06 Notification of Changes: "An applicant or licensee must notify the Department:..."

391 NAC 4-004.06C An Amendment to Application must be submitted within two working days of the following changes: 1. In director; ..."

391 NAC 4-006.01 Licensee Requirements: "The licensee must: 1. Ensure that the center is administered and managed appropriately; 2. Maintain compliance with all applicable state statutes and school-age-only center regulations; ...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;..."

391 NAC 4-006.02 Director Requirements: "The director is responsible for managing the day-to-day operations of the school-age-only center. The director must report to the licensee all matters related to the maintenance, operation, and management of the center and be directly responsible to the licensee or to a person delegated governing authority by the licensee. The director must: ...2. Be within the child care area a sufficient number of hours to permit adequate attention to the management of the center; ..."

FACTS AND FINDINGS:

The Salvation Army is the licensee of a School-Age-Only Child Care Center that is currently licensed for 75 children, ages 5 years to 13 years, 3:30 p.m. to 7:00 p.m., Monday through Friday. This program was licensed as a School-Age-Only Child Care Center on December 2, 2013.

On November 13, 2014, Tori Urbanovsky (hereinafter referred to as "Urbanovsky"), Child Care Inspection Specialist, Children's Services Licensing, Licensure, Division of Public Health, during an unannounced semiannual inspection, was informed by Karissa Spiehs that the director on file, Kelly Summit, was no longer employed as director of the program. Ms. Spiehs stated that Rebekah Langham acted as facility director from April, 2014 to early November, 2014 but Ms. Langham was no longer employed as of last week. Ms. Spiehs stated she had been responsible for running the program since Ms. Langham's departure and would likely be retained as the director, although nothing final had been decided.

The Department was not notified within two working days of her departure that Kelly Summit was no longer employed as the facility director; nor was the Department notified within two working days of her start date that Rebekah Langham was the new facility director. Further, the Department was not notified within two working days of her departure that Rebekah Langham was no longer employed as the facility director.

A director change packet was sent to the program on November 14, 2014.

On November 24, 2014, the Salvation Army submitted a complete and accurate director amendment packet for the Salvation Army – After School Program – 1020 N. Adams Avenue, North Platte location.

DISCIPLINARY ACTION IMPOSED:

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

1. The Salvation Army's School-Age-Only Child Care Center license is placed on probation for a period of one year effective February 26, 2015. The following terms and conditions will apply:

- By March 12, 2015, the Salvation Army must develop a detailed, comprehensive policy and procedure describing how the Salvation Army will keep the Department informed of any changes that may occur; specifically changes in director. See 4-004.06.

This written policy and procedure must be submitted, for approval, to the Department, Attn: Tori Urbanovsky, Child Care Inspection Specialist, Children's Services Licensing, 200 South Silber, North Platte, Nebraska, 69101, or at such other address as directed in writing by the Department.

The Department agrees that after reviewing this written policy and procedure, it will either approve or require modifications. If modifications are required, the Salvation Army, must, within ten calendar days' 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 Salvation Army agrees to implement the written policy and procedure as approved by the Department. The Salvation Army will ensure that all staff, current and future, are aware of this policy and procedure.

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 Salvation Army 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 the Salvation Army discontinues the child care program for any reason, the time the Salvation Army 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 the Salvation Army as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. The Salvation Army 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 February 25, 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 February 25, 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: FEBRUARY 10, 2015

Joseph M. Acerno, MD, JD
Acting Chief Executive Officer
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 10 day of February, 2015, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was personally handed to:

Karissa Spehs, Director
The Salvation Army - After School Program
1020 N. Adams Avenue
North Platte, NE 69101

Captain Brianne Bowers
The Salvation Army
1020 N. Adams Avenue
North Platte, NE 69101

and a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent certified and first class United States mail, sufficient postage prepaid, to The Salvation Army, CSC-Lawyers Incorporating Service Company, Registered Agent, Suite 1900, 233 South 13th Street, Lincoln, Nebraska, 68508.

Harriet Spehs
Harriet Spehs

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 25 day of February, 2015, a copy of the foregoing NOTICE OF DISCIPLINARY ACTION was sent certified and first class United States mail, sufficient postage prepaid, to The Salvation Army, CSC-Lawyers Incorporating Service Company, Registered Agent, Suite 1900, 233 South 13th Street, Lincoln, Nebraska, 68508.


Harriet Spelts