

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

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

**IN THE MATTER OF:
THE OPERATING CHILD CARE CENTER
LICENSE OF HOSANNA'S CHILDREN LLC, OWNED BY
KATHLEEN JOHNSON and HOSANNA'S CHILDREN LLC**

)
) **NOTICE OF**
) **DISCIPLINARY ACTION**
)

LICENSED LOCATION: 556 N. 21ST. BLAIR, NE 68008
LICENSE NUMBER: CCC9241
CAPACITY: 42
AGES: 6 WEEKS TO 13 YEARS
HOURS AND DAYS: 6:00 AM TO 6:30 PM MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: December 13, 2010

NOTICE:

Hosanna's Children LLC, owned by Kathleen Johnson and Hosanna's Children LLC (hereinafter referred to as "Hosanna's"), is notified that the Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department"), is imposing disciplinary action against Hosanna'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; ...
- (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 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 a person served by or employed at the program;" ...

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 childcare 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 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 childcare center and be directly responsible to the licensee or to a person delegated governing authority by the licensee. The director must:

1. Be responsible for the center's compliance with rules and regulations;
2. Be within the childcare area a sufficient number of hours to permit adequate attention to the management of the center;
3. When not in the childcare area, designate another staff to act in his/her absence who will be responsible and accountable for management of the center; ...
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 3-006.12 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: ... 7. Individual(s) to whom the child may be released by the caregiver;" ...

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.

FACTS AND FINDINGS:

On March 22, 2018, Fabian Awanyai, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Awanyai"), conducted an unannounced complaint inspection at Hosanna's. Awanyai interviewed Crystal Doss, Assistant, (hereinafter referred to as "Doss") and Kathy Johnson, Director, (hereinafter referred to as "Johnson") in addition to observing the facility and reviewing files.

Awanyai learned that a four year old child (JB) was scheduled to be picked up on February 7, 2018 from Hosanna's for a supervised parent visit by Beneficial Behavior Health Services staff (hereinafter referred to as "Beneficial"). Instead of releasing JB, a Hosanna staff person named Candace released a different child (JM). This child (JM), was taken from the child care facility to Omaha by Beneficial staff person named Sharon. No one realized the wrong child had been taken from the child care facility until the Beneficial staff arrived with JM for the supervised visit and the parent indicated the wrong child had been transported. Awanyai reviewed attendance records and confirmed that JM was taken from the center at approximately 4:15 PM and was returned to the care of his parents at 5:45 PM.

Johnson reported that she asked Candace why she released the wrong child and Candace reported that the specialist asked for a particular name and that she released the child with that name. Johnson reported that the child's file was not checked by Candace. Awanyai reviewed children's records and noted that the children have the same first name, however, their last names are distinctly different.

Awanyai observed the center's policy regarding releasing children to individuals other than parents. Awanyai noted that the policy includes checking identification of the person picking up the child, and that the center did check the identification of the visitation specialist, as well as made a copy of the specialist's identification. Staff did not check the file of the child to ensure that the right child was released to the visitation specialist.

In addition to the above violation, the investigation also revealed that Johnson is not within the child care center for a sufficient amount of time to ensure compliance with regulations and to effectively manage the program. Interviews with staff and parents indicate that they view Doss, and not Johnson, as the person who is responsible for the management of the child care program.

DISCIPLINARY ACTION IMPOSED:

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

1. Hosanna's Operating Child Care Center license is placed on probation for a period of one year from the effective date of June 26, 2018, to June 26, 2019. The following terms and conditions will apply:

- a. By July 10, 2018, Hosanna's Licensee/Director shall develop and/or revise existing policies and procedures dealing with release of children to persons who are non-custodial parents, to include verification of identity for:
 - i) child(ren) being released; and
 - ii) persons picking up.
- b. By July 10, 2018, Hosanna's Licensee/Director shall develop a written form for use by staff, to be completed each time the process is utilized, and shall maintain a copy in the child's file.
 - Licensee/Director will also maintain a list of children's names for whom this process is used, and to assist the Department with review of children's records.

Upon receipt of the above information, the Department will either approve or require additional information in writing from Hosanna's within ten working days of the receipt of the letter requesting approval of the policies and procedures and release form. If additional information is required, Hosanna's must reply with the required information within ten calendar days of notice by the Department.

c. Hosanna's Licensee/Director shall meet with all staff within 5 days of the Department's review and approval of the policy and procedure and written form. Written documentation of the staff meeting(s), including the date of the meeting(s) and the staff who attended, must kept on the premises and be available for the Department's review.

All documentation required must be submitted to the Department, Attn: Fabian Awanyai, State Office Building, 3rd Floor, 1313 Farnam St., Omaha, Nebraska, 68102, (402) 595-3342, Fabian.Awanyai@nebraska.gov 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 childcare 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 Hosanna's discontinues the child care program for any reason, the time Hosanna's 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 Hosanna's as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Hosanna's 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 childcare 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 June 25, 2018, unless the Department receives a written request for a hearing 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 June 25, 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: June 8, 2018

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 8th day of June 2018, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Hosanna's Children, LLC , 556 N. 21St., Blair, NE 68008.

Chris Kort
Administrative Assistant II

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

July 2, 2018

HOSANNA'S CHILDREN, LLC
Kathleen Johnson, Owner/Director
556 N. 21st Street
Blair, NE 68008

Dear Ms. Johnson:

In accordance with the Notice of Disciplinary Action that was issued on June 8, 2018, by Thomas L. Williams, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, the original License of Hosanna's Children, LLC to operate as a 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 on June 26, 2018, and it will remain in effect until June 26, 2019. Upon completion of the Probation, a new license will be issued to the Center.

At this time we ask that you submit the current license of Hosanna's Children, LLC by return mail, within the next seven (7) days, to DHHS, Division of Public Health, Licensure Unit, Attn: Chris Kort, 301 Centennial Mall South, Lincoln, NE 68509-4986.

If you have any questions, please contact Jo Pfeiffer, Child Care Licensing Supervisor, at (402) 595-3335.

Sincerely,

[Redacted Signature]
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

HOSANNA'S CHILDREN LLC

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: 556 NORTH 21st ST Blair NE 68008

A maximum of 42 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0600 to 1830 on MTWTHF.

HOSANNA'S CHILDREN LLC is hereby issued License No. CCC9241 which is effective on 01/02/2012

Amended: 06/04/2018

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 5, 2018.



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