

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

May 19, 2017

NOAH'S ARK DAYCARE II
William Reeves, Registered Agent
1800 East D Street
North Platte, NE 69101

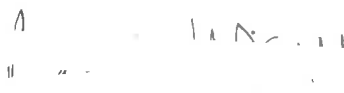
Dear Mr. Reeves:

In accordance with the Notice of Disciplinary Action that was issued on May 1, 2017, by Thomas L. Williams, MD, Chief Medical Officer, Division of Public Health, Department of Health and Human Services, the original License of Noah's Ark Daycare II 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 May 17, 2017, and it will remain in effect until November 17, 2017. Upon completion of the Probation, a new license will be issued to the Child Care Center.

At this time we ask that you submit the current license of Noah's Ark Daycare II 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

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

NORTH PLATTE BAPTIST CHURCH OF NORTH PLATTE, NEBRASKA

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating **Child Care Center**

located at: **1800 EAST D STREET North Platte NE 69101**

A maximum of **80** 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**.

NOAH'S ARK DAYCARE II is hereby issued License No. **CCC9262** which is effective on **04/30/2012**

Amended: 05/17/2017

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 **May 19, 2017.**



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

NEBRASKA

Good Life. Great Mission.



Pete Ricketts, Governor

DEPT. OF HEALTH AND HUMAN SERVICES

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

**IN THE MATTER OF:)
THE OPERATING CHILD CARE CENTER)
LICENSE OF NORTH PLATTE BAPTIST CHURCH)
D/B/A NOAH'S ARK DAYCARE II)**

**NOTICE OF
DISCIPLINARY ACTION**

LICENSED LOCATION: 1800 EAST D STREET, NORTH PLATTE, NE, 69101
LICENSE NUMBER: CCC9262
CAPACITY: 80
AGES: 6 WEEKS TO 13 YEARS
HOURS AND DAYS: 24 HOURS A DAY, SEVEN DAYS A WEEK
DATE INITIALLY LICENSED: APRIL 1, 2011

NOTICE:

The North Platte Baptist Church (hereinafter referred to as "Licensee") 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 Licensee's operating Child Care Center license, Noah's Ark Daycare II (hereinafter referred to as "Noah's Ark"), 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 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 an individual served by or employed at the program;” ...

391 NAC 3-002 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 3-006.02 Director Requirements: “The director is responsible for managing the day-to day operations of the child care center. ... The director must: ... 13. Ensure that staff-to-child ratios are met at all times;” ...

391 NAC 3-006.15C Staff-to-Child Ratio: “The center must maintain accurate staff and daily attendance records to verify compliance with staff-to-child ratios. Compliance with staff-to-child ratios is determined on a center-wide basis.

Only staff involved in the direct care of children are counted. The appropriate staff-to-child ratios must be met at all times, as follows.”

Age of Children	Number of Children in Care	Number of Staff Required
6 weeks to 18 months	4	1
18 months to 3 years	6	1
3 years	10	1
4 and 5 years	12	1
School-age	15	1

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:

Kristi Smith (hereinafter referred to as “Smith”) is listed as the director of record of this center.

On February 17, 2017, Smith self-reported to Children’s Services Licensing that on February 17, 2017, three children, two 18 month olds and one 21 month old, left Noah’s Ark’s outdoor play area unsupervised. A second report was received from a complainant describing how three small children were found unsupervised near the street.

On March 3, 2017, Tori Urbanovsky (hereinafter referred to as “Urbanovsky”), Child Care Inspection Specialist, Children’s Services Licensing, Licensure Unit, Division of Public Health and Sarah Jones Children and Family Services Specialist, Department of Health and Human Services, conducted a complaint investigation to Noah’s Ark. Through interviews conducted with Smith and staff members, it was determined that three toddlers were able to leave the East gate of the playground of Noah’s Ark unsupervised without staff knowledge. The children were found by an older individual who returned the children to Noah’s Ark. Smith reported that she thought the incident occurred within a matter of ten minutes. The gate was latched but not locked. Smith believes that one of the toddlers who is tall was able to unlatch the gate and the other toddlers followed the child out of the gate.

In addition, Urbanovsky was able to determine that on February 17, 2017 staff-to-child ratio was not being met. Twenty-one children were outside with one staff person and three children were inside with one staff. Four staff had been present, however, only two staff were involved in the direct care of children at the time of the incident. This violation in staff-to-child ratio occurred when one staff left the premises to pick up picnic supplies and one went into the building to unload the dishwasher.

DISCIPLINARY ACTION IMPOSED:

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

1. The Licensee’s Child Care Center license is placed on Probation for a period of six months effective May 17, 2017. Terms and conditions include:

a. By August 17, 2017, the Licensee must ensure that all existing staff who have the responsibility of caring for children will 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 staff participating in any training, the Licensee 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: names of staff attending, 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, the Licensee must reply with the required information within ten calendar days of notice by the Department.

The Licensee must submit verification of attendance and successful completion by all staff who have the responsibility of caring for children within fifteen calendar days after completion of the approved training.

The Licensee must ensure that any new staff responsible for the care of children must complete two hours of face-to-face training related to adequate and appropriate supervision, within sixty days of hiring, within the six month probationary period. Training documentation must be kept on the center premises and available for review by the Department upon request.

b. By May 17, 2017, the Licensee will hold a mandatory staff meeting in which all staff will sign a "Statement of Understanding" of "direct care" to children.

By May 17, 2017, the Licensee will develop and maintain a cleaning schedule/chore chart to ensure staff are not cleaning, etc. when "direct care" to children is required. This chart is to be posted so it is clearly visible. The Licensee will ensure that all staff are familiar with the cleaning schedule/chore chart by discussing at the mandatory staff meeting.

Documentation of staff attendance must be available to the Department upon request.

c. During the probationary period, the Licensee will ensure that adequate and appropriate supervision and staff-to-child ratio is met by ensuring that there will always be a minimum of two staff outside with any number of children.

d. The Licensee is responsible for paying for all costs associated with compliance.

e. All documentation required 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 other such address as directed, in writing, by the Department.

3. 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.

4. 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.

5. 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.

6. If the Licensee 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 North Platte Baptist Church and/or Noah's Ark 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 May 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 May 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.

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: May 1, 2017

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

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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 11 day of May, 2017, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Noah's Ark Daycare II, 1800 East D Street, North Platte, Nebraska, 69101 and North Platte Baptist Church, William Reeves, Registered Agent, 663 E. Halligan Dr., North Platte, Nebraska, 68101.


Marsha Wandersee

September 20, 2013

NOAH'S ARK DAYCARE II
Tanya Black, Director
663 Halligan Drive
North Platte, NE 69101

Dear Ms Black:

In accordance with the letter written by Harriet Spelts, Child Care Licensing Supervisor, on September 18, 2013, your original License to operate a Child Care Center in the State of Nebraska has been placed on Corrective Action Status. A license imprinted with the term "Corrective Action Status" is enclosed. This status became effective September 18, 2013, and it will remain in effect until March 18, 2014. Upon completion of this term, a new license will be issued to you.

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,


Helen L. Meeks, Administrator
Licensure Unit

HLM/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

Department of Health and Human Services
Division of Public Health

NORTH PLATTE BAPTIST CHURCH

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center

located at: 1800 EAST D STREET North Platte NE 69101

A maximum of 80 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.

NOAH'S ARK DAYCARE II is hereby issued License No. CCC9262

whose status is Active-Corrective Action Status effective from 09/18/2013

Amended: 09/18/2013

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
September 20, 2013.



Joseph M. Acierno
Joseph M. Acierno, M.D., J.D., Chief Medical Officer,
Director, Division of Public Health
Department of Health and Human Services

September 18, 2013

Noah's Ark Daycare II
Tanya Black
663 Halligan Drive
North Platte, NE 69101

CERTIFIED MAIL

Dear Ms. Black:

I have received and reviewed your Corrective Action Plan and the additional information requested by the Department of Health and Human Services. You have addressed all the items listed in your Corrective Action Status Notice. Your plan is approved.

Your plan stated you will:

1. Ensure all staff members are providing adequate and appropriate supervision at all times. As stated in your letter "appropriate supervision is maintained at all times in the daycare center by ensuring proper staff/child ratios. Staff cleaning in the center are not considered a teacher providing direct care. At least one teacher is to be in each room with children and is to be watching and interacting with the children."
2. Ensure children placed in time out are adequately and appropriately supervised. As stated in your letter "children are placed in time out in the same room as the rest of the children...Staff are to stay in the same room with the child in time out."
3. Utilize a Chore Assignment form to ensure staff are aware who is responsible for the direct care of children and who is responsible for facility cleaning each day.
4. Ensure exit doors are fully closed and child-proof knobs are used to make exit doors more difficult for a child to use individually.
5. Attend supervision training and review Child Care Licensing supervision regulations with all staff members, ensuring they are knowledgeable about the importance of proper supervision of children.

You are required to follow the plan you submitted as outlined above.

Your Corrective Action Status is in effect from September 18, 2013 to March 18, 2014 at which time your corrective action status will end. A new license indicating "Corrective Action Status" will be mailed to you. Please post the license in a prominent place upon its arrival.

You are subject to monitoring visits by Children's Services Licensing staff to determine compliance with this plan.

If at any time subsequent to your placement on Corrective Action Status, should Children's Services Licensing receive substantiated concerns or complaints relating to the care, well-being or risk to children in care, Children's Services Licensing/Licensure Unit will initiate further negative action against your Child Care Center license.

If you have any questions, please contact Tori Prentice at (308) 535-8256 or myself, Harriet Spelts at 308-535-8246.

Sincerely,



Harriet Spelts, Child Care Licensing Supervisor
Division of Public Health
Children's Services Licensing
200 S. Silber
North Platte, NE 69101

cc: Tori Prentice, Child Care Inspection Specialist

Noah's Ark Daycare
Corrective Action Plan
September 6th, 2013

- 1) Appropriate supervision is maintained at all times in the daycare center by ensuring proper staff/child ratios. Staff cleaning in the center are not considered a teacher providing direct care. At least one teacher is to be in each room with children and is to be watching and interacting with the children.
- 2) Children are placed in time out in the same room as the rest of the children. In the back area (dining/activity area), children sit under the counter of the main room, where the staff member can both see and hear the child. Children sit for 1 minute for each year they are old. Staff are to stay in the same room with the child in time out. If the children in the center move on to another activity during the child's time out (such as outside to the playground), the child is to move along with the rest of the children.
- 3) Policies when one staff member is present at the facility are attached.
- 4) Forms and policies to prevent this situation in the future are attached.
- 5) Staff signatures page from inservice with staff about supervision is attached.
- 6) Training for all staff members in "Supervision of Children" is scheduled with Vona Koch on Saturday, September 14th.

Please let me know if you need anything else from me.

Attention Staff:

Please review the following policies effective immediately:

- If you are the only teacher on the premises, you must know what the children are doing and where they are at all times. Do not do your cleaning and chores if you are the only staff member—the children in our care are the most important component of your job! The children must not be left alone at anytime, even while they are sleeping. Take them with you if you must move from room to room. If you are needing a second staff to assist you, call Tanya immediately and she will have someone there ASAP.
- Make sure that only one staff is cleaning after meals! The other staff members are to be watching and interacting with the children. Remember that teachers not involved in the direct care of the children are not considered part of the staff/child ratio. If you are the only staff member in the room with the children, you are the one responsible for the care and safety of all the children!! Evening chores are to be done by one staff member at a time, once the children have been moved into the other room or out to the playground.

If you have any questions, be sure to ask Tanya!

July 17, 2013

Noah's Ark Daycare II
Tanya Black, Director
663 Halligan Dr.
North Platte, NE 69101

CERTIFIED MAIL

Dear Ms. Black:

Nebraska Revised Statutes, section 71- 1911 (4), of the Child Care Licensing Act and Regulations Governing Licensure of Child Care Centers, Title 391, Chapter 3, Page 11, 3-003.05B Corrective Action Status provides that the Department may place a provisional or operating license on corrective action status.

FACTS:

Ms. Black is the Director of Noah's Ark Daycare II. On June 27, 2013 at approximately 5:45pm, an incident occurred at this facility in which a four year old child and a five year old child left the premises without staff knowledge. Staff became aware of the missing children and contacted Black, whom contacted Law Enforcement and the children's parents/guardians. The children were found by a family member of one of the children.

Ms. Black stated that at the time of the incident, there were twelve children in care with two staff. All children present were between the ages of 18 months and 5 years. Black indicated that the two children involved in the incident had been placed in time out prior to their disappearance. Black stated that they were sitting in time out in the dining area while both staff members were cleaning up the kitchen from supper. Black stated a staff member looked up from wiping down a table and noticed the children were no longer in time out. Black stated staff initially searched the child care facility for the children before realizing they had left the facility. The director, law enforcement, and children's parents/guardians were made aware of the missing children and a search ensued. The children were located by one of the children's nineteen year old brother. The children had run to one of the children's home, which is located a few blocks from the child care facility. The children were returned to Noah's Ark Daycare II within thirty minutes of their disappearance.

On June 28, 2013, Black reported the incident to Tori Prentice, Child Care Inspection Specialist.

Black indicated the staff members were suspended for a time and the doorknob on the door the children used to leave the facility has been changed, making it more difficult for children to use that door. Black indicated a staff meeting will be held to address supervision of children.

REGULATORY BASIS:

391 NAC 3-006.01, #2 Licensee Requirements: The licensee must maintain compliance with all applicable state statutes and child care center regulations

3-006.15B Staffing Requirements: Each room where children are receiving care must have a teacher who is involved with the direct care of children.

3-006.15C Staff-to-Child Ratio: Only staff involved in the direct care of children are counted. The appropriate staff-to-child ratios must be met at all times, as follows.

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.

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: Conduct or practices detrimental to the health or safety of an individual served by or employed at the program.

DETERMINING CORRECTIVE ACTION STATUS:

A non-disciplinary probationary license may be issued for the licensee to operate under corrective action status if the department determines that:

1. The licensee is unable to comply with all licensure requirements and standards or has had a history of noncompliance;
2. The effect of noncompliance with any rule or regulation does not present an unreasonable risk to the health, safety or well-being of children or staff; and
3. The licensee has a written plan of correction that has been approved by the department.

Based on the facts presented above and the regulations violated, the department is placing your Child Care Center license on Corrective Action Status for a period of six months.

CORRECTIVE ACTION STATUS: PLAN OF CORRECTION

Corrective action status is voluntary and the decision regarding placement on corrective action status is not appealable. However, you are required to submit a written Plan of Correction that must be approved by the department. The following items must be included in your written Plan of Correction:

1. Identify the issues or concern;
2. Identify who is responsible for corrections and maintenance of compliance;
3. Include timelines; and
4. Describe how you will ensure that day care children in your care will not leave the premises without staff knowledge and appropriate supervision is maintained at all times.
5. Describe any changes you have made to the facility to ensure this type of incident does not happen again.
6. Describe any training with staff and/or changes in policies/procedures you have done to ensure this incident does not happen again.

Please submit your written Plan of Correction to Tori Prentice, Child Care Inspection Specialist, 200 S Silber, North Platte, NE 69101 **within ten calendar days after you receive this letter.**

FAILURE TO SUBMIT CORRECTIVE ACTION PLAN:

If you do not submit a written Plan of Correction, or the written Plan of Correction is not approved, the department may discipline your license by imposing one or a combination of the following types of disciplinary action:

- (a) Issue a probationary (disciplinary) license;
- (b) Suspend or revoke a provisional, probationary, or operating license;
- (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;
- (d) Establish restrictions on new enrollment in the program;
- (e) Establish restrictions or other limitations on the number of children or the age of the children served in the program; or
- (f) Establish other restrictions or limitations on the type of service provided by the program.

If you have any questions regarding this letter, please contact Tori Prentice, Child Care Inspection Specialist, at (308) 535-8256 or myself, Harriet Spelts, Child Care Licensing Supervisor, at (308) 535-8246. Thank you.

Sincerely,

Harriet Spelts, 07/17

Harriet Spelts, Child Care Licensing Supervisor
Children's Services Licensing
Division of Public Health
200 South Silber
North Platte, NE 69101

cc: Tori Prentice, Child Care Inspection Specialist