



May 13, 2015

Colleen Michaelis  
1403 Circle Dr.  
McCook, NE 69001

**CERTIFIED AND FIRST CLASS MAIL**

Dear Ms. Michaelis:

Since you have complied with Notice of Disciplinary Action dated April 10, 2015 by coming into compliance as of May 6, 2015, you have been assessed a civil penalty in the amount of \$80.00 (\$10.00 a day times eight days, April 28, 2015 through May 5, 2015, including Saturday and Sunday). This penalty must be received by or on June 12, 2015.

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, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

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

Sincerely,

*B*

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

BW/mrw



391 NAC 1-006.04F Cardiopulmonary Resuscitation (CPR) and First Aid Training: ... “2. The licensee must maintain current CPR and First Aid Training as long as s/he is licensed. 3. The CPR card and documentation of First Aid training must be available upon request.”

**FACTS AND FINDINGS:**

Michaelis is the licensee of a Family Child Care Home I that is currently licensed for a maximum of 10 children, ages six weeks to 13 years, 7:00 a.m. to 6:00 p.m., seven days a week. This program was licensed on June 10, 2011.

On January 14, 2015, Tori Urbanovsky (hereinafter referred to “Urbanovsky”), Child Care Inspection Specialist, Children’s Services Licensing, Licensure Unit, Division of Public Health, conducted an unannounced annual inspection of Michaelis’s program. At that time, Urbanovsky noted numerous non-compliances and required that they be corrected by February 14, 2015. Michaelis has corrected several of the non-compliances; however, as of the date of this Notice, Michaelis remains in violation with the following:

- Documentation of four hours of annual training was not available for review.
- Documentation of current CPR and First Aid certification was not available.

**DISCIPLINARY ACTION IMPOSED:**

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

1. Michaelis is assessed a civil penalty in the amount of \$10.00 per day (\$1.00 times license capacity of 10 children) from the effective date of this Notice, April 28, 2015, and for each day thereafter, including Saturday and Sunday, that Michaelis fails to submit corrections/documentation to the Department that all of the outstanding non-compliances noted at the inspection conducted on January 14, 2015 have been corrected.

These documents must be submitted to Tori Urbanovsky, Child Care Inspection Specialist, Children’s Services Licensing, Division of Public Health, Licensure Unit, 200 South Silber, North Platte, Nebraska, 69101. Once Urbanovsky has received and verified the required submitted corrections/documentation, which may require an on-site inspection, Michaelis 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 Michaelis.

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, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

2. Michaelis must comply with all of the terms of this Notice by submitting the required documentation as indicated above by or on May 12, 2015.

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 April 27, 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 April 27, 2015. 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 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: April 10, 2015

**Joseph M. Acierno, MD, JD**  
**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 10 day of April, 2015, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Colleen Michaelis, 1403 E. Circle Dr., McCook, Nebraska, 69001.

  
Marsha Wandersee