

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

March 17, 2017

Ms. LaVerta Kitt
Munchkin Patch Child Care Center
211 West Maple
North Bend NE 68649

Dear Ms. Kitt

This letter is to inform you that the Licensing Agreement you signed on January 24, 2017 has been terminated effective February 6, 2017.

If you have any questions, please contact me at 402-471-9193

Sincerely,



Kathee Sanchez, Child Care Inspection Supervisor
Office Children's Services Licensing
Nebraska Department of Health and Human Services
301 Centennial Mall South
Lincoln NE 68509-4986

Cc: File
Marsha Wandersee

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

February 24, 2017

THE MUNCHKIN PATCH
LaVerta and Terry Kitt, Owners
188 Legge Lake
North Bend, NE 68649

Dear LaVerta and Terry Kitt:

In accordance with the Notice of Disciplinary Action issued on February 7, 2017, by Thomas L. Williams, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, your original License to operate 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 February 23, 2017, and it will remain in effect until February 23, 2018. 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, Child Care Licensing Supervisor, at (402) 471-9193.

Sincerely,


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

BW/dep

cc: Children's Services Licensing

Helping People Live Better Lives

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 MUNCHKIN PATCH, LLC

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: **211 WEST MAPLE North Bend NE 68649**

A maximum of **29** children in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the hours of **0600** to **1800** on **MTWTFH**.

MUNCHKIN PATCH is hereby issued License No. **CCC9332** which is effective on **12/31/2013**

Amended: 02/23/2017

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 February 28, 2017.



TW
Director, Division of Public Health
Department of Health and Human Services

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)
LICENSE OF THE MUNCHKIN PATCH, LCC D/B/A)
MUNCHKIN PATCH)**

**NOTICE OF
DISCIPLINARY ACTION**

LICENSED LOCATION: 211 WEST MAPLE, NORTH BEND, NE, 68649
LICENSE NUMBER: CCC9332
CAPACITY: 29
AGES: 6 WEEKS TO 13 YEARS
HOURS AND DAYS: 6:00 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: MAY 14, 2012

NOTICE:

The Munchkin Patch, LLC (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, Munchkin Patch (hereinafter referred to as "Munchkin Patch"), 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 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 3-006.05 Teacher Qualifications, 3-006.05A Certificated Teachers: "An individual who holds a valid Nebraska Teaching Certificate and who is employed as a staff member or used as a volunteer at a licensed child care center that is on the premises of an accredited or approved school will be considered to have met the qualifications, background checks, health information, and training requirements in these regulations."

391 NAC 3-006.06 Substitute, Support Staff, Volunteer, and Parent Helper Qualifications: ... "3. The director may use volunteers and uncompensated parent helpers. Volunteers and uncompensated parent helpers are not counted in the staff-to-child ratio. Volunteers and uncompensated parent helpers must be supervised by the director or a teacher at all times and must not be left alone with any children other than their own."

391 NAC 3-006.10 Staff and Volunteer Orientation and Training, 3-006.10A Orientation: "When new staff or volunteers are employed, those individuals must be provided with orientation prior to their having direct responsibility for the care of children. The orientation must include:

1. Job duties and responsibilities;
2. Infection control practices including proper hand washing techniques, personal hygiene, and disposal of infectious material;
3. Information on abuse, neglect and sexual abuse of children and the state's reporting requirements;
4. Child care center regulations;
5. Evacuation plans in the event of fire;
6. Safety plans in the event of a tornado;
7. Emergency preparedness in the event of a natural or man made disaster; and
8. The center's method of interacting with children and discipline policies."

391 NAC 3-006.10E CPR and First Aid Training: ... "2. At least one staff member with current CPR and First Aide training must be on the premises at all times during the hours/days of operation. 3. The CPR card and documentation of First Aid training must be available upon request."

391 NAC 3-006.11 Employee Records Requirements: "The licensee must ensure the following employee records are maintained, updated as needed, and made available to the Department upon request. Records must be maintained for at least one year after an employee leaves the center."

391 NAC 3-006.11A Staff: "Records for all staff, except substitutes and volunteers, must include:

1. Name;
2. Address and telephone number;
3. Social Security Number;
4. Date of hire/termination;
5. A completed Report of Law Enforcement Contact;
6. Documentation of a criminal history record check;
7. A completed Health Information Report;
8. Documentation of Nebraska registry checks with no adverse findings;
9. Documentation that the individual has met the qualifications for the position;
10. Documentation of orientation training and required ongoing training; and
11. Documentation that the individual has read and understands these regulations."

391 NAC 3-006.11B Substitutes: "Records for each substitute must include:

1. Name;
2. Address and telephone number;
3. Social Security number;
4. A completed Report of Law Enforcement Contact;
5. Documentation of a criminal history record check;
6. Documentation of Nebraska registry checks with no adverse findings;
7. Documentation that the individual has met the qualifications for the position; and
8. Documentation that the individual has read and understands these regulations."

391 NAC 3-006.11C Volunteers: "Records for each volunteer must include:

1. Name;
2. Address and telephone number;
3. Start date;
4. A completed Report of Law Enforcement Contact;
5. Documentation of Nebraska registry checks with no adverse findings; and
6. A written schedule that includes the hours and days of the week the individual serves as a volunteer."

391 NAC 3-006.15B Staffing Requirements: ... "2. Each room where children are receiving care must have a teacher who is involved with the direct care of children."

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."

391 NAC 3-006.20A Prohibited Forms of Discipline: "The following actions are prohibited as a form of discipline: ... 16. Threats of physical punishment;" ...

391 NAC 3-006.20C Use of Time Out: "Separation from the group, if used, must be brief and appropriate for the child's age. The time out period must: ... 3. Not exceed more than one minute for each year of the child's age." ...

391 NAC 3-006.22A Toys, Equipment, and Materials: ... "Children below the age of three must not have access to toys or objects that are easily breakable or could create a choking hazard."

391 NAC 3-006.22B Beds, Cribs, and Sleeping Surfaces: "The licensee must ensure that sleeping surfaces appropriate to the child's age and level of development are available for each child in care. 1. Acceptable sleeping surfaces for children over 12 months of age are: a. Beds; b. Cots; c. Cribs; d. Playpens; e. Sofas; f. Washable sleeping bags; and g. Waterproof mats, which must be at least one inch thick and at least 45 inches long." ...

FACTS:

LaVerta Kitt (hereinafter referred to as "L. Kitt") is listed as the director of record of Munchkin Patch as well as owner of The Munchkin Patch, LLC. Terry Kitt (hereinafter referred to as "T. Kitt") is also listed as owner.

On August 3, 2016 and August 10, 2016, Brenda Herring (hereinafter referred to as "Herring"), Child Care Inspection Specialist, Children's Services Licensing, Licensure, Division of Public Health and Courtney Dionne (hereinafter referred to as "Dionne"), Children and Family Services Specialist, Department of Health and Human Services, conducted an investigation of Munchkin Patch. Allegations included L. Kitt and staff using inappropriate discipline, children being disciplined for minor incidents, children being threatened with physical punishment during time out, children being left in time out for extended periods of time, children being made to sleep directly on the floor and being denied the use of

mats during nap/rest periods. Also, allegations included juice glasses are not being washed daily and are washed one time per week. In addition, it was alleged that L. Kitt used head bands to strap babies' pacifiers in their mouths so they cannot spit the pacifiers out.

When interviewed all children stated they were required at times to jump up and down during time out if they did not sit quietly when in time out. L. Kitt admitted that at times, time out lasted longer than one minute per year for the age of the child. L. Kitt also admitted to using elastic head bands to hold pacifiers in babies' mouths. L. Kitt demonstrated to Herring and Dionne how the head bands were used to hold the pacifiers in place. A hole is cut into the head band with the pacifier pushed through it. The head band goes over the baby's mouth and around the baby's mouth to hold it in. The head band fits very tight to the face of the baby.

Other violations noted on August 3, 2016 included:

- Staff-to-child ratio was not met. Two staff (L. Kitt and support staff) were in the facility with 14 children present. L. Kitt was assigned to be in a separate room with five infants; however, L. Kitt was in the hall eating lunch. The infants were in a room alone and support staff was with nine children two to five years of age.
- The baby room did not have a staff present in the room.
- The Employee/Staff records did not have the required documentation of qualifications on staff to include background checks and qualifications.
- Herring observed three children sleeping on the floor without mats. L. Kitt stated that she does not provide mats for the children as they pick them apart.

Because of L. Kitt's admission of the use of the head bands to hold pacifiers in babies' mouths, L. Kitt's on September 7, 2016. On September 13, 2016, L. Kitt signed an Interim Licensing Agreement agreeing that she would not be present on the Munchkin Patch premises during the licensed hours of operation until the . . . The Interim Licensing Agreement was terminated on October 21, 2016.

On September 20, 2016 at 1:15 p.m., Herring conducted a monitoring inspection of Munchkin Patch related to the Interim Licensing Agreement. At that time, L. Kitt was not on the premises. Herring observed four children in care with one provider, Jenny Simon (hereinafter referred to as "Simon"). Simon told Herring that she was not an employee but that her daughter attends Munchkin Patch and she had received a call to help out. According to Simon, T. Kitt was not on the premises as he had left for errands and would be back at 3:15 p.m.

Simon did not have access to any records and was unsure if the proper paperwork had been completed for her to assist in the care of the children. This also meant that a staff member with current CPR and First Aid training was not on the premises.

A review of Munchkin Patch's licensing file shows that the child care center's license was placed on Corrective Action Status from July 20, 2015 to January 20, 2016 for substantiated violations pertaining to Supervision, Use of Time Out, Child Behavior that Cannot be Disciplined, Prohibited Forms of Discipline and Licensee Requirements.

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 one year effective February 23, 2017. Terms and conditions include:

a. By April 23, 2017, the Licensee must retain a job coach/trainer for at least ten (10) hours a month for a minimum of three (3) consecutive months during the probation period, at the Licensee's expense. Weekly hours to be determined by the job coach/trainer. The role of the job coach/trainer will be to assist the Licensee/ Director, and staff with instituting positive engagement with children to address the use of inappropriate discipline and positive guidance strategies.

The Licensee and staff must cooperate with the job coach/trainer. The job coach/trainer will prepare a written, monthly report to the Department reporting any concerns as well as positive progress.

The Licensee must contact Angel Mayberry, Early Learning Connection Coordinator, Platte Valley Region, Education Service Unit, #7 and #2 at astory@esu7.org or <http://www2.esu7.org> in order to retain the job coach/trainer. The Licensee must contact the Department when the job coach/trainer will begin his/her duties.

b. By May 23, 2017, the Licensee must ensure that all existing staff, including the licensee/director, 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, including the licensee/director, who have the responsibility of caring for children, within fifteen calendar days after completion of the approved training.

Training documentation must be kept on the center premises and available for review by the Department upon request.

b. By March 23, 2017, the Licensee will review and revise its written policies and procedures related to appropriate discipline. The written policies and procedures should incorporate, but are not limited to: the use of checklists; staffing charts; frequent monitoring; accountability; training of staff who count in the staff-to-child ratio; how current and future staff will be made aware of current changes in policies and procedures; and other detailed procedures to insure appropriate discipline is used at all times.

The Department agrees that after reviewing this written plan, it will either approve or require modifications. If modifications are required, the Licensee must, within ten calendar days of 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 Licensee agrees to implement the plan as approved by the Department.

c. By March 23, 2017, the Licensee will submit a detailed plan as to how the licensee/director will be involved in the monitoring and compliance with policies and procedures regarding adequate and appropriate supervision and staffing, including regular staff meetings, overview of staff, etc.

The Department agrees that after reviewing this written plan, it will either approve or require modifications. If modifications are required, the Licensee must, within ten calendar days of 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 Licensee agrees to implement the plan as approved by the Department.

d. The Licensee/Director will ensure that the use of head bands to hold pacifiers in infants' mouths is prohibited.

e. The Licensee/Director must maintain compliance with all regulations as cited above during the probationary period.

f. The Licensee/Director must ensure that all staff who have the responsibility of caring for children meet the qualifications for the position for which they have been hired. All employee records will be available to the Department upon request.

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

h. All documentation required must be submitted to Brenda Herring, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, 1955 East Military Avenue, Fremont, Nebraska, 68025, 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 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 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 Munchkin Patch and/or The Munchkin Patch, LLC 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 February 22, 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 February 22, 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: February 7, 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 7 day of February, 2017, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Munchkin Patch, 188 Legge Lake, North Bend, Nebraska, 68649, Munchkin Patch, 211 West Maple, North Bend, Nebraska, 68649, USCA, Inc., Registered Agent, 1603 Farnam Street, Omaha, Nebraska, 68102, and The Munchkin Patch, LLC, 188 Legge Lake, North Bend, Nebraska, 68649.


Marsha Wanderske

INTERIM LICENSING AGREEMENT

I, LaVerta Kitt, Owner and Member of Munchkin Patch LLD and Director of Munchkin Patch, Child Care Center CCC 9332 located at 211 West Maple, North Bend NE 68649 hereby state and declare:

I have read and understand the Regulations Governing Licensure of Child Care Center Title 391 NAC Chapter 3 (SL003).

I agree to comply with each of the Child Care Center Regulations as long as I am licensed by the State of Nebraska to provide child care services.

I understand that this Agreement is based on an investigation due to allegations of understand this Interim Licensing Agreement is in effect pending a Department decision at the conclusion of the investigation.

3-006.03D Notification of Law Enforcement Contact: As soon as the licensee/director becomes aware of the occurrence, s/he must notify the Department of any arrest, misdemeanor ticket other than a traffic violation, pending criminal charges, and any felony or misdemeanor convictions of him/herself, staff, volunteers, or household members if the center is located in a private residence. The licensee/director must request a criminal history record check on the individual within five working days. Failure to notify the Department of law enforcement contacts as described may result in disciplinary action.

I understand that should a copy of this Interim Licensing Agreement be requested, reference to will be redacted.

I understand that Director, LaVerta Kitt, shall not be left alone with child care children until such time that the licensee provides written documentation to the Office of Children's Services Licensing that:

- LaVerta Kitt is no longer under investigation and charges are dismissed or unfounded
- This agreement has been terminated in writing by the Office of Children's Services Licensing.



Division of Public Health

State of Nebraska
Pete Ricketts, Governor

I agree and understand that upon presentation of the above information, the Office of Children's Services Licensing will review all documentation, and make a final determination as to violation of Child Care Center Regulations.

I understand that Children's Services Licensing staff shall conduct announced or unannounced visits to my facility to determine compliance with this Agreement.

Any violation of this Agreement may be grounds for further negative action or discipline as the Nebraska Department of Health and Human Services, Division of Public Health, Licensure, Children's Services Licensing may deem appropriate.

This Agreement shall be effective from the signing of this Agreement until such time the Licensee receives written notification of its termination.

Should the child care license be amended because of change of address, this Agreement may transfer to the new address if appropriate to the conditions of the Licensing Agreement.

[Signature]
Owner/Licensee

[Signature]
Child Care Inspection Specialist

1/24/17
Date

1/31/17
Date

Non-relative Witness OR Notary Public

Date



Division of Public Health

State of Nebraska
Pete Ricketts, Governor

October 21, 2016


Ms. LaVerta Kitt
188 Legge Lake
North Bend NE 68649

Dear Ms. Kitt:

This letter is to inform you that the Licensing Agreement you signed on September 13, 2016 has been terminated effective October 21, 2016.

If you have any questions, please contact me at (402) 727-2585.

Sincerely,


Brenda Herring, Child Care Inspection Specialist
Office Children's Services Licensing
Nebraska Department of Health and Human Services
1955 E. Military Ave.
Fremont, NE 68025

cc: File



INTERIM LICENSING AGREEMENT

I, LaVerta Kitt, Owner and Member of Munchkin Patch LLC and Director of Munchkin Patch, located at 211 West Maple, North Bend NE 68649, hereby voluntarily state and declare:

I have read and understand the Child Care Center Standards (Title 391, Chapter 3, effective May 20, 2013).

I agree to comply with each of the Child Care Center Standards as long as I am licensed by the State of Nebraska to provide child care services.

I understand and agree to comply with:

391 3-006.01 Licensee Requirements: The licensee must: 1. Ensure that the center is administered and managed appropriate; 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 responsibility of the director in writing.

391 3-006.02 Director Requirements: In pertinent part states... The director must: 3. When not in the child care area, designate another staff to act in his/ her absence who will be responsible and accountable for management of the center.

391 NAC 3-006.03A5, Department Determination: In pertinent part states... The Department may deny or take action against a license if an individual is found to have ...any unlawful act endangering the health or safety of another individual or a history of.....behaviors that shows an inability or unwillingness to comply with laws or regulations. This applies to the applicant, licensee, household members who reside at the place where the child care program is provided, volunteers, and employees of the applicant /licensee.

... The applicant/ licensee, if an individual or an individual in a partnership, staff, volunteers, and household members if the center is located in a private residence, must not be

Any individual who is listed as a perpetrator on any of the registries must not be on the premises during the hours of operation, except that a parent listed as a perpetrator may be allowed on the premises only to pick up and drop off his/ her child.

The Office of Children's Services Licensing was informed that LaVerta Kitt, Owner and Member of Munchkin Patch LLC and Director of Munchkin Patch, located at 211 West Maple, North Bend NE 68649.

This information is currently also associated with a child care complaint under investigation by the Department of Health and Human Services.

- I understand, agree, and will ensure that under no circumstances will I, LaVerta Kitt, be present / on the premises of Munchkin Patch during the licensed hours of operation.
- I agree that within 24 hours of date of signing this agreement that I will not be on the premises, and will name a staff who will act in my absence and who is responsible and accountable for management of the center. I agree to provide the name of this staff to Brenda Herring and Kathee Sanchez via email at Brenda.herring@nebraska.gov and Kathee.sanchez@nebraskagov, within 24 hours of signing this agreement.
- I agree that if the person designated to be responsible and accountable for the management of the center is not a current staff member, that person must meet all requirements indicated under 391 NAC 3-006.05 Teacher qualifications, and 391 NAC 3-006.03B Registry Checks, and 3-006.03C Reports of Law Enforcement Contact, and maintain documentation on premise for Department review.
- I agree that within 30 calendar days I will hire and submit an application to the Department in order to identify a Director who meets qualifications, and will be responsible for management of the child care program, in my absence.
- I will ensure that all staff employed at Munchkin Patch have received a copy of this Interim Licensing Agreement. Documentation of each staff's receipt, will be maintained and available for review upon request.
- I will ensure that all parents of enrolled children at Munchkin Patch have received a copy of this Interim Licensing Agreement. Documentation of each parent's receipt, will be maintained and available for review upon request.
- I will ensure that this Interim Licensing Agreement will be prominently posted with the current Child Care Center license so it is clearly visible to parents, staff, and Department representatives.

I understand that Child Care Licensing staff shall conduct announced or unannounced visits to my facility to determine compliance with this Agreement.

Any violation of this Agreement may be grounds for further negative action or discipline as the Department of Health and Human Services, Division of Public Health, Children's Services Licensing may deem appropriate.

This Agreement is an Interim Licensing Agreement which means that the Department reserves the right to take additional action as deemed appropriate. However, any violation of this Interim Licensing Agreement may be grounds for further negative action or discipline as the Department of Health and Human Services, Division of Public Health, may deem appropriate.

This Agreement shall be in effect from the signing of this Agreement for as long as the Department deems it appropriate. Should

the child care center license be amended because of a change of address, this Agreement may transfer to the new address if appropriate to the conditions of this Interim Licensing Agreement.

Child Care Inspection Specialist

Date

9/13/16 (1)

Provider/Licensee

Street/Address

City and Zip Code

Date

211 W. Maple
North Bend, Or. 97649
9-13-16

ACKNOWLEDGMENT OF NOTICE OF INTERIM LICENSING AGREEMENT

I acknowledge that I have been shown a copy of the interim Licensing Agreement signed by LaVerta Kitt, Owner and Member of Munchkin Patch LLC and Director of Munchkin Patch, located at 211 West Maple, North Bend NE 68649. I further acknowledge that I understand the terms of the agreement.

Signature	Staff /Parent (print)	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____
_____	_____	_____

July 22, 2015

MUNCHKIN PATCH
LaVerta Kitt, Licensee
188 Legge Lake
North Bend, NE 68649

Dear Ms Kitt:

In accordance with the letter written by Kathee Sanchez, Child Care Licensing Supervisor, on July 21, 2015, 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 July 20, 2015, and it will remain in effect until January 20, 2016. Upon completion of this term, 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 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
Department of Health and Human Services
Division of Public Health

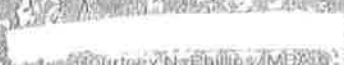
THE MUNCHKIN PATCH LLC
is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at **211 WEST MAPLE North Bend NE 68649**

A maximum of 29 children (to ages 6 WKS to 13 YRS) may be in attendance at any one time during the hours of 0600 to 1800 on MTWTFR

MUNCHKIN PATCH is hereby issued License No. **CCC9332**
whose status is **Active** Corrective Action Status effective from **07/20/2015**
Amended- **07/20/2015**

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 July 24, 2015.

 **SEAL**


Courtney MacPhillips, MEd.
Chief Executive Officer
Department of Health and Human Services



Division of Public Health

State of Nebraska
Pete Ricketts, Governor

July 21, 2015

Munchkin Patch
C/O LaVerta Kitt
211 West Maple
North Bend, NE 68649

Dear Ms. Kitt;

The Nebraska Department of Health and Human Services, Office Children's Services Licensing has received your letter and corrective action plan accepting Corrective Action Status. The attached corrective action plan has been reviewed and approved effective July 20, 2015. (Please post this plan at your facility).

A new license, identified with 'Corrective Action Status' will be mailed to your facility. The new license is to be posted in a prominent location. The license status will be in effect for a period of six (6) months from the date of approval.

Compliance with the terms of the Corrective Action Status will be monitored by announced and unannounced inspections to your facility by Child Care Licensing staff. Any violation may be grounds for discipline as the Office of Children's Services Licensing program may determine appropriate.

If you have questions regarding this letter, please contact Brenda Herring at 402-727-2988 or me at 402-471-9193.

Sincerely,


Kathee Sanchez
Child Care Licensing Supervisor
301 Centennial Mall South
PO Box 94986
Lincoln, NE 68509-4988
Phone (402) 471-9193 FAX (402) 471-7763
kathee.sanchez@nebraska.gov

cc: File
Brenda Herring

CORRECTIVE ACTION PLAN

1. Director will be more observant as to all staff actions & reactions. An inservice training will be done upon hiring & bi-annually thereafter on all state regulations.
2. To ensure that the regulation pertaining to license qualifications and requirements are followed, a check list containing both will be made and audited routinely.
3. All regulations & daycare policies will be included in inservice/training folder. Discipline policy is also listed in daycare handbook .
4. There is an open communication between parents & staff @ all times. A plan will be put together as to how to manage child & child's behaviors & followed. After set amount of time & plan has been met & still not effective child will be dismissed. This is all covered in policy handbook that is given out when enrolling.
5. Discipline & time out policy is in handbook & will be covered at inservice/training sessions.
6. Staff requirements are met as described in state regulation book. Director is more observant as to staff presence in appropriate location. NO child will be left unattended at ANYtime. This is stressed at inservice. Anyone leaving designated area is to make sure they have been replaced BEFORE leaving.
7. Supervision of children is also covered in the handbook & will be discussed at inservice/orientation.
8. Plan will be followed once plan is approved.

Thank you & we are open to any suggestions to our plan.

June 11, 2015

Certified Mail

Munchkin Patch
C/O LaVerta Kitt
211 West Maple
North Bend, NE 68649

Dear Ms. Kitt:

Authority: Nebraska Revised Statutes, Section 71-1911(4), of the Child Care Licensing Act provides that the Department may place a license on Corrective Action Status.

FACTS:

On April 27, 2015 and May 6, 2015 Child Care Inspection Specialist Brenda Herring conducted a complaint inspection along with Kaylynne Stevens, Child Protective Services. The allegations were that: Owner of Munchkin Patch cares for several children. Two days ago owner was observed throwing a little boy named B.D (2 or 3 years old) to the floor because he pooped his pants. She was holding a baby when the incident occurred. He was thrown down by the bathroom where the diapers are changed. B.D.'s hands caught the floor to break his fall. He got up and was crying and went into the bathroom. It is also alleged a three year old girl (J) was being bad and hitting others, owner grabbed her arm hard and dragged her to time out. J. had red marks on her arm and it is believed there was bruising as well on her arm.

B.D. was hitting other kids and owner took him to her room. Allegedly it sounded like B.D. was being shook according to the sound he was making

The investigation resulted in substantiated violations pertaining to Supervision of Children, Use of Time Out, Child Behavior That Cannot Be Disciplined, Prohibited Forms of Discipline and licensee requirements.

Additional Violation(s):

3-006.15B Staffing Requirements:

Each room where children are receiving care is staffed by at least one teacher who is directly involved with the care of children

During nap time at least one teacher is in the room where children are napping and the staff/child ratio is maintained on the center premises

Required number of staff is on premises at all times

3-006.19 Supervision of Children: Staff...

a) Know whereabouts and are within sight or sound of all children at all times

REGULATORY BASES:

391 NAC 3-006.01 Licensee Qualifications and Requirements: The licensee ensures:

- a) Center is administered/managed appropriately
- b) Center is in compliance with all state statutes and/or regulations

391 NAC 3-006.20A Prohibited Forms of Discipline: Children are not disciplined by

- a) Spanking, slapping, pinching, punching, shaking, striking with any object, biting or handling roughly
- b) Using soap, hot sauce, unpleasant food, or non-food items
- c) Placement in locked rooms, closed rooms, or closets
- d) Denial of food or forced napping
- e) Use of derogatory remarks, abusive or profane language, yelling/screaming, or threats of physical punishment
- f) Use of mechanical restraints

391 NAC 3-006.20B Child Behavior That Cannot Be Disciplined:

Children are not disciplined for toilet accidents, refusal to take medication or refusal to eat

391 NAC 3-006.20C Use of Time Out:

Child's time out is in a safe/lighted/well-ventilated area and within direct vision of staff

Child's time out does not exceed 1 minute per year of child's age

Extended time out is approved as a part of a behavior management plan developed

by a licensed certified professional qualified to identify the special needs of a child

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:

- (a) The licensee is unable to comply with all licensure requirements and standards or has had a history of non-compliance;
- (b) The effect of non-compliance with any rule or regulations does not present an unreasonable risk to the health, safety, or well-being of children or staff; and
- (c) 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 operating license on Corrective Action Status for a period of six months.

CORRECTIVE ACTION STATUS PLAN:

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.

Corrective Action Status will begin when the Department approved your Corrective Action Plan which must address how you will achieve and maintain compliance with the regulations identified below:

3-006.01 Licensee Qualifications and Requirements
3-006.20A Prohibited Forms of Discipline
3-006.20B Child Behavior That Cannot Be Disciplined
3-006.20C Use Of Time Out
3-006.15B Staffing Requirements
3-006.19 Supervision of Children

The minimum your plan must include is the following:

- (1) How you will maintain compliance with all regulations at all times
- (2) How you will ensure that the regulation pertaining to license qualifications and requirements are followed.
- (3) How you will ensure that the regulation pertaining to Prohibited Forms of Discipline is followed
- (4) How you will ensure that the regulation pertaining to Child Behavior That Cannot Be Disciplined is followed.
- (5) How you will ensure that the regulation pertaining to Use of Time Out is followed.
- (6) How you will ensure that the regulation pertaining to Staffing Requirements is followed.
- (7) How you will ensure that the regulation pertaining to Supervision of Children is followed.
- (8) Once your plan is approved you will follow the plan.

Please submit your written Corrective Action Plan to Brenda Herring, Nebraska Health & Human Services, Division of Public Health, Child Care Licensing, 1959 E. Military Ave, Fremont NE 68025, within 10 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) Impose a civil penalty of up to \$5.00 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;
- (c) Establish restrictions on new enrollment in the program;
- (d) Establish restrictions or other limitations on the number of children or the age of the children served in the program; or

(e) Establish other restrictions or limitations on the type of service provided by the program.

If you have questions regarding this letter, please contact Brenda Herring at 402-727-2968 or me at 402-471-9193.

Thank you.

Sincerely,

Kathee Sanchez 
Child Care Licensing Supervisor
301 Centennial Mall South
PO Box 94986
Lincoln, NE 68509-4968
Phone (402) 471-9193 FAX (402) 471-6407
kathee.sanchez@nebraska.gov

cc: File
Brenda Herring
Marsha Wandersee