

5/14/2019 SAOC#8501 Super Kids Club After School
Program has closed. Probation scheduled to end
9/27/2019 is complete.

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

September 24, 2018

SUPER KIDS CLUB AFTER SCHOOL PROGRAM

Central Plains Center For Services, Owner

Megan Crawford, Director

1138 North C

Broken Bow NE 68822

Dear Ms. Crawford:

In accordance with the Notice of Disciplinary Action issued on August 31, 2018, by Courtney N. Phillips, PhD, Chief Executive Officer, Department of Health and Human Services, the original License of Super Kids Club After School Program to operate as a School Age Only Child Care Center in the State of Nebraska has been placed on Probation. A license imprinted with the term "PROBATION" is enclosed. This status became effective September 18, 2018, and it will remain in effect until September 18, 2019. Upon completion of the Probation, a new license will be issued to the Center.

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: Chris Kort, 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

CENTRAL PLAINS CENTER FOR SERVICES

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating **School Age Only Child Care Center**
located at: **1135 NORTH H STREET Broken Bow NE 68822**

A maximum of **75** children in ages **5 YRS** to **13 YRS** may be in attendance at any one time during the hours of **0745** to **1800** on **MTWTHF**.

SUPER KIDS CLUB AFTER SCHOOL PROGRAM is hereby issued License No. **SAOC8501** which is effective on **05/20/2013**

Amended: 09/18/2018

Given under the name and Seal of the Department of Health and Human Services Division of Public Health of the State of Nebraska at Lincoln on
September 27, 2018.



Courtney N. Phillips, PhD
Chief Executive Officer
Department of Health and Human Services



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

IN THE MATTER OF:
THE OPERATING SCHOOL-AGE-ONLY CENTER LICENSE
OF SUPER KIDS CLUB AFTER SCHOOL PROGRAM
OWNED BY CENTRAL PLAINS FOR SERVICES

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

LICENSED LOCATION: 1135 NORTH H STREET, BROKEN BOW, NE 68822

MAILING ADDRESS: 1138 NORTH C STREET, BROKEN BOW, NE 68822

LICENSE NUMBER: SAOC8501

CAPACITY: 75

AGES: 5 YEARS TO 13 YEARS

HOURS AND DAYS: 7:45 AM TO 6:00 PM MONDAY THROUGH FRIDAY

DATE INITIALLY LICENSED: MAY 20, 2013

NOTICE:

Super Kids Club After School Program, owned by Central Plains for Services (hereinafter referred to as "SKC") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against SKC's Operating School Age Only 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 4-008.01 Grounds for Denial or Disciplinary Action: The Department may deny the issuance of or take disciplinary action against a license on any of the following grounds:

1. Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the Act; ...
4. Conduct or practices detrimental to the health or safety of a person served by or employed at the program; ...

391 NAC 4-006.01 Licensee Requirements: The licensee must:

1. Ensure that the center is administered and managed appropriately;
2. Maintain compliance with all applicable state statutes and school-age-only center regulations; ...
5. Ensure that the center has sufficient resources to provide a safe, healthy, and nurturing environment to all children enrolled in the center.

391 NAC 4-006.18 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-4006.22F Water Safety: "1. When a swimming or non-portable pool is in use (except in the case of organized swimming lessons), the staff-child ratio in 4-006.22H3 must be maintained:"

391 NAC 4-006.22H Pool on the Premises Used by Children in Care: "If children in care are allowed to use a pool on the premises, the licensee must meet the requirements in 4-006.22G and: ... 3. Maintain the following staff-to-child ratios:"

	Number of Children	Number of Staff Required
School-age	6	1

FACTS AND FINDINGS:

On June 6, 2018, Shonna Werth, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Werth"), received a message from SKC's representative Nancy Ferguson, Executive Director of Central Plains for Services, (hereinafter referred to as "Ferguson") at 8:20 AM.

Ferguson reported that on June 5, 2018, at approximately 3:30 PM, a five-year-old male child, who was in the care of SKC, was left at the Broken Bow public swimming pool without supervision. The child was found by a handibus driver who was at the nursing home located across the parking lot from the swimming pool as the child was walking across the parking lot.

According to Ferguson, the driver took the child back to the city pool. Pool staff contacted Megan Crawford, Super Kids Club Afterschool Program Center Director (herein after referred to as "Crawford"), and indicated there was a child at the swimming pool that reportedly was to be in the care of the SKC. Crawford confirmed the child was enrolled at SKC and had been left behind at the pool. The handibus driver returned the child to facility at approximately 4:45 pm.

Ferguson reported that Crawford notified her of the incident. Werth, following her conversation with Ferguson, contacted Crawford to request all related incident reports.

According to Crawford's report, on June 5, 2018, 5 SKC staff members took 46 school-age children in care to the Broken Bow public swimming pool. At approximately 3:00 PM, the children were asked to line up along the fence inside the pool in order for a head count to be conducted and children's names could be checked off a checklist. All children were accounted for at this time. Due to limited space on the bus that is used to transport, 23 children were transported from the pool back to the facility. Two staff members traveled with the first bus load of 23 children. A head count was conducted at this time, and 23 children were reportedly counted.

3 staff stayed behind with the remaining 23 children who were still sitting along the inside fence line of the pool. When the bus arrived to pick up the children who remained at the swimming pool, they went from the pool area, through the locker room, and outside with the male staff member because all the children left were male. They met the other 2 staff outside, loaded the bus, a staff member conducted a count and thought she counted 23 children.

2 staff members rode the bus back to the facility and 1 staff member drove her personal vehicle back to the school. The second busload of children and staff left the city pool at approximately 3:45 PM. At approximately 4:15 PM, Crawford received a phone call from Broken Bow public pool employee who indicated a child was with a handibus driver.

When the child arrived back to the center, Crawford indicated she contacted the father of the child to report the incident.

On June 8, 2018, Werth conducted interviews of the following staff:

- Megan Crawford
- Christopher "Buddy" Osmond
- Sammy Hundstad
- Hannah Campbell
- Corra Harrold

Through the interviews, Werth determined that children's names were not checked off when they entered the buses and that only a head count of the children was done. The first bus was supposed to take 23 children however, there was not enough car seats for the younger children so 1 child was returned to the second group. Staff from the second group did not realize they need to transport 24 children instead of only 23 and when the children loaded the second bus, the staff counted 23 children – again names were not checked off a list only a head count was conducted.

According to Werth's investigation, children's names were checked off a list once all children had returned to the center. At this time, it was discovered that a child was not with the group. At the same time Crawford was contacted by the public pool to report that a child had been left. It was also determined that the program was not meeting staff to child ratio for swimming activities. The center maintained a ratio of 1 staff for every 8 children. Regulations require a ratio of 1:6 when swimming. To meet the required swimming ratio, 8 staff were needed to accompany this number of children.

DISCIPLINARY ACTION IMPOSED:

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

1. SKC's Operating School Age Only Center license is placed on probation for a period of one year from the effective date of September 18, 2018, to September 18, 2019. The following terms and conditions will apply:

- a. By December 17, 2018, all SKC Staff must successfully complete 2 hours of 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 childcare program staff.

Prior to participating in any training, SKC 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: 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 SKC within ten working days of the receipt of the letter requesting approval of the training. If additional information is required, SKC must reply with the required information within ten calendar days of notice by the Department.

SKC must submit verification of attendance and successful completion within fifteen calendar days after completion of the approved training.

SKC is responsible for paying for all costs associated with compliance.

b. By October 17, 2018, the Licensee must develop policies and procedures that will be used by all staff when transitioning children that will ensure children are not left alone during transition or transportation periods. The policies and procedures must include the use of a written transition sheet that can be used to ensure all children being transitioned from one room to another or are being transported and are all accounted for and must be signed by at least two staff members after accounting for children. The policy must also address how the Director will ensure accurate documentation will be maintained on a daily basis. The policies, procedures and all written documentation indicated in the policies and procedures must be available to the Department upon request.

All documentation required must be submitted to Department, Attn: Shonna Werth, PO Box E, Lexington, NE, 68850, (308) 324-7633, or by email to Shonna.Werth@nebraska.gov or at such other address as directed in writing, by the Department.

2. Compliance will be monitored by the Office of 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 School-Age-Only 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 SKC discontinues the child care program for any reason, the time the SKC 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 SKC as the licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. SKC must notify the Department, in writing, within 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 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 September 17, 2018, unless the Department receives a written request for a hearing on or before such date. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request on or before such date, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department on or by September 17, 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: August 31, 2018

Courtney N. Phillips, PhD
Chief Executive Officer
Department of Health and Human Services

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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 31st day of August 2018, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to SUPER KIDS CLUB AFTER SCHOOL PROGRAM 1135 NORTH H STREET, BROKEN BOW, NE 68822 and CENTRAL PLAINS FOR SERVICES 1138 NORTH C STREET, BROKEN BOW, NE 68822

[REDACTED]
Chris Kort
Administrative Assistant