

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

May 19, 2017

NORTHEAST FAMILY CENTER/
NORWOOD PARK ELEMENTARY
Jerry Pigsley, Registered Agent
6220 Logan Ave.
Lincoln, NE 68507

Dear Mr. Pigsley:

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 Northeast Family Center-Norwood Park Elementary 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 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 the current license of Northeast Family Center-Norwood Park Elementary be submitted 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 Kathee Sanchez, Child Care Licensing Supervisor, at (402) 471-9193.

Sincerely,

[Handwritten signature]

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

[Handwritten initials]

BW/dcp

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

NORTHEAST FAMILY CENTER

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: **4710 NORTH 72ND STREET Lincoln NE 68507**

A maximum of **60** children in ages **5 YRS** to **13 YRS** may be in attendance at any one time during the
hours of **0700** to **1800** on **MTWTHF**.

NORTHEAST FAMILY CENTER - NORWOOD PARK ELEMENTARY is hereby issued License No.
SAOC8638 which is
effective on **11/07/2013**

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

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Pete Ricketts, Governor

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

IN THE MATTER OF:
THE OPERATING SCHOOL AGE ONLY CHILD
CARE CENTER LICENSE OF NORTHEAST
FAMILY CENTER – NORWOOD PARK
ELEMENTARY

**NOTICE OF
DISCIPLINARY ACTION**

LICENSED LOCATION: 4710 NORTH 72ND STREET, LINCOLN, NE, 68507

LICENSE NUMBER: SAOC8638

CAPACITY: 60

AGES: FIVE YEARS TO 13 YEARS

HOURS AND DAYS: 7:00 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY

DATE INITIALLY LICENSED: NOVEMBER 7, 2013

NOTICE:

The Northeast Family Center (hereinafter referred to as the "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 School Age Only Child Care Center license, Norwood Park Elementary, 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 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 an individual served by or employed at the program;” ...

391 NAC 4-002 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 4-006.13 Description of Center Services and Policies: “The licensee must ensure that the school-age-only center has a written description of center serves and written policies, and that they are available to the Department. Copies of both must be given to all staff and the parents of all enrolled children, except the center is not required to give parents the center’s personnel policies. The licensee must maintain receipts signed and dated by the staff and parent and make the receipts available for review by the Department.”

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.”

FACTS:

Tonya Beckenhauer is listed as the Executive Director of record of this program.

On March 8, 2017, Marvie Sullivan, Child Care Inspection Specialist, Children’s Services Licensing, Licensure Unit, Division of Public Health, received a self-report from the Norwood Park Elementary site supervisor. The site supervisor reported that a 2nd grader went home instead of going to the after school program. The child returned to the school later and was escorted to the after school program by the office staff. The child was left unsupervised for approximately 20 to 25 minutes. The child’s parent was notified.

The after school program’s procedures require staff to check with school staff if a child does not show up for the after school program. In this case, staff checked the child as being in the program when the child was not. The center failed to follow their own policies/procedures. In addition, the child was able to leave the program without the staff’s knowledge.

DISCIPLINARY ACTION IMPOSED:

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

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

a. By June 17, 2017, the Licensee must ensure that all existing Norwood Park Elementary child care staff who have the responsibility of caring for children will be retrained on the check in/check out policy. 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 retraining.

b. By May 17, 2017, the Licensee will develop and establish written policies and procedures on how adequate and appropriate supervision is provided at all times the children are in attendance both on and off the premises. 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 proper and adequate supervision of children at all times.

The Department agrees that after reviewing these written policies and procedures, 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 policies and procedures to the Department with the required modifications. The Department reserves the right to make minor unilateral modifications to the written policies and procedures. Once approved, the Licensee agrees to implement the policies and procedures as approved by the Department.

c. By May 17, 2017, the Licensee will submit a detailed plan as to how the Licensee/Site Supervisor will be involved in the monitoring and compliance with policies and procedures.

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. During the probationary period, the Licensee is to have two signatures of staff verifying that the school office has been contacted if a child(ren) has not shown up and staff have verified who is in attendance in the school age only program.

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

f. All documentation required must be submitted to Marvie Sullivan, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, State Office Building, PO box 94986, Lincoln, Nebraska, 68509-4986, 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 Northeast Family Center - Norwood Park Elementary 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
PO 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

Becky Wisell By Becky Wisell
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 1 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 Northeast Family Center – Norwood Park Elementary, 4710 North 72nd Street, Lincoln, Nebraska, 68507, Northeast Family Center, 6220 Logan Avenue, Lincoln, Nebraska, 68507, and Jerry Pigsley, Registered Agent, Northeast Family Center, Suite 500, 301 South 13th Street, Lincoln, Nebraska, 68508.

Marsha Wandersee
Marsha Wandersee