

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

June 12, 2017

EDUCARE OF LINCOLN
Educare of Lincoln, Inc., Licensee
Richard E. Putnam, Registered Agent
3435 North 14th Street
Lincoln, NE 68521

Dear Mr. Putnam:

In accordance with the Notice of Disciplinary Action that was issued on May 23, 2017, by Thomas L. Williams, MD, Chief Medical Officer, Division of Public Health, Department of Health and Human Services, the original License of Educare of Lincoln 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 June 8, 2017, and it will remain in effect until June 8, 2018. 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 Educare of Lincoln 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,

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

EDUCARE OF LINCOLN, INC

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

located at: **3435 NORTH 14TH STREET Lincoln NE 68521**

A maximum of **191** children in ages **6 WKS** to **5 YRS** may be in attendance at any one time during the hours of **0700** to **1800** on **MTWTHF**.

EDUCARE OF LINCOLN is hereby issued License No. **CCC9388** which is effective on **02/28/2014**

Amended: 06/08/2017

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 **June 13, 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 CHILD CARE CENTER)
LICENSE OF EDUCARE OF LINCOLN, INC.)

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 3435 NORTH 14TH STREET, LINCOLN, NE, 68521
LICENSE NUMBER: CCC9388
CAPACITY: 191
AGES: SIX WEEKS TO FIVE YEARS
HOURS AND DAYS: 7:00 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: FEBRUARY 1, 2013

NOTICE:

Educare of Lincoln, Inc. (hereinafter referred to as "Licensee") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against the Licensee's operating Child Care Center license, Educare, 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 3-006.14B Center Policies: "The center must have written policies on: ... 4. Verifying the identification of individuals approved to remove children from the center;" ...

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:

Russell Reckewey is listed as the Executive Director of record.

Educare of Lincoln is currently on a Licensing Agreement as a result of a self-report where a preschool age child was left in a classroom alone for approximately 15 minutes on January 5, 2017 thereby violating supervision regulations.

On April 27, 2017, the Department received a self-report from Educare that the center had released a three year old child to an unknown person without written parental permission or verifying the identity of the person. The center did not follow their policy on releasing children to only authorized persons.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts presented 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 June 8, 2017. Terms and conditions apply:

a. By June 8, 2017, the Licensee will submit policies and procedures that include the following:

- A policy that describes the identification verification process used by staff when an individual, other than the parent or legal guardian, is allowed to pick up a child from the program

The policy must include written documentation that the identification of the individual picking up the child was verified, what type of identification was checked and was verified by at least two staff. This written documentation, including the signatures of both staff verifying the identification, must be available for the Department's review. The policy must describe how current and future staff will be made aware of policies and procedures.

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. If additional information is required, the Licensee must reply with the required information within ten calendar days of notice by the Department.

Once approved, the Licensee must implement the plans as approved by the Department.

b. The Licensing Agreement dated January 24, 2017 remains in effect and will be reviewed, and terminated, extended and/or modified prior to its expiration on July 24, 2017.

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

d. All documentation required must be submitted to Marvie Sullivan, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, PO Box 94986, Lincoln, Nebraska, 68509-4986 or at other such 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 Educare of Lincoln, Inc. 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 June 7, 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 on or by June 7, 2017. It should be addressed to:


Rita Krusemark, 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 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.

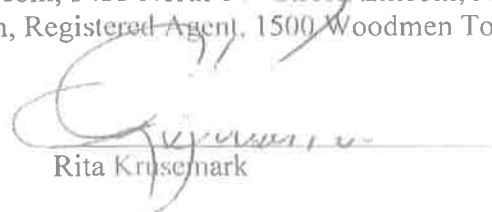
Dated: May 23, 2017

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 23 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 Educare of Lincoln, 3435 North 14th Street, Lincoln, Nebraska, 68521 and Educare of Lincoln, Inc., Richard E. Putnam, Registered Agent, 1500 Woodmen Tower, 1700 Farnam Street, Omaha, Nebraska, 68102.


Rita Krusemark

NEBRASKA

CONSTITUTIONAL MILESTONE

DEPT. OF HEALTH AND HUMAN SERVICES



STATE OF NEBRASKA

LICENSING AGREEMENT

I, Russ Reckewey, Interim Executive Director of Educare of Lincoln Center operating as Child Care Center CCC 9388 located at 3435 North 14th Street, Lincoln NE 68521 hereby state and declare:

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

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 Licensing Agreement is a result of a self-report sent to Marvie Sullivan, Child Care Inspection Specialist (CCIS) on January 5, 2017. The self-report stated that on 1-4-17 a preschool age child was left in a classroom alone for approximately 15 minutes. Staff returned to the classroom and found the child alone.

The center is in violation of 391 NAC 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." and 391 NAC 3-006.19 Supervision of Children "Adequate and appropriate supervision must be provided to children at all times children are in care, including during outdoor play." Definition: adequate and appropriate supervision includes:

1. Knowing the whereabouts and being within sight and sound of all children at all times.

Since the incident the center has in place an action plan for staff in the classroom which includes:

- Coaching of staff by the Master Teacher on how often to count children in the classroom, and being accountable for children in the classroom.
- Staff in the room attending a two hour training on the center's Active Supervision policy, to ensure that all children are counted in the classroom.
- Staff in the classroom will keep a written record of children whereabouts during transition times including counting the number of children in care (schedule sign off sheet).
- The number of teachers in the classroom to be increased to four until 1-31-17.
- The Master Teacher will continue to monitor and meet with the classroom staff one on one, until 1-20-17. The meeting will cover proper supervision and counting procedures of children in the classroom.

I understand and agree that children will never be left alone and that a teacher will always be in the room with children.

I understand and agree that staff will always provide adequate and appropriate supervision to child at all times.

I understand and agree that the center staff will maintain a written report/schedule of transition times in room 166 and 167, including dates and times

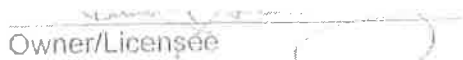
I agree that this Licensing Agreement will be prominently posted with Child Care Center license so it is clearly visible to parents and Department representatives.

I understand that Children 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, Children's Services Licensing may deem appropriate.

This Agreement shall be effect for six months from the signing of the Agreement after which time the Agreement will be reviewed and terminated, extended and/or modified.

Should the Child Care Center 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.


Owner/Licensee

1/27/17
Date


Child Care Inspection Specialist

1-24-17
Date

Non-relative Witness OR Notary Public

Date

