

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

December 27, 2017

Meredith M. Crogan
PO Box 86
Howells, NE 68641

Dear Ms. Crogan:

In accordance with the Notice of Disciplinary Action issued on December 5, 2017, by Thomas L. Williams, MD, Chief Medical Officer, Division of Public Health, Department of Health and Human Services, your original License to operate a Family Child Care Home I in the State of Nebraska has been placed on Probation. A license imprinted with the term "PROBATION" is enclosed. This status became effective December 21, 2017, and it will remain in effect until December 21, 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: Chris Kort, 301 Centennial Mall South, Lincoln, NE 68509-4986.

If you have any questions, please contact Kathee Sanchez, Child Care Licensing Supervisor, 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

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

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

IN THE MATTER OF:)
THE OPERATING FAMILY CHILD CARE HOME I)
LICENSE OF MEREDITH CROGAN)

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 414 CENTER ST., HOWELLS, NE 68641
MAILING ADDRESS: P.O. BOX 86 HOWELLS, NE 68641
LICENSE NUMBER: F111598
CAPACITY: 10
AGES: SIX WEEKS TO 13 YEARS
HOURS AND DAYS: 6:00 AM to 8:00 PM, MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: AUGUST 05, 2013

NOTICE:

Meredith Crogan (hereinafter referred to as "Crogan") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Meredith Crogan's Family Child Care Home I 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;" ...

391 NAC 1-008.01 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;” ...

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: ... (b) Suspend or revoke a provisional, probationary, or operating license;” ...

391 NAC 1-006.01 Licensee Qualifications and Requirements: “The Family Child Care Home I licensee must: ... 7. Be in compliance with all regulations whenever children are in care;” ...

391 NAC 1-006.08A Licensed Capacity: “The number of children in care at any one time must not exceed the licensed capacity. Licensed capacity will be determined by the Department based on available space and the capacity authorized by the State Fire Marshal or delegated authority. Whichever number is smaller will be the licensed capacity of the child care home.

The maximum licensed capacity for a Family Child Care Home I is eight children, except that a licensee may be approved to serve up to two additional school-age children during non-school hours, if no more than two of the other children in care are under 18 months of age.”

391 NAC 1-006.08B Staff-to-Child Ratio: The appropriate staff-to-child ratio must be met at all times, as follows.

1. Infants only. If the program provides care to infants only, the following ratios apply:

Number of Infants in Care	Number of Staff Required
4	1
5-8	2

2. Mixed ages. If the program provides care to children of mixed ages, the following ratios apply:

Number of Children in Care	Number of Staff Required
1-8	1
9-10 (9 th and 10 th children must be school-age)	1

- a. Programs serving children of mixed ages of may provide care for up to three infants if no more than two of the infants are under 12 months of age.

b. Programs may provide care for up to two additional school-age children during non-school hours if no more than two of the other children in care are under 18 months of age.”

3. School-age only. If the program provides care to school-age children only, the following ratio applies:

Number of Children in Care	Number of Staff Required
1-10	1

FACTS AND FINDINGS:

On May 14, 2015, Brenda Herring, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as “Herring”), conducted an unannounced annual inspection. Crogan was in violation of staff-to-child ratio. Herring observed ten (10) children in care, none of whom were school age. Crogan’s spouse arrived to care for their own children and Crogan came into compliance. Crogan informed Herring she would have her mother care for her own children to stay in ratio.

On August 14, 2017, representatives from the Food Program reported to Herring that Crogan was in violation of staff-to-child ratio during their inspections conducted on March 27, 2015 and August 14, 2017. The representatives from the Food Program advised Crogan to self-report these violations to the department as they would be informing Herring of their observations at these inspections. Crogan did self-report the August 14, 2017 violation to Herring.

As a result of these previous violations, Crogan signed a Licensing Agreement on August 18, 2017. In the Agreement, Crogan indicated she understood and agreed to the violations, agreed to post the Licensing Agreement so that it was clearly visible to parents, and understood that the Department would be making announced or unannounced visits to determine compliance with the Agreement.

Following the signature of the Licensing Agreement, Crogan voluntarily sent Herring weekly e-mails indicating how many children were going to be in care each day of that week. Herring received e-mails on August 22, 2017; September 9, 2017; October 2, 2017; and November 6, 2017. The email received on November 6, 2017 indicated that five (5) children were going to be in care on November 7, 2017.

On November 7, 2017, Herring conducted an unannounced monitoring inspection and found the following violations:

- Eleven (11) children were in care. All children were age 4 and younger. Children’s ages were as follows [] - 4; [] - 4; [] - 4; [] - 4; [] - 4; [] - 2; [] - 2; [] - 18 months; [] - 10 months; [] - 5 months.
- Crogan stated that she has been out of staff-to-child ratio/over capacity approximately three days per week since signing the License Agreement on August 18, 2017.

DISCIPLINARY ACTION IMPOSED:

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

1. Crogan's Family Home Child Care I license is placed on probation for a period of one year from the effective date of December 21, 2017. The following terms and conditions will apply:
 - a. Crogan's license is **LIMITED/RESTRICTED** in that:
 - Total license capacity (count) shall never be over 8 at any one time. Children, (including licensee's own children under the age of 8) are included in the license capacity count.
 - This condition can be ended if compliance with this discipline is maintained for a period of nine (9) months. Crogan may request, in writing that this limitation be removed if she has complied with this notice for nine (9) months.
 - b. Crogan, within three days of this notice becoming effective, will submit in writing a list of each child enrolled which included the name(s) and dates of birth of all children in care, days and hours of care scheduled. Licensee must submit, in writing, an update of the list within 2 days of any new change in enrollment such as a child leaving the program or a new child enrolling in the program. Licensee must keep a current list of enrolled children on the premises and it must be available upon request. The list must contain: Name, date of birth, gender, date of enrollment and date of disenrollment. The enrollment list must include information about Licensee's own children under the age of 8.
 - c. Crogan will maintain record of children in attendance, with dates and times recorded. Crogan will submit verification of children in attendance with dates and times as requested by Herring.
 - d. Crogan can only have her own children and children that are enrolled in her program on the premises during hours of operation.
 - e. Copies of parent signed receipts (proof of having read this notice) must be in children's files and copies must be available PRIOR to the enrollment of any new child or children in the program. Copies of signed receipts are to be provided to Herring.
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 Family Child Care Home I 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 Meredith Crogan 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 December 20, 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 December 20, 2017. 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 71-1920 of the Child Care Licensing Act, provides that “any fine imposed and unpaid under the Child Care Licensing Act shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of State of Nebraska in the district court of the county in which the program is located.”

That Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that “a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under investigation or if the Department has initiated disciplinary action against the licensee.

Dated: December 5, 2017

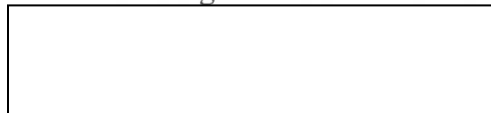
Thomas L. Williams, MD
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services



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 5 day of December, 2017, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Meredith Crogan P.O. BOX 86 HOWELLS, NE 68641.



Chris Kort