

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

August 2, 2017

Laura S. Vice  
2109 Towle Street  
Falls City, NE 68355

Dear Ms. Vice:

In accordance with the letter written by Kathee Sanchez, Child Care Licensing Supervisor, on May 22, 2017, your original License to operate a Family Child Care Home I 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 May 22, 2017, and it will remain in effect until November 22, 2017. 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: 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

Department of Health and Human Services  
Division of Public Health

**LAURA S. VICE**

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
Operating Family Child Care Home I  
located at: 2109 TOWLE Falls City NE 68355

A maximum of 10 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0500 to 1730 on MTWTFH.

**VICE, LAURA** is hereby issued License No. F111607

whose status is **Active-Corrective Action Status** effective from 05/22/2017

Amended: 05/22/2017

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 August 2, 2017.



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

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

May 22, 2017

Ms. Laura Vice  
2109 Towle  
Falls City NE 68355

Dear Ms. Vice;

The Nebraska Department of Health and Human Services, Office of Children's Services Licensing received your Plan of Correction. The attached corrective action plan has been reviewed and approved effective May 22, 2017.

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 from the date of approval, May 22, 2017 to November 22, 2017.

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 Angie Lewis, Child Care Inspection Specialist at (402) 245-4439 or me.

Sincerely,

Kathee Sanchez, Child Care Licensing Supervisor  
Office Children's Services Licensing  
Nebraska Department of Health and Human Services  
301 Centennial Mall S, Lincoln Ne 68509  
(402) 471-9193 [kathee.sanchez@nebraska.gov](mailto:kathee.sanchez@nebraska.gov)

cc: Angie Lewis, Child Care Inspection Specialist  
Marsha Wandersee Office of Children's Services Licensing Central Office  
File

## Corrective Action Plan

A few weeks ago Angie Lewis had come to my daycare for our annual check in. I had had 9 kids in daycare when she had shown up. 2 infants, 3 preschool age and 4 toddler age. I was over on child to staff ratio. That was my misunderstanding that if I had had 2 infants I could have 10 kids as long as 2 were school aged. I misunderstood the school age rule, that school age, was any child who had already started their very first day of kindergarten. I had sent my daughter Lilly to her grandmothers for that day and sat down that night to figure out what to do with that child that made me go over. I chose to eliminate a child in care, whose mom did not work. I had given that mom a two week notice. In that time I had arranged for my daughter Lilly to go to her grandmothers when the eliminated child was here. I had also made arrangements with the eliminated child's mother, stating that if I could not find someone to take my daughter Lilly. Her daughter would just have to stay home. That child had already served her two weeks and is no longer in care. I have reviewed the guidelines and now completely understand the school age rules. School aged is any child who has already started kindergarten. I hope I have everything you need in this corrective plan. If you need anything else please let me know!!!

Thank You,  
Laura Vice

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

May 1, 2017

## Certified Mail and Regular Mail

Laura S. Vice  
2109 Towle Street  
Falls City, NE 68355

Dear Ms. Vice,

**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.

### REGULATORY BASES:

**391 NAC 1-006.01 Licensee Qualifications and Requirements:** The Family Child Care Home I licensee must:

4. Be responsible for the day-to-day operation of the child care program;
5. Read, understand, and be familiar with these regulations;
7. Be in compliance with all regulations whenever any children are in care;
9. Not engage in any other employment that interferes with the care of children;
16. Not engage in or have a history of behavior injurious to or which may endanger the health or morals of children.

**391 NAC 1-006.02A Criminal History Record Check:** The applicant/licensee must complete a pre-employment criminal history record check through a governmental law enforcement agency on him/herself, each staff member and volunteer age 19 or older, and each household member age 19 or older. Documentation must be kept and available for review by the Department.

The check must be conducted through the Nebraska State Patrol or through one or more local law enforcement agencies, as appropriate to the individual's residence(s). If an individual has lived in Nebraska less than 12 months, the applicant/licensee must obtain documentation of a criminal history record check from the previous state(s) of residence.

**391 NAC 1-006.02B Registry Checks:** The applicant/licensee, staff, volunteers, and household members must not be listed as a perpetrator of abuse or neglect on Nebraska's:

1. Child abuse/neglect central register, if the individual is age 13 or older;
2. Adult protective services (APS) central registry, if the individual is age 18 or older; or
3. State Patrol sex offender registry.

The individual must provide enough information for an accurate check of the registries and must authorize the release of registry information. The Department will conduct the child and adult registry checks and provide the results to the applicant/licensee.

The applicant/licensee must conduct the State Patrol sex offender registry check. All registry checks must be completed before the individual assumes responsibility for the care and supervision of children. Any individual who is listed as a perpetrator on any of the registries must not be on the child care 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.

**391 NAC 1-006.02C Reports of Law Enforcement Contact:** The applicant/licensee must complete a Report of Law Enforcement Contact for him/herself and must obtain a completed report for each staff member and volunteer age 19 or older and each household member age 19 or older. The report must:

1. Be updated, signed and dated annually;
2. Be updated any time one of these individuals is arrested, issued a citation other than a minor traffic violation, or charged with or convicted of any felony, misdemeanor, or infraction;
3. List all previous and currently pending criminal charges and arrests, both felony and misdemeanor, regardless of prosecution;
4. List any record of felony and/or misdemeanor charges and arrests related to crimes against children;
5. List any record of felony and/or misdemeanor convictions;
6. List any current or past parole or probation status, including diversion or court supervision; and
7. List details, dates, county and state of the contact, arrest, charge, conviction, and disposition, if any.

**391 NAC 1-006.03 Staff, Volunteer, and Household Member Qualifications and Requirements**

**391 NAC 1-006.03 Staff:** Staff, including substitutes, must:

1. Be at least 16 years of age;
2. Be of good moral character; and
3. Not engage in or have a history of behavior injurious to or which may endanger the health or morals of children.

**391 NAC 1-006.03B Volunteers:** All volunteers must:

1. Be of good moral character;
2. Not engage in or have a history of behavior injurious to or which may endanger the health or morals of children; and
3. Never be left alone with children other than their own.

**391 NAC 1-006.05A 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 of training; and
10. Documentation that the individual has read and understands these regulations

**391 NAC 1-006.08B Staff-to-Child Ratio:**

The appropriate staff-to-child ratio must be met at all times, as follows:

(see page 25 Regulations Governing Licensure of Family Child Care Home I)

**391 NAC 1-006.06 Child's Record:** A Child's Record must be completed before the child's enrollment. The record must be kept current and available for review upon request by the Department. A Child's Record form may be used or a form may be created and must contain the following information for each child:

1. Name of child;
2. Birthdate of child;
3. Enrollment date;
4. Date care ceased, if applicable;
5. Parent or guardian's home address and telephone number;
6. Parent or guardian's employment address and telephone number;
7. Individual(s) to whom the child may be released by the caregiver;
8. Individual(s) who will take responsibility for the child in an emergency when the parent or guardian cannot be reached;
9. Consent to contact a physician in an emergency;
10. Current health status of the child; and
11. List of child's allergies and intolerance to food, insect bites, or stings, or other factors that result in a medical reaction, and clear instructions in the event of an exposure to the factor.

**391 NAC 1-006.12 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 1-006.12A Supervision in the Absence of the Licensee:** Any designated substitute has the same responsibility for providing adequate and appropriate supervision as the licensee. All parents, except in emergency situations, must be notified in advance of the use of a substitute supervisor.

#### **FACTS:**

On April 18, 2017, Child Care Inspection Specialist Angie Lewis conducted an unannounced monitoring inspection to your Family Child Care Home I. CCIS Lewis observed Ms. Vice mowing a yard in the neighborhood. Ms. Vice engaged in other employment that interfered with the care of children. An unapproved caregiver was caring for children in the outdoor play area while Ms. Vice was mowing. Children were sleeping in the Family Child Care Home I without a caregiver present in the house. No monitors or cameras were in use to supervise the children inside the Family Child Care Home I. Violations – inadequate and inappropriate supervision for both the provider and unapproved caregiver. Violations - licensee qualifications; criminal history records check; registry checks; report of law enforcement contact; and complete staff records. Child Records were unavailable on two children in care; no signed receipt by parent for Parent Information Brochure on these two children; and no immunization records available on these two children.

On December 19, 2016, Child Care Inspection Specialist Angie Lewis conducted an unannounced annual inspection to your Family Child Care Home I. CCIS Lewis observed 9 children of mixed ages in care with Ms. Vice. No children in care were school age. Ms. Vice violated staff to child ratio. As a result of these violations and prior violations, Ms. Vice Family Child Care Home I was placed on Corrective Action Status effective 01/31/17 to 07/31/17. **(This Corrective Action will replace the Corrective Action effective 1/21/17 to 7/31/17).**

On March 23, 2015 and March 31, 2015, Child Care Inspection Specialist Angie Lewis conducted an unannounced complaint inspections to your Family Child Care Home I. Allegations were that Ms. Vice used an unapproved caregiver to care for the children in care. Allegations were substantiated that Ms. Vice used an unapproved caregiver to care for the daycare children. Violations – licensee qualifications and requirements; criminal history record check; registry checks; report of law enforcement contact; staff /substitute records; and supervision in the absence of the licensee. As a result of these violations a Licensing Agreement was signed by Ms. Vice on 04/06/15 pertaining to compliance with these standards.

On January 14, 2014, Child Care Inspection Specialist Angie Lewis conducted an unannounced inspection to deliver a Licensing Agreement to your Family Child Care Home I. CCIS Lewis observed 8 children of mixed ages in care to include 4 infants with one caregiver, Ms. Vice. Ms. Vice violated staff to child ratio with 4 infants and 4 other children of mixed ages in care with one caregiver. As a result of the violation, Ms. Vice signed a Licensing Agreement pertaining to staff to child ratio.

On December 16, 2013, Child Care Inspection Specialist Angie Lewis conducted an unannounced provisional to operating inspection to your Family Child Care Home I. CCIS Lewis observed 9 children in care to include 3 infants under 12 months of age with one caregiver, Ms. Vice. No children in care were school age. Ms. Vice violated staff to child ratio. As a result of the violations, a Licensing Agreement pertaining to staff to child ratio will be offered to Ms. Vice for correction of these violations.

#### **DETERMINING CORRECTIVE ACTION STATUS:**

The Department may place a provisional or operating license on a non-disciplinary Corrective Action Status for up to six months if:

- (a) The licensee is unable to comply with all licensure requirements and standards or has a history of non-compliance
- (b) The effect of the non-compliance with any rule or regulation 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 (6) months.

#### **CORRECTIVE ACTION STATUS: PLAN OF CORRECTION**

Corrective action status is voluntary and the decision regarding the 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.

Your written plan of correction must:

- 1) Identify the issue(s) of concern
- 2) Identify who is responsible for corrections and maintenance of compliance
- 3) Include timelines; and
- 4) Specify the documentation to be provided to the Department.
- 5) Include a written plan of how corrections will be achieved.



Please submit your written Plan of Correction to Angie Lewis, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Office of Children's Services Licensing, Richardson County Courthouse 1<sup>st</sup> Floor, 1700 Stone Street Falls City NE 68355 **within ten 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) Suspend or revoke a provisional, probationary, or operating license;
- (c) 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;
- (d) Establish restrictions on new enrollment in the program;
- (e) Establish restrictions or other limitations on the number of children or the age of the children served in the program; or
- (f) Establish other restrictions or limitations on the type of service provided by the program.

If you have questions regarding this letter, please contact Angie Lewis, Child Care Inspection Specialist at 402-245-4439 or me at 402-471-9193.

Thank you.

Sincerely,

Kathee Sanchez, Child Care Licensing Supervisor  
Children's Services Licensing  
Licensure Unit  
P.O. Box 94986  
Nebraska State Office Building, First Floor  
301 Centennial Mall South  
Lincoln, NE 68509-4986

Cc. Angie Lewis, Child Care Inspection Specialist  
Marsha Wandersee, Administrative Assistant II

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

February 6, 2017

Laura S. Vice  
2109 Towle Street  
Falls City, NE 68355

Dear Ms. Vice:

In accordance with the letter written by Kathee Sanchez, Child Care Licensing Supervisor, on January 31, 2017, your original License to operate a Family Child Care Home I 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 January 31, 2017, and it will remain in effect until July 31, 2017. 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 Kathee Sanchez, Child Care Licensing Supervisor, at (402) 471-9302.

Sincerely,

A handwritten signature in blue ink, appearing to read "Becky Wisell".

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

**LAURA S. VICE**

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
Operating Family Child Care Home I  
located at: 2109 TOWLE Falls City NE 68355

A maximum of 10 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

VICE, LAURA is hereby issued License No. FI11607  
whose status is Active-Corrective Action Status effective from 01/31/2017

Amended: 01/31/2017

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 February 8, 2017.



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

January 31, 2017

Laura S. Vice  
2109 Towle Street  
Falls City, Ne 68355

Dear Ms. Vice,

The Nebraska Department of Health and Human Services, Office of Children's Services Licensing received your corrective action plan accepting Corrective Action Status. The attached corrective action plan has been reviewed and approved effective January 31, 2017. (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 from the date of approval, January 31, 2017 to July 31, 2017.

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 Angie Lewis, Child Care Inspection Specialist, 402-245-4439 or me.

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](mailto:kathee.sanchez@nebraska.gov)

cc:  
Angie Lewis – Child Care Inspection Specialist  
Marsha Wandersee, Administrative Assistant II  
File

### Corrective Action Plan

A few weeks ago Angie Lewis had come to my daycare for our annual check in. I had had 9 kids in daycare when she had shown up. 2 infants, 3 preschool age and 4 toddler age. I was over on child to staff ratio. That was my misunderstanding that if I had had 2 infants I could have 10 kids as long as 2 were school aged. I misunderstood the school age rule, that school age, was any child who had already started their very first day of kindergarten. I had sent my daughter Lilly to her grandmothers for that day and sat down that night to figure out what to do with that child that made me go over. I chose to eliminate a child in care, whose mom did not work. I had given that mom a two week notice. In that time I had arranged for my daughter Lilly to go to her grandmothers when the eliminated child was here. I had also made arrangements with the eliminated child's mother, stating that if I could not find someone to take my daughter Lilly. Her daughter would just have to stay home. That child had already served her two weeks and is no longer in care. I have reviewed the guidelines and now completely understand the school age rules. School aged is any child who has already started kindergarten. I hope I have everything you need in this corrective plan. If you need anything else please let me know!!!

Thank You,  
Laura Vice

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

December 29, 2016

**Certified Mail and Regular Mail**

Laura S. Vice  
2109 Towle Street  
Falls City, NE 68355

Dear Ms. Vice,

**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.

## **REGULATORY BASES:**

**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 any children are in care;

## **391 NAC 1-006.08B Staff-to-Child Ratio:**

The appropriate staff-to-child ratio must be met at all times, as follows:  
(see page 25 Regulations Governing Licensure of Family Child Care Home I)

## **FACTS:**

On December 19, 2016, Child Care Inspection Specialist Angie Lewis conducted an unannounced annual inspection to your Family Child Care Home I. CCIS Lewis observed 9 children of mixed ages in care with Ms. Vice. No children in care were school age. Ms. Vice violated staff to child ratio.

On January 14, 2014, Child Care Inspection Specialist Angie Lewis conducted an unannounced inspection to deliver a Licensing Agreement to your Family Child Care Home I. CCIS Lewis observed 8 children of mixed ages in care to include 4 infants with one caregiver, Ms. Vice. Ms. Vice violated staff to child ratio with 4 infants and 4 other children of mixed ages in care with one caregiver. As a result of the violation, Ms. Vice signed a Licensing Agreement pertaining to staff to child ratio.

On December 16, 2013, Child Care Inspection Specialist Angie Lewis conducted an unannounced provisional to operating inspection to your Family Child Care Home I. CCIS Lewis observed 9 children in care to include 3 infants under 12 months of age with one caregiver, Ms. Vice. No children in care were school age. Ms. Vice violated staff to child ratio. As a result of the violations, a Licensing Agreement pertaining to staff to child ratio will be offered to Ms. Vice for correction of these violations.

## **DETERMINING CORRECTIVE ACTION STATUS:**

The Department may place a provisional or operating license on a non-disciplinary Corrective Action Status for up to six months if:

- (a) The licensee is unable to comply with all licensure requirements and standards or has a history of non-compliance
- (b) The effect of the non-compliance with any rule or regulation 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 (6) months.

## **CORRECTIVE ACTION STATUS: PLAN OF CORRECTION**

Corrective action status is voluntary and the decision regarding the 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.

Your written plan of correction must:

- 1) Identify the issue(s) of concern
- 2) Identify who is responsible for corrections and maintenance of compliance
- 3) Include timelines; and
- 4) Specify the documentation to be provided to the Department.
- 5) Include a written plan of how corrections will be achieved.

Please submit your written Plan of Correction to Angie Lewis, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Office of Children's Services Licensing, Richardson County Courthouse 1<sup>st</sup> Floor, 1700 Stone Street Falls City NE 68355 **within ten 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) Suspend or revoke a provisional, probationary, or operating license;
- (c) 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;
- (d) Establish restrictions on new enrollment in the program;
- (e) Establish restrictions or other limitations on the number of children or the age of the children served in the program; or
- (f) Establish other restrictions or limitations on the type of service provided by the program.

If you have questions regarding this letter, please contact Angie Lewis, Child Care Inspection Specialist at 402-245-4439 or me at 402-471-9193.

Thank you.

Sincerely,

Kathee Sanchez, Child Care Licensing Supervisor  
Children's Services Licensing  
Licensure Unit  
P.O. Box 94986  
Nebraska State Office Building, First Floor  
301 Centennial Mall South  
Lincoln, NE 68509-4986

Cc. Angie Lewis, Child Care Inspection Specialist  
Marsha Wandersee, Administrative Assistant II





Division of Public Health

State of Nebraska  
Pete Ricketts, Governor

July 2, 2015

CERTIFIED AND FIRST CLASS MAIL

Laura Vice  
2109 Towle  
Falls City, NE 68355

Dear Ms. Vice:

Since you have complied with Notice of Disciplinary Action dated March 31, 2015 by coming into compliance as of June 29, 2015, you have been assessed a civil penalty in the amount of \$510.00 (\$10.00 a day times fifty-one days, April 17, 2015 through June 28, 2015). This penalty must be received by or on August 2, 2015.

Your check or money order should be payable to the Nebraska Department of Health and Human Services and sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

If you have 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/rk

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

IN THE MATTER OF:

THE PROVISIONAL FAMILY CHILD ) NOTICE OF  
CARE HOME I LICENSE OF LAURA VICE ) DISCIPLINARY ACTION

Laura Vice, (hereinafter referred to as "Vice"), 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 provisional Family Child Care Home I License as listed below 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; ...

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: ... (c) Impose a civil penalty of up to five dollars 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; ..."

Nebraska Revised Statutes, section 71-1911.03 of the Child Care Licensing Act provides that "An applicant for a license under the Child Care Licensing Act shall provide to the department written proof of liability insurance coverage of at least one hundred thousand dollars per occurrence prior to issuance of the license. A licensee subject to the Child Care Licensing Act on July 1, 2014, shall obtain such liability insurance coverage and provide written proof to the department within thirty days after July 1, 2014. Failure by a licensee to maintain the required level of liability insurance coverage shall be deemed noncompliance with the Child Care Licensing Act. ..."

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; ...

## FACTS AND FINDINGS:

Vice license number F111607 - is located at 2109 Towle, Falls City, NE 68355 and is currently licensed for a maximum of 10 children, ages 6 weeks to 13 years, from 6:00 a.m. to 6:00 p.m., Monday through Friday. This program was licensed on October 10, 2013.

On or about May 5, 2014, the Department notified all licensed child care and preschool programs by mail of the passage of LB 105 requiring child care programs obtain and maintain Child Care Liability Insurance of at least one hundred thousand dollars per occurrence and provide written proof to the department no later than August 11, 2014.

On or about February 17, 2015, the Department mailed a Compliance Review notifying Vice no proof of Child Care Liability Insurance had been received and informed Vice that disciplinary action would be taken if proof of Child Care Liability Insurance was not received by February 26, 2015.

As of March 31, 2015, no proof of Child Care Liability Insurance has been submitted by Vice.

## DISCIPLINARY ACTION IMPOSED:

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

Vice is assessed a civil penalty in the amount of \$10.00, \$1.00 times license capacity of 10 to begin fifteen (15) days after the date of this Notice, April 17, 2015 and accrue each day thereafter, not including Saturday and Sunday.

The civil penalty will continue to accrue until such time that Vice:

- Has submitted written proof of Child Care Liability Insurance with a minimum coverage of \$100,000 per occurrence for her Family Child Care Home I.

The written proof of insurance must be submitted to the Department, Attn: Kathryn Parham, Staff Assistant II, Children's Services Licensing, Licensure Unit, Division of Public Health, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

Vice must submit the required proof of Child Care Liability Insurance with a minimum coverage of \$100,000 per occurrence on or before April 30, 2015.

Failure to comply with the terms of this disciplinary action, the applicable Family Child Care Home I Regulations and failure to correct the violations, may 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.

## BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on April 16, 2015, 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 April 16, 2015. It should be addressed to:

Marsha Wandersec, for DHHS  
Children's Services Licensing  
Licensure – Division of Public Health  
P.O. Box 94986  
Lincoln, NE 68509-5986

**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 "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 "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: APRIL 1, 2015

Joseph M. Acierno, MD, JD  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

Patricia Urzedowski  
By: Patricia Urzedowski, Program Manager II,  
Children's Services Licensing  
Nebraska Department of Health and Human Services  
Division of Public Health – Licensure Unit  
P.O. Box 94986  
Lincoln, NE 68509-4986

**CERTIFICATE OF SERVICE**

COMES NOW, the undersigned and certifies that on the 15<sup>th</sup> day of April, 2015, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was mailed to Laura Vice, 2109 Towle, Falls City, NE 68355.

Jamara Williams



### LICENSING AGREEMENT

I, Laura Vice, hereby voluntarily state and declare:

I am the licensee of a Family Child Care Home #F111607, 2109 Towle Street, Falls City, NE 68355.

I agree to comply with each of the Regulations Governing Licensure of Family Child Care Home 1, effective May 20, 2013 as long as I am licensed by the State of Nebraska to provide child care services

I understand and agree to comply with:

#### 391 NAC 1-006.01 Licensee Qualifications and Requirements:

4. Be responsible for the day-to-day operation of the child care program;
5. Read, understand, and be familiar with these regulations;
7. Be in compliance with all regulations whenever any children are in care;
14. Not knowingly allow any individual to be on the premises if s/he has been convicted of, admitted to, or there is substantial evidence of, crimes involving intentional bodily harm, crimes against children, crimes involving the illegal use of controlled substances, or crimes involving moral turpitude;
16. Not engage in or have a history of behavior injurious to or which may endanger the health or morals of children.

#### 391 NAC 1-006.02A Criminal History Record Check:

The applicant/licensee must complete a pre-employment criminal history record check through a governmental law enforcement agency on him/herself, each staff member and volunteer age 19 or older, and each household member age 19 or older. Documentation must be kept and available for review by the Department. The check must be conducted through the Nebraska State Patrol or through one or more local law enforcement agencies, as appropriate to the individual's residence(s). If an individual has lived in Nebraska less than 12 months, the applicant/licensee must obtain documentation of a criminal history record check from the previous state(s) of residence.

#### 391 NAC 1-006.02B Registry Check:

The applicant/licensee, staff, volunteers, and household members must not be listed as a perpetrator of abuse or neglect on Nebraska's:

1. Child abuse/neglect central register, if the individual is age 13 or older;
2. Adult protective services (APS) central registry, if the individual is age 18 or older; or
3. State Patrol sex offender registry.

The individual must provide enough information for an accurate check of the registries and must authorize the release of registry information. The Department will conduct the child and adult registry checks and provide the results to the applicant/licensee.

The applicant/licensee must conduct the State Patrol sex offender registry check. All registry checks must be completed before the individual assumes responsibility for the care and supervision of children. Any individual who is listed as a perpetrator on any of the registries must not be on the child care 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.

#### 391 NAC 1-006.02C Reports of Law Enforcement Contact:

The applicant/licensee must complete a Report of Law Enforcement Contact for him/herself and must obtain a completed report for each staff member and volunteer age 19 or older and each household member age 19 or older.

The report must:

1. Be updated, signed and dated annually;
2. Be updated any time one of these individuals is arrested, issued a citation other than a minor traffic violation, or charged with or convicted of any felony, misdemeanor, or infraction;
3. List all previous and currently pending criminal charges and arrests, both felony and misdemeanor, regardless of prosecution;

- 4 List any record of felony and/or misdemeanor charges and arrests related to crimes against children;
- 5 List any record of felony and/or misdemeanor convictions;
- 6 List any current or past parole or probation status, including diversion or court supervision, and
- 7 List details, dates, county and state of the contact, arrest, charge, conviction, and disposition, if any.

**391 NAC 1-006.03 Staff, including substitutes:**

Staff, including substitutes, must:

1. Be at least 16 years of age;
2. Be of good moral character; and
3. Not engage in or have a history of behavior injurious to or which may endanger the health or morals of children.

**391 NAC 1-006.05B Substitutes and Volunteers:**

Records for each substitutes and volunteers, must include:

1. Name;
2. Address and telephone number;
3. Social Security number;
4. Start Date;
5. A completed Report of Law Enforcement Contact;
6. Documentation of a criminal history record check;
7. Documentation of Nebraska registry checks with no adverse findings;

**391 NAC 1-006.12A Supervision in the Absence of the Licensee:**

Any designated substitute has the same responsibility for providing adequate and appropriate supervision as the licensee. All parents, except in emergency situations, must be notified in advance of the use of a substitute supervisor.

I agree that this Licensing Agreement will be prominently posted with my Family Child Care Home I License so that it is clearly visible to parents and agency representatives.

I understand that Children's Services Licensing staff shall conduct announced or unannounced visits to my program 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 in effect from the signing of this Agreement for a period of 6 months, at which it will be reviewed by the Department to determine if this Agreement should be amended, modified or terminated. In addition, should a change of address occur or should I reapply for a different type of child care license, this Licensing Agreement may transfer to the new license and/or address, if appropriate to the conditions of this Licensing Agreement.

        
Child Care Inspection Specialist  
Date 4/6/15

Date  
OR

Non-Relative Witness/Notary Public

Date

        
Provider/Licensee  
Street/Address

        
City and Zip Code

Date