

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

December 8, 2017

LITTLE MESSENGERS, INC.
Rebekah R. Anderson, Owner/Director
3105 25th Street
Columbus, NE 68601

Dear Ms. Anderson:

In accordance with the Notice of Disciplinary Action issued on November 21, 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 Provisional Child Care Center in the State of Nebraska has been placed on Probation for one year. A license imprinted with the term "PROBATION" is enclosed. This status became effective December 7, 2017, and it will remain in effect until December 7, 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, addressed to DHHS, Division of Public Health, Licensure Unit, Attn: Chris Kort, at 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 black rectangular box redacting the signature of 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

PROBATION

Department of Health and Human Services
Division of Public Health

LITTLE MESSENGERS 2, INC

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Provisional Child Care Center
located at: 3105 25TH STREET Columbus NE 68601

A maximum of 110 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0530 to 1800 on MTWTHF.

LITTLE MESSENGERS INC is hereby issued License No. CCC9618 which is effective from 03/24/2017 to 03/31/2018.

Amended: 12/07/2017

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 December 11, 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 PROVISIONAL CHILD CARE CENTER) **NOTICE OF**
LICENSE OF LITTLE MESSENGERS, INC.) **DISCIPLINARY ACTION**

LICENSED LOCATION: 3105 25th STREET, COLUMBUS, NE, 68601

LICENSE NUMBER: CCC9618

CAPACITY: 110

AGES: SIX WEEKS TO 13 YEARS

HOURS AND DAYS: 5:30 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY

DATE INITIALLY LICENSED: MARCH 24, 2017

NOTICE:

Little Messengers, Inc. (hereinafter referred to as "Little Messengers") 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 Child Care 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 probation 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 3-006.01 Licensee Requirements: "The licensee must: 1. Ensure that the center is administered and managed appropriately; 2. Maintain compliance with all applicable state statutes and child care center regulations; ... 4. Either manage the day-to-day operations of the center or designate a director who is responsible for the day-to-day management of the center and define the duties and responsibilities of the director in writing; and 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 3-006.02 Director Requirements: "The director is responsible for managing the day-to day operations of the child care center... The director must: 1. Be responsible for the center's compliance with rules and regulations; 2. Be within the child care area a sufficient number of hours to permit adequate attention to the management of the center;...5. Assess his/her own ability and the ability of all staff to provide care for children with special needs while meeting the needs of other children enrolled;... 8. Ensure that center staff identify and review incidents, accidents, complaints, and concerns, and monitor patterns and trends in overall operation and take action to alleviate problems; 9. Develop and implement written procedures that require the reporting of any evidence of physical abuse, neglect, or sexual abuse of any child in care at the child care center; 10. Immediately file a report with the Child Abuse-Neglect Hotline (1-800-652-1999) and/or appropriate local law enforcement agency when s/he has reason to believe child abuse, neglect, or sexual abuse may be occurring in the child care center, in the child's home, or elsewhere, or ensure that a report is filed;..."

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."

391 NAC 3-006.30E Notification to the Department of Emergencies: "The licensee/director must notify the Department within 24 hours or next business day of the following occurrences at the center:... 2. Any accident or injury to a child which requires hospitalization or treatment at a medical facility;..."

FACTS:

On September 18, 2017, the Department was notified that on September 13, 2017, a 4 year old female child in care at Little Messengers had to seek medical attention. It was alleged that the medical attention

was necessary due to inappropriate touching by a male child in care while at Little Messengers, causing injury to the child.

During a September 14, 2017 monitoring inspection, Brenda Herring, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Herring") learned that Rebekah Anderson, Owner and Director of Little Messengers, (hereinafter referred to as "Anderson") and a staff person were interviewed by law enforcement regarding the alleged incident involving an injury sustained by a 4 year old female as a result of inappropriate touching by a male child in the program. The Department was not notified that the child in care had sustained an injury that required medical attention.

Anderson stated she did not note any behaviors of concern regarding the child who was reported to have harmed the other child. Herring, upon review of the file, located five (5) incidents reporting sexualized behavior exhibited by the male child. One staff interviewed stated she'd advised Anderson of an incident of inappropriate sexualized behavior. Anderson stated she didn't consistently review incident reports and was reminded by Herring there is a requirement to review incidents and address concerns.

Anderson stated the day of the incident, one staff person who was responsible for supervision was at a table doing daily sheets. The children involved were in the play area under the play equipment, when the incident was believed to have occurred. The staff person was not alert and attentive to the needs of the children in care and was focused on completion of the daily sheets.

Herring's interview of Denise Czapla, Teacher (hereinafter referred to as "Czapla") revealed that parents of the female child reported that the child received medical attention. Czapla stated she did not contact the Department of Health and Human Service Adult and Child Abuse and Neglect Hotline or report to Herring the child being injured and needing medical attention. Anderson did not report the abuse to the DHHS Hotline.

Herring's interviews identified that more than one staff was aware of the inappropriate sexual behaviors of the male child. One staff admitted to seeing behaviors and not completing incident reports, contrary to Little Messenger procedures.

HISTORY:

On May 9, 2017 Little Messengers was offered and accepted a Licensing Agreement in response to a self-report of a child being left alone in the facility, violating the following regulations: 3-006 Standards of Operation and Care; 3-006.01 Licensee Qualifications and Requirements; 3-006.02 Director Requirements; 3-006.19 Supervision of Children.

DISCIPLINARY ACTION IMPOSED:

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

1. Little Messengers' Child Care Center provisional license is placed on probation. The probationary period is one year, from December 7, 2017 until December 7, 2018. The provisional license is on probation from the effective date of this notice, December 7, 2017 through March 31, 2018. If the program applies and is approved to obtain an operating license, that license will be placed on probation for the remainder of the probationary period. The following terms and conditions will apply:

- a) By January 7, 2018 Little Messengers must create and use a written plan that will ensure there is a review of all incidents, accidents, complaints, and concerns are identified and tracked. The written plan must demonstrate how all concerns will be monitored and how any patterns and trends will be addressed. Little Messengers must submit to the Department the written plan along with any tracking tool.

Within ten working days of receipt of the above information, the Department will either approve the plan or require additional information, in writing, from Little Messengers. If additional information is required, Little Messengers must submit the required information to the Department within ten calendar days of notice by the Department.

- b) By February 7, 2018 the director(s) must register/enroll, attend and successfully complete a minimum of two hours of face-to-face training entitled Darkness to Light: Steward of Children Details through the Early Learning Connection.

Little Messengers must submit to the Department written verification of attendance and successful completion by the Director.

- c) By March 7, 2018 all staff, including the director(s) currently employed by the child care program who have the responsibility for the direct care of children and count in the staff-to-child ratio, must register/enroll, attend and successfully complete Child Abuse 101 through Project Harmony.

Little Messengers must submit to the Department written verification of attendance and successful completion by all staff, including the director, who have the responsibility of caring for children.

This training will not count toward the required 12 hours of annual training.

- d) The Licensee is responsible for paying for all costs associated with compliance.

- e) All documentation required must be submitted to Department, Attn: Brenda Herring, Child Care Inspection Specialist, Children's Services Licensing, 1955 East Military Avenue, Fremont, Nebraska, 68025, or at such other 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.). Little Messengers 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 Little Messengers discontinues the child care program for any reason, the time Little Messengers 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 Little Messengers and/or Rebekah Anderson as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Little Messengers 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 6, 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 6, 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.

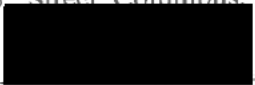
Dated: November 21, 2017

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 21 day of November, 2017, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Rebekah R Anderson, Owner and Director, 3105 25th Street, Columbus, NE 68601, Little Messengers 2 Inc., 3105 25th Street, Columbus, NE 68601; Clay Anderson Owner and Registered Agent, 3105 25th Street, Columbus, NE 68601


Chris Kort

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

January 24, 2018

Ms. Rebekah R Anderson
Little Messengers Inc.
3105 25th Street
Columbus NE 68601

Dear Ms. Anderson,

Thank you for providing a Plan of Action to ensure there is a review of all incidents, accidents, complaints and concerns are identified and tracked. The Office of Children's Services Licensing is accepting the revised plan you submitted before the due date of January 7, 2018. This is your written notice of approval.

Please contact me or Brenda Herring (402) 727-2968 if you have questions.

Sincerely,

[Redacted Signature]
Kathee Sanchez
Child Care Licensing Supervisor
Children's Services Licensing - Licensure Unit
301 Centennial Mall South
P.O. Box 98986
Lincoln, NE 68509-4986
(402) 471-9193
Kathee.sanchez@nebraska.gov

Cc: File
Brenda Herring

LICENSING AGREEMENT

I, Rebekah Anderson, Owner, hereby state and declare:

I am the Owner and Director of, Little Messengers Inc, CCC9618, 3105 25th Street, Columbus, Nebraska, 68601.

I have read and understand the Regulations Governing Licensure of a Child Care Center, Title 391 Chapter 3 (CSL003).

I agree to comply with all the regulations governing licensure of Child Care Center, 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:

3-006 STANDARDS OF OPERATION AND CARE: To provide adequate protection to children in care and to comply with state law, a child care center must meet the following standards.

3-006.01 Licensee Qualifications and Requirements The licensee must:

1. Ensure that the center is administered and managed appropriately;
2. Maintain compliance with all applicable state statutes and child care center regulations

3-006.02 Director Requirements: The director is responsible for managing the day-to-day operations of the child care center. The director must report to the licensee all matters related to the maintenance, operation, and management of the child care center and be directly responsible to the licensee or to a person delegated governing authority by the licensee. The director must:

1. Be responsible for the center's compliance with rules and regulations;
8. Ensure that center staff identify and review incidents, accidents, complaints, and concerns, and monitor patterns and trends in overall operation and take action to alleviate problems

3-006.15B Staffing Requirements

1. All staff must be awake and alert to the needs of the children at all times, including napping/sleeping times
2. Each room where children are receiving care must have a teacher who is involved with the direct care of children.

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.

[REDACTED]

I understand and agree that on April 12, 2017, a child, under two years of age, was left alone in a room unsupervised for a period of approximately six minutes.

I understand and agree that I will ensure the staff are providing safe and appropriate supervision of all children, at all times, during operating hours.

I understand and agree that I, as Owner/ Director, will ensure that I monitor my staff to ensure supervision of children at all times during operating hours.

I agree that this Licensing Agreement will be prominently posted with my Provisional Child Care Center 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, Licensure, Children's Services Licensing may deem appropriate. [REDACTED]

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

[REDACTED]
Child Care Inspection Specialist

[REDACTED]
Director / Licensee

Director / Licensee

5/9/2017
Date

3105 25th St
Street/Address

OR

Non-Relative Witness/Notary Public

Columbus, NE 68601
City and Zip Code

Date

5/9/2017
Date