

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

September 24, 2018

ELITE CHILDCARE ACADEMY  
Elite Childcare Academy, Inc., Owner  
Valerie L. Megonnell, Director  
10828 John Galt Blvd.  
Omaha, NE 68137

Dear Ms. Megonnell:

In accordance with the Notice of Disciplinary Action issued on August 31, 2018, by Courtney N. Phillips, PhD, Chief Executive Officer, Department of Health and Human Services, the original License of Elite Childcare Academy 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 September 18, 2018, and it will remain in effect until September 18, 2019. Upon completion of the Probation, a new license will be issued to the Center.

At this time we ask that you submit the current license of Elite Childcare Academy 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 Jo Pfeiffer, Child Care Licensing Supervisor, at (402) 595-3335.

Sincerely,

[Redacted Signature]  
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

### ELITE CHILDCARE ACADEMY INC

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
Operating Child Care Center  
located at: 10828 JOHN GALT BLVD Omaha NE 68137

A maximum of 150 children in ages 6 WKS to 12 YRS may be in attendance at any one time during the hours of 0600 to 2030 on MTWTHF.

ELITE CHILDCARE ACADEMY owned by ELITE CHILDCARE ACADEMY INC is hereby issued  
License No. CCC9573 which is  
effective on 08/31/2017

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  
September 27, 2018.



Courtney N. Phillips, PhD  
Chief Executive Officer  
Department of Health and Human Services



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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 CHILD CARE CENTER**  
**LICENSE OF ELITE CHILDCARE ACADEMY**  
**OWNED BY ELITE CHILDCARE ACADEMY INC.**

)  
) **NOTICE OF**  
) **DISCIPLINARY ACTION**  
)

**LICENSED LOCATION:** 10828 JOHN GALT BLVD., OMAHA, NE 68137

**LICENSE NUMBER:** CCC9573

**CAPACITY:** 150

**AGES:** 6 WEEKS TO 12 YEARS

**HOURS AND DAYS:** 6:00 AM TO 8:30 PM MONDAY THROUGH FRIDAY

**DATE INITIALLY LICENSED:** AUGUST 2, 2016

**NOTICE:**

Elite Childcare Academy, owned by Elite Childcare Academy Inc. (hereinafter referred to as "Elite") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Elite's Operating 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 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 a person served by or employed at the program;" ...

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 AND FINDINGS:**

On May 18, 2018, Stefanie Sellers, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Sellers"), conducted an inspection of Elite based on a self-reported violation on May 15, 2018.

Sellers met with the two (2) acting co-directors, Valerie Megonnell (hereinafter referred to as "Megonnell") and Bridgette Braymen (hereinafter referred to as "Braymen"). Megonnell reported that on May 14, 2018, at approximately 6:04 PM, an infant was in a crib in the infant room and was left alone until approximately 6:47 PM, when found by another parent. The parent heard an infant crying in the infant room and observed the infant in the crib. There was no staff member present and the light had been turned off.

The parent immediately reported this to staff, Kieresha Mudd, floor manager. Kieresha notified the owner, Tina Lasette, of what had occurred and Tina contacted the parent of the infant who had been left alone.

The Department substantiated a violation of appropriate supervision as well as conduct or practices detrimental to the health or safety of a child in care.

## **PREVIOUS HISTORY:**

Elite has a previous history of inadequate supervision of children. On July 21, 2017, Elite self-reported that a child was not strapped into a highchair and fell out. This history shows a repeated failure to ensure adequate and appropriate supervision is provided and the violation resulted in a child being hurt or placed in potential harm.

## **DISCIPLINARY ACTION IMPOSED:**

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

1. Elite's Operating Child Care Center license is placed on probation for a period of one year from the effective date of September 18, 2018, to September 18, 2019. The following terms and conditions will apply:
  - a. Elite must ensure that at least one additional staff, other than the Director, above the minimum required to meet ratio is present at all times children are in care. If no violations are substantiated during the first 6 months of the probationary period, the Department may consider lifting this condition of probation if requested by Elite.
  - b. By October 1, 2018, the Licensee must develop policies and procedures that will be used by all staff when transitioning children from room to room that will ensure children are not left alone during transition periods. The policies and procedures must include the use of a written transition sheet that can be used to ensure all children being transitioned from one room to another are all accounted for. The policy must also address how the Director will ensure accurate documentation will be maintained on a daily basis. The policies, procedures and all written documentation indicated in the policies and procedures must be available to the Department upon request.
  - c. By November 1, 2018, ALL staff must successfully complete two (2) hours of training to specifically address Adequate and Appropriate Supervision.

This training must be approved by the Early Childhood Training Center as well as the Department of Health and Human Services, as meeting the requirements for acceptable training for childcare program staff.

Prior to participating in any training, Elite will submit in writing the following to the Department, in order for the Department to determine if the training meets the requirements for which it is intended: training curriculum, date and time of training, name of the training, presenter/instructor's name, and the number of hours. This training will not count toward the required 12 hours of annual training.

Upon receipt of the above information, the Department will either approve or require additional information in writing from Elite within ten working days of the receipt of the letter requesting approval of the training. If additional information is required, Elite must reply with the required information within ten calendar days of notice by the Department.

Elite must submit verification of attendance and successful completion within fifteen calendar days after completion of the approved training.

Elite is responsible for paying for all costs associated with compliance.

All documentation required must be submitted to Department, Attn: Stefanie Sellers, State Office Building, 3rd Floor, 1313 Farnam St., Omaha, Nebraska, 68102, (402) 595-3340, or by email to [Stefanie.Sellers@nebraska.gov](mailto:Stefanie.Sellers@nebraska.gov) or at such other address as directed in writing, by the Department.

2. Compliance will be monitored by the Office of 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 childcare 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 Elite discontinues the child care program for any reason, the time Elite 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 Elite as the licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Elite 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 childcare 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 September 17, 2018, 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 September 17, 2018. 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,



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.

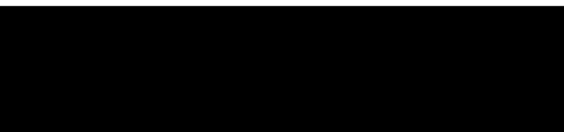
Nebraska Revised Statutes, section 71-1911, provides that a person who has had their **"license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action."**

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." In addition, section 71-1920, (2), states that "a person who has had a license revoked for any cause other than nonpayment of fees shall not be eligible to reapply for a license for a period of two years."

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: August 31, 2018

**Courtney N. Phillips, PhD**  
**Chief Executive Officer**  
**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 3<sup>rd</sup> day of August 2018, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to ELITE CHILDCARE ACADEMY 10828 JOHN GALT BLVD., OMAHA, NE 68137.

[Redacted Signature]

Chris Kort  
Administrative Assistant