

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

November 28, 2018

HEALTHY START LEARNING CENTER – MAPLE, LLC

Caleb M. Smidt, Owner/Registered Agent

Victoria E. Krol, Director

5209 Clay Circle

Omaha, NE 68152

Dear Mr. Smidt and Ms. Krol:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, on September 12, 2018, the original License of Healthy Start Learning Center – Maple, LLC to operate as a Child Care Center 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 September 5, 2018, and it will remain in effect until March 5, 2019. Upon completion of this term, a new license will be issued to the Center.

At this time we ask that you submit the current license of Healthy Start Learning Center – Maple, LLC 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,

A large black rectangular redaction box covering the signature of the sender.

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

## HEALTHY START LEARNING CENTER - MAPLE LLC

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
Operating Child Care Center  
located at: 3209 NORTH 90th ST Omaha NE 68134

A maximum of 58 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.

HEALTHY START LEARNING CENTER - MAPLE LLC is hereby issued License No. CCC9603 whose status is Active-Corrective Action Status effective from 09/05/2018

Amended:

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  
**November 29, 2018.**



Bo Botelho, Interim CEO  
Interim Director of Public Health  
Department of Health and Human Services

435174

September 12, 2018

Healthy Start Learning Center-  
Maple LLC  
3209 N. 90<sup>th</sup> St.  
Omaha, NE 68134

**CERTIFIED MAIL**

Mailing address: 5209 Clay Circle, Omaha, NE 68152  
Attention: Caleb M. Smidt, Owner and Victoria E Krol, Director

Dear Ms. Krol and Mr. Smidt:


The Department of Health and Human Services, Children's Services Licensing, has received your letter and corrective action plan accepting Corrective Action Status. The attached corrective action plan has been reviewed and approved effective September 5, 2018.

A new license indicating "Corrective Action Status" will be mailed to your facility, which you must post in a prominent place.

The Corrective Action Status will be in effect for a period of six (6) months beginning September 5, 2018 to March 5, 2019. Compliance with the terms of the Corrective Action Status will be monitored by announced or unannounced inspections to your facility by Child Care Licensing staff. Any violation may be grounds for discipline as the Child Care Licensing program may determine appropriate.

If you have any questions, please contact Michele McClellan at 402-595-3345, or Jo Pfeiffer 595-3335.

Sincerely,

  
Jo Pfeiffer, Child Care Licensing Supervisor  
Children's Services Licensing  
Nebraska Department of Health and Human Services, Division of Public Health  
1313 Farnam 3<sup>rd</sup> Floor  
Omaha, NE 68102

cc: Michele McClellan, Child Care Inspection Specialist  
Chris Kort, Administrative Assistant II  
[Dhhs.rdccsubsidy@nebraska.gov](mailto:Dhhs.rdccsubsidy@nebraska.gov)  
Gina Ewing, SAI

# EXAMPLE

## T-2 OUTSIDE ROSTER

BEFORE GOING OUTSIDE:

DATE: 9/4/18 TEACHER: Ms. Azia # of kids: 7

Director/Assistant Director initials: JK

GOING OUT:

1.
2.
3.
4.
5.
6.
7.
8.
9.

Coming In:

1.
2.
3.
4.
5.
6.
7.
8.
9.

# of kids: 7

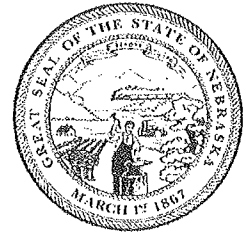
Director/Assistant Director Initials: JK

Date: 9/4/18

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

August 28, 2018

CERTIFIED MAIL and REGULAR MAIL

Healthy Start Learning Center- Maple LLC  
3209 North 90<sup>th</sup> St.  
Omaha, NE 68134

Mailing address: 5209 Clay Circle, Omaha, NE 68152  
Attention: Caleb M. Smidt, Owner & Victoria E Krol, Director

Dear Ms. Krol & Mr Smidt:

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.....A non-disciplinary probationary license may be issued for the licensee to operate under Corrective Action Status if the department determines that:

- a) The Licensee is unable to comply with all licensure requirements and standards or has had a history of noncompliance;
- b) The effect of noncompliance 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.

#### FACTS:

Michele McClellan, Child Care Inspection Specialist, substantiated a self report from the program, that on July 18, 2018, a three year old child was left unattended on an unapproved, unfenced, outside play area for a minimum of 2 minutes. This child was observed by an unknown male who was in the parking lot at the time. This male returned the child to the Healthy Start Learning Center. Healthy Start staff had no knowledge that the child had remained outside, when other children were taken inside from outdoor play.

The below regulations were determined to be in violation:

#### **REGULATORY BASIS:**

**391 NAC 3-002 Definitions: Adequate and appropriate supervision includes: In pertinent part...**

1. Knowing the whereabouts and being within sight or sound of all children at all times.
3. Protecting or removing children from harm.

**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. **In pertinent part...** Ultimate responsibility for supervision rests with the licensee.

**391 NAC 3-007.03 Fenced Outdoor Play Areas:** When care is provided to children between the ages of six weeks and school-age, the licensee must ensure that a fenced outdoor play area is available.

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 months.

Corrective Action Status is voluntary and the decision regarding 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. The following items must be included in your written Plan of Correction:

1. Identification of issue(s) of concern;
2. Provisions for how you will correct and maintain compliance;
3. Specify the written documentation to be provided to the Department;
4. Identify who is responsible (include position titles) for corrections and maintenance of compliance; and
5. Timelines.

Please submit your written Plan of Correction to Michele McClellan, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Office of Children's Services Licensing, 1313 Farnam St., Floor 3, Omaha, NE, 68102, or email [Michele.McClellan@Nebraska.gov](mailto:Michele.McClellan@Nebraska.gov) **within ten calendar days** after you receive this letter.

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:

1. Issue a probationary (disciplinary) license;
2. Suspend or revoke a provisional, probationary, or operating license;
3. 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;
4. Establish restrictions on new enrollment in the program;
5. Establish restrictions or other limitations on the number of children or the age of the children served in the program; or
6. Establish other restrictions or limitations on the type of service provided by the program.

If you have any questions regarding this letter, please contact Michele McClellan, CCIS, at 402-595-3345 or me at 402-595-3335.

Sincerely,

[REDACTED]  
Jo Pfeiffer, Child Care Licensing Supervisor  
Office of Children's Services Licensing [REDACTED]  
Nebraska Department of Health and Human Services  
1313 Farnam St., Floor 3, Omaha, NE 68102

cc: Michele McClellan, Child Care Inspection Specialist  
Office of Children's Services Licensing, Central Office  
[dhhs.rdccsubsidy@nebraska.gov](mailto:dhhs.rdccsubsidy@nebraska.gov)

On July 18<sup>th</sup>, 2018 a child was left unattended by a staff member on the side of the building located at 3209 N 90<sup>th</sup> that was NOT an approved playground area for the children. Although the staff and children were outside having story time it still was not an approved fenced or secured playground area for children by DHHS. The staff that had the children was suppose to do face to name match AND a head count of all children before leaving the building AND upon lining up outside to enter the building. She failed to do this which in turn allowed a child to be unattended. She was terminated immediately.

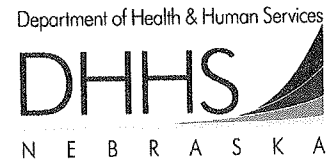
It is our policy at Healthy Start to count the number of children and match their names to the faces and write a total head count number at the bottom and circle it, we are to put a check mark by the childrens name who are leaving the building. Upon returning we are to do the same thing to ensure that all children are accounted for. This roster will continue but with the signatures of the Director/Assistant Director when they verify the children are in the building. The roster will then be collected and taken to the office.

For future plans to correct any issue so that this will not happen again we are going to do the following.

When a group of children are leaving the building to go onto the playground or out on a fieldtrip of any kind the Director Tori Krol or Assistant Director Lisa Cuba will verify that the children roster is accurate with who the teacher has leaving the premises or going on the playground. The same will apply when the children are returning into the building. Once verified the outside roster will be turned in to management and will be kept on the premises in a binder anytime for DHHS to verify which will be located in the office.

Anytime that a child is leaving the building with a teacher whether it is on the playground or on a field trip the Director or Assistant Director will check the roster WITH the teacher to make sure that proper procedure is being followed for accounting for children at all times. The fenced playground area will be the only place that children will play on at the property. That is secured by a locked 4 ft fence at all times.

**INSPECTION COMPLIANCE REVIEW**  
 Nebraska Department of Health and Human Services  
 Division of Public Health  
 Licensure Unit  
 NSOB  
 1313 Farnam St.  
 Omaha, NE 68102



TO BE COMPLETED BY CHILD CARE INSPECTION SPECIALIST		
<b>Facility Name and Physical Address</b> HEALTHY START LEARNING CENTER - MAPLE LLC 3209 NORTH 90th ST Omaha NE 68134	<b>License #/Licensee</b> CCC9603 HEALTHY START LEARNING CENTER - MAPLE LLC	<b>Time of Visit</b>
	<b>Telephone</b> 402-315-9519	<b>Date of Visit</b> 07/27/2018
<b>Child Care Inspection Specialist/Telephone Number</b> Michele McClellan - 402-595-3345	<b>Purpose of Visit</b> Self Report	<b>Type of Facility</b> Child Care Center
STANDARDS VIOLATED		
3-002 Definitions  3-006.19 Supervision of Children  3-007.03 Fenced Outdoor Play Areas	<b>3-002 Definitions: Adequate and appropriate supervision includes In Pertinent Part...</b> 1. Knowing the whereabouts and being within sight or sound of all children at all times. 3. Protecting or removing children from harm.  <b>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.</b>  <b>3-007.03 Fenced Outdoor Play Areas: When care is provided to children between the ages of six weeks and school-age, the licensee must ensure tha a fenced outdoor play area is available.</b>	
<b>NARRATIVE:</b> Narrative must include observation, discussion, action needed and date corrections are to be made by.		<b>Correct By</b>
<p><b>ALLEGATIONS:</b> On July 18, 2018 the director of Healthy Start Leaning Center Maple, Victoria Krol reported to the Nebraska Child Abuse hotline the following information. Three year old female child, BJ was left outside unsupervised for approximately 2 minutes. Teacher Angel Powell had been outside with 10 three years &amp; failed to account for all of her class before returning inside to her classroom leaving BJ outside. B J was found by an adult male and returned to the center.</p> <p><b>OBSERVATIONS/FINDINGS:</b> CCIS McClellan made contact with Victoria AKA Tori on July 27, 2018 to discuss the above incident involving BJ. CCIS also observed video of the incident that was recorded by the child care center video camera.</p> <p><b>391 NAC 3-002 Definitions: Adequate and appropriate supervision includes In Pertinent Part...</b>            1. Knowing the whereabouts and being within sight or sound of all children at all times.            4. Protecting or removing children from harm.</p> <p><b>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.</b></p> <p><b>391 NAC 3-007.03 Fenced Outdoor Play Areas: When care is provided to children between the ages of six weeks and school-age, the licensee must ensure tha a fenced outdoor play area is available</b></p> <p>CCIS met with the director Tori who shared with me the video of the class returning from outside into the building and the two minutes that passed before Brielle was brought into the building by an unknown male from the parking lot. CCIS inquired why the children were using the front door instead of the door that opens directly into the center's outdoor playground area. Tori indicated that they don't always use the center's playground as the ground becomes muddy after it rains. On the days they can't use their approved playground they take the children to the other side of the building to play. CCIS asked to be shown where the children are taken to play and the route they use to get there. After stepping out the front door Tori stated the teachers and children turn left and walk on the sidewalk in front of the building to the opposite end. Once there Tori explains that the grassy area is where they will nlay.</p>		Substantiated Department Decision Pending  Substantiated Department Decision Pending  Substantiated Department Decision Pending
		<b>Actual Date Corrected</b>



Please note that this area of the building has not been approved by Child Care Licensing and is not a fenced area. CCIS advised Tori that she is not to be use this area of the property as it has not been approved.

**CONCLUSION:** Based on the information and evidence provided, a violation of 3-002, 3-006.19, 3-007.03 are **SUBSTANTIATED**.

**Correction:** DEPARTMENT DECISION PENDING

**PROVIDER COMMENTS**

A Provider may submit written comments to be attached to this form.

CC-0917A Rev. 11/04