

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

May 8, 2018

Bettie Williams
1702 N. 38th Street
Omaha, NE 68111

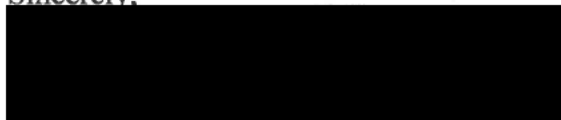
Dear Ms. Williams:

In accordance with the Notice of Disciplinary Action issued on April 17, 2018, by Thomas L. Williams, MD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, your original License to operate a Family Child Care Home I in the State of Nebraska has been placed on Probation. A license imprinted with the term "PROBATION" is enclosed. This status became effective May 3, 2018, and it will remain in effect until May 3, 2019. Upon completion of the Probation, a new license will be issued to you.

At this time we ask that you submit your current license by return mail, within the next seven (7) days, to DHHS, Division of Public Health, Licensure Unit, Attn: Chris Kort, 301 Centennial Mall South, Lincoln, NE 68509-4986.

If you have any questions, please contact Jo Pfeiffer, Child Care Licensing Supervisor, at (402) 595-3335.

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

PROBATION

Department of Health and Human Services
Division of Public Health

BETTIE WILLIAMS

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: 1702 NORTH 38TH ST OMAHA NE 68111

A maximum of 10 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0001 to 0001 on MTWTFS.

WILLIAMS, BETTIE is hereby issued License No: FI5740 which is effective on 11/15/1996

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 11/15/1996.



Thomas L. Williams, MD Chief Medical Officer
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

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

**IN THE MATTER OF:
THE OPERATING FAMILY CHILD CARE HOME I
LICENSE OF BETTIE WILLIAMS**

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

LICENSED LOCATION: 1702 NORTH 38TH St., Omaha, Nebraska, 68111

LICENSE NUMBER: FI5740

CAPACITY: 10

AGES: 6 WEEKS TO 13 YEARS

HOURS AND DAYS: 12:00 AM TO 12:00 PM MONDAY THROUGH SATURDAY

DATE INITIALLY LICENSED: November 15, 1996

NOTICE:

Bettie Williams, (hereinafter referred to as "Williams") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Williams' Operating Family Child Care Home I License for violation of the following statutes and regulations:

AUTHORITY:

Nebraska Revised Statutes, section 71-1919, of the Child Care Licensing Act provides that "the Department may ... take disciplinary action against a license issued under the Child Care Licensing Act on any of the following grounds:

- (1) Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the act; ...
- (4) Conduct or practices detrimental to the health or safety of a person served by or employed at the program;"

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; ...
- (c) Impose a civil penalty of up to five dollars per child, based on 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." ...

391 NAC 1-008.01 Grounds for Denial or Disciplinary Action: "The Department may deny the issuance of or take disciplinary action against a license on any of the following grounds:

1. Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the Act; ...
4. Conduct or practices detrimental to the health or safety of a person served by or employed at the program;" ...

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;" ...

391NAC 1-006.04B Safety Training: "The licensee must complete training developed by the Early Childhood Training Center on Sudden Infant Death Syndrome (SIDS), safe sleep, shaken baby syndrome, and child abuse/neglect and reporting. Any proposed equivalent training must be approved by the Department.

1. In programs licensed on or after the operative date of these regulations, the licensee must complete the training within three years of the date of provisional licensure and every five years thereafter.
2. In programs licensed before the operative date of these regulations, the licensee must complete the training within three years of that operative date and every five years thereafter.
3. This training counts toward the annual training requirement."

391 NAC 1-006.04E Annual Training: "The licensee and each staff member, not including substitutes or volunteers, must obtain 12 clock hours of training annually. Staff who work 20 hours or less each week must complete six hours of training annually."

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."

FACTS AND FINDINGS:

On January 29, 2018, Dawn Kozak, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Kozak"), conducted an unannounced semi-annual inspection at Williams'. Williams was in violation of several regulations. Williams was given until March 1, 2018, to make corrections and come into compliance.

Some of corrections were made by March 1, 2018, however, as of April 12, 2018, the following remain out of compliance:

- Williams must provide documentation of completion of Safety Training;
- Williams must provide documentation of 12 hours of training for 2017;
- Williams must provide Children's Record Forms for J, LH, CH, JB, and JT.

PREVIOUS HISTORY:

Williams has a history of noncompliance including:

- Inspection on September 18, 2014- violations not corrected until December 19, 2014;
- Inspection on August 18, 2015- violations not corrected until September 30, 2015;
- Inspection on April 26, 2016- violations not corrected until September 13, 2016;
- Inspection on May 1, 2017- violation not in corrected until September 13, 2017;
- Inspection on January 29, 2018- violations not corrected as of March 25, 2018;
- Williams signed a Licensing Agreement effective from July 31, 2017, to January 30, 2018, for failure of having completed Children's Records and not meeting training requirements;
- Inspection on January 29, 2018-Violations not corrected as of April 12, 2108.

DISCIPLINARY ACTION IMPOSED:

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

1. Williams is assessed a civil penalty in the amount of \$30 per day (\$3.00 times license capacity of 10 children) from the effective date of this Notice, April 3, 2018, and for each day thereafter, including Saturday, but not including Sundays, that Williams fails to submit corrections/documentation that all of the outstanding non-compliances noted at the inspection conducted on January 29, 2018, have been corrected.

Documentation must be submitted to Dawn Kozak, State Office Building, 3rd Floor, 1313 Farnam St., Omaha, Nebraska, 68102, (402) 595-3203, Dawn.Kozak@nebraska.gov. Once Kozak has received and verified the submitted written corrections/ documentation, which may require an on-site inspection, Williams will be informed in writing of the total of the civil penalty, which will be due 30 calendar days from the date of the notification to Williams.

Said penalty will then be payable to the Nebraska Department of Health and Human Services, Division of Public Health. Said penalty is to be sent to Chris Kort, PO Box 94986, Lincoln, NE 68509-4986.

2. Williams' Operating Family Child Care Home I license is placed on probation for a period of one year from the effective date of May 3, 2018, to May 3, 2019. The following terms and conditions will apply:

- a.) Williams MUST ensure that ALL noncompliances found that are not required to be corrected immediately, are corrected by June 1, 2018, to avoid further action against the license.
- b.) Williams must submit written detailed procedures to ensure that Children's Records are kept complete and updated by June 1, 2018.

c.) Williams must submit verification of 12 hours of annual training for calendar year 2017 by June 1, 2018, days of probation start date.

d.) Williams must submit verification of Safety Training by July 2, 2018.

d.) Williams must submit a detailed written plan to obtain 12 hours of annual training for 2018 by June 1, 2018. This plan must show how ALL 2018 training will be completed by Nov. 1, 2018.

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, Williams 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 Williams within ten working days of the receipt of the letter requesting approval of the training. If additional information is required, Williams must reply with the required information within ten calendar days of notice by the Department.

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

e.) Williams is responsible for paying for all costs associated with compliance

All documentation required must be submitted to Department, Attn: Dawn Kozak, State Office Building, 3rd Floor, 1313 Farnam St., Omaha, Nebraska, 68102, (402) 595-3203, Dawn.Kozak@nebraska.gov or at such other address as directed in writing, by the Department.

3. Compliance will be monitored by Children's Services Licensing staff and may be monitored by other Department representatives (i.e., Fire Marshal or designated agent, Environmental Health Specialist/Scientist or designated agent, Resource Development Worker, Children and Family Services Specialist/Worker, etc.). The Licensee and any employees and/or agents must cooperate with the Department in these monitoring inspections.

4. 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.

5. 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.

6. If Williams discontinues the child care program for any reason, the time the Williams 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 Williams as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Williams 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 April 2, 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 April 2, 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, 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 71-1911, 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 “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: April 17, 2018

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

[REDACTED]
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 17th day of March 2018, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Bettie Williams, 1702 NORTH 38TH St., Omaha, Nebraska, 68111.

[REDACTED]
Chris Kort
Administrative Assistant



Licensing Agreement

I, Bettie Williams, Licensee of a Family Child Care Home I located at 1702 North 38th Street, Omaha, Nebraska. 68111, hereby state and declare:

I have read and understand the Regulations Governing Licensure of a Family Child Care Home I Title 391 NAC Chapter 1.

I agree to comply with each of the Family Child Care Home I Regulations as long as I am licensed by the State of Nebraska to provide child care services.

1-005.03 Follow-Up Inspections: The Department may conduct a follow-up inspection to determine if the license has corrected all the violations and to determine full compliance with regulations following any type of inspection. If conducted the follow-up inspection will:

1. Occur no later than 60 days after the original inspection, or sooner if the license requests or if the violation needs to be corrected immediately; and
2. Be unannounced unless the program is closed.

1-005.05 Inspection Results:

3. When the Department finds the ...Licensee has complained substantially but has failed to comply fully with the regulations and the failure(s) would not pose an imminent danger of death or serious harm, the Department may:

- a. Allow the...Licensee a period of time to correct all violation:

1-006.02C Reports of Law Enforcement Contact: The license must complete a Report of Law Enforcement Contact for him/herself....The report must:

1. Be updated and signed annually

1-006. 02F Health Report: The Health Information Report must be completed annually.

1-006.04F Cardiopulmonary Resuscitation (CPR) and First Aid Training:

2. The license must maintain current CPR and First Aid training as long as s/he is licensed.

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.

1-006.07 Parent Information Brochure: At the time of enrollment, the license must give the parent (s) of each child enrolled a Parent Information Brochure provided by the Department. The leicensse must keep receipts signed and dated by the parent and make them available for review by the Department.

1-006.11 Immunizations:

Immunization Records must be available for review upon request by the Department...

1-006.23B Fire and Tornado Drills: Written documentation of drills, including dates conducted, must be kept and available for review by the Department.

I understand and agree that I have been out of compliance with the above stated regulations 2 or more and up to five times in the past five years. Further, I have no been in compliance with the Department allot time frames in any of the past five years and have been past 60 days in coming into compliance in each of the past 5 yearears.

I understand and agree that I have the responsibility to that compliance is mantianed at all times while children are in care

I understand that Children's Services Licensing staff may conduct announced or unannounced visits to my facility 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 effective for a period of 1 year, from the date this Agreement is signed, ____07-31-2017_____, until ____01/31/2018_____.

Should the child care license be amended because of a change of address, this Agreement may transfer to the new address if appropriate to the conditions of this Licensing Agreement.

25186043

Licensee

7-31-2017

Date

AND



Director

July 31-17

Date

Child Care Inspection Specialist

Date

OR



Non-Relative Witness OR Notary Public

MAY 21 2015



Division of Public Health

State of Nebraska
Pete Ricketts, Governor

April 27, 2015

Bettie Williams
1702 North 38th Street
Omaha NE 68111

CERTIFIED AND FIRST CLASS MAIL

Dear Ms. Williams:

Since you have complied with Notice of Disciplinary Action dated March 31, 2015 by coming into compliance as of April 22, 2015, you have been assessed a civil penalty in the amount of \$60.00 (\$10.00 a day times six days, April 16, April 17, April 18, April 20, April 21, and April 22, 2015). This penalty must be received by or on May 27, 2015.

Your check or money order should be payable to the Nebraska Department of Health and Human Services and sent to Marsha Wandersec, 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 me at 402-471-9431.

Sincerely,

A black rectangular box redacting the signature of Patricia Urzedowski.

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

/mrw

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

IN THE MATTER OF:

**THE OPERATING FAMILY CHILD CARE
HOME I LICENSE OF BETTIE WILLIAMS**

**) NOTICE OF
) DISCIPLINARY ACTION
)**

Bettie Williams, (hereinafter referred to as "Williams"), 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 operating 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:

Williams license number FI5740 - is located at 1702 North 38th Street, Omaha, NE 68111 and is currently licensed for a maximum of 10 children, ages 6 weeks to 13 years, 24 hours per day, Monday through Saturday. This program was licensed on or before November 15, 1996.

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 Williams no proof of Child Care Liability Insurance had been received and informed Williams 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 Williams.

DISCIPLINARY ACTION IMPOSED:

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

Williams 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 16, 2015 and accrue each day thereafter; not including Sunday.

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

- 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.

Williams 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 15, 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 15, 2015. It should be addressed to:

Marsha Wandersee, 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: MARCH 31, 2015

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

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 31 day of March, 2015, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was mailed to Bettie Williams, 1702 North 38th Street, Omaha, NE 68111.



June 26, 2013

State of Nebraska
Dave Heineman, Governor

Bettie Williams
1702 North 38th Street
Omaha, NE 68111

FIRST CLASS AND CERTIFIED MAIL

Dear Ms. Williams:

Since you have complied with the Notice of Disciplinary Action dated May 30, 2013 by submitting the required documentation as outlined on Page 2, #1, and verified on June 17, 2013, you have been assessed a civil penalty in the amount of \$10.00 (one day at \$10.00 a day effective from June 15, 2013, not including Sunday). This civil penalty must be received by or on July 26, 2013, which is 30 calendar days from the date of this letter.

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 notify me at 402-471-9431 or Jo Pfeiffer at 402-595-3335.

Sincerely,



Patricia Urzedowski, Section Administrator
Department of Health and Human Services
Division of Public Health
Licensure Unit – Children's Services Licensing
P.O. Box 94986
Lincoln, NE 68509-4986
Patricia.Urzedowski@nebraska.gov

/mrw

Cc: Jo Pfeiffer, Child Care Licensing Supervisor
Dawn Kozak, Child Care Inspection Specialist
Monica Barger, Child Care Inspection Specialist
Marsha Wandersee, Administrative Assistant II
Kathy Olmsted-Backhus, Staff Assistant
Bob Cummings, Resource Development

June 19, 2013

Bettie Williams
1702 North 38th Street
Omaha, NE 68111

CERTIFIED AND FIRST CLASS MAIL

Dear Ms. Williams:

Since you did not appeal the Notice of Disciplinary Action dated May 30, 2013 by or on June 14, 2013, you are being assessed a civil penalty in the amount of \$10.00 per day effective June 15, 2013, and for each day thereafter, not including Sunday, that you fail to submit a current Health Information Report that was documented as a non-compliance on December 6, 2012. Please refer to Page 2, #1. of the Notice.

You will be notified of the amount of your civil penalty when the documentation has been received and verified.

If you have questions, please contact Jo Pfeiffer, Child Care Licensing Supervisor, at 402-595-3335.

Sincerely,


Patricia Urzedowski, Section Administrator
Children's Services Licensing – Licensure Unit
Division of Public Health
Department of Health and Human Services
P.O. Box 94986
Lincoln, NE 68509-4986
Patricia.urzedowski@nebraska.gov

/mrw

Cc: Jo Pfeiffer, Child Care Licensing Supervisor
Monica Barger, Child Care Inspection Specialist
Dawn Kozak, Child Care Inspection Specialist
Marsha Wandersce, Administrative Assistant II
Kathy Olmsted Backhus, Staff Assistant
Bob Cummings, Resource Development

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

IN THE MATTER OF:)	
THE OPERATING FAMILY CHILD CARE HOME)	NOTICE OF
I LICENSE OF BETTIE WILLIAMS)	DISCIPLINARY ACTION
)	

LICENSED LOCATION: 1702 NORTH 38TH STREET, OMAHA, NE, 68111

NOTICE:

Bettie Williams (hereinafter referred to as "Williams") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Williams' Family Child Care Home I license for violation of the following:

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;" ...

391 NAC 6-002 Health Examinations: ... "The child care provider shall have a health information report completed every two years after initial licensure and retain on the premises. ...". (Page 4, Standard 16, Family Child Care Home Standards, Rev. 4/12)

FACTS AND FINDINGS:

Williams is the licensee of a Family Child Care Home I. This program is licensed for a maximum of 10 children, ages six weeks to 13 years of age, 24 hours a day, Monday through Saturday. This program was licensed prior to 1996.

On December 6, 2012, Monica Barger (hereinafter referred to "Barger"), Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure Unit, conducted an unannounced annual inspection of Williams' facility. At that time, Barger noted the following non-compliances and required that they be corrected by January 6, 2013:

- Current Health Information Report was not available.
- Water temperature tested 124 degrees Fahrenheit. (Corrected on March 21, 2012.)

Barger sent a reminder letter to Williams on January 8, 2013 and also called Williams on February 5, 2013 and March 22, 2013. Dawn Kozak, Child Care Inspection Specialist, also spoke with Williams on May 23, 2013 and informed Williams that her Health Information Report needed to be submitted by May 24, 2013 and gave Williams resources where Williams could have her Health Information Report completed. As of the date of this Notice, the Department has not received the Health Information Report from Williams.

DISCIPLINARY ACTION IMPOSED:

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

1. Williams is assessed a civil penalty in the amount of \$10.00 per day (\$1.00 times license capacity of 10 children) from the effective date of this Notice (June 15, 2013) and for each day thereafter that Williams fails to submit a current Health Information Report as documented as a non-compliance on December 6, 2012.

These documents must be submitted to Monica Barger, Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure Unit, 1801 South 73rd Street, Omaha, Nebraska, 68114. Once Barger has received and verified the required submitted documentation, Williams will be informed in writing of the total of the civil penalty, which will be due 30 calendar days from the date of the notification to Williams.

Said penalty will be payable to the Nebraska Department of Health and Human Services, Division of Public Health. Said penalty is to be sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, PO Box 94986, Lincoln, Nebraska, 68509-4986.

2. Failure to comply with the terms of the terms of this disciplinary action and the Family Child Care Home Regulations 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 June 14, 2013, 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 within such period, 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 June 14, 2013. It should be addressed to:

Marsha Wandersee, 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.

In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that "amended applications will not be processed whenever a negative license action is pending."

Dated: MAY 30, 2013

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

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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 30th day of May, 2013, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Bettie Williams, 1702 North 38th Street, Omaha, Nebraska, 68111.

