

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

February 6, 2018

HAPPY FACES CHILD DEVELOPMENT CENTER, LLC
Fornando Correa, MD and Priscilla Correa, MD, Owners
Gladys Raad, Authorized Agent/Director
2402 N Street
Omaha, NE 68107

Dear Ms. Raad:

In accordance with the Notice of Disciplinary Action issued on January 8, 2018, by Thomas L. Williams, MD, Chief Medical Officer, Division of Public Health, Department of Health and Human Services, the original License of Happy Faces Child Development Center, LLC 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 January 24, 2018, and it will remain in effect until January 24, 2019. Upon completion of the Probation, a new license will be issued to the Center.

At this time we ask that the current license of Happy Faces Child Development Center, LLC be submitted 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

HAPPY FACES CHILD DEVELOPMENT CENTER LLC

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: 2402 N STREET Omaha NE 68107


A maximum of 226 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.

HAPPY FACES CHILD DEVELOPMENT CENTER LLC is hereby issued License No. CCC8710 which is effective on 06/14/2005

Amended: 01/24/2018

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 February 7, 2018.




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



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

**IN THE MATTER OF:)
HAPPY FACES CHILD DEVELOPMENT CENTER) NOTICE OF
LLC OWNED BY FORNANDO AND PRISCILLA) DISCIPLINARY ACTION
CORREA)**

LICENSED LOCATION: 2402 N STREET, OMAHA, NE 68107
LICENSE NUMBER: CCC8710
CAPACITY: 226
AGES: SIX WEEKS TO 13 YEARS
HOURS AND DAYS: 24 HOURS A DAY 7 DAYS A WEEK
DATE INITIALLY LICENSED: JUNE 14, 2004

NOTICE:

Happy Faces Child Development Center LLC owned by Fornando and Priscilla Correa and Gladys Raad, Authorized Agent and Director (hereinafter referred to as "Happy Faces") are notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Happy Faces 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;

(f) Establish other restrictions or limitations on the type of service provided by the program;"...

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 3-006.02 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; ..."

391 NAC 3-006.03A5 Department Determination: "...The Department may deny or take action against a license if an individual is found to have a ... history that includes conviction or substantial evidence of committing or permitting, or aiding or abetting another to commit, any unlawful act endangering the health or safety of another individual or a history of convictions or unlawful act endangering the health or safety of another individual ... or behavior that shows an inability or unwillingness to comply with laws or regulations...."

391 NAC 3-006.05B Non-Certificated Teachers: "To be employed as a teacher in a licensed child care center, an individual who is not a certificated teacher must be at least 18 years of age and of good moral character, and must meet one of the following requirements:

1. Hold a bachelor's degree from an accredited college or university in early childhood education, education or child/youth development;
2. Hold an associate degree from an accredited college or university in early childhood education, education or child/youth development;
3. Have a Child Development Associate Credential; or
4. Have a high school diploma or GED; and
 - a. 1500 verified clock hours of experience in organized group activities for young children as indicated by a positive reference from a former employer or supervisor; or
 - b. Submit a written plan for Department approval to acquire at least three credit hours or 45 clock hours of training in administration, early childhood education, education, or child/youth development, in a period not to exceed six months. The licensee must maintain a copy of the written plan and Department approval for Department review."

391 NAC 3-006.06 Substitute, Support Staff, Volunteer, and Parent Helper Qualifications: “2. The Director may hire support staff to assist in the care of children. Support staff must be at least 16 years of age and be of good moral character. A teacher must be in the room with support staff at all times when children are in care.”

3-006.15B Staffing Requirements: “2. Each room where children are receiving care must have a teacher who is involved with the direct care of children.”

391 NAC 3-006.19 Supervision of Children: “Adequate and appropriate supervision must be provided to children at all times children are in attendance, ... Ultimate responsibility for supervision rests with the licensee.”

391 NAC 3-002 DEFINITIONS: Adequate and appropriate supervision includes: “... 3. Protecting or removing children from harm.”

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 November 8, 2017, Michele McClellan, (hereinafter referred to as “McClellan”), Child Care Inspection Specialist, Children’s Services Licensing, Licensure Unit, Division of Public Health, conducted a complaint inspection at Happy Faces. The investigation determined that on November 2, 2017, a four-year-old in care slipped on a wet floor that was being mopped by staff which resulted in the child falling and hitting their face. Approximately 1 ½ hours passed from the time of the injury until the child was picked up by the parents. The parents viewed the injury and took the child to the Emergency Room where it was determined the child’s lip was cut and three teeth were loose. The incident report written by staff regarding the child’s fall stated that no treatment was needed.

Happy Faces was informed by the parents of the medical treatment on November 3, 2017; however, Happy Faces failed to report the child’s injury and medical treatment to the Department within 24 hours as required by regulation. A review of staff files during the investigation also revealed that staff members Yaslin Valdaz and Yarizel Ordaz, who were the caregivers for the child as well as three other children, did not meet Teacher qualifications, thus could not be left alone with children. In addition, McClellan’s review of additional staff files indicated that no qualified Teachers were present during the evening hours on November 2, 2017.

PREVIOUS HISTORY:

Happy Faces’ license is currently under Corrective Action Status from July 20, 2017, to January 20, 2018. The Corrective Action Status was based in part on unqualified staff being left alone with children.

The approved corrective actions include “The Director or Assistant Director will make sure that the proper staff is assign to each room. In the event that staff members call in and there are not enough certified teachers in each classroom then the director or assistant will have to take place as a teacher.”

DISCIPLINARY ACTION IMPOSED:

Based upon the facts presented above, the Department is putting Happy Face’s Child Care Center license on probation for 12 months from January 24, 2018, to January 24, 2019, with the following conditions and restrictions:

1. Operating hours must be reduced from 24 hours a day, 7 days a week, to 6:00 a.m. to 6:00 p.m. Monday through Friday for six months beginning January 23, 2018, and ending July 23, 2018. The following Terms and conditions will apply:

- a. After 6 months, if in compliance, the licensee may submit an amendment to the Child Care Center application in order to add weekend care. This change would be subject to approval from the Department. Operating hours will remain from 6:00 a.m. until 6:00 p.m.
- b. Within 10 days of date of this letter, Happy Faces must provide written evidence of staff scheduling to include staff name, days and hours scheduled, and staff location in each room. Happy Faces will also identify which staff are qualified as Teachers and which are Support Staff. Written verification of qualifications must also be submitted for each staff.
- c. Within 15 days of date of this letter, Happy Faces must develop a written policy and procedure to address the notification to parents of injuries and accidents regarding children in care. The policy and procedure needs to include what should be reported, timeframe to report, and specifics of incidents.
- d. Within 15 days of date of this letter, Happy Faces must develop a written plan regarding the notification to the Department within 24 hours, or the next business day, of any accident or injury to a child which requires hospitalization or treatment at a medical facility. The plan must include, but is not limited to:

- Name of child
- Description of injury/accident/illness
- Name of Medical Facility child was treated at
- Date and time of injury/accident/illness
- Responsible person to notify Department
- Date/Time Incident reported to Department
- Name of Department staff who received information
- Name of staff person who notified Department

- e. Within 15 days of date of this letter, Happy Faces must develop a written policy and procedure:
 - 1) clarifying that only Qualified staff who are **involved** with the **direct care** of children, and not involved in other tasks, can be considered in child / staff ratio.
 - 2) clarifying that any cleaning completed during child care hours cannot interfere in the safety of children in care, nor be completed by staff that are required for child /staff ration to be met.
- f. Happy Faces is responsible for paying for all costs associated with compliance.

- g. All documentation required must be submitted FOR APPROVAL to the Department, Attn: Michele McClellan, Child Care Inspection Specialist, Children's Services Licensing, 1313 Farnam Street, Omaha State Office Building, 3rd Floor, Omaha, NE 684102, 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.). Happy Faces 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 after the suspension has been completed.
 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 Happy Faces discontinues the child care program for any reason, the time Happy Faces 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 Happy Faces as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Happy Faces 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 January 23, 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 January 23, 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

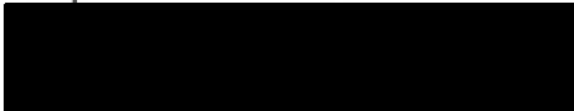
Revised Statutes, section 71-1920, upon completion of any hearing held, the director may impose any or a combination of any of the following: probation, suspension, revocation, civil penalty, restrictions of new enrollment, restrictions or other limitations on the number of children or the ages of the 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.**” 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: January 8, 2018

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



Becky Wisely Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 9 day of January, 2018, a copy of the foregoing **NOTICE OF SUSPENSION AND DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to HAPPY FACES CHILD DEVELOPMENT CENTER LLC, 2402 N STREET, OMAHA, NE 68107; FORNANDO AND PRISCILLA CONNORA, 2402 N STREET, OMAHA, NE 68107; and GLADYS RAAD, 2402 N STREET, OMAHA, NE 68107



Chris Kort

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

July 24, 2017

HAPPY FACES CHILD DEVELOPMENT CENTER, LLC
Fernando and Priscilla Correa, Licensee
2402 N Street
Omaha, NE 68107

Dear Fernando and Priscilla Correa:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, on July 20, 2017, your original License to operate 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 July 20, 2017, and it will remain in effect until January 20, 2018. Upon completion of this term, a new license will be issued to you.

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

If you have any questions, please contact 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

Department of Health and Human Services
Division of Public Health

HAPPY FACES CHILD DEVELOPMENT CENTER LLC

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating **Child Care Center**

located at: **2402 N STREET Omaha NE 68107**

A maximum of **226** children in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the hours of **0000** to **2400** on **MTWTFSSU**.

HAPPY FACES CHILD DEVELOPMENT CENTER LLC is hereby issued License No. **CCC8710**
whose status is **Active-Corrective Action Status** effective from **07/20/2017**

Amended: **07/20/2017**

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
July 25, 2017.



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

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



July 20, 2017

(AMENDED)
7-24-217

*Fornando and Priscilla Connora, Licensee
Happy Faces Child Development Center LLC
2402 N Street
Omaha NE 68107*

Dear Ms. Gladys Radd, Director

The Nebraska Department of Health and Human Services, Children's Services Licensing, has received your corrective action plan. The attached corrective action plan has been reviewed and approved effective **July 20, 2017**.

A new license, identified with "Corrective Action Status" will be mailed to your facility. The new license is to be posted in a prominent location. The license status will be in effect for a period of six months from the date of approval, **July 20, 2017 until January 20, 2018**.

Compliance with the terms of the Corrective Action Status will be monitored by announced and unannounced inspections to your facility by Children's Services Licensing staff. Any violation may be grounds for discipline as the Office of Children's Services Licensing program may determine appropriate.

If you have questions regarding this letter, please contact *Michele McClellan*, Child Care Inspection Specialist at **402-595-3345**, or me.

Sincerely,

[Redacted Signature]
Jo Pfeiffer, Child Care Licensing Supervisor
Office Children's Services Licensing
Nebraska Department of Health and Human Services
State Office Building
1313 Farnam St.
Omaha NE 68102
402-595-3335 Jo.Pfeiffer@nebraska.gov

cc: *Michele McClellan, Child Care Inspection Specialist*
Office of Children's Services Licensing Central Office
Heather Stryker, DDHHS Resource Developer Supervisor
Gina Ewing, Staff Assistant II, Omaha Office

JUL 10 2017

HAPPY FACES



CHILD DEVELOPMENT CENTER

providing quality care for children 6 weeks to 12 years of age


Date: July 05, 2017
To: Michelle McClellan
Child Care Resource Specialist
1801 N. 73rd St.
Omaha, Ne 68114
Re: Complaint Inspection. Date of visit: 060617

Dear Ms McClellan,
Thank you for your continued support with our child center. The following are the corrective actions taken to address violations:
3-006.02: The Director has hired, Ms Cassandra Castaneda as the assistant director. Casandra will cover on Saturdays and in the afternoons (Monday-Friday). Ms Casandra worked at Happy Faces during the period 020905-102011. Then she has worked in Educare as a teacher for several years. She also received her CDA training with Educare.

3-006.32E, 3-006.20C, 3-006.20A, 3-006.19, and 3-006.20: A summary has been written to remind the staff about the company's policies regarding the recent violations. The Staff will sign the reminder and agree not to violate any of these regulations. Additionally, there will be periodic review of the employee manual and relevant statutory regulation with the entire staff. These reviews will be conducted on a quarterly basis by the director or assistant director. All employees will be required to complete one review every quarter and sign appropriate paperwork verifying that they have understood the materials presented to them.

3-006.06, 3-006.05B, 3-006.03A5 & 3-006.15B: The director or Assistant director will make sure that the proper staff is assign to each room. In the event that staff members call in and there are not enough certified teachers in each classroom then the director or assistant will have to take place as a teacher.
We are working with attorney in order to update our Police Manual. His name is Dan Reeker. Phone: (402) 346-9095.
If you have any additional questions, please feel free to contact me at 402-884-2402

Sincerely,


Gladys [Redacted]
Director, Happy Faces CDC.

JUL 10 2017

To: ALL Happy Faces Employees
From: Gladys Raad, Director
Date: July 5, 2017
Subject: Corrective Action and Following Regulations of the State
Addendum to: Staff Policy Manual

Para proveer y para el bienestar de los niños, las siguientes reglas son para recordar las regulaciones de cuidado de niños

3-006.32E Otros requisitos de seguridad para el ambiente

Todos los agentes de limpieza y materiales venenosos deben mantenerse en un lugar cerrado con llave en todo momento en que los niños estén bajo cuidado. Todos los closets de limpieza tienen una señal que recuerda al personal para mantener la puerta cerrada en todo momento.

Policy 3-00620C, 3-006.19

Time Out implica sacar al niño del grupo o de la actividad inmediatamente después de una mala conducta. Si al niño debe separarse del grupo tiene que ser por un tiempo específico. Es un minuto para la edad del niño esa es la cantidad máxima de tiempo que un niño puede estar en el time out. Es muy importante recordar que el tiempo de espera debe tener lugar en un área segura, iluminada y bien ventilada. El niño también debe ser supervisado en todo momento por alguien del personal. La maestra no puede dejar el salón de clase desatendida en ningún momento. Si la maestra necesita ayuda para disciplinar a los estudiantes, debe llamar a la oficina para pedir ayuda. La recepcionista alertará a la directora y la ayuda será enviada de inmediato.

3-006.20 Disciplina

Las maestras son facilitadores de su aprendizaje. El personal está aquí para proporcionar orientación sobre los comportamientos del niño/a con sus compañeros y adultos que encuentre durante el día. El personal también ofrece muchas actividades que mantiene a los niños ocupados.

Nuestro objetivo es ayudar a los niños a comprender mejor qué comportamientos son apropiados. Es nuestra responsabilidad ayudar a los niños a través de las etapas de desarrollo que acepten y apoyen los comportamientos apropiados para su edad. Los comportamientos inapropiados necesitan atención, discusión y / o redirrección, sin embargo, la meta es ayudar a cada niño a comenzar a aprender buenos modales y a tomar decisiones más apropiadas.

Staff Name:	Signature	Date
Rosa Maria Olvera		7/6/17
Linda Portillo		7-6-17
Teresita D Sanchez		7-6-17
Enocia J Diaz		7-6-17
Blanca Perera		7-6-17
Catalina Hernandez		7-6-17
Aurora Solano		7-6-17
Dana Ruiz		7-6-17
Allyson Lee		7-6-17
Adriana Sanchez		7-6-17
Graciela Sandoval		7-6-17
Gladys Raad		7-6-17
Sharon		7-7-17

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

June 27, 2017

REGULAR & Certified MAIL,

(AMENDED)

**Fornando and Priscilla Connora, Licensee
Happy Faces Child Development Center LLC
2402 N Street
Omaha NE 68107**

Dear Ms Gladys Radd, Director

This letter is being sent to amend several grammatical errors, and inaccurate ordering of information in the previous letter with the same date. The content and factual basis of this letter has not changed.

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.

REGULATORY BASIS:

3-006.02 Director Requirments #1. Be responsible for the centers compliane with rules and regulations.

3-006.32E Other Environmental Safety Requirements: In Pertinent Part...

2. All cleaning agents...and poisonous materials must be kept in locked storage at all times children are in care.

3-006.20C Use of Time Out: Separation from the group, if used, must be brief and appropriate for the child's age. The time out period must:

1. Take place within a safe, lighted, and well-ventilated area;
2. Occur within direct vision of staff;

3-006.20A Prohibited Forms of Discipline: The following actions are prohibited as a form of discipline:
In Pertinent Part...

8. Isolating a child in a locked or closed room or closet;

3-006.20 Discipline: When parents are not present, the responsibility for the discipline of children in care lies only with the licensee/director or the designated substitute.

391 NAC 3-006.19 Supervision of Children: Adequate and appropriate supervision must be provided to children at all times children are in attendance, in pertinent part... Ultimate responsibility for supervision rests with the licensee.

3-006.06 Substitute, Support Staff, Volunteer, and Parent Helper Qualifications: In Pertinent Part...
2. The director may hire support staff to assist in the care of children. Support staff must be at least 16 years of age and be of good moral character. A teacher must be in the room with support staff at all times when children are in care.

3-006.05B Non-Certificated Teachers:

To be employed as a teacher in a licensed child care center, an individual who is not a certificated teacher must be at least 18 years of age and of good moral character, and must meet one of the following requirements:

1. Hold a bachelor's degree from an accredited college or university in early childhood education, education or child/youth development;
2. Hold an associate degree from an accredited college or university in early childhood education, education or child/youth development;
3. Have a Child Development Associate Credential; or
4. Have a high school diploma or GED; and
 - a. 1500 verified clock hours of experience in organized group activities for young children as indicated by a positive reference from a former employer or supervisor; or
 - b. Submit a written plan for Department approval to acquire at least three credit hours or 45 clock hours of training in administration, early childhood education, education, or child/youth development, in a period not to exceed six months. The licensee must maintain a copy of the written plan and Department approval for Department review.

3-006.03A5 Department Determination: In Pertinent Part...

The Department may deny or take action against a license if an individual is found to have... unlawful act endangering the health or safety of another individual...behavior that shows an inability or unwillingness to comply with regulations.

3-006.15B Staffing Requirements: In pertinent part... 2. Each room where children are receiving care must have a teacher who is involved with the direct care of children.

FACTS:

On June 6, 2017, the Department substantiated a child care complaint, which confirmed that on May 27, 2017, two children, ages 5 and 7, were placed separately, by child care staff, in a utility closet located in the child care with the door closed. They were placed in the closet, for approximately one minute each, for discipline. This closet also held cleaning supplies used in the program.

Staff involved with this incident did not meet the qualifications to hold the position of a teacher and had been left in charge and to provide appropriate supervision to the children attending on May 27, 2017.

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., Omaha, NE 68102 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 Jo Pfeiffer Children's Services Licensing Supervisor at 402-595-3335.

Sincerely,


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

cc: Michele McClellan, Child Care Inspection Specialist
Office of Children's Services Licensing, Central Office
Ernest Brodecky, Social Services Resource Developer



April 9, 2007

Happy Faces Child Development Center LLC
2402 N Street
Omaha NE 68107

Dear Happy Faces Child Development Center LLC:

In accordance with the Notice of Disciplinary Action, issued by Patricia Urzedowski, Child Care Resource Supervisor, on March 6, 2007, your original License to operate 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 March 21, 2007; and it will remain in effect until March 21, 2008. Upon completion of the probation a new license will be issued to you.

At this time we ask that you return your current license, within the next ten (10) days, to Marsha Wandersee in the Credentialing Division. If you have any questions please contact Child Care Licensing, at (402) 471-9302.

Sincerely,



Helen L. Meeks, Administrator
Credentialing Division

HLM/clb

cc: Child Care Licensing

PresumStat Print 4 9 18 12R 4 828875 5 174 463 5 201 464 027

Your application for Nebraska Child Care Center has been approved and your licensure document is attached. You will receive a new licensure document each time you amend your license.

This license shall be kept available in the establishment and such proof of credentialing shall be shown upon request.

PROBATION *State of Nebraska*
Department of Health and Human Services
Regulation and Licensure

HAPPY FACES CHILD DEVELOPMENT CENTER LLC
Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: **2402 N STREET Omaha NE 68107**

A maximum of **226** children in ages **6 WKS to 13 YRS** may be in attendance at any one time during the hours of **0515 to 2100** on **MTWThFS**.

HAPPY FACES CHILD DEVELOPMENT CENTER LLC is hereby issued License No. **CCC8710** which is effective on **06/14/2005**.

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 **06/14/2005**.



[Redacted Signature]
Joseph Sengeler, M.D., Chief Medical Officer, Director
Department of Health & Human Services Regulation & Licensure

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE
STATE OF NEBRASKA

IN THE MATTER OF:

THE OPERATING CHILD CARE
CENTER LICENSE OF HAPPY
FACES CHILD DEVELOPMENT
CENTER, LLC

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

LICENSED LOCATION: 2402 N STREET
OMAHA, NE 68107

NOTICE:

Happy Faces Child Development Center, LLC is hereby notified that the Department of Health and Human Services Regulation and Licensure (hereinafter referred to as "department") intends to impose **disciplinary action** against the operating Child Care Center license of Happy Faces Child Development Center, LLC (hereinafter referred to as "Happy Faces"), for the reasons set out below:

FACTS:

Happy Faces Child Development Center, LLC is the licensee of an operating Child Care Center. This facility is licensed for a maximum of 226 children, ages 6 weeks to 13 years, Monday through Saturday, 5:15 a.m. to 9:00 p.m. This facility has been licensed since June 14, 2004.

On January 22, 2007, Gina Ewing, Child Care Inspection Specialist, Department of Health and Human Services Regulation and Licensure, conducted a complaint investigation to Happy Faces regarding an allegation that the facility had failed to contact law enforcement and/or the Child Abuse-Neglect Hotline (1-800-652-1999) and that staff were hired prior to background checks being conducted.

Information obtained from the director of the facility reveals that the director admitted to not reporting physical abuse of a child even though staff reported to her that they saw the child being physically abused in the facility parking lot on the center premises by the mother on approximately November 7, 2006. In addition, the director told staff to not report the physical abuse they witnessed. The director also admitted to hiring a staff without background checks being conducted prior to hiring the staff.

REGULATORY BASES:

Nebraska Revised Statutes, section 71-1919, of the Child Care Licensing Act effective July 16, 2004 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; ..."

391 NAC 8-002 Staff Qualifications: ... "Center staff, whether paid or volunteer, shall not engage in or have a history of behaviors injurious to or which may endanger the health or morals of the children in care." (Page 6, Standard 13, Child Care Center Standards)

391 NAC 8-006 Prior to Hire: "Candidates being considered for employment as a director, teacher, assistant teacher, and all support staff must be checked against the Nebraska Central Registry of child Abuse and Neglect and the Nebraska Adult Protective Services Central Registry before being hired." (Page 7, Standard 22, Child Care Center Standards)

Nebraska Statutes, 28-711, state:

"(1) When any physician, medical, institution, nurse, school employee, social worker, or other person has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect, he or she shall report such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency or to the department on the toll free number..."

DISCIPLINARY ACTION IMPOSED:

Based upon the facts presented above the failure to report the incident of November 7, 2006 to law enforcement and/or the Child Abuse-Neglect Hotline and hiring staff prior to background checks being conducted, the department is imposing the following disciplinary action:

- Happy Faces Child Development Center, LLC's Child Care Center license is placed on **disciplinary probation for a period of one year effective 15 days after the effective date of this Notice.**
- **All current and future** staff employed as director, co-director, teachers, assistant teachers, regularly identified substitutes, volunteers, and support staff will be required

to register and participate in **three hours of face to face**, outside source in-service training, in the area of identifying, documenting and properly reporting child abuse and/or neglect. This training must be successfully completed by all staff on or by April 16, 2007 and will **NOT** count toward the required 12 hours of in-service training. Documentation (i.e., certificates) of successful completion of training must be submitted **fifteen days after participation in the training** to: Gina Ewing, Child Care Inspection Specialist, Child Care Licensing Program, 1801 North 73rd Street, Omaha, Nebraska, 68114.

- Happy Faces Child Development Center, LLC must **prominently post** a copy of this **Notice of Disciplinary Action** with the current Child Care Center license so it is clearly visible to parents and department staff.

CONCLUSION:

Failure to comply with the terms of this disciplinary action and the Child Care Center Standards will result in **further discipline** as the department deems appropriate.

Compliance with the terms of this disciplinary action will be **monitored by unannounced** inspections by an agency representative (i.e., Child Care Inspection Specialist, Child Care Licensing Consultant, Fire Marshal or designated agent, Registered Environmental Health Specialist, Resource Development Worker, Protection and Safety Worker).

If Happy Faces Child Development Center, LLC discontinues the child care operation for any reason, the time Happy Faces Child Development Center, LLC is not actively operating a licensed child care program will not count toward the fulfillment of the action listed above and any subsequent child care license would be subject to the remainder of the disciplinary action terms and such other restrictions or limitations as are determined to be necessary.

BE AWARE:

That Nebraska Revised Statutes, section 71-1922, the disciplinary action in this Notice shall become **FINAL on March 21, 2007, which is fifteen days after the mailing of this Notice** unless the department, within such fifteen-day period, receives a written request for a hearing. 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 fifteen-day period, the action of the department is final.**

TO REQUEST A HEARING:

If you decide to request a hearing, your **written** request for hearing must be **received by**

the department BY OR ON March 21, 2007, which is fifteen days after the mailing of this Notice. It should be addressed to:

Marsha Wandersee, for HHS F&S
Legal Services – Child Care Licensing
P.O. Box 95007
Lincoln, NE 68509-5007


BE ADVISED:

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.”

Title 391 of the Nebraska Administrative Code, section 4-001.04, also provides that the “licensee shall not transfer the license to a household member or current staff member while a ... action is still pending.” 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: MARCH 6, 2007

**Joann Schaefer, M.D., Chief
Medical Officer, Director
Department of Health and Human
Services Regulation and Licensure**


By: Patricia Urzedowski, Administrator
Credentialing Division – Child Care
Licensing Program
Regulation and Licensure
P.O. Box 94986
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

Amber COMES NOW, the undersigned and certifies that on the 6 of June, 2007, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Happy Faces Child Development Center, LLC, 2402 N Street, Omaha, Nebraska, 68107 and Happy Faces Child Development Center, LLC, C/O John C. Rasmussen, 1232 North 131st Avenue, Omaha, Nebraska, 68154.

