

STATE OF NEBRASKA
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

IN THE MATTER OF)	
)	
DEBRA A. HARRISON D/B/A)	ORDER
DEB'S DAY CARE)	
FAMILY CHILD CARE HOME II)	

This matter comes for consideration on the Motion for an Emergency Order and Motion for Protective Order filed by the Nebraska Department of Health and Human Services, Division of Public Health. The Interim Chief Executive Officer, having reviewed the Motion and accompanying Affidavit, finds as follows:

1. Debra A. Harrison d/b/a Deb's Day Care holds a Family Child Care Home II License to operate a child care program located at 8328 Bedford Avenue, Omaha, NE 68134.

2. An emergency exists requiring immediate action to protect the physical well-being and safety of a child or children in the care of Debra A. Harrison d/b/a Deb's Day Care and Debra A. Harrison.

WHEREFORE, IT IS ORDERED:

- a. Pursuant to Nebraska Revised Statutes §71-1915, the child care license of Debra A. Harrison d/b/a Deb's Day Care is hereby and immediately Revoked and Deb's Day Care and Debra A. Harrison may not provide care for any child other than her own until Ms. Harrison obtains a license to operate a child care program from the Department.

Upon application to the Director within fifteen days of this Order, Debra A. Harrison d/b/a Deb's Day Care and Debra A. Harrison shall be afforded a hearing as soon as possible and within ten days of the application, unless she requests that the hearing be held later. Any such application should be addressed to: Chris Kort, for DHHS, Children's Services Licensing Licensure –Division of Public Health, P.O. Box 94986, Lincoln, NE 68509-4986.

2. Any reference in this matter to any child enrolled in the above child care program shall be made by the use of the initial letters of the child's first and last name.

3. Any information which is confidential by state statute shall not be released to the public and any pictures of any children referred to in this matter shall not be released to the public.

DATED this 15 day of January, 2019.

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES



Bo Botelho
Interim Chief Executive Officer
Department of Health and Human
Services

STATE OF NEBRASKA
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

IN THE MATTER OF)	MOTION FOR EMERGENCY ORDER;
)	MOTION FOR PROTECTIVE ORDER
DEBRA A. HARRISON D/B/A)	
DEB'S DAY CARE)	
FAMILY CHILD CARE HOME II)	

COMES NOW the Department of Health and Human Services, Division of Public Health and pursuant to Neb. Rev. Stat. §71-1915 moves the Interim Chief Executive Officer of the Department of Health and Human Services to declare an emergency and issue an Emergency Order revoking the child care license of Debra A. Harrison d/b/a Deb's Day Care and to prohibit her from operating the child care program and providing care for any child other than her own. The operating hours for the program are Monday through Friday, 6:00 a.m. to 5:30 p.m. The program is located at 8328 Bedford Avenue, Omaha, NE 68134.

The Department also requests that a Protective Order be entered pursuant to Neb. Rev. Stat. §84-914(2) to protect the privacy of any minor children whose identity may be revealed during the course of these proceedings, and to ensure the confidentiality of any information which is deemed confidential by state statute.

The Department requests the following:

1. That any reference to any child enrolled in the above child care program be made by the use of the initial letters of the child's first and last name.
2. That any information which is confidential by state statute be protected from release to the public and that any pictures of children referred to in this matter be non-releasable to the public.


In support of its motion, the Chief Executive Officer is shown the accompanying affidavit of Diane Kvasnicka, Program Manager.

WHEREFORE the Department moves the Interim Chief Executive Officer for an Emergency Order revoking the child care license of Debra A. Harrison c/b/a Deb's Day Care and prohibiting Debra A. Harrison from providing care for

any child other than her own until she obtains a license to operate a child care program from the Department.

Nebraska Department of Health
and Human Services

Dated: 1-15-19


Teresa M. Hampton #16746
P.O. Box 95026
Legal Services
Department of Health and Human
Services
Lincoln, Nebraska 68509-5026
(402) 471-4051
Its Attorney

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

IN THE MATTER OF)	
)	AFFIDAVIT
Deb's Day Care)	
Debra A. Harrison, Licensee)	
Family Child Care Home II)	
STATE OF NEBRASKA)	
) ss	
COUNTY OF LANCASTER)	

Comes now Affiant, Diane Kvasnicka, being first duly sworn, and states as follows:

1. I am employed as the Program Manager of the Office of Children's Services Licensing with the Nebraska Department of Health and Human Services Division of Public Health (hereinafter "Department").
2. The records of the Department show that Debra A. Harrison holds a Family Child Care Home II License. The license capacity is 12 and is licensed to provide care from 6:00 AM until 5:30 PM; Monday through Friday. The Family Child Care Home II is located at 8328 Bedford Avenue, Omaha, Ne 68134.
3. In my capacity as Program Manager of the Office of Children's Services Licensing, I am the custodian of all licensing records for licensed Child Care Programs.
4. NEB. REV. STAT. §71-1915 provides "(1) Whenever the department finds that an emergency exists requiring immediate action to protect the physical well-being and safety of a child in a program, the department may, without notice or hearing, issue an order declaring the existence of such an emergency and requiring that such action be taken as the department deems necessary to meet the emergency. The order may include an immediate prohibition on the care of children by the licensee other than children of the licensee. An order under this subsection shall be effective immediately. Any person to whom the order is directed shall comply immediately, and upon application to the department, the person shall be afforded a hearing as soon as possible and not later than ten days after his or her application for the hearing. On the basis of such hearing the department shall continue to enforce such order or rescind or modify it...."

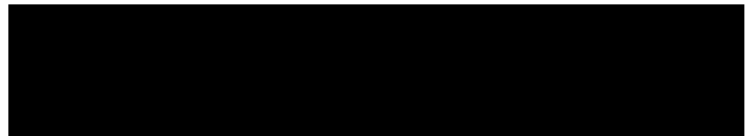
5. 391 NAC 2-008.01 Grounds for Denial or Disciplinary Action: The Department may deny the issuance of or take disciplinary action against a license on any of the following grounds:
1. Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the Act; ...
 3. Conviction of, or substantial evidence of committing or permitting, aiding, or abetting another to commit, any unlawful act, including, but not limited to, unlawful acts committed by an applicant or licensee under the act, household members who reside at the place where the program is provided, or employees of the applicant or licensee that involve:
 - c. Sexual abuse, sexual assault, or sexual misconduct;
 4. Conduct or practices detrimental to the health or safety of an individual served by or employed at the program;...
6. 391 NAC 2-008.04 Department's Emergency Power: Whenever the Department finds that an emergency exists requiring immediate action to protect the physical well-being and safety of a child in the program, the Department may, without notice or hearing, issue an order declaring the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. The order may include an immediate prohibition on the care of children by the licensee other than children of the licensee. An order under this subsection will be effective immediately. Any person to whom the order is directed must comply immediately, and upon application to the Department, the person will be afforded a hearing as soon as possible and not later than ten days after his or her application for the hearing. On the basis of such hearing, the Department will continue to enforce the order or rescind or modify it.

On January 15, 2019, the Department of Health and Human Services-Division of Public Health received information that William A. Harrison was charged on January 12, 2019 with 2 counts of Sexual Assault on a Child in the First Degree (Class IB Felony) occurring between December 14, 2014, and December 13, 2018. According to the Warrantless Arrest Affidavit filed with the Douglas County Court the assaults occurred at residence of Mr. Harrison

between December 14, 2014 through early January, 2019, and Mr. Harrison admitted to the assaults. A copy of the Warrantless Arrest Affidavit and Criminal Complaint accompany this Affidavit. Department records show that Mr. Harrison is the spouse of Debra A. Harrison and is listed as a secondary caregiver for the program. The program is operated in the residence of Debra A. Harrison and William A. Harrison according to Department records.

As a result, it has been determined that Debra A. Harrison is in violation of the Family Child Care Home II Regulations listed in paragraph 5 above.

Further affiant saith not.



Diane Kvasnicka, Program Manager
Office of Children's Services Licensing

Subscribed and sworn before me this 15th day of January 2019.



Notary Public

