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GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL

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Inspection Report

Provider Information

Provider Name: Wendy's Wonderland, Inc.
Provider Type: LICENSED TYPE I
License No: L383088
Provider Address: 14 Garth Street, Monitcello, KY, 42633
Capacity: 62
Owner(s): Wendy's Wonderland, Inc.
Director(s): Adams, Jennifer Nichole

Inspection Information

Inspection Type: Renewal Application
Inspection No: 216045
Visit Start Date: 07/26/2016 10:20 AM
Visit End Date: 07/26/2016 1:30 PM
No. of Children Present: 36

Inspection Report

Supervision

5 - Children Supervised — **Not In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(3)(a) Each center shall maintain a child-care program that assures each child will be:
1. Provided with adequate supervision at all times by a qualified staff person who:
a. Ensures the child is within scope of vision and range of voice; or
b. For a school-age child, within scope of vision or range of voice;

Findings:

General: Based on observation and interview, the surveyor observed two (2) unsupervised male school aged children enter the center from the door leading to the playground at the end of the hallway. The children came up the hallway and around the corner to the front door entrance to the building, they opened the front door of the center then turned around and started back the way they had came. As the children started back down the hallway to the playground entrance, a staff member entered and reprimanded them for coming into the building without adult supervision. The staff member reported that the children were hers.

15 - Activity Areas/Equipment/Materials — **In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(2) Activity areas, equipment, and materials shall be arranged so that the child's activity can be given adequate supervision by staff.

20 - Supply Storage — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(30) Supplies shall be stored so that the adult can reach them without leaving a child unattended.

25 - Supervision During Diapering — **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(10) When a child is diapered, the child shall:
(a) Not be left unattended

Staffing Requirements

30 - Cooking/Cleaning Staffing — **In Compliance**

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(k) Assure that additional staff are available during cooking and cleaning hours, if necessary, to maintain staff-to-child ratios pursuant to 922 KAR 2:120;

35 - Adequate Adults/Qualified Staff — **In Compliance**

922 KAR 2:110. Section 5. Staff Requirements.
(10) The minimum number of adult workers in a child-care center shall be sufficient to ensure that:
(a) Minimum staff-to-child ratios in accordance with 922 KAR 2:120 are followed;
(b) Each staff person under eighteen (18) years of age and each student trainee are under the direct supervision of a qualified staff person who meets the requirements of this section; and
(c) Unless providing care with a qualified staff person, a person under the age of eighteen (18) shall not be counted as staff for the staff-to-child ratio.

40 - Ratios and Group Size **Not In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(2) Minimum staff-to-child ratios and group size for an operating child-care center shall be maintained as follows:
Age of Children Ratio Maximum Group Size*
Infant
1 staff for 5 children 10
Toddler
1 staff for 6 children 12
Preschool-age 2 to 3 years
1 staff for 10 children 20
Preschool-age 3 to 4 years
1 staff for 12 children 24
Preschool-age 4 to 5 years
1 staff for 14 children 28
School-age 5 to 7 years
1 staff for 15 children 30
School-age 7 and older
1 staff for 25 children
(for before and after school) 30
1 staff for 20 children
(full day of care) 30
***Maximum Group Size shall be applicable only to Type I child-care centers.**

Findings:

General: Based on observation and interview, the following was found:

(1) Upon arrival to the center, the surveyor observed twenty-two (22) children on the playground with two (2) staff members. The children ranged in age from one (1) year old to twelve (12) years old. Therefore, the center was not maintaining required staff-to-child ratios or group size. The maximum group size was exceeded by ten (10) children.

(2) There were eleven (11) children ages two (2) to five (5) years-old playing on the playground with only one (1) staff member providing supervision. Staff stated the children were from the Pre-k classroom. The Pre-k classroom was over ratio by one (1) child.

Findings:

General: Based on observation and interview, the following was found:

(1) Upon arrival to the center, the surveyor observed twenty-two (22) children on the playground with two (2) staff members. The children ranged in age from one (1) year old to twelve (12) years old. Therefore, the center was not maintaining required staff-to-child ratios or group size. The maximum group size was exceeded by ten (10) children.

(2) There were eleven (11) children ages two (2) to five (5) years-old playing on the playground with only one (1) staff member providing supervision. Staff stated the children were from the Pre-k classroom. The Pre-k classroom was over ratio by one (1) child.

45 - Ratio/Group Size **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(2)(b) The age of the youngest child in the group shall determine the:
1. Staff-to-child ratio; and
2. Maximum group size.

55 - Related Children **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(2)(d) If a child related to the director, employee, or person under the supervision of the licensee is receiving care in the center, the child shall be included in the staff-to-child ratio.

General Administration

60 - Zoning **In Compliance**

922 KAR 2:090. Section 6. License Issuance.
(11) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:
(a) Provide written documentation from the local authority showing compliance with local zoning requirements;

65 - Fire Marshal **In Compliance**

922 KAR 2:090. Section 6. License Issuance.
(11) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:
(b) Be approved by the Office of the State Fire Marshal or designee;

70 - Water/Sewage **In Compliance**

922 KAR 2:090. Section 6. License Issuance.
(11) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:
(c) Have an approved water and sewage system in accordance with local, county, and state laws;

75 - Liability Insurance **Not In Compliance**

922 KAR 2:090. Section 6. License Issuance.
(11) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:
(d) Provide written proof of liability insurance coverage of at least $100,000 per occurrence;

Findings:

General: Based on review of documentation and interview, the surveyor found that the proof of liability insurance policy that was on file for the center had expired as of 5/8/16. The director stated she had just started working at the center on 7/25/16 and while she was sure the center had liability insurance coverage, she did not know where to locate the current policy statement.

Findings:

General: Based on review of documentation and interview, the surveyor found that the proof of liability insurance policy that was on file for the center had expired as of 5/8/16. The director stated she had just started working at the center on 7/25/16 and while she was sure the center had liability insurance coverage, she did not know where to locate the current policy statement.

80 - Comply with regulations **In Compliance**

922 KAR 2:090. Section 6. License Issuance.
(11) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:
(e) Comply with provisions of this administrative regulation, 922 KAR 2:110, and 922 KAR 2:120;

85 - Cooperate with state agency **In Compliance**

922 KAR 2:090. Section 6. License Issuance.
(11) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:
(f) Cooperate with the cabinet, the cabinet's designee, or another agency with regulatory authority during:
1. An investigation of an alleged complaint, including an allegation of child abuse or neglect pursuant to KRS 620.030(4); and
2. Unannounced inspections; and

90 - Have Director **In Compliance**

922 KAR 2:090. Section 6. License Issuance.
(11) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:
(g) Have a director who meets the requirements listed in 922 KAR 2:110.

95 - Allow Access **In Compliance**

922 KAR 2:090. Section 6. License Issuance.
(12) A child-care center shall allow the cabinet or its designee, another agency with regulatory authority, and a parent of an enrolled child unannounced access to the child-care center during the hours of operation.

110 - Report to Licensee **In Compliance**

922 KAR 2:090. Section 11. Basis for Denial, Suspension or Revocation.
(3) A director, employee, volunteer, any person with supervisory or disciplinary control over, or having unsupervised contact with, a child shall report to the licensee if:
(a) Convicted of, or entered an Alford or guilty plea to:
1. a violent crime or sex crime in accordance with KRS 17.165; or
2. A crime specified in Section 6(5) of this administrative regulation;
(b) The subject of a cabinet child abuse or neglect investigation;
(c) Found by the cabinet or a court to have abused or neglected a child;
(d) Convicted of, or entered an Alford or guilty plea to, a drug-related felony, and five (5) years have not elapsed since the person was fully discharged from imprisonment, probation, or parole;
(e) Placed on the Sex Offender Registry; or
(f) Determined by a physician to have a health condition that renders the person unable to care for children.

115 - Reports to Cabinet **In Compliance**

922 KAR 2:110. Section 6. Reports.
(1) The following shall be reported to the cabinet or designee and other agencies specified in this section within twenty-four (24) hours from the time of discovery:
(a) Communicable disease, which shall also be reported to the local health department pursuant to KRS 214.010;
(b) An accident or injury to a child that requires medical care;
(c) An incident that results in legal action by or against the child-care center that:
1. Affects a child or staff person; or
2. Includes the center's discontinuation or disqualification from a governmental assistance program due to fraud or abuse;
(d) An incident involving fire or other emergency, including a vehicular accident when the center is transporting a child receiving child care services; or
(e) A report of child abuse or neglect that:
1. Has been accepted by the cabinet in accordance with 922 KAR 1:330; and
2. Names a director, employee, volunteer, or person with supervisory or disciplinary control over, or having unsupervised contact with a child in care as the alleged perpetrator.

120 - Licensee Responsibility **In Compliance**

922 KAR 2:110. Section 2. General.
(1) A licensee shall be responsible for the operation of the child-care center pursuant to this administrative regulation, 922 KAR 2:090, and 922 KAR 2:120.

125 - Confidential Information — In Compliance

922 KAR 2:110. Section 2. General.
(3) Information concerning a child or the child's parent shall be kept in strict confidence by child-care center staff, except as otherwise required by law.

130 - Volunteer/Board Member Compliance — In Compliance

922 KAR 2:110. Section 2. General.
(4) A volunteer or board member shall comply with the policies and procedures of the child-care center.

135 - Resident Interference — Not Applicable

922 KAR 2:110. Section 2. General.
(6) An activity of a person living in a child-care center that is a dwelling unit shall not interfere with the child-care center program.

140 - Staff Conviction/Substantiation — In Compliance

922 KAR 2:110. Section 5. Staff Requirements.
(2) A child-care center shall not employ a person:
(a) Convicted of, or who entered an Alford or guilty plea to, a crime pursuant to 922 KAR 2:090, Section 6(6);
(b) Found by the cabinet to have abused or neglected a child, pursuant to 922 KAR 1:470;
(c) Placed on the Sex Offender Registry; or
(d) Determined by a physician to have a health condition that renders the person unable to care for children.

145 - Controlled Substance/Alcohol — In Compliance

922 KAR 2:110. Section 5. Staff Requirements.
(11) Except for medication as prescribed by a physician, a controlled substance or alcohol use shall not be permitted on the premises during hours of operation.

150 - Adult Resident Requirements — Not Applicable

922 KAR 2:110. Section 5. Staff Requirements.
(13)(a) For each adult residing at a Type II child-care center, the results of the following shall be maintained on file at the center a:
1. Criminal records check indicating that the adult has not been convicted of, entered an Alford or guilty plea to, a:
a. Crime pursuant to KRS 17.165; or
b. Drug-related felony, and five (5) years have not lapsed since the person was fully discharged from imprisonment, probation, or parole;
2. Child abuse and neglect check using the central registry in accordance with 922 KAR 1:470, indicating that the adult has not been found by the cabinet to have abused or neglected a child;
3. Criminal records check for any previous state of residence completed once if:
a. The adult resided outside the state of Kentucky in the last five (5) years; and
b. No criminal records check has been completed for the adult's previous state of residence. The check shall indicate that the adult has not been convicted of, or has not entered an Alford plea or a plea of guilty to, an offense under a criminal statute of the United States or of another state similar to an offense specified in subparagraph 1 of this paragraph; and
4. Copy of negative tuberculin results or a health professional's statement documenting that the adult is free of tuberculosis. Every two (2) years, the adult shall provide negative tuberculin results or health professional's statement documenting that the adult is free of tuberculosis.
(b) An address check of the Sex Offender Registry conducted on behalf of the applicant for a Type II child-care center and supporting documentation shall indicate that no individual residing in the household is a registered sex offender.

155 - Staff Awake on Duty — In Compliance

922 KAR 2:110. Section 5. Staff Requirements.
(12) Each staff person shall remain awake while on duty except as specified in 922 KAR 2:120, Section 2(11)(f).

160 - Report to Cabinet — In Compliance

922 KAR 2:090. Section 11. Basis for Denial, Suspension or Revocation.
(4) Each licensee shall report to the cabinet or its designee if the:
(a) Licensee or an individual described in Section 6(4) of this administrative regulation meets a criterion of subsection (3) of this section; or
(b) Licensee meets a criterion of subsection (7)(j) of this section.

190 - Abuse/Neglect Report Procedure — In Compliance

922 KAR 2:120. Section 2. Child Care Services.
(3)(b) The program shall include:
1. A procedure to inform child care staff of the laws of the Commonwealth pertaining to child abuse or neglect set forth in KRS 620.030;

195 - Requirements for Nontraditional Care — In Compliance

922 KAR 2:120. Section 2. Child Care Services.
(11) If nontraditional hours of care are provided:
(a) Including time spent in school, a child shall not be permitted to spend more than sixteen (16) hours in the child-care center during one (1) twenty-four (24) hour period;
(b) At least one (1) staff member shall be assigned responsibility for each sleeping room;
(c) A child present for an extended period of time during waking hours shall receive a program of well-balanced and constructive activity that are developmentally appropriate for the child;
(d) A child sleeping three (3) hours or more shall sleep in:
1. Pajamas; or
2. A nightgown;
(e) If a child attends school from the child-care center, the child shall be offered breakfast;

200 - Staff Remain Awake — **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(11) If nontraditional hours of care are provided:
(f) Staff shall:
1. If employed by a Type I child-care center, remain awake while on duty; or
2. If employed by or is the operator of a Type II child-care center, remain awake until every child in care is asleep.

205 - Fire Marshal/Zoning Compliance — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(2) A child-care center shall be in compliance with the State Fire Marshal requirements established in KRS 227.220 and the local zoning laws.

210 - Construction/Renovation Notification — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(19) The Department of Housing, Buildings and Construction, State Fire Marshal's Office, and cabinet shall be contacted concerning a planned new building, addition, or major renovation prior to construction.

215 - Defined Groups — **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(2)(a) In a Type I child-care center, a group size shall:
1. Be separately maintained in a defined area unique to the group; and
2. Have specific staff assigned to, and responsible for, the group.

220 - Person Under Investigation by DCBS — **In Compliance**

922 KAR 2:110. Section 2. General.
(8) If a director, employee, volunteer, or any person with supervisory or disciplinary control over, or having unsupervised contact with a child in care is named as the alleged perpetrator in a child abuse or neglect report accepted by the cabinet in accordance with 922 KAR 1:330, the individual shall be removed from direct contact with a child in care:
(a) For the duration of the family-in-need-of-services assessment or investigation; and
(b) Pending completion of the administrative appeal process for a cabinet substantiation of child abuse or neglect in accordance with 922 KAR 1:320 or 922 KAR 1:480.

225 - Sick Child Exclusion — **In Compliance**

922 KAR 2:120. Section 7. First Aid and Medicine.
(2) A child showing signs of an illness or condition that may be communicable shall not be admitted to the regular child-care program.

230 - Sick Child Protocol — **In Compliance**

922 KAR 2:120. Section 7. First Aid and Medicine.
(3) If a child becomes ill while at the child-care center:
(a) The child shall be placed in a supervised area isolated from the rest of the children;
(b) The parent shall be contacted immediately; and
(c) Arrangements shall be made to remove the child from the child-care center as soon as practicable.

Director Requirements

235 - Operation instruction/Regulation copy — **In Compliance**

922 KAR 2:110. Section 2. General.
(2) Child-care center staff shall be:
(a) Instructed by the child-care center's director regarding requirements for operation; and
(b) Provided with a copy of this administrative regulation, 922 KAR 2:090, and 922 KAR 2:120.

245 - Regulatory Compliance/Staff in Charge — **In Compliance**

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(d) Ensure:
1. Compliance with 922 KAR 2:090, 922 KAR 2:120, and this administrative regulation; and
2. The designation of one (1) adult staff person in charge to carry out the director's duties if the director is not present in the child-care center during operating hours;

250 - Staff Management/Policy Development/Supervision — **In Compliance**

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(e) Manage the staff in their individual job descriptions;
(f) Develop child-care center plans, policies, and procedures;
(g) Supervise staff conduct to ensure implementation of program policies and procedures;

255 - Staff Meeting **In Compliance**

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(i) Conduct, manage, and document in writing staff meetings;

260 - Staff Evaluation **In Compliance**

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;

265 - Health, Safety, Comfort **Not In Compliance**

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(l) Provide for the health, safety, and comfort of each child;

Findings:

General: Based on observation and interview, the following were found:

(1) There were two (2) electrical outlets next to the refrigerator in the One's classroom that did not have protective coverings in place.

(2) There were six (6) electrical outlets in the Pre-K classroom (under the cubbies, next to the door, in the corner under the window) that did not have protective coverings.

Staff reported that there are protective coverings available to use; however, the children pull them out.

270 - Parent Notification **In Compliance**

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(m) Notify the parent immediately of an accident or incident requiring medical treatment of a child;

275 - Caregiver Alone **Not In Compliance**

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(n) Assure that a person acting as a caregiver of a child in care shall not be left alone with a child, if the licensee has not received the results of the background checks as described in Section 3(1)(e)6 of this administrative regulation;

Findings:

General: Based on review of documentation and interview, the surveyor found that one (1) staff file presented for review (DOH: 5/18/16) did not contain results of a child abuse/neglect check or documentation showing that it had been submitted. The surveyor observed the staff member working alone on the playground with the Pre-K class that contained eleven (11) children two-years-old to five-years-old. The director reported she had just started at the center on 7/25/16 and had not yet reviewed files for compliance. The director stated she was not sure if the background checks had been submitted or if the results had been recieved.

280 - Altered/Falsified Records **In Compliance**

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(o) Assure each mandatory record specified in Section 3 of this administrative regulation has not been altered or falsified;

285 - Parental/Family Involvement Activity **In Compliance**

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(p) Coordinate at least one (1) annual activity involving parental or family participation.

Employee Records

300 - Background checks/left alone — **Not In Compliance**

922 KAR 2:090. Section 6. License Issuance.
(5) An individual described in subsection (4) of this section shall:
(a) Submit to background checks described in paragraph (b) of this subsection;
(b) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:
1. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;
2. Criminal records check required by KRS 199.896(19);
3. Criminal records check for any previous state of residence if the person resided outside the state of Kentucky in the last five (5) years; and
4. An address check of the Sex Offender Registry; and
(c) Not be left alone in the presence of a child until copies of the background checks in accordance with paragraph (b) of this subsection have been received by the licensee.

Findings:

General: Based on review of documentation and interview, the following was found:

(1) The staff file presented for review (DOH: 5/18/16) did not contain results of a child abuse/neglect check or documentation showing that it had been submitted. The surveyor observed the staff member working alone on the playground with the Pre-K class with eleven (11) children two-years-old to five-years-old.

(2) The staff file presented for review (DOH: 5/18/16) contained criminal records check results that had been submitted on 5/19/16 which is not on or before the hire date as required.

(3) The staff file presented for review (DOH: 10/30/15) did not contain criminal records check results; however, there was documentation showing that the criminal records check was submitted on 8/7/15. The director reported that to her knowledge the staff member had not worked alone with the children.

(4) The volunteer file presented for review (Start date: 6/27/16) did not contain criminal records check results or proof that the criminal records check had been submitted on or before the start date.

(5) Two (2) staff files presented for review (DOH: 10/30/15, 6/19/16) did not contain results of a child abuse/neglect check and there was no documentation showing that the child abuse/neglect check had been submitted within five (5) days of the hire date.

(6) Two volunteer files presented for review (Start date: 6/27/16, 6/13/16) did not contain results of a child abuse/neglect check or documentation showing that the child abuse/neglect check had been submitted within five (5) days of the start date.

The director reported she had just started at the center on 7/25/16 and has not had the opportunity to review files for compliance. The director stated she was not sure as to which background checks had been submitted or recieved.

Findings:

General: Based on review of documentation and interview, the following was found:

(1) The staff file presented for review (DOH: 5/18/16) did not contain results of a child abuse/neglect check or documentation showing that it had been submitted. The surveyor observed the staff member working alone on the playground with the Pre-K class with eleven (11) children two-years-old to five-years-old.

(2) The staff file presented for review (DOH: 5/18/16) contained criminal records check results that had been submitted on 5/19/16 which is not on or before the hire date as required.

(3) The staff file presented for review (DOH: 10/30/15) did not contain criminal records check results; however, there was documentation showing that the criminal records check was submitted on 8/7/15. The director reported that to her knowledge the staff member had not worked alone with the children.

(4) The volunteer file presented for review (Start date: 6/27/16) did not contain criminal records check results or proof that the criminal records check had been submitted on or before the start date.

(5) Two (2) staff files presented for review (DOH: 10/30/15, 6/19/16) did not contain results of a child abuse/neglect check and there was no documentation showing that the child abuse/neglect check had been submitted within five (5) days of the hire date.

(6) Two volunteer files presented for review (Start date: 6/27/16, 6/13/16) did not contain results of a child abuse/neglect check or documentation showing that the child abuse/neglect check had been submitted within five (5) days of the start date.

The director reported she had just started at the center on 7/25/16 and has not had the opportunity to review files for compliance. The director stated she was not sure as to which background checks had been submitted or recieved.

Findings:

General: Based on review of documentation and interview, the following was found:

(1) The staff file presented for review (DOH: 5/18/16) did not contain results of a child abuse/neglect check or documentation showing that it had been submitted. The surveyor observed the staff member working alone on the playground with the Pre-K class with eleven (11) children two-years-old to five-years-old.

(2) The staff file presented for review (DOH: 5/18/16) contained criminal records check results that had been submitted on 5/19/16 which is not on or before the hire date as required.

(3) The staff file presented for review (DOH: 10/30/15) did not contain criminal records check results; however, there was documentation showing that the criminal records check was submitted on 8/7/15. The director reported that to her knowledge the staff member had not worked alone with the children.

(4) The volunteer file presented for review (Start date: 6/27/16) did not contain criminal records check results or proof that the criminal records check had been submitted on or before the start date.

(5) Two (2) staff files presented for review (DOH: 10/30/15, 6/19/16) did not contain results of a child abuse/neglect check and there was no documentation showing that the child abuse/neglect check had been submitted within five (5) days of the hire date.

(6) Two volunteer files presented for review (Start date: 6/27/16, 6/13/16) did not contain results of a child abuse/neglect check or documentation showing that the child abuse/neglect check had been submitted within five (5) days of the start date.

The director reported she had just started at the center on 7/25/16 and has not had the opportunity to review files for compliance. The director stated she was not sure as to which background checks had been submitted or recieved.

305 - Background checks/discharged — **In Compliance**

922 KAR 2:090. Section 6. License Issuance.
(6) Upon completion of background checks described in subsection (4)(b) of this section, a licensee shall discharge immediately:
(a) An individual whose name is listed on the central registry established by 922 KAR 1:470;
(b) An individual who has been convicted of, or has entered an Alford plea or a plea of guilty to, a crime in accordance with KRS 17.165;
(c) An individual who is confirmed by an address check of the Sex Offender Registry and supporting documentation as a registered sex offender;
(d) An individual who has been convicted of, or entered an Alford plea or plea of guilty to, a drug-related felony, and five (5) years has not elapsed since the person was fully discharged from imprisonment, probation, or parole;
(e) A director who has been convicted of, or entered an Alford plea or a plea of guilty to, a felony offense involving fraud, embezzlement, theft, or forgery; and
(f) An individual who has been convicted of, or has entered an Alford plea or a plea of guilty to, an offense under a criminal statute of the United States or of another state similar to an offense specified in this subsection.
(7) An individual who has been convicted of, or entered an Alford plea or a plea of guilty to, a nonviolent felony or misdemeanor not specified in this section shall be handled on a case-by-case basis by the licensee with consideration given to the:
(a) Nature of the offense;
(b) Length of time that has elapsed since the event; and
(c) Individual's life experiences after conviction, Alford plea, or guilty plea.

310 - Personnel File — **In Compliance**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(e) A current personnel file for each child-care center staff person to include:
1. Name, address, date of birth, and date of employment;
2. Proof of educational qualifications;
3. Record of annual performance evaluation;
4. Written record of training participation to include:
a. The training source;
b. Location;
c. Date; and
d. Number of clock hours completed;
5. Every two (2) years, a:
a. Statement from a health professional that the individual is free of active tuberculosis; or
b. Copy of negative tuberculin results; and
6. For a director, employee, volunteer, or any person with supervisory or disciplinary control over, or having unsupervised contact with, a child in care, the results of a:
a. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;
b. Criminal records check required by KRS 199.896(19);
c. Criminal records check from any previous state of residence completed once if:
(i) The individual resided outside the state of Kentucky in the last five (5) years; and
(ii) No criminal records check has been completed for the individual's previous state of residence; and
d. An address check of the Sex Offender Registry;

315 - Educational Requirements — **Not In Compliance**

922 KAR 2:110. Section 5. Staff Requirements.
(1) Child-care center staff:
(a) Hired after January 1, 2009, who have supervisory power over a minor and are not enrolled in secondary education, shall have a:
1. High school diploma:
2. GED or qualifying documentation from a comparable educational entity; or
3. Commonwealth Child Care Credential as described in 922 KAR 2:250;

Findings:

General: Based on review of documentation and interview, the surveyor found that two (2) staff files presented for review (DOH: 10/30/15, 6/19/16) did not contain required proof of education. The director reported that she had just started at the center on 7/25/16 and had not yet reviewed files for compliance.

Findings:

General: Based on review of documentation and interview, the surveyor found that two (2) staff files presented for review (DOH: 10/30/15, 6/19/16) did not contain required proof of education. The director reported that she had just started at the center on 7/25/16 and had not yet reviewed files for compliance.

320 - TB Verification — **Not In Compliance**

922 KAR 2:110. Section 5. Staff Requirements.
(1) Child-care center staff:
(b) Shall provide, prior to employment and every two (2) years thereafter:
1. A statement from a health professional that the individual is free of active tuberculosis; or
2. A copy of negative tuberculin results.

Findings:

General: Based on review of documentation and interview, the surveyor found that two (2) staff files presented for review (DOH: 1/18/16, 3/27/12,10/30/15) did not contain results of a negative tuberculin skin test that had been interpreted within the past two (2) years. The director reported that she had just started at the center on 7/25/16 and had not yet reviewed staff files for compliance and did not think she could find the missing information.

Findings:

General: Based on review of documentation and interview, the surveyor found that two (2) staff files presented for review (DOH: 1/18/16, 3/27/12,10/30/15) did not contain results of a negative tuberculin skin test that had been interpreted within the past two (2) years. The director reported that she had just started at the center on 7/25/16 and had not yet reviewed staff files for compliance and did not think she could find the missing information.

325 - CPR/First Aid Coverage **In Compliance**

922 KAR 2:110. Section 5. Staff Requirements.
(3) For a child-care center licensed for infant, toddler, or preschool-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:
(a) Infant and child cardiopulmonary resuscitation; and
(b) Infant and child first aid.
(4) For a child-care center licensed for school-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:
(a) Adult cardiopulmonary resuscitation; and
(b) First aid.

330 - Adequate Substitute(s) **In Compliance**

922 KAR 2:110. Section 5. Staff Requirements.
(6) Child-care centers shall have available in case of need:
(a) One (1) qualified substitute staff person for a Type II child-care center; or
(b) Two (2) qualified substitute staff persons for a Type I child-care center.

335 - Qualified Substitute **In Compliance**

922 KAR 2:110. Section 5. Staff Requirements.
(7) Each qualified substitute staff person shall:
(a) Meet the staff requirements of this administrative regulation; and
(b) Provide the required documentation to verify compliance with this administrative regulation.

340 - Training **Not In Compliance**

922 KAR 2:110. Section 5. Staff Requirements.
(14) In accordance with KRS 199.896(15) and (16), a staff person with supervisory authority over a child shall complete the following:
(a) Six (6) hours of cabinet-approved orientation within the first three (3) months of employment;
(b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment, including one and one-half (1 ½) hours of pediatric abusive head trauma training; and
(c) Fifteen (15) hours of cabinet-approved early care and education training during each subsequent year of employment, including one and one-half (1 ½) hours of pediatric abusive head trauma training completed once every five (5) years.

Findings:

General: Based on review of documentation, review of ECE-Tris, and interview, the following was found:

(1) Staff file presented for review (DOH: 5/7/15) did not contain documentation of the staff member completing the required fifteen (15) hours of annual training. Review of ECE-Tris revealed the staff member had only completed seven and one half (7 1/2) hours of training.

(2) Staff file presented for review (DOH: 3/27/12) did not contain documentation of the staff member completing the required fifteen (15) hours of annual training. Review of ECE-Tris revealed the staff member had only completed eleven (11) hours of training.

(3) Staff file presented for review (DOH: 6/1/13) did not contain documentation of the staff member completing the required fifteen (15) hours of annual training. Review of ECE-Tris revealed the staff member had only completed twelve (12) hours of training.

(4) Staff file presented for review (DOH: 2/24/14) did not contain documentation of the staff member completing the required fifteen (15) hours of annual training or Pediatric Abusive Head Trauma within the past five years. Review of ECE-Tris revealed that the staff member had not completed fifteen (15) hours of annual training or Pediatric Abusive Head Trauma training.

(5) Staff files presented for review (DOH: 6/1/13) did not contain documentation of the staff member completing the required fifteen (15) hours of annual training or Pediatric Abusive Head Trauma within the past five years. Review of ECE-Tris revealed that the staff member had not completed fifteen (15) hours of annual training or Pediatric Abusive Head Trauma training.

(6) Staff file presented for review (DOH: 10/12/15) contained documentation of orientation being completed on 1/26/16 which is not within the the three (3) months of hire as required. Review of ECE-Tris confirmed that orientation was completed on 1/26/16.

(7) Staff file presented for review (DOH: 10/30/15) contained documentation of orientation being completed on 3/8/16 which is not within the the three (3) months of hire as required. Review of ECE-Tris confirmed that orientation was completed on 3/8/16.

The director reported that she had just taken over as director as of 7/25/16 and has not had the opportunity to review files for compliance.

Findings:

General: Based on review of documentation, review of ECE-Tris, and interview, the following was found:

(1) Staff file presented for review (DOH: 5/7/15) did not contain documentation of the staff member completing the required fifteen (15) hours of annual training. Review of ECE-Tris revealed the staff member had only completed seven and one half (7 1/2) hours of training.

(2) Staff file presented for review (DOH: 3/27/12) did not contain documentation of the staff member completing the required fifteen (15) hours of annual training. Review of ECE-Tris revealed the staff member had only completed eleven (11) hours of training.

(3) Staff file presented for review (DOH: 6/1/13) did not contain documentation of the staff member completing the required fifteen (15) hours of annual training. Review of ECE-Tris revealed the staff member had only completed twelve (12) hours of training.

(4) Staff file presented for review (DOH: 2/24/14) did not contain documentation of the staff member completing the required fifteen (15) hours of annual training or Pediatric Abusive Head Trauma within the past five years. Review of ECE-Tris revealed that the staff member had not completed fifteen (15) hours of annual training or Pediatric Abusive Head Trauma training.

(5) Staff files presented for review (DOH: 6/1/13) did not contain documentation of the staff member completing the required fifteen (15) hours of annual training or Pediatric Abusive Head Trauma within the past five years. Review of ECE-Tris revealed that the staff member had not completed fifteen (15) hours of annual training or Pediatric Abusive Head Trauma training.

(6) Staff file presented for review (DOH: 10/12/15) contained documentation of orientation being completed on 1/26/16 which is not within the the three (3) months of hire as required. Review of ECE-Tris confirmed that orientation was completed on 1/26/16.

(7) Staff file presented for review (DOH: 10/30/15) contained documentation of orientation being completed on 3/8/16 which is not within the the three (3) months of hire as required. Review of ECE-Tris confirmed that orientation was completed on 3/8/16.

The director reported that she had just taken over as director as of 7/25/16 and has not had the opportunity to review files for compliance.

345 - Driver Requirements **Not Applicable**

922 KAR 2:120. Section 12. Transportation.
(18) A driver of a vehicle transporting a child for a center shall:
(a) Be at least twenty-one (21) years old;
(b) Complete:
1. The background checks as described in 922 KAR 2:110; and
2. An annual check of the:
a. Kentucky driver history records in accordance with KRS 186.018; or
b. Driver history records through the state transportation agency that issued the driver's license;
(c) Hold a current driver's license which has not been suspended or revoked during the last five (5) years; and
(d) Not caused an accident which resulted in the death of a person.

Programming

350 - Program of Activities Followed **Not In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(4) The child-care center shall provide a daily planned program:
(a) Posted in writing in a conspicuous location with each age group and followed;
(b) Of activities that are individualized and developmentally appropriate for each child served;
(c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being; and
(d) That offers a variety of creative activities including the following:
1. Art;
2. Music;
3. Dramatic play;
4. Stories and books;
5. Science;
6. Block building;
7. Tactile activity;
8. Culture;
9. Indoor or outdoor play in which a child makes use of both small and large muscles;
10. A balance of active and quiet play, including group and individual activity;
11. An opportunity for a child to:
a. Have some free choice of activities;
b. If desired, play apart from the group at times;

Findings:

General: Based on observation and interview, the following was found:

(1) The lesson plan posted in the One's classroom was dated for Week One (1) of April. Staff reported that they did not have a current lesson a plan to post.

(2) The lesson plan posted in the School Age classroom was for week two (2) of the month; however, the inspection was completed on 7/26/16 which was in week four (4) of the month. Staff reported they were currently following the week two (2) lesson plan.

355 - Practice Appropriate Self-Help Procedures **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(4) The child-care center shall provide a daily planned program:
(d) That offers a variety of creative activities including the following:
11. An opportunity for a child to:
c. Practice developmentally appropriate self-help procedures in respect to:
(i) Clothing;
(ii) Toileting;
(iii) Hand-washing; and
(iv) Eating;

360 - Electronic Viewing/Listening Devices — **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(4) The child-care center shall provide a daily planned program:
(d) That offers a variety of creative activities including the follwoing:
12. Use of electronic viewing and listening devices if the:
a. Material is appropriate to the child using the equipment;
b. Material does not include any violence, adult content viewing, or inappropriate language;
c. Viewing or individual listening is limited to two (2) hours per day;
d. Viewing or listening is discussed with parents prior to viewing or listening; and
e. Viewing or listening is designed as an educational tool.
(5) A child who does not wish to use the electronic devices during the planned program shall be offered other appropriate activities.

365 - Regularity of Routines — **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(6) Regularity of routines shall be implemented to afford the child familiarity with the daily schedule of activity.

370 - Sufficient Activity Time — **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(7) Sufficient time shall be allowed for an activity so that a child may progress at their own developmental rate.

375 - Waiting Period — **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(8) A child shall not be required to stand or sit for a prolonged period of time:
(a) During an activity;
(b) While waiting for an activity to start; or
(c) As punishment.

380 - School Age Care — **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(9) If school-age care is provided:
(a) A separate area or room shall be provided in a Type I child-care center; and
(b) Each child shall be provided a snack after school.

385 - Discipline — **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(10) A child shall not be subjected to:
(a) Corporal physical discipline pursuant to KRS 199.896(18);
(b) Loud, profane, threatening, frightening, or abusive language; or
(c) Discipline that is associated with:
1. Rest;
2. Toileting; or
3. Food.

390 - Diagnosed Special Need — **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(12) Care for a child with a special need shall be consistent with the nature of the need as documented by the child's health professional.

395 - Electronic Viewing/Listening Planned Program — **In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(1) Electronic viewing and listening devices shall only be used in the center as a part of the child's planned program of activity described Section 2(4) of this administrative regulation.

400 - Computer Monitoring Device — **In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(3) Computer equipment shall be equipped with a monitoring device which limits access by a child to items inappropriate for a child to view or hear.

405 - Weather Conditions — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(17) Outdoor activity shall be restricted based upon:
(a) Temperature;
(b) Weather conditions; or
(d) Weather alerts, advisories, and warnings issued by the National Weather Service.

410 - Infant/Toddler Combined with Older Children **In Compliance**

922 KAR 2:120. Section 5. Infant and Toddler Play Requirements.
(2) Except in accordance with subsection (3) of this section, an infant or toddler shall participate in an activity with an older child for no more than one (1) hour per day.

415 - Toddler Combined with Preschool **Not In Compliance**

922 KAR 2:120. Section 5. Infant and Toddler Play Requirements.
(3) A toddler may participate in an activity with an older child for more than one (1) hour per day if:
(a) The toddler is in transition to the pre-school age group;
(b) The toddler is twenty-one (21) months or older;
(c) Space for the toddler is available in the preschool-age group;
(d) The staff-to-child ratios and group sizes are maintained based the age of the youngest child;
(e) The center has a procedure for listing a transitioning toddler on attendance records, including a specific day and time the toddler is with either age group; and
(f) The child care center has obtained the signature and approval of the toddler's parent on the toddler's transition plan.

Findings:

General: Based on observation and interview, upon arrival to the center the surveyor observed twenty-two (22) children on the playground with two (2) staff members. The children ranged in age from one (1) year old to twelve (12) years old. One staff member was observed carrying a child that was identified by staff to be one (1) year old. The center was therefore not maintaining required staff-to-child ratios or group size and did not have room for the toddler to be combined with the older children.

420 - Infant Sleep Position **Not In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(1) An infant shall sleep or nap on the infant's back unless the infant's health professional signs a waiver that states the infant requires an alternate sleeping position.

Findings:

General: Based on observation and interview, the surveyor observed two (2) infants sleeping in bouncy seats in the One's classroom. Staff reported that the infants and one (1) year-old children had been being combined in the One's classroom for approximately two (2) to three (3) months and that the infants always nap in the bouncy seats or on cots. Staff stated cribs were available in the infant classroom; however, the infant classroom could not be utilized until it is cleaned up.

425 - Rest Time Requirement **In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(2) Rest time shall be provided for each child who is not school-age and who is in care for more than four (4) hours.

435 - Bedding/Toys in Crib **In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(3) Rest time shall include adequate space specified by the child's age as follows:
(a) For an infant:
3. No loose bedding; and
4. No toys or other items except the infant's pacifier;

440 - Two Hour Limit - Rest Time **In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(4) Rest time shall not exceed two (2) hours for a preschool-age child unless the child is attending the child-care center during nontraditional hours.

445 - Rest Period - Alternate Activity **In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(5) A child who does not sleep shall be permitted to play quietly and shall be visually supervised.

450 - Appropriate Use of Food **In Compliance**

922 KAR 2:120. Section 9. Food and Meal Requirements.
(2) Food shall not be:
(a) Used for reward;
(b) Used for discipline;
(c) Withheld until all other foods are consumed; or
(d) Served while viewing electronic devices.

455 - Toilet Training **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(5) Toilet training shall be coordinated with the child's parent.

Premises

460 - Inaccessible Items — **Not In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(7) Except in accordance with subsection (8) of this section, the following shall be inaccessible to a child in care:
(a) Toxic cleaning supplies, poisons, and insecticides;
(b) Knives and sharp objects;
(c) Matches, cigarettes, lighters, and flammable liquids;
(d) Plastic bags;
(e) Litter and rubbish;
(f) Bar soap; and
(g) Personal belongings and medications of staff.

Findings:

General: Based on observation and interview, the following was found:

(1) There was a staff member's personal drink in a plastic bottle with lid on it sitting next to the rocking chair in the One's classroom. The staff member identified the drink as their personal drink.

(2) There was a vaccuum located in the Pre-K classroom next to the that was accessible to the children. Staff reported that the vaccuum is supposed to be stored in the closet in the hallway.

(3) In the hall bathroom, there was a plunger sitting in the floor in the corner next to the toilet. The plunger was accessible to children as staff reported the restroom is utilized by the children.

Findings:

General: Based on observation and interview, the following was found:

(1) There was a staff member's personal drink in a plastic bottle with lid on it sitting next to the rocking chair in the One's classroom. The staff member identified the drink as their personal drink.

(2) There was a vaccuum located in the Pre-K classroom next to the that was accessible to the children. Staff reported that the vaccuum is supposed to be stored in the closet in the hallway.

(3) In the hall bathroom, there was a plunger sitting in the floor in the corner next to the toilet. The plunger was accessible to children as staff reported the restroom is utilized by the children.

465 - Items Accessible Only During Activity — **In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(8) The following shall be inaccessible to a child in care unless under direct supervision and part of planned program of instruction:
(a) Knives and sharp objects;
(b) Litter and rubbish; and
(c) Plastic bags not used for personal belongings.

470 - Guns/Ammunition Storage — **In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(9) In accordance with KRS 527.070(1), firearms and ammunition shall be stored separately in a locked area outside of the designated child care area.

475 - Smoking Protocol — **In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(10) Smoking shall:
(a) Be permitted in accordance with local ordinances;
(b) Be allowed only in outside designated areas; and
(c) Not be permitted in the presence of a child.

480 - Premises Requirements — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(1) The premises shall be:
(a) Suitable for the purpose intended;
(b) Kept clean and in good repair;

485 - Phone Requirement — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(1) The premises shall be:
(c) Equipped with a working land-line telephone accessible to a room used by a child.

490 - Fire Exits Clear — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(3) Fire and emergency exits shall be kept clear of debris.

495 - Carbon Monoxide Detector — **Not Applicable**

922 KAR 2:120. Section 4. Premises Requirements.
(4) A working carbon monoxide detector shall be required in a licensed child-care center that is in a home if the home:
(a) Uses fuel burning appliances; or
(b) Has an attached garage.

500 - Building Requirements **Not In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(5) The building shall be constructed to ensure the:
(a) Building is:
1. Dry;
2. Adequately heated;
3. Ventilated; and
4. Well lit, including clean light fixtures that are:
a. In good repair in all areas; and
b. Shielded or have shattered proof bulbs installed; and
(b) Following are protected:
1. Windows;
2. Doors;
3. Stoves;
4. Heaters;
5. Furnaces;
6. Pipes; and
7. Stairs.

Findings:

General: Based on observation and interview, the surveyor found that the light over the blue rug in the Pre-K classroom was not working. As a result, that half of the classroom was not adequately lighted. The director reported that she had just started at the center on 7/25/16 and was not aware that the light was not working.

505 - 35 Square Feet per Child **Not In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(6) Exclusive of the kitchen, bathroom, hallway, and storage area, there shall be a minimum of thirty-five (35) square feet of space per child.

Findings:

General: Based on observation and interview, the surveyor found that the School Age classroom was over the approved capacity. Review of the center's diagram revealed that the maximum capacity for the School Aged classroom was fifteen (15) children. The surveyor observed eighteen (18) children in the school age classroom at time of inspection. The staff stated that there were a total of eighteen (18) school age children present in the classroom.

Findings:

General: Based on observation and interview, the surveyor found that the School Age classroom was over the approved capacity. Review of the center's diagram revealed that the maximum capacity for the School Aged classroom was fifteen (15) children. The surveyor observed eighteen (18) children in the school age classroom at time of inspection. The staff stated that there were a total of eighteen (18) school age children present in the classroom.

510 - Pest Control **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(7) Measures shall be utilized to control the presence of:
(a) Rodents;
(b) Flies;
(c) Roaches; and
(d) Other vermin.

515 - Protected Openings **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(8) An opening to the outside shall be effectively protected against the entrance of vermin by:
(a) Self-closing doors;
(b) Closed windows;
(c) Screening;
(d) Controlled air current; or
(e) Other effective means.

520 - Floors, Walls, Ceilings **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(9) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.

525 - Water Supply Requirements **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(10) The water supply shall be:
(a) Potable;
(b) Protected from contamination;
(c) Adequate in quality and volume;
(d) Under sufficient pressure to permit unrestricted use; and
(e) Obtained from an approved public water supply or a source approved by the local health department.
(11) Groundwater supplies for a child-care center caring for:
(a) More than twenty-five (25) children shall meet the specifications of the Cabinet for Environmental and Public Protection Division of Water, established in KRS Chapter 151; or
(b) Twenty-five (25) children or less shall secure approval from the:
1. Cabinet for Environmental and Public Protection; or
2. Local health department.

530 - Sewage Disposal **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(12) Sewage shall be properly disposed by a method approved by the:
(a) Cabinet for Environmental and Public Protection; or
(b) Cabinet.

535 - Plumbing Code **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(13) All plumbing shall comply with the State Plumbing Code established in KRS Chapter 318.

540 - Solid Waste **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(14) Solid waste shall be kept in a suitable receptacle in accordance with local, county and state law, as governed by KRS 211.350 to 211.380.

545 - Child Care Program Interference **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(15) If a portion of the building is used for a purpose other than child care:
(a) Necessary provisions shall be made to avoid interference with the child-care program; and
(b) A separate restroom shall be provided for use only by those using the building for its child care purpose.

550 - Building Temperature **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(16) The temperature of the inside area of the premises shall be:
(a) Sixty-five (65) to seventy-five (75) degrees Fahrenheit during the winter; or
(b) Sixty-eight (68) to eighty-two (82) degrees Fahrenheit during the summer months.

555 - Indoor Gross Motor Space Requirements **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(22) If a child-care center does not have access to an outdoor play area, an indoor space shall:
(a) Be used as a play area;
(b) Have a minimum of sixty (60) square feet per child, separate from and in addition to the thirty-five (35) square feet minimum pursuant to subsection (6) of this section;
(c) Include equipment for gross motor skills;
(d) Be well-ventilated;
(e) Be heated; and
(f) Have a protective surface of at least two (2) inches thick around equipment intended for climbing.

560 - Prohibited Bodies of Water **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(27) Bodies of water that shall not be utilized include:
(a) Portable wading pools;
(b) Natural bodies of water: and
(c) Unfiltered, non-disinfected containers.

565 - Infant/Toddler Indoor Space **In Compliance**

922 KAR 2:120. Section 5. Infant and Toddler Play Requirements.
(1) Infant and toddler inside areas shall:
(a) Be separate from an area used by an older child;
(b) Not be an exit or entrance; and
(c) Have adequate crawling space for an infant or toddler away from general traffic patterns of the center.

570 - Cots/Mats Location Restrictions **In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(7) If cots or mats are used, floors shall be free from:
(a) Drafts;
(b) Liquid substances;
(c) Dirt; and
(d) Dampness.

575 - Minimum Toilet/Urinal Requirements — **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(1) A child-care center shall have a minimum of one (1) toilet and one (1) lavatory for each twenty (20) children. Urinals may be substituted for up to one-half (1/2) of the number of toilets required for a male toilet room.

580 - Toilet Room — **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(2) A toilet room shall:
(a) 1. Be provided for each gender; or
2. A plan shall be implemented to use the same toilet room at separate times;
(b) Have a supply of toilet paper; and
(c) Be cleaned and sanitized daily.

585 - Sink — **Not In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(3) A sink shall be:
(a) Located in or immediately adjacent to toilet rooms;
(b) Equipped with hot and cold running water that allows for hand washing;
(c) Equipped with hot water at a minimum temperature of ninety (90) degrees Fahrenheit and a maximum of 120 degrees Fahrenheit;
(d) Equipped with liquid soap;
(e) Equipped with hand-drying blower or single use disposable hand drying material;
(f) Equipped with an easily cleanable waste receptacle; and
(g) Immediately adjacent to a changing area used for infants and toddlers.

Findings:

General: Based on observation and interview, the surveyor found that the sink located in the One's classroom was not draining properly as the water filled to the top of the sink basin without a drain plug in place. The sink can not be properly cleaned if it is not draining adequately. Staff stated that the center has always had issues with the sinks getting clogged and not draining correctly.

590 - Toilet — **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(4) Each toilet shall:
(a) Be kept in clean condition;
(b) Be kept in good repair;
(c) Be in a lighted room; and
(d) Have ventilation to outside air.

Hygienic Practices

595 - Child Personal Care/Handwashing — **In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(4) A child shall:
(a) Be helped with personal care and cleanliness based upon their developmental skills; and
(b) Wash his or her hands with liquid soap and warm running water:
1. a. Upon arrival at the center; or
b. Within thirty (30) minutes of arrival for school-age children;
2. Before and after eating or handling food;
3. After toileting or diaper change;
4. After handling animals;
5. After wiping or blowing nose;
6. After touching items soiled with body fluids or wastes; and
7. After outdoor or indoor play time.

600 - Staff Hygiene/Handwashing — **In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(5) Staff shall:
(a) Maintain personal cleanliness;
(b) Conform to hygienic practices while on duty; and
(c) Wash their hands with liquid soap and running water:
1. Upon arrival at the center;
2. After toileting or assisting a child in toileting;
3. Before and after diapering each child;
4. After wiping or blowing a child's or own nose;
5. After handling animals;
6. After caring for a sick child;
7. Before and after feeding a child or eating;
8. Before dispensing medication; and
9. If possible, before administering first aid.

610 - Diapers/Clean Clothing Supply **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(6) An adequate quantity of freshly laundered or disposable diapers and clean clothing shall be available.

615 - Training Chair **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(7) If a toilet training chair is used, the chair shall be:
(a) Used over a surface that is impervious to moisture;
(b) Out of reach of other toilets or toilet training chairs;
(c) Emptied promptly; and
(d) Sanitized after each use.

620 - Soiled Diapers/Clothing **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(8) Diapers or clothing shall be:
(a) Changed when soiled or wet;
(b) Stored in a covered container temporarily; and
(c) Washed or disposed of at least once a day.

625 - Diaper Changing Area/Surface **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(10) When a child is diapered, the child shall:
(b) Be placed on a surface that is:
1. Clean;
2. Padded;
3. Free of holes, rips, tears, or other damage;
4. Nonabsorbent;
5. Easily cleaned; and
6. Free of any items not used for diaper changing.

630 - Wipes **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(11) Unless allergic, individual disposable washcloths shall be used to thoroughly clean the affected area of the child.

635 - Diapering Practice **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(12) Staff shall disinfect the diapering surface after each child is diapered.
(13) If staff wear disposable gloves, the gloves shall be changed and disposed after each child is diapered.

640 - Children's Individual Items **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(14) Combs, towels or washcloths, brushes, and toothbrushes used by a child shall be:
(a) Individually stored in separate containers; and
(b) Plainly labeled with the child's name.

645 - Toothbrush/Toothpaste **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(15) Toothbrushes shall be:
(a) Individually identified;
(b) Allowed to air dry; and
(c) Protected from contamination.
(16) Toothpaste used by multiple children shall be dispensed onto an intermediate surface, such as waxed paper, to avoid cross contamination.

650 - Toy Sanitation Procedure **In Compliance**

922 KAR 2:120. Section 11. Toys and Furnishings.
(4) Toys and other items that are considered mouth contact surfaces by a child not toilet trained shall be sanitized daily by:
(a) Scrubbing in warm, soapy water using a brush to reach into crevices;
(b) Rinsing in clean water;
(c) Submerging in a sanitizing solution for at least two (2) minutes; and
(d) Air dried.

First Aid/Medication

655 - First Aid Supplies — **Not In Compliance**

922 KAR 2:120. Section 7. First Aid and Medicine.
(1) First aid supplies shall:
(a) Be available to provide prompt and proper first aid treatment;
(b) Be stored out of reach of a child;
(c) Be periodically inventoried to ensure the supplies are current;
(d) If reusable, be:
1. Sanitized; and
2. Maintained in a sanitary manner; and
(e) Include:
1. Liquid soap;
2. Adhesive bandages;
3. Sterile gauze;
4. Medical tape;
5. Scissors;
6. A thermometer;
7. Flashlight;
8. Cold pack;
9. First aid book;
10. Disposable gloves; and
11. A cardiopulmonary resuscitation mouthpiece protector.

Findings:

General: Based on observation and interview, the surveyor found that the first aid kit did not contain medical tape or a cold pack. Staff reported the items had previously been in the first aid kit but may have been taken out to use and not replaced.

660 - Medication Administration — **In Compliance**

922 KAR 2:120. Section 7. First Aid and Medicine.
(4) Prescription and nonprescription medication shall be administered to a child in care:
(a) With a daily written request of the child's parent.
(b) According to the directions or instructions on the medication's label.

665 - Administration Record — **In Compliance**

922 KAR 2:120. Section 7. First Aid and Medicine.
(5) The child-care center shall keep a written record of the administration of medication, including:
(a) Time of each dosage;
(b) Date;
(c) Amount;
(d) Name of staff person giving the medication;
(e) Name of the child; and
(f) Name of the medication.

670 - Medication — **In Compliance**

922 KAR 2:120. Section 7. First Aid and Medicine.
(6) Medication, including refrigerated medication, shall be:
(a) Stored in a separate and locked place, out of the reach of a child;
(b) Kept in the original bottle; and
(c) Properly labeled.
(7) Medication shall not be given to a child if the expiration date on the bottle has passed.

Outdoor Play Area

675 - Fence Requirement — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(20) An outdoor play area shall be:
(a) Except for an after-school child-care program, located on the premises of a public or state-accredited nonpublic school, fenced for the safety of the children;

680 - 60 Square Feet — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(20) An outdoor play area shall be:
(b) A minimum of sixty (60) square feet per child, separate from and in addition to the thirty-five (35) square feet minimum pursuant to subsection (6) of this section;

685 - Playground Clean — **Not In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(20) An outdoor play area shall be:
(c) Free from:
1. Litter;
2. Glass;
3. Rubbish; and
4. Flammable materials;

Findings:

General: Based on observation and interview, the surveyor found the following:

(1) There was an empy milk jug on the playground between the wood deck and fence.

(2) There was a soiled wash rag and empty bottle of cleaning solution in a high chair located on the playground.

The director was not aware of these issues.

Findings:

General: Based on observation and interview, the surveyor found the following:

(1) There was an empy milk jug on the playground between the wood deck and fence.

(2) There was a soiled wash rag and empty bottle of cleaning solution in a high chair located on the playground.

The director was not aware of these issues.

690 - Playground Conditions — **Not In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(20) An outdoor play area shall be:
(d) Safe from foreseeable hazard;
(e) Well drained;
(f) Well maintained;
(g) In good repair; and
(h) Visible to staff at all times.

Findings:

General: Based on observation and interview, the surveyor found that the playground was not free from forseeable hazards as the wood deck had multiple loose boards and many nails protruding from the boards which could created tripping hazards. The director stated that she had just started working at the center on 7/25/16 and was not aware of the issues on the playground.

695 - Protective Surface — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(21) A protective surface shall:
(a) Be provided for outdoor play equipment used to:
1. Climb;
2. Swing; and
3. Slide; and
(b) Have a fall zone equal to the height of the equipment.

700 - Fences — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(23) Fences shall be:
(a) Constructed of safe material;
(b) Stable; and
(c) In good condition.

705 - Infant/Toddler Outdoor Space — **In Compliance**

922 KAR 2:120. Section 5. Infant and Toddler Play Requirements.
(4) If a child-care center provides an outdoor play area for an infant or toddler, the outdoor area shall be:
(a) Shaded; and
(b) A separate area or scheduled at a different time than an older child.

Equipment

710 - Play Equipment — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(24) Supports for climbing apparatus and large equipment shall be securely fastened to the ground.
(25) Crawl spaces, such as tunnels, shall be short and wide enough to permit access by adults.
(26) A sandbox shall be:
(a) Constructed to allow for drainage;
(b) Covered when not in use;
(c) Kept clean; and
(d) Checked for vermin prior to use.

715 - Sufficient Appropriate Equipment — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(28) A child-care center shall have enough toys, play apparatus, and developmentally appropriate materials to provide each child with a variety of activities during the day, as specified in Section 2 of this administrative regulation.

720 - Storage Space/Storage Device — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(29) Storage space shall be provided:
(a) In the form of:
1. Shelves; or
2. Other storage device accessible to the children; and
(b) In sufficient quantity for each child's personal belongings.

725 - Playpens/Play Yards — **In Compliance**

922 KAR 2:120. Section 5. Infant and Toddler Play Requirements.
(5) Playpens and play yards shall:
(a) Meet federal standards as issued by the Consumer Product Safety Commission, including 16 C.F.R. 1221;
(b) Be manufactured for commercial use; and
(c) Not be used for sleeping or napping.

730 - Crib/Mattress/Sheet — **In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(3) Rest time shall include adequate space specified by the child's age as follows:
(a) For an infant:
1. An individual non-tiered crib that meets Consumer Product Safety Commission standards established in 16 C.F.R. 1219-1220;
2. A firm crib mattress in good repair with a clean tight-fitted sheet that shall be changed:
a. Weekly; or
b. Immediately if it is soiled or wet;

735 - Individual Bed/Mat/Cot and Bedding — **In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(3) Rest time shall include adequate space specified by the child's age as follows:
(b) For a toddler or preschool-age child:
1. An individual bed, a two (2) inch thick waterproof mat, or cot in good repair; and
2. Bedding that is in good repair and is changed:
a. Weekly; or
b. Immediately if it is soiled or wet.

740 - Twelve Inch Spacing — **In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(6) Cots, equipment, and furnishings used for sleeping and napping shall be spaced twelve (12) inches apart to allow free and safe movement by a person.

745 - Cots/Mats Sanitized — **In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(8) Cots or mats not labeled for individual use by a child shall be sanitized after each use.

750 - Individual Bedding Storage — **In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(9) Individual bedding shall be stored in a sanitary manner.

755 - Toys/Equipment/Furniture — **In Compliance**

922 KAR 2:120. Section 11. Toys and Furnishings.
(1) All toys, equipment, and furniture contacted by a child shall be:
(a) Kept clean and in good repair; and
(b) Free of peeling, flaking, or chalking paint.

760 - Indoor/Outdoor Equipment — **Not In Compliance**

922 KAR 2:120. Section 11. Toys and Furnishings.
(2) Indoor and outdoor equipment shall:
(a) Be clean, safe, and in good repair;
(b) Meet the physical, developmental needs, and interests of children of different age groups;
(c) Be free from sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous small parts, lead-based paint, poisonous material, and flaking or chalking paint; and
(d) Be designed to guard against entrapment or situations that may cause strangulation.

Findings:

General: Based on observation and interview, the surveyor found that the bicycle merry-go-round located on the playground was missing the rubber from one (1) of the wheels and most of the bicycle pedals were missing. The director stated she was not aware of the condition of the playground equipment as she had just started working at the center.

765 - Toys — **In Compliance**

922 KAR 2:120. Section 11. Toys and Furnishings.
(3) Toys shall be:
(a) Used according to the manufacturer's safety specifications;
(b) Durable; and
(c) Without sharp points or edges.

770 - Children/Staff Seating — In Compliance

922 KAR 2:120. Section 11. Toys and Furnishings.
(5) Tables and chairs shall be of suitable size for children.
(6) Chairs appropriate for staff shall be provided to use when feeding, holding, or playing with a child.

Transportation

775 - Maintain Records — Not Applicable

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(l) A written record of transportation services provided in accordance with 922 KAR 2:120, Section 12.

780 - Transportation Compliance — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(1) A center shall document compliance with KRS Chapter 186 and 603 KAR 5:072 pertaining to:
(a) Vehicles;
(b) Drivers; and
(c) Insurance.

785 - Requirements for Transportation Services — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(2) A center providing or arranging transportation service shall:
(a) Be licensed and approved by the cabinet or its designee prior to transporting a child;
(b) Have a written plan that details the type of transportation, staff schedule, transportation schedule, and transportation route; and
(c) Have written policies and procedures, including emergency procedures practiced monthly by staff who transports children.

790 - Transportation Notification/Type and Vehicle — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:
(a) Type of transportation offered;
(b) Type of vehicle used for transportation;

795 - Transportation Notification/Plan for Ensuring Staff Duties — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:
(c) Plan for ensuring staff perform duties relating to transportation properly;

800 - Transportation Notification/Full Coverage Insurance — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:
(d) Full insurance coverage for each vehicle;

805 - Transportation Notification/Policy & Procedures Regarding Emergency Plan for Evacuation — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:
(e) Agency policy and procedures relating to an emergency plan for evacuating the vehicle;

810 - Transportation Notification/Third Party Contracts — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:
(f) Contracts, agreements, or documents detailing arrangements with any third party for services;

815 - Transportation Notification/Safety Procedures - Transporting, Loading/Unloading and Supervision — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:
(g) Safety procedures for:
1. Transporting a child;
2. Loading and unloading a child; and
3. Providing adequate supervision of a child.

820 - Vehicle Equipment — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(4) A vehicle used to transport children shall be equipped with:
(a) A fire extinguisher;
(b) First aid supplies as described in Section 7 of this administrative regulation;
(c) Emergency reflective triangles; and
(d) A device to cut the restraint system, if necessary.

825 - Transit/School Bus — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(5) Transportation provided by licensed public transportation or a school bus shall comply with subsections (1) and (2) of this section.

830 - Vehicle Inspection Documentation — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(6) A vehicle used to transport children shall meet the following requirements:
(a) A twelve (12) or more passenger vehicle shall display a current certification of inspection from the Transportation Cabinet on the designated window.

835 - Vehicle Requirements/Traffic Stop During Loading/Unloading — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(6) A vehicle used to transport children shall meet the following requirements:
(b) A vehicle that requires traffic to stop while loading and unloading a child shall be equipped with a system of:
1. Signal lamps;
2. Identifying colors; and
3. Cautionary words.

840 - Seatbelts for Each Occupant — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(6) A vehicle used to transport children shall meet the following requirements:
(c) A vehicle shall be equipped with seat belts for each occupant to be individually secured.

845 - No Hazardous Materials — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(6) A vehicle used to transport children shall meet the following requirements:
(d) A vehicle shall not transport children and hazardous materials at the same time.

850 - Car Seats — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(7) The appropriate car safety seat meeting federal and state motor vehicle safety standards in 49 C.F.R. 571.213 and KRS 189.125 shall be used for each child.

855 - Pre-trip Inspection — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(8) A daily inspection of the vehicle shall be performed and documented for the following:
(a) Tires;
(b) Lights, signals, mirrors, gauges, and wiper blades;
(c) Safety restraints;
(d) Fuel; and
(e) Free of debris.

860 - Ratios — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(9)(a) The staff-to-child ratios set forth in Section 2(2) of this administrative regulation shall apply to vehicle transport, if not inconsistent with special requirements or exceptions in this section.
(b) An individual who is driving with a child in the vehicle shall supervise no more than four (4) children under the age of five (5).

865 - Seating — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(10) Each child shall:
(a) Have a seat;
(b) Be individually belted or harnessed in the seat; and
(c) Remain seated while the vehicle is in motion.

870 - Child Unattended — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(11) A child shall not be left unattended:
(a) At the site of aftercare delivery; or
(b) In a vehicle.

875 - Pre-arranged Plan — Not Applicable

922 KAR 2:120. Section 12. Transportation.
(12) If the parent or designee is unavailable, a prearranged written plan shall be completed to designate where the child can be picked up.

880 - Unaccompanied Child Crossing Street — **Not Applicable**

922 KAR 2:120. Section 12. Transportation.
(13) A child shall not be picked up or delivered to a location that requires crossing the street or highway unless accompanied by an adult.

885 - Vehicle Headlamps — **Not Applicable**

922 KAR 2:120. Section 12. Transportation.
(14) A vehicle transporting a child shall have the headlamps on.

890 - Refueling — **Not Applicable**

922 KAR 2:120. Section 12. Transportation.
(15) A vehicle shall be refueled when not being used to transport a child. If emergency refueling or repair is necessary during transporting, all children shall be removed and supervised by an adequate number of adults while refueling or repair is occurring.

895 - Driver Not In Seat — **Not Applicable**

922 KAR 2:120. Section 12. Transportation.
(16) If the driver is not in the driver's seat, the:
(a) Engine shall be turned off;
(b) Keys shall be removed; and
(c) Emergency brake shall be set.

900 - Children's Transportation Records — **Not Applicable**

922 KAR 2:120. Section 12. Transportation.
(17) Transportation services provided shall:
(a) Be recorded in writing and include:
1. The first and last name of the child transported; and
2. The time each child gets on and the time each child gets off;
(b) Be completed by a staff member other than the driver; and
(c) Be kept for five (5) years.

905 - Hazardous Items — **Not Applicable**

922 KAR 2:120. Section 12. Transportation.
(19) Firearms, ammunition, alcohol, or illegal substances shall not be transported in a vehicle transporting children.

907 - Parent Transport during Field Trip — **Not Applicable**

922 KAR 2:120. Section 12. Transportation.
(21) A parent may use the parent's vehicle to transport the parent's child during a field trip.

Food Service

910 - Bottle Feeding — **Not In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(11) While bottle feeding an infant, the:
(a) Child shall be held; and
(b) Bottle shall not be:
1. Propped;
2. Left in the mouth of a sleeping infant; or
3. Heated in a microwave

Findings:

General: Based on observation and interview, the surveyor found that one (1) infant was asleep in a bouncy seat and had been drinking from a bottle that was propped up by use of a blanket under the infant's chin. Staff reported they typically only prop an infants bottle if they are feeding other children already.

Findings:

General: Based on observation and interview, the surveyor found that one (1) infant was asleep in a bouncy seat and had been drinking from a bottle that was propped up by use of a blanket under the infant's chin. Staff reported they typically only prop an infants bottle if they are feeding other children already.

915 - Kitchen Exemption — **In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(18) A kitchen shall not be required if:
(a) The only food served is an afternoon snack to school-age children; and
(b) Adequate refrigeration is maintained.

920 - Kitchen Requirements — **In Compliance**

922 KAR 2:120. Section 8. Kitchen Requirements.
(1) The kitchen shall:
(a) Be clean;
(b) Be equipped for proper food:
1. Preservation;
2. Storage;
3. Preparation; and
4. Service;
(c) Be adequately ventilated to the outside air; and
(d) Except in a Type II child-care center when a meal is not being prepared, not be used for the activity of a child.

925 - Food Service Permit **In Compliance**

922 KAR 2:120. Section 8. Kitchen Requirements.
(2) A child-care center required to have a food service permit shall be in compliance with 902 KAR 45:005 and this administrative regulation.

930 - Food Preparation Utensils **In Compliance**

922 KAR 2:120. Section 8. Kitchen Requirements.
(3) Convenient and suitable sanitized utensils shall be:
(a) Provided; and
(b) Used to minimize handling of food during preparation.

935 - Refrigerator **Not In Compliance**

922 KAR 2:120. Section 8. Kitchen Requirements.
(4) A cold-storage facility used for storage of perishable food in a nonfrozen state shall:
(a) Have an indicating thermometer or other appropriate temperature measuring device;
(b) Be in a safe environment for preservation; and
(c) Be forty (40) degrees Fahrenheit or below.

Findings:

General: Based on observation and interview, the surveyor found that the refrigerator in the kitchen did not contain a thermometor to ensure the food is maintained at a temperature of forty (40) degrees fahrenheit or less. Staff was not sure where the thermometor was or if there had previously been one in the refrigerator.

940 - Frozen Food **Not In Compliance**

922 KAR 2:120. Section 8. Kitchen Requirements.
(5) Frozen food shall be:
(a) Kept at a temperature of zero degrees Fahrenheit or below; and
(b) Thawed:
1. At refrigerator temperatures;
2. Under cool, potable running water;
3. As part of the cooking process; or
4. By another method in accordance with the Department of Public Health's food safety standards and permits, established in KRS Chapter 217.

Findings:

General: Based on observation and interview, the surveyor found that the freezer located in the storage room contained frozen yogurt and popcicles; however, the thermometor in the freezer was reading ten (10) degrees fahrenheit rather than the required zero (0) degrees fahrenheit or less. Staff stated they were not aware the thermomtor was not reading the required temperature.

945 - Food Contact Items **In Compliance**

922 KAR 2:120. Section 8. Kitchen Requirements.
(6) Equipment, utensils, and surfaces contacting food shall be:
(a) Smooth;
(b) Free of breaks, open seams, cracks, and chips;
(c) Accessible for cleaning; and
(d) Nontoxic.

950 - Kitchen Equipment Clean and Sanitary **In Compliance**

922 KAR 2:120. Section 8. Kitchen Requirements.
(7) The following shall be clean and sanitary:
(a) Eating and drinking utensils;
(b) Kitchenware;
(c) Food contact surfaces of equipment;
(d) Food storage utensils;
(e) Food storage containers;
(f) Cooking surfaces of equipment; and
(g) Nonfood contact surfaces of equipment.

955 - Single Service Item **In Compliance**

922 KAR 2:120. Section 8. Kitchen Requirements.
(8) A single-service item shall be:
(a) Stored;
(b) Handled and dispensed in a sanitary manner; and
(c) Used only once.

960 - Bottles **In Compliance**

922 KAR 2:120. Section 8. Kitchen Requirements.
(9) Bottles shall be:
(a) Individually labeled;
(b) Promptly refrigerated;
(c) Covered when not in use; and
(d) Consumed within one (1) hour of being heated or removed from the refrigerator.

965 - Food Clean/Free From Spoilage **In Compliance**

922 KAR 2:120. Section 9. Food and Meal Requirements.
(1) Food shall be:
(a) Clean;
(b) Free from:
1. Spoilage;
2. Adulteration; and
3. Misbranding;
(c) Safe for human consumption;
(d) Withheld from service or discarded if the food is hermetically sealed, nonacidic, or low-acidic food that has been processed in a place other than a commercial food-processing establishment;

970 - Food From Approved Source **In Compliance**

922 KAR 2:120. Section 9. Food and Meal Requirements.
(1) Food shall be:
(e) Obtained from a source that is in compliance with the Department of Public Health's food safety standards and permits, established in KRS Chapter 217;
(f) Acceptable if from an established commercial food store;

975 - Developmentally Appropriate Quantity/Additional Portions **In Compliance**

922 KAR 2:120. Section 9. Food and Meal Requirements.
(1) Food shall be:
(g) Served in a quantity that is developmentally appropriate for the child with additional portions provided upon request of the child;

980 - Food Protected From Contamination **In Compliance**

922 KAR 2:120. Section 9. Food and Meal Requirements.
(1) Food shall be:
(h) Protected against contamination from:
1. Dust;
2. Flies;
3. Rodents and other vermin;
4. Unclean utensils and work surfaces;
5. Unnecessary handling;
6. Coughs and sneezes;
7. Cuts in skin;
8. Communicable disease;
9. Flooding;
10. Drainage; and
11. Overhead leakage.

985 - Milk Requirements **In Compliance**

922 KAR 2:120. Section 9. Food and Meal Requirements.
(3) A serving of milk shall consist of:
(a) Breast milk or iron-fortified formula for a child age birth to twelve (12) months;
(b) Pasteurized whole milk for children ages twelve (12) months to twenty-four (24) months; or
(c) Pasteurized low fat one (1) percent or fat-free skim milk for children ages twenty-four (24) months to school-age.

990 - Bottle Preparation by Parent **In Compliance**

922 KAR 2:120. Section 9. Food and Meal Requirements.
(4) Formula or breast milk provided by the parent shall be prepared and labeled.

995 - Bread Requirement **In Compliance**

922 KAR 2:120. Section 9. Food and Meal Requirements.
(6) A serving of bread shall only consist of whole or enriched grain.

1000 - Drinking Water Requirement **In Compliance**

922 KAR 2:120. Section 9. Food and Meal Requirements.
(7) Drinking water shall be freely available to a child throughout the day.

1005 - Food Storage — In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.
(8) Food shall be stored on:
(a) Clean racks;
(b) Clean shelves;
(c) Other clean surfaces; or
(d) If maintained in a sanitary condition, in nonabsorbent labeled containers a minimum of (6) six inches off the floor.

1010 - Fruits and Vegetables — In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.
(9) Fruits and vegetables shall be washed before cooking or serving.

1015 - Potentially Hazardous Foods — In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.
(10) Meat salads, poultry salads, and cream-filled pastries shall be:
(a) Prepared with utensils that are clean; and
(b) Refrigerated unless served immediately.

1020 - Individual Portion — In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.
(11) An individual portion of food served to a child or adult shall not be served again.

1025 - Wrapped Food — In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.
(12) Wrapped food that is still wholesome and has not been unwrapped may be reserved.

1030 - Meal Schedule — In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.
(13) Meals shall be:
(a) Served every two (2) to three (3) hours;

1035 - Sufficient Room/Eating Utensils Supplied — In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.
(13) Meals shall be:
(b) Served to a child:
1. Seated with sufficient room to manage food and tableware; and
2. Supplied with individual eating utensils designed for use by a child.

1040 - Same Food — In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.
(14) All children should be offered the same food items unless the child's parent or health professional documents a dietary restriction that necessitates an alternative food item for the child.

1045 - Meals Required — In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.
(15) A child-care center shall serve:
(a)1. Breakfast; or
2. A mid-morning snack;
(b)1. Lunch; or
2. A mid-afternoon snack; and
(c) If appropriate, dinner.

1050 - Menu — In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.
(16) A weekly menu shall be:
(a) Prepared;
(b) Dated;
(c) Posted in advance in a conspicuous place;
(d) Kept on file for thirty (30) days; and
(e) Amended in writing with any substitutions on the day the meal is served.

1055 - Breakfast Requirements — In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.
(17) Breakfast shall include:
(a) Milk;
(b) Bread; and
(c)1. Fruit;
2. Vegetable; or
3. 100 percent juice.

1060 - Snack Requirements **In Compliance**

922 KAR 2:120. Section 9. Food and Meal Requirements.
(18) A snack shall include two (2) of the following:
(a) Milk;
(b) Protein;
(c) Bread; or
(d)1. Fruit;
2. Vegetable; or
3. 100 percent juice.

1065 - Lunch/Dinner Requirements **In Compliance**

922 KAR 2:120. Section 9. Food and Meal Requirements.
(19) Lunch and dinner shall include:
(a) Milk;
(b) Protein;
(c) Bread; and
(d)1. Two (2) vegetables;
2. Two (2) fruits; or
3. One (1) fruit and one (1) vegetable.

Children's Records

1070 - Immunization **Not In Compliance**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(a) A current immunization certificate for each child in care within thirty (30) days of the child's enrollment, unless an attending physician or the child's parent objects to the immunization of the child pursuant to KRS 214.036;

Findings:

General: Based on review of documentation and interview, the surveyor found that two (2) children's files presented for review (DOE: 5/20/15, 4/24/15) did not contain current immunization certificates. The director stated she had just stepped into her role at the center and had not had the opportunity to review files.

1075 - Enrollment Information **Not In Compliance**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(b) A written record for each child:
1. Completed and signed by the child's parent;
2. Retained on file on the first day the child attends the child-care center; and
3. To contain:
a. Identifying information about the child, which includes, at minimum, the child's name, address, and date of birth;
b. Contact information to enable a person in charge to contact the child's:
(i) Parent at the parent's home or place of employment;
(ii) Family physician; and
(iii) Preferred hospital;
c. The name of each person who is designated in writing to pick-up the child;
d. The child's general health status and medical history including, if applicable:
(i) Allergies;
(ii) Restriction on the child's participation in activities with specific instructions from the child's parent or health professional; and
(iii) Permission from the parent for third-party professional services in the child-care center;
e. The name and phone number of each person to be contacted in an emergency situation involving or impacting the child;
f. Authorization by the parent for the child-care center to seek emergency medical care for the child in the parent's absence;

Findings:

General: Based on review of documentation and interview, the surveyor found that one (1) children's file (DOE: 4/24/15) did not contain the names or telephone numbers for the preferred physician or preferred hospital. The director reported that she was new to the center and had not had the opportunity to review the files.

1080 - Documentation for Off Premise Trip **Not Applicable**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(b) A written record for each child:
3. To contain:
g. A permission form for each trip off the premises signed by the child's parent in accordance with 922 KAR 2:120, Section 12;

Written Documentation

1085 - Evacuation Plan — **In Compliance**

922 KAR 2:090. Section 5. Evacuation Plan.
(1) A licensed child-care center shall have a written evacuation plan in the event of a fire, natural disaster, or other threatening situation that may pose a health or safety hazard for a child in care in accordance with KRS 199.895.

1090 - Policies and Procedures — **In Compliance**

922 KAR 2:110. Section 2. General.
(5) Program policies and procedures shall:
(a) Be in writing; and
(b) Include:
1. Staff policies;
2. Job descriptions;
3. An organization chart;
4. Chain of command; and
5. Other procedures necessary to ensure implementation of:
a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;
b. 922 KAR 2:090, Child-care center licensure;
c. 922 KAR 2:120, Child-care center health and safety standards; and
d. This administrative regulation.

1095 - Daily Attendance Records — **In Compliance**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(c) Daily attendance records documenting the arrival and departure time of each child, including records that are required in accordance with 922 KAR 2:160, Section 13, if a child receives services from the child-care center through the Child Care Assistance Program;

1100 - Staff Schedule — **In Compliance**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(d) A written schedule of staff working hours;

1105 - Professional Development — **In Compliance**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(f) A written annual plan for child-care staff professional development;

1115 - Earthquake/Tornado Drills — **Not In Compliance**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(h) A written record of quarterly practiced earthquake drills and tornado drills detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;

Findings:

General: Based on review of documentation and interview, the director was not able to locate a written record of earthquake and tornado drills that were completed January through July 2016. The director stated they had just started working at the center on 7/25/16 and were not sure if drills had previously been completed and if so where the documentation would be.

Findings:

General: Based on review of documentation and interview, the director was not able to locate a written record of earthquake and tornado drills that were completed January through July 2016. The director stated they had just started working at the center on 7/25/16 and were not sure if drills had previously been completed and if so where the documentation would be.

1120 - Fire Drills — **Not In Compliance**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(i) A written record of practiced fire drills conducted monthly detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;

Findings:

General: Based on review of documentation and interview, the director was not able to locate a written record of fire drills that were completed January through July 2016. The director stated she had just started working at the center on 7/25/16 and was not sure if drills had previously been completed and if so where the documentation would be.

Findings:

General: Based on review of documentation and interview, the director was not able to locate a written record of fire drills that were completed January through July 2016. The director stated she had just started working at the center on 7/25/16 and was not sure if drills had previously been completed and if so where the documentation would be.

1125 - Report Documentation — **In Compliance**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(k) A written record of reports to the cabinet required in Section 6 of this administrative regulation;

1130 - Confidentiality/Maintenance/Access — **In Compliance**

922 KAR 2:110. Section 3. Records.
(2) A child-care center shall:
(a) Maintain the confidentiality of a child's record;
(b) Maintain all records for five (5) years; and
(c) Provide the cabinet access and information in the completion of the investigation pursuant to KRS 620.030(4).

1135 - Orientation Procedure **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(3)(b) The program shall include:
2. Written policy that specifies that the procedures that were taught at the orientation training shall be implemented by each child-care center staff member.

1140 - Fire Drills **Not In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(12) A fire drill shall be conducted during hours of operation:
(a) At least monthly; and
(b) Documented.

Findings:

General: Based on review of documentation and interview, the director was not able to locate a written record of fire drills that were completed January through July 2016. The director stated she had just started working at the center on 7/25/16 and was not sure if drills had previously been completed and if so where the documentation would be.

1145 - Earthquake/Tornado Drills **Not In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(13) An earthquake drill and a tornado drill shall be conducted during hours of operation:
(a) At least quarterly; and
(b) Documented.

Findings:

General: Based on review of documentation and interview, the director was not able to locate a written record of earthquake and tornado drills that were completed January through July 2016. The director stated they had just started working at the center on 7/25/16 and were not sure if drills had previously been completed and if so where the documentation would be.

Posted Documentation

1150 - License **In Compliance**

922 KAR 2:090. Section 6. License Issuance.
(18) The preliminary or regular license shall be posted in a conspicuous place in the child-care center.

1155 - Posting Requirements **Not In Compliance**

922 KAR 2:110. Section 2. General.
(7) In addition to the posting requirement of KRS 199.898(3), a child-care center shall post the following in a conspicuous place and make available for public inspection:
(a) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year;
(b) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;
(c) Information on the Kentucky Consumer Product Safety Program and the program's website as specified in KRS 199.897;
(d) A description of services provided by the child-care center, including:
1. Current rates for child care; and
2. Each service charged separately and in addition to the basic rate for child care;
(e) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and
(f) Daily schedule.

Findings:

General: Based on observation and interview, the surveyor found that the statement of deficiency issued on 3/31/16 by the Cabinet and the centers plan of correction were not posted in a conspicious place where they would be available for public inspection. The director stated that she had just started at the center on 7/25/16 and was not sure where the information was located to be able to post it.

Findings:

General: Based on observation and interview, the surveyor found that the statement of deficiency issued on 3/31/16 by the Cabinet and the centers plan of correction were not posted in a conspicious place where they would be available for public inspection. The director stated that she had just started at the center on 7/25/16 and was not sure where the information was located to be able to post it.

1160 - Disaster Course of Action **In Compliance**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(j) A written plan and diagram outlining the course of action in the event of a natural or manmade disaster, posted in a prominent place;

1165 - Daily Activities **In Compliance**

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;

1170 - Diapering/Handwashing **In Compliance**

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(9) The proper methods of diapering and hand-washing shall be posted at each diaper changing area.

Animals

1175 - Animals in the Presence of Children — **In Compliance**

922 KAR 2:120. Section 13. Animals.
(1) An animal shall not be allowed in the presence of a child in care:
(a) Unless:
1. The animal is under the supervision and control of an adult;
2. Written parental consent has been obtained; and
3. The animal is certified as vaccinated against rabies; or
(b) Except in accordance with subsection (3) of this section.

1185 - Prohibited Animals — **In Compliance**

922 KAR 2:120. Section 13. Animals.
(3) An animal that is considered undomesticated, wild, or exotic shall not be allowed at a child-care center unless the animal is:
(a) A part of a planned program activity lead by an animal specialist affiliated with a zoo or nature conservatory; and
(b) In accordance with 301 KAR 2:081 and 301 KAR 2:082.

Signature of Provider/Representative | Title | Date