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GOVERNOR

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Inspection Report

Provider Name: Bengal Tots 24-7 Learning Center	Provider Information	License No: L383152
Provider Address: 8045 Connector Dr., Florence, KY, 41042	Provider Type: LICENSED TYPE I	Capacity: 123
Owner(s): Bengal Tots 24 7 Learning Center, LLC		Director(s): Parr, Heather Lynn

Inspection Type: Investigation	Inspection Information	Inspection No: 107134
Visit Start Date: 09/03/2014 11:12 AM	Visit End Date: 09/03/2014 12:20 PM	
	No. of Children Present: 46	

Inspection Report	
Supervision	
5 - Children Supervised	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;	

Staffing Requirements

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, as the surveyor was conducting a walkthrough of the facility she noticed an adult walk into the one (1) year old classroom. The surveyor entered the one (1) year old classroom approximately five (5) minutes after her and noted that there were seventeen (17) children in the classroom with three (3) adults. After interviewing the adults it was determined that one (1) of the adults was not a staff person but instead someone possibly interested in working at the facility and was there to help out and look around. This person was taking care of the children and interacting with the children as if she was a staff person. It was determined then that initially when the surveyor arrived to the facility there was only one (1) qualified staff person present along with the other adult in the one (1) year old classroom with seventeen (17) children. The staff to child ratio for this age group is one (1) staff to six (6) children with a maximum group size of twelve (12).

45 - Ratio/Group Size

Not 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.

Findings:

General: Based on Observation, there were seventeen (17) one (1) year old children in a classroom with one (1) staff person upon arrival to the facility. Approximately five (5) minutes later one (1) more staff person went into the classroom. The maximum group size for this age group is twelve (12).

General Administration

100 - Plan of Correction/10 days

Not In Compliance

922 KAR 2:090. Section 9. Statement of Deficiency and Corrective Action Plans.

(2) Except for a violation posing an immediate threat as handled in accordance with KRS 199.896(5)(c), a child-care center shall submit a written corrective action plan to the cabinet or its designee within ten (10) calendar days of receipt of the statement of deficiency to eliminate or correct the regulatory violation.

Findings:

A PLAN OF CORRECTION WAS DUE ON 14 Oct 14 AND AS OF 30 Oct 14, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.

Findings:

A PLAN OF CORRECTION WAS DUE ON 05 Dec 14 AND AS OF 15 Jan 15, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.

170 - Notification of Changes

Not In Compliance

922 KAR 2:110. Section 6. Reports.

(4) Written notification of the following shall be made to the cabinet to allow for approval before implementation:

- (a) Change of ownership;**
- (b) Change of location;**
- (c) Increase in capacity;**
- (d) Change in hours of operation;**
- (e) Change of services in the following categories:**
 - 1. Infant;**
 - 2. Toddler;**
 - 3. Preschool-age;**
 - 4. School-age;**
 - 5. Nontraditional hours; or**
 - 6. Transportation; or**
- (f) Addition to the square footage a child-care center's premises.**

Findings:

Based on Observation, a new playground was completed at the facility but had not yet been inspected by a licensing surveyor. The surveyor noted that a swing set, climber and slide were sitting on grass at the time of the inspection. Children were using the playground.

210 - Construction/Renovation Notification

Not 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.

Findings:

General: Based on Review of Documentation, the surveyor noted that the building diagram on file with the Division of Regulated Child Care dated 06/12/14 did not match what the surveyor saw the day of the investigation. A new wall had been added in the library/computer room creating a seating area and office. Interview with staff person in charge stated that the new wall was added after the 06/12/14 initial inspection of the building. The cabinet was not notified prior of this structural change.

Director Requirements

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, there is an indoor climbing structure that is approximately ten (10) feet tall and is sitting approximately two (2) feet away from the wall.

275 - Caregiver Alone

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;**

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:

Based on Observation, an adult was in the Toddler classroom working and interacting with all of the children. The surveyor initially counted her as a staff person but after interview with staff it was determined that she was just at the facility to observe and possibly become a future employee. The adult was in the classroom when the surveyor arrived at 11:20am and was still in the classroom working with the children when the surveyor left at 12:20pm. The staff person in charge stated that there was no paperwork on her because she was not an employee but would turn in background checks on her as soon as possible.

310 - Personnel File

In Compliance

Inspection Report

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;

Outdoor Play Area

695 - Protective Surface

Not 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.

Findings:

General: Based on Observation, a new playground was completed at the facility but had not yet been inspected by a licensing surveyor. The surveyor noted that a swing set, climber and slide were sitting on grass at the time of the inspection. Children were using the playground.

Equipment

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, there is an indoor climbing structure in the gross motor space that is approximately ten (10) feet tall and is sitting approximately two (2) feet away from the wall.

Food Service

920 - Kitchen Requirements

Not 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.

Findings:

General: Based on Observation, the facility moved to the current location in June 2014 and told DRCC that the facility would cook meals at their previous location using their food service permit and transport the food over to the new location until the kitchen was built. The surveyor noted that on the date of this survey the kitchen was still not in working order but the provider stated that hot dogs and meatballs were being prepared in the kitchen using a crockpot. The provider stated that food was being stored in a small college size refrigerator in his office. He stated that he could not locate the food service permit. The surveyor contacted the local Health Department and was told that the facility still needs a final walkthrough conducted and they still need to file a permit to operate before they can use the space.

Inspection Report

925 - Food Service Permit

Not 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.

Findings:

General: Based on Review of Documentation, staff person in charge could not locate the food service permit for the facility. Contact with the local Health Department found that this location does not have a current food service permit. Interview with staff and the owner found that food is heated in a crockpot and served to the children.

1050 - Menu

Not 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.

Findings:

General: Based on Observation, the children were served Little Caesar's pizza, carrots, bananas and milk for lunch. Chicken nuggets, macaroni and cheese, fruit, salad and milk were listed on the lunch menu on the day of the investigation. Interview with the staff person in charge stated that their kitchen was not up and running yet and food substitutes were being served to the children.

Signature of
Provider/Representative

Title

Date