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Inspection Report

Provider Name: Kare Bears	Provider Information	License No: L383160
Provider Address: 1697 Peabody Way, Lexington, KY, 40511	Provider Type: LICENSED TYPE I	Capacity: 60
Owner(s): Peh, Inc.		Director(s): Harshman, Ellen Villabroza

Inspection Type: Investigation	Inspection Information	Inspection No: 191306
Visit Start Date: 06/30/2015 6:35 PM	Visit End Date: 07/01/2015 11:45 AM	
No. of Children Present: 39		

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, interview and review of documentation, the facility failed to ensure that staff provide adequate supervision of each child in the care of the facility. The following was found:

1. The surveyor arrived at the facility on 7/1/15 at 9:55AM and found that the facility's entrance door was locked. The surveyor rang the doorbell and the staff person in charge came to the front door to open it. The staff person in charge escorted the surveyor down the hallway and into the preschool classroom. A tour of the classroom revealed that eight (8) children had been left without adult supervision while the staff person left the room to open the door for the surveyor. The staff person in charge stated that the owner/director was on a field trip with the school age children; therefore, there was not a staff person available to open the door.
2. On 6/30/15 the surveyor arrived at the facility at 6:35PM to investigate allegations regarding supervision issues during evening care hours. The surveyor found that only one (1) staff person and two (2) children were present in the facility at the time of the visit; however, an interview with the staff person revealed that she was left alone in the building the evening of 6/26/15 to care for nine (9) children. The facility attendance records for 6/26/15 were not available for the surveyor to review during the visit because all administrative staff had left for the day; however, the staff person presented a written statement during the visit identifying the names and ages of the children in her care along with the approximately times that each child was picked up. The staff person stated that there were four (4) infants, two (2) toddlers (one (1) year olds), a two (2) year old child and two (2) school age children. The staff person stated during interview that she had to leave the infants alone/unsupervised in the evening care classroom/two (2) year old room sometime between 7:00PM - 8:00PM to go to the kitchen and prepare a bottle for one (1) of the infants. The staff person stated, "I couldn't carry them all, so I left the infants in the room and took the rest of the children with me". On 7/1/15 the surveyor made a visit to the facility and watched video footage from the facility's surveillance system to observe supervision issues during evening care on 6/26/15. A review of the video footage found several incidents of inadequate supervision. From 7:03PM - 7:09PM the staff person was observed sitting in a chair texting on her phone while having six (6) children in her care. The four (4) older children present were observed watching television and running aimlessly around the room during this timeframe. A parent arrived to pick up two (2) of the children at 7:09PM. At 7:12PM, the staff person sat back down and began texting on her phone again. At 7:16:57PM the staff person exited the evening care classroom with two (2) children and a kitchen tray in her hand which left two (2) infants alone/unsupervised in the classroom. One (1) infant was sitting in a car seat and the other was sitting in a Bouncy seat. The staff person and the two (2) children returned to the classroom at 7:21:14PM; therefore, the infants were left alone/unsupervised approximately four (4) minutes. At 7:36PM a two (2) year old child exited the evening classroom without an adult/unsupervised and then re-entered the evening classroom at 7:39PM.

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 Review of Documentation and interview, the following was found:

1. On 6/30/15 the surveyor arrived at the facility at 6:35PM to investigate allegations regarding understaffing at the facility during evening care hours. The surveyor found that only one (1) staff person and two (2) children were present in the facility at the time of the visit; however, an interview with the staff person revealed that she was left alone in the building the evening of 6/26/15 to care for nine (9) children. The facility attendance records for 6/26/15 were not available for the surveyor to review during the visit because all administrative staff had left for the day; however, the staff person presented a written statement during the visit identifying the names and ages of the children in her care along with the approximately times that each child was picked up. The staff person stated that there were four (4) infants, two (2) toddlers (one (1) year olds), a two (2) year old child and two (2) school age children present. The youngest child in the group was an infant, making the minimum staff to child ratio one staff person for five (5) children. The facility exceeded the staff/child ratio by four (4) children. On 7/1/15 the surveyor made a visit to the facility and watched video footage from the facility's surveillance system to observe staff to child ratio issues during evening care on 6/26/15. A review of the video footage found that the facility became out of compliance with staff to child ratios at 6:33PM when four (4) infants were transferred to the evening care classroom. The evening care staff person already had five (5) children in her care; therefore, the additional four (4) children gave her a total of nine (9) children (infants - school age). The staff person was observed out of compliance from 6:33PM - 7:09PM.
2. A review of video footage from 6/30/15 found that one (1) staff person was left alone with eighteen (18) children (two (2) years old - school age) from 5:17PM - 5:24PM in the evening care classroom/two (2) year old room. The staff person in charge during the 7/1/15 visit stated that the second staff person was not in the classroom because she was changing diapers in the hallway bathroom.

General Administration

195 - Requirements for Nontraditional Care

Not 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;****Findings:**

General: Based on Review of Documentation, during the investigation, this regulatory requirement was not met. On 7/1/15 the surveyor made a visit to the facility and watched video footage from the facility's surveillance system to observe activities during evening care on 6/26/15. A review of the video footage found that all the children present in the facility were transferred to the evening care room/two (2) year old room at 6:33PM and one (1) staff person was left alone in the facility to care for the nine (9) children present (four (4) infants, two (2) toddlers (one (1) year olds), a two (2) year old and two (2) school age children). Two (2) of the infants present in the room were restricted to walkers, one (1) was restricted to a car seat and one (1) was restricted to a Bouncy seat. The infant observed sitting in a Bouncy seat was observed sitting in the seat from 6:33PM - 7:24PM. The staff person picked the child up out of the seat to feed the child a bottle and then returned the child to the same Bouncy seat two (2) minutes later. There was no other infant equipment present in the classroom and there was no area where the infants could be laid on the floor to play independently. The staff person was observed sitting in a chair texting on her phone throughout the entire evening while children watched television and run aimlessly around the room. The schedule of daily activities posted in the classroom was dated June 8 - 12, 2015; therefore, it was not current. The surveyor found that well-balanced and constructive activity geared to the child's age level and developmental needs was not provided for the children in the night shift program.

215 - Defined Groups

Not 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.**

Findings:

General: Based on Review of Documentation and interview, the facility failed to ensure that children be separately maintained in a defined area unique to the group. A review of the facility's video surveillance system during an investigation found that on 6/26/15 nine (9) children (infants - school age) were grouped together for evening care from 6:33PM - 7:45PM. The staff person that works with the evening care group stated during interview that she works alone with all age groups every night after 6:30PM.

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 Review of Documentation, this regulatory requirement was not met. On 7/1/15 the surveyor made a visit to the facility and watched video footage from the facility's surveillance system to observe activities during evening care on 6/26/15. A review of the video footage found that all the children present in the facility were transferred to the evening care room/two (2) year old room at 6:33PM and one (1) staff person was left alone in the facility to care for the nine (9) children present (four (4) infants, two (2) toddlers (one (1) year olds), a two (2) year old and two (2) school age children). The following health, safety and comfort issues were found on the video footage:

1. Two (2) of the infants present in the room were restricted to walkers, one (1) was restricted to a car seat and one (1) was restricted to a Bouncy seat. The infant observed sitting in a Bouncy seat was observed sitting in the seat from 6:33PM - 7:24PM. The staff person picked the child up out of the seat to feed the child a bottle and then returned the child to the same Bouncy seat two (2) minutes later.
2. At 6:50PM the staff person changed a child's diaper on a mat on the floor and then changed a second child's diaper at 6:56PM on the same mat. The staff person did not wash her hands before or after changing the diapers or between diapering each child. The children's hands were not washed and the diapering mat was not sanitized between diaper changes. It is important to note that there is not a sink in this classroom. The closest sink to this classroom is located in the hallway.
3. At approximately 6:52PM a one (1) or two (2) year old child was observed playing with an adult size broom. The child was swinging the broom around and around within close proximity to an infant sitting in a Bouncy seat.
4. At 7:16:57PM the staff person exited the evening care classroom with two (2) children and a kitchen tray in her hand which left two (2) infants alone/unsupervised in the classroom. The staff person and the two (2) children returned to the classroom at 7:21:14PM and the staff person was eating an ice cream cone (the children did not have any). The staff person sat down in a chair to finish eating the ice cream cone and the two (2) children (one (1) year old and two (2) year old) stood in front of her with their arms stretched out toward her.

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 observation, this regulatory requirement was not met. Staff person with hire date 6/24/15 did not have evidence or results of a criminal records check (CRC) or a child abuse/neglect check (CAN) on file at the facility. This staff person was observed working alone with children in the toddler classroom during the entire visit on 7/1/15 (9:55AM - 11:45AM).

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 observation, this regulatory requirement was not met. Staff person with hire date 6/24/15 did not have evidence or results of a criminal records check (CRC) or a child abuse/neglect check (CAN) on file at the facility. This staff person was observed working alone with children in the toddler classroom during the entire visit on 7/1/15 (9:55AM - 11:45AM).

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, one (1) staff person (hire date: 5/19/15) did not have educational documentation on file.

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, one (1) staff person (hire date: 6/24/15) did not have T.B. documentation on file.

Programming

380 - School Age Care

Not 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.**

Findings:

General: Based on Review of Documentation and interview, this regulatory requirement was not met. On 7/1/15 the surveyor made a visit to the facility and watched video footage from the facility's surveillance system to observe activities during evening care on 6/26/15 and late afternoon on 6/30/15. A review of the 6/26/15 video footage found that all age groups (infants - school age) combined together at 6:30PM and one (1) staff person was left alone in the facility to care for nine (9) children. Two (2) of the children were school age. A review of the 6/30/15 video footage found that the two (2) year olds, preschool children and school age children all combined into one (1) large group in the evening care room/two (2) year old room at 4:53PM. The staff person in charge during the investigation stated that this is normal procedure for them to combine these age groups at approximately 5:00PM each day. A review of the facility's June 2015 attendance records found at least four (4) days where school age children were present at the facility until 6:45PM, 7:08PM, 7:30PM and 11:00PM; therefore, school age children are not provided with a separate area or room.

410 - Infant/Toddler Combined with Older Children

Not 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.

Findings:

General: Based on Review of Documentation and interview, this regulatory requirement is not met. A review of the facility's video surveillance system during an investigation found that on 6/26/15 nine (9) children (infants - school age) were grouped together for evening care from 6:33PM - 7:45PM. The staff person that works with the evening care group stated during interview that she works alone with all age groups every night after 6:30PM.

Premises

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 Review of Documentation and interview, the facility failed to provide a minimum of thirty-five (35) square feet of space per child. A review of the facility's video surveillance system during an investigation found that on 6/30/15 fifteen (15) - eighteen (18) children were grouped together in the evening care room/two (2) year old room from approximately 4:53PM - 5:24PM. However, a measurement of this room found that the room has enough space to accommodate only nine (9) children. The staff person in charge stated that he was not aware of this regulatory requirement and indicated that classrooms are combined in this room daily.

Hygienic Practices

595 - Child Personal Care/Handwashing

Not 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.**

Findings:

General: Based on Review of Documentation, during the investigation, this regulatory requirement was not met. On 7/1/15 the surveyor made a visit to the facility and watched video footage from the facility's surveillance system to observe activities during evening care on 6/26/15. A review of the video footage found that at 6:50PM the staff person working alone with the children in the evening care room/two (2) year old room changed a child's diaper on a mat on the floor and then returned the child to the play area without washing the child's hands. At 6:56PM the staff person changed another child's diaper on the same mat and then returned the child to the play area without washing the child's hands.

600 - Staff Hygiene/Handwashing

Not 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.**

Findings:

General: Based on Review of Documentation, during the investigation, this regulatory requirement was not met. On 7/1/15 the surveyor made a visit to the facility and watched video footage from the facility's surveillance system to observe activities during evening care on 6/26/15. A review of the video footage found that at 6:50PM the staff person working alone with the children in the evening care room/two (2) year old room changed a child's diaper on a mat on the floor and then changed a second child's diaper at 6:56PM on the same mat. The staff person did not wash her hands before or after changing the diapers or between diapering each child.

635 - Diapering Practice

Not 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.**

Findings:

General: Based on Review of Documentation, during the investigation, the facility failed to disinfect the diapering surface after each child is diapered. On 7/1/15 the surveyor made a visit to the facility and watched video footage from the facility's surveillance system to observe activities during evening care on 6/26/15. A review of the video footage found that at 6:50PM the staff person working alone with the children in the evening care room/two (2) year old room changed a child's diaper on a mat on the floor and then changed a second child's diaper at 6:56PM on the same mat. The staff person did not disinfect the diapering surface after either diaper change.

Children's Records

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, observation and interview, this regulatory requirement was not met. One (1) child that was present at the facility during the 6/30/15 investigation did not have enrollment paperwork on file; therefore, none of the required information had been obtained. The staff person in charge identified the child as a thirteen (13) year old child that occasionally attends as a drop-in and indicated that the child had an enrollment packet at the facility's other location.

Inspection Report

Written Documentation

1095 - Daily Attendance Records

Not 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;

Findings:

General: Based on Review of Documentation and interview, the following was found:

1. The surveyor made a visit to the facility on 6/30/15 at 6:35PM and observed one (1) staff person caring for two (2) children (one (1) year old and thirteen (13) year old). A review of the sign in/out sheet found that one (1) of the children present (thirteen (13) year old) was not listed on the sheet; therefore, she did not have an arrival time listed. The surveyor made a visit to the facility on 7/1/15 and was told by the staff person in charge that the child is a "drop-in" and the staff person in charge acknowledged that the child's name was not listed on the attendance records. The staff person in charge stated that he remembered seeing the child come in around snack time; however, the exact time the child arrived could not be determined.
2. A review of the sign in and out sheets during the investigation found that departure times are not consistently being documented. A review of the 6/12/15 sign in/out sheet found that seven (7) children that were signed in did not have a departure time listed. A review of the 6/22/15 sign in/out sheet found that two (2) children that were signed in did not have a departure time listed. A review of the 6/26/15 sign in/out sheet found that seven (7) children that were signed in did not have a departure time listed.

Posted Documentation

1165 - Daily Activities

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:

(h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;

Findings:

General: Based on Review of Documentation, this regulatory requirement was not met. The two (2) year old classroom, which is also used as the evening care classroom, had a schedule of daily activities posted that was dated June 8 - 12, 2015; therefore, it was no longer current.

Signature of
Provider/Representative

Title

Date