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Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Kare Bears	Provider Information	CLR 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: Renewal Application	Inspection Information	Inspection No: 217383
Date Initiated: 12/07/2016 9:26 AM	Date Concluded: 12/13/2016 11:15 AM	
	No. of Children Present: 24	

Inspection Report	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	In Compliance
Director Requirements	Not In Compliance
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: (I) Provide for the health, safety, and comfort of each child;	
Findings: General: Based on Observation, a multi-colored climber approximately two (2) feet tall was positioned on carpet. There was not a two (2) inch protective surface around the climber.	
Employee Records	Not In Compliance
325 - CPR/First Aid Coverage	Not 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.	
Findings: General: Based on Review of Documentation, it was found that a van driver hired on 5-15-06 was not currently certified in first aid and cardiopulmonary resuscitation (CPR). During interview, this individual stated that she picks children up from school each afternoon. She is the only adult on the vehicle during this time.	

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, the surveyor noted that the daily planned program was not being followed in the preschool classroom and the two (2) year old classroom. For example; based on the daily schedule and lesson plan, from 9:45 a.m. until 10:00 a.m. a story was supposed to be read to the preschool children. However, the preschool children were observed watching television from 9:26 a.m. until 10:00 a.m. The surveyor also noted that the multi-cultural activity listed on the lesson plan was "Show birds from different countries". This activity was to be done at 10:30 a.m. However, when the surveyor asked the staff person about the multi-cultural activity; she stated that she did not have pictures of birds from different countries. The surveyor found on the two (2) year old lesson plan and schedule that a story was supposed to be read to the two (2) year old children. However, the staff person never read the children a story. Furthermore, the art activity listed on the two (2) year old lesson plan was "What makes a bird?" However, the staff person was telling the children to draw flowers. In short, the surveyor found that the staff were not following their daily planned program of activities and did not have the materials to implement the activities. The director stated that the staff are supposed to get the materials from her each day in order to implement their lesson plans.

360 - Electronic Viewing/Listening Devices

Not 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:****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.**Findings:**

General: Based on Observation, the surveyor entered the school age classroom at approximately 9:26 a.m. and found that the preschool children were in there watching a show called Octonauts. The staff person stated that they watch the show during the mornings for forty five (45) minutes and then watch more educational shows such as "Bear Hunt" from 5:00 p.m. until 6:00 p.m. The surveyor found that the television programs were educational and were not used longer than two (2) hours daily. However, the television programs were not reflected on the daily lesson plan or on the daily schedule.

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, the surveyor observed a container of Lysol wipes on top of the children's cubbies in the two (2) year old classroom. The container of wipes was within reach of the children in care.

Inspection Report

480 - Premises Requirements

Not 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;

Findings:

General: Based on Observation, the surveyor observed three (3) bathroom ceiling exhaust vents that contained an accumulation of dust.

520 - Floors, Walls, Ceilings

Not 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.

Findings:

General: Based on Observation, the surveyor noted that there was one (1) ceiling tile located in the toddler classroom that was stained brown.

Hygienic Practices

Not In Compliance

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 Observation, the surveyor observed a staff person change two (2) children's diapers in the toddler classroom and not sanitize the diaper changing pad between changes.

First Aid/Medication

Not In Compliance

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 Interview, the director could not locate the first aid book.

670 - Medication

Not 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.

Findings:

General: Based on Observation, the following medications were observed not properly labeled with a child's name: (2) Kroger Children's Pain & Fever, Equate Ibuprofen, Equate Children's Pain & Fever, Children's Tylenol, and Simply Right Saline Nasal Spray. It is important to note that the medications were in a locked box.

Outdoor Play Area

In Compliance

Inspection Report**Equipment****Not In Compliance****715 - Sufficient Appropriate Equipment****Not 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.

Findings:

General: Based on Observation, the surveyor found that there was not a sufficient amount of materials/ toys in the following classrooms: (1) The surveyor observed six (6) toddlers present in the toddler classroom. The only dramatic play materials available in the toddler classroom were two (2) puppets and a plastic boat. Also, there were no multi-cultural materials available to the children. The surveyor asked the staff if there were more dramatic play and multi-cultural materials available. The staff stated that they used to have some dolls but the stuffing came out of them. (2) The surveyor observed five (5) children in the two (2) year old classroom. The only dramatic play materials in that classroom were a few stuffed animals. The surveyor asked if the staff person had access to other dramatic play materials. She replied, "No ma'am." Furthermore, the surveyor noted that there was only one (1) musical instrument in the classroom. The surveyor observed a radio, but the only CD observed was labeled "nap music". Therefore, there was an insufficient amount of music materials as well in the two (2) year old classroom.

730 - Crib/Mattress/Sheet**Not 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;**

Findings:

General: Based on Observation, the surveyor observed a crib located in the toddler classroom. The surveyor found that the white crib sheet inside of the crib was not clean. It appeared that the sheet had brown shoe print residue/ stains. The surveyor inquired about the use of the crib. The staff person stated that she had a child in her classroom that still uses the crib for nap time.

755 - Toys/Equipment/Furniture**Not 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.**

Findings:

General: Based on Observation, the surveyor observed the following: (1) The corners of a large area rug located in the toddler classroom were unraveled. (2) The following soft items located in the two (2) year old classroom were stained: a white pillow, a Buzz Light Year doll, a large purple Care Bear, and a large Reindeer.

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, the surveyor observed a wooden diaper changing table located in the toddler classroom that was unsteady. The surveyor could move the diaper changing table back and forth. Additionally, a multi-colored climber located in the gross motor area had a red plastic piece attached that was cracked in two (2) places.

Transportation**Not In Compliance****785 - Requirements for Transportation Services****Not In Compliance****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.**

Findings:

General: Based on Review of Documentation, it was found that the facility was unable to provide evidence of vehicle emergency procedures being practiced monthly by the staff who transport the children. The director stated that she did not have this documentation.

820 - Vehicle Equipment

Not In Compliance

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.**

Findings:

General: Based on Observation, the surveyor found that there was not a CPR mouthpiece in the vehicle used to transport children.

Food Service

Not In Compliance

975 - Developmentally Appropriate Quantity/Additional Portions

Not 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;**

Findings:

General: Based on Observation, the surveyor did not observe much food in the refrigerator. The surveyor observed a medium sized container of carrots, two (2) containers of milk that were half empty, and some yogurt. The surveyor also observed a box of bananas and some sleeves of crackers in a box. The surveyor asked what was going to be served for lunch. The staff person in charge of the meals stated that he was going to serve the following: carrots, yogurt, bananas, crackers, and milk. The surveyor noted that the staff person did not mention serving a protein. The staff person later showed the surveyor a medium sized can of green beans and a medium sized can of baked beans. It is important to note that there were twenty three (23) children present during the inspection and more children were being dropped off as the inspection was taking place. Therefore, there was not enough food to serve each child an appropriate serving. The staff person stated that he would go to the grocery store and get more bananas and milk. In short, the menu was not prepared in advance nor was there enough food to implement the planned meal.

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 Review of Documentation, the surveyor reviewed the menu that was posted and found that it was dated for 11/7/16. The staff person in charge of meals indicated that he put the wrong date on the menu. Based on observation, the surveyor did not observe much food in the refrigerator. The surveyor observed a medium sized container of carrots, two (2) containers of milk that were half empty, and some yogurt. The surveyor also observed a box of bananas and some sleeves of crackers in a box. The surveyor asked what was going to be served for lunch. The staff person in charge of the meals stated that he was going to serve the following: carrots, yogurt, bananas, crackers, and milk. The surveyor noted that the staff person did not mention serving a protein. The staff person later showed the surveyor a medium sized can of green beans and a medium sized can of baked beans. It is important to note that there were twenty three (23) children present during the inspection and more children were being dropped off as the inspection was taking place. Therefore, there was not enough food to serve each child an appropriate serving. The staff person stated that he would go to the grocery store and get more bananas and milk. In short, the menu was not prepared in advance nor was there enough food to implement the planned meal.

Children's Records

Not In Compliance

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, one child did not have a physician listed in their file and another child did not have a hospital listed.

Inspection Report		
Written Documentation		Not In Compliance
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, there was not an earthquake or tornado drill in the first quarter of 2016. The director stated she forgot to do the drills during the first part of the year.		
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, there were no fire drills completed during the months of Jan-May 2016. The director stated she forgot to do the drills during the first part of the year.		
Posted Documentation		Not In Compliance
1170 - Diapering/Handwashing		Not 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. Findings: General: Based on Observation, the diapering procedure was not posted at the diaper changing station located in the restroom.		
Animals		In Compliance