



**Andy Beshear**  
GOVERNOR

**CABINET FOR HEALTH AND FAMILY SERVICES  
OFFICE OF INSPECTOR GENERAL**

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**Adam Mather**  
INSPECTOR GENERAL

**Inspection Report**

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

|                                           |                                            |                              |
|-------------------------------------------|--------------------------------------------|------------------------------|
| <b>Inspection Type:</b> Investigation     | <b>Inspection Information</b>              | <b>Inspection No:</b> 218620 |
| <b>Date Initiated:</b> 02/01/2017 8:12 AM | <b>Date Concluded:</b> 02/07/2017 12:10 PM |                              |
|                                           | <b>No. of Children Present:</b> 29         |                              |

| <b>Inspection Report</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                          |
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| <b>Supervision</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Not In Compliance</b> |
| <b>5 - Children Supervised</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Not In Compliance</b> |
| <p><b>922 KAR 2:120. Section 2. Child Care Services.</b></p> <p><b>(3)(a) Each center shall maintain a child-care program that assures each child will be:</b></p> <p><b>1. Provided with adequate supervision at all times by a qualified staff person who:</b></p> <p><b>a. Ensures the child is within scope of vision and range of voice; or</b></p> <p><b>b. For a school-age child, within scope of vision or range of voice;</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                          |
| <p><b>Findings:</b></p> <p>General: Based on Interview, this regulatory requirement was not met. On 1/18/17 the DRCC office received an allegation involving a preschool male child exiting the facility at the same time as an adult female; however, the date of the incident was not identified. It was reported that the staff at the facility did not know that the child went outside with the adult female until she walked the child back into the facility. It was reported that the child's mother works at the facility and a description of the mother was provided. On 2/1/17 an investigation was conducted at the facility and interviews were conducted with staff. Administrative staff present at the facility identified the staff person and child that were described in the allegation; however, they stated that they were not aware of an incident such as the one described occurring. The staff person identified as the parent of the preschool child stated during interview, "Yes, I remember standing in the front room approximately two (2) weeks ago with about fifteen (15) kids when I saw my son come from the other side and run through the doors with a parent. As he went through the second set of doors, the parent grabbed his hand and pulled him back to me". The staff person continued to explain by stating, "I was in the room by myself while the other staff person assigned to be with me was doing something; I'm not sure what she was doing. I had to leave my group of kids long enough to step out to the front set of doors to get my son". The staff person identified the age range of the children in her care by stating, "It was all age groups, infants, toddlers, two (2) year olds and preschool because all the groups were merging at the end of the day". The staff person identified the time of the incident by stating, "It was a little after 5:00PM. All the groups merge at this time daily".</p> |                          |

| Inspection Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                          |
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| Staffing Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Not In Compliance        |
| <b>40 - Ratios and Group Size</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Not In Compliance</b> |
| <p><b>922 KAR 2:120. Section 2. Child Care Services.</b></p> <p><b>(2) Minimum staff-to-child ratios and group size for an operating child-care center shall be maintained as follows:</b></p> <p><b>Age of Children Ratio Maximum Group Size*</b></p> <p><b>Infant</b></p> <p><b>1 staff for 5 children 10</b></p> <p><b>Toddler</b></p> <p><b>1 staff for 6 children 12</b></p> <p><b>Preschool-age 2 to 3 years</b></p> <p><b>1 staff for 10 children 20</b></p> <p><b>Preschool-age 3 to 4 years</b></p> <p><b>1 staff for 12 children 24</b></p> <p><b>Preschool-age 4 to 5 years</b></p> <p><b>1 staff for 14 children 28</b></p> <p><b>School-age 5 to 7 years</b></p> <p><b>1 staff for 15 children 30</b></p> <p><b>School-age 7 and older</b></p> <p><b>1 staff for 25 children</b></p> <p><b>(for before and after school) 30</b></p> <p><b>1 staff for 20 children</b></p> <p><b>(full day of care) 30</b></p> <p><b>*Maximum Group Size shall be applicable only to Type I child-care centers.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                          |
| <p><b>Findings:</b></p> <p>General: Based on Interview, this regulatory requirement was not met. The surveyor conducted interviews with staff at the facility on 25/1/17. One (1) staff person described an incident that occurred with her son by stating, "I remember standing in the front room approximately two (2) weeks ago with about fifteen (15) kids when I saw my son come from the other side and run through the doors with a parent. As he went through the second set of doors, the parent grabbed his hand and pulled him back to me". The staff person continued to explain by stating, "I was in the room by myself while the other staff person assigned to be with me was doing something; I'm not sure what she was doing. I had to leave my group of kids long enough to step out to the front set of doors to get my son". The staff person identified the age range of the children in her care by stating, "It was all age groups, infants, toddlers, two (2) year olds and preschool because all the groups were merging at the end of the day". The staff person identified the time of the incident by stating, "It was a little after 5:00PM. All the groups merge at this time daily". The youngest child in the group was identified as an infant, making the minimum staff to child ratio one staff person for five (5) children and the maximum group size ten (10). The facility exceeded the staff/child ratio and group size.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                          |
| General Administration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Not In Compliance        |
| <b>85 - Cooperate with state agency</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Not In Compliance</b> |
| <p><b>922 KAR 2:090. Section 6. License Issuance.</b></p> <p><b>(11) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:</b></p> <p><b>(f) Cooperate with the cabinet, the cabinet's designee, or another agency with regulatory authority during:</b></p> <p><b>1. An investigation of an alleged complaint, including an allegation of child abuse or neglect pursuant to KRS 620.030(4); and</b></p> <p><b>2. Unannounced inspections; and</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                          |
| <p><b>Findings:</b></p> <p>General: Based on Observation and interview, the facility failed to cooperate with the state agency during an investigation of an alleged complaint. On 1/18/17 the DRCC office received an allegation involving a preschool male child exiting the facility at the same time as an adult female; however, the date of the incident was not identified. It was reported that the staff at the facility did not know that the child went outside with the adult female until she walked the child back into the facility. It was reported that the child's mother works at the facility and a description of the mother was provided. On 2/1/17 an investigation was conducted at the facility and interviews were conducted with staff. Administrative staff present at the facility identified the staff person and child that were described in the allegation; however, they stated that they were not aware of an incident such as the one described occurring. The staff person identified as the parent of the preschool child described an incident that occurred at the facility that was similar to the allegation; however, was unable to identify the specific date the incident occurred. The staff person stated that the incident occurred, "Approximately two (2) weeks ago" and she identified the time of the incident as, "A little after 5:00PM". On 2/6/17 the surveyor received a phone call from the owner of the facility. It is important to note that the owner was not present at the facility during the 2/1/17 investigation. The owner stated during the phone call, "I suspended the staff person that you interviewed on 2/1/17 because she lied to you". On 2/7/17 the surveyor made an unannounced visit to the facility and was greeted by the owner. The surveyor explained that the purpose of the visit was to view a few random dates of video surveillance footage during the afternoon transition time in the front classroom (two (2) year old room) in an attempt to determine if the incident described in the allegation and by a staff person occurred. The owner stated, "I don't have the ability to view past video anymore". The surveyor requested the owner to demonstrate on the system that this was not an option and/or provide documentation from the company that provides the service of the change because the DRCC office has viewed video surveillance footage from previous dates in the past at the facility. The owner refused and stated, "I'm paying an attorney \$700 a month and he has discussed with me that the video belongs to me. I will not give you an answer on this until after I talk to my attorney". On 2/8/17 the owner sent an email to the surveyor stating that she spoke with her attorney and he advised her not to show the video to anyone without a court order.</p> |                          |
| Written Documentation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Not In Compliance        |
| <b>1095 - Daily Attendance Records</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Not In Compliance</b> |
| <p><b>922 KAR 2:110. Section 3. Records.</b></p> <p><b>(1) A child-care center shall maintain:</b></p> <p><b>(c) Daily attendance records documenting the arrival and departure time of each child, including records that are required in accordance with</b></p> <p><b>922 KAR 2:160, Section 13, if a child receives services from the child-care center through the Child Care Assistance Program;</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          |
| <p><b>Findings:</b></p> <p>General: Based on Review of Documentation, and interview, this regulatory requirement was not met. The surveyor reviewed the daily attendance records during the 2/1/17 visit at the facility and found that the arrival time for one (1) child was not documented. The staff person in charge asked the child's teacher what time the child arrived and the staff person responded, "He got here around 6:50AM".</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                          |

Signature of Provider/Representative

Title

Date