



**Andy Beshear**  
GOVERNOR

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

**Eric Friedlander**  
SECRETARY

**Melissa A. Moore, Director**  
Division of Regulated Child Care  
Eastern Branch  
455 Park Place, Suite 120A  
Lexington, KY 40511  
Phone: (859) 246-2301 Fax: (859) 246-2307  
<https://chfs.ky.gov/agencies/os/oig>

**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> 220497
<b>Date Initiated:</b> 05/31/2017 3:00 PM	<b>Date Concluded:</b> 06/19/2017 10:35 AM	
	<b>No. of Children Present:</b> 32	

Inspection Report	
<b>Supervision</b>	<b>In Compliance</b>
<b>Staffing Requirements</b>	<b>In Compliance</b>
<b>General Administration</b>	<b>Not In Compliance</b>
<b>85 - Cooperate with state agency</b>	<b>Not In Compliance</b>

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

**Findings:**

General: Based on interviews on 6/15/17, the Director informed the surveyor that she had personally interviewed some of the children in regards to an ongoing complaint investigation that involved a staff member and wanted to offer more insight into the situation. The surveyor informed the Director that she was impeding the investigation by interviewing the children involved in the investigation. The Director indicated that as the owner of the day care, she always conducts her own investigations so that she can "correct the children". On 6/19/17, it was also revealed that the Director had spoken to the parent of the child involved in the investigation. The parent informed the surveyor that the Director told her that she had spoken to the children and had made them apologize to her son. It is important to note that the Director spoke to the children and to a parent before the surveyor and DCBS representative had a chance to conduct interviews with them. It is also important to note that the staff person identified in the allegation is a family member of the Director.

**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:**  
**(l) Provide for the health, safety, and comfort of each child;**

**Findings:**

General: Based on interviews, it was revealed that a six (6) year old male had a toileting accident during naptime. It was revealed that instead of giving the child dry clothes, a "pull-up" and his sister's blanket was put on him instead. Interviews revealed that the facility did not have any clothes available for the child. A staff person reported that he had put the "pull-up" on the child at approximately 3:15 p.m. and said that the child remained in the "pull-up" until his mother arrived which was approximately 5:30 p.m. Interviews revealed that after the child entered the classroom he was told to close his legs because "his diaper was showing" and was called "pee, pee boy" repeatedly. The Director stated that some of the child's classmates had also got a tutu from the dramatic play area and gave it to him. It was reported that the child was upset by having to wear the "pull-up" and upset by the name calling. In short, it is developmentally inappropriate to put a "pull-up" on a school-age child after having a bathroom accident. The staff put the child in a humiliating situation that was demeaning and subjected the child to ridicule.

**Inspection Report**

**Programming**

**Not In Compliance**

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

**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:**

**11. An opportunity for a child to:**

**c. Practice developmentally appropriate self-help procedures in respect to:**

- (i) Clothing;**
- (ii) Toileting;**
- (iii) Hand-washing; and**
- (iv) Eating;**

**Findings:**

General: Based on interviews, it was revealed that a six (6) year old male had a toileting accident during naptime. It was revealed that instead of giving the child dry clothes, a "pull-up" and his sister's blanket was put on him instead. Interviews revealed that the facility did not have any clothes available for the child. A staff person reported that he had put the "pull-up" on the child at approximately 3:15 p.m. and said that the child remained in the "pull-up" until his mother arrived which was approximately 5:30 p.m. Interviews revealed that after the child entered the classroom he was told to close his legs because "his diaper was showing" and was called "pee, pee boy" repeatedly. The Director stated that some of the child's classmates had also got a tutu from the dramatic play area and gave it to him. It was reported that the child was upset by having to wear the "pull-up" and upset by the name calling. In short, it is developmentally inappropriate to put a "pull-up" on a school-age child after having a bathroom accident. The staff put the child in a humiliating situation that was demeaning and subjected the child to ridicule.

**Hygienic Practices**

**Not In Compliance**

**610 - Diapers/Clean Clothing Supply**

**Not In Compliance**

**922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.**

**(6) An adequate quantity of freshly laundered or disposable diapers and clean clothing shall be available.**

**Findings:**

General: Based on interviews, it was found that the facility did not have extra clothes available for a school-age child after he had a toileting accident. Interviews revealed the clothes that the facility had available were too small to fit the six (6) year old child.

Signature of Provider/Representative

Title

Date