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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 V.

Inspection Type: Renewal Application	Inspection Information	Inspection No: 247067
Date Initiated: 11/20/2018 9:30 AM	Date Concluded: 11/20/2018 11:30 AM	
	No. of Children Present: 29	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	In Compliance
Director Requirements	Not In Compliance

350 - Health, Safety, Comfort **Not In Compliance**

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.
(1) A director shall:
(l) Assure the health, safety, and comfort of each child;

Findings:

General: Based on observation, the following was found:

- 1) In the one-year-old room, there were three (3) children who were allowed to walk around without shoes and socks. According to an interview with the staff person in the room, it was found that these children take their shoes and socks off as soon as they arrive. The staff person stated she allows the children to keep them off for approximately two (2) hours before putting them back on their feet. This is unsanitary and also a safety hazard for the children.
- 2) In the hallway bathroom where the changing table is located, a toilet training seat was observed on top of the trash can used to dispose of soiled diapers and paper towels. Behind the trash can a soiled and stained changing mat was stored. The toilet training seat and the soiled and stained changing mat were accessible to the children. Let it be noted that the bathroom is used by preschool, school age and two to three (2-3) year old children.

Employee Records **Not In Compliance**

395 - TB Verification **Not In Compliance**

922 KAR 2:090. Section 11. 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 observation, staff hired on 08/18/17 and 10/16/18 did not have written documentation on file from a health care professional stating they were free of active tuberculosis.

415 - Driver Requirements

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

(18) A driver of a vehicle transporting a child for a center shall:

- (a) Be at least twenty-one (21) years old;**
- (b) Complete:**
 - 1. The background checks as described in 922 KAR 2:280; and**
 - 2. An annual check of the:**
 - a. Kentucky driver history records in accordance with KRS 186.018; or**
 - b. Driver history records through the state transportation agency that issued the driver's license;**
- (c) Hold a current driver's license which has not been suspended or revoked during the last five (5) years; and**
- (d) Not caused an accident which resulted in the death of a person.**

Findings:

General: Based on review of documentation, staff hired on 05/15/06 and 11/27/17 did not have a current Kentucky driver history record on file.

Programming

Not In Compliance

420 - 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) Unless the child-care center is a before- or after-school program that operates part day or less, that offers a variety of creative activities including:**
 - 1. Art or music;**
 - 2. Math or numbers;**
 - 3. Dramatic play;**
 - 4. Stories and books;**
 - 5. Science or nature;**
 - 6. Block building or stacking;**
 - 7. Tactile or sensory activity;**
 - 8. Multi-cultural exposure;**
 - 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 while in the one-year-old room at approximately 9:37 a.m., one (1) of the staff was observed singing songs and doing fingerplays with the children. The children were gathered around the staff person. Some of them were sitting on the floor and others were standing up near the staff person. One (1) child was laying on the floor and the staff person told the child to get up. The staff person made the child sit up on the floor beside her. One (1) child was walking around in the area carrying a pretend piece of fruit. The staff person took the pretend fruit away from the child and required the child to sit on the floor beside her. She then gave the piece of pretend fruit to a child who was sitting in her lap. However, there was another child standing near the staff person who had a piece of pretend fruit and that child was allowed to stand and hold the fruit. The surveyor went back into the one-year-old room at approximately 9:45 a.m. and the staff person was still sitting on the floor singing songs. The children were not participating and were trying to walk to the corner of the room where there were shelves of toys. The other staff person in the room was redirecting the children back to the area where the other staff person was sitting on the floor singing songs. It is not developmentally appropriate to require a child of this age to participate in an activity for this amount of time. The daily schedule lists 9:00 a.m.-10:00 a.m. as outdoor play/gross motor activities. The posted planned program of activities had a small group activity called Birds of a Feather listed for 9:00 a.m. A review of the posted plan of activities in the infant room revealed a science activity that involved rocks was listed for that day. The plan of activities for the same day also had playing with snow in the sensory table listed as an activity and making a bird house from blocks. For the following day bird seed was listed as an activity. For Thursday of that week mulch was listed as an activity and on Friday of that same week, rocks and ice were listed as an activity. Let it be noted that the age of the children in the infant room is six-months-old to one-year-old. Rocks, mulch and bird seed are not developmentally appropriate materials for children of this age. In addition there was no snow on the ground for children to play with in the sensory table.

Premises

In Compliance

655 - 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 his or her developmental skills;**
- (b) Except as established in paragraph (c) of this subsection, 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 touching an item or an area of the body soiled with body fluids or wastes; and**
 - 6. After outdoor or indoor play time; and**
- (c) Use hand sanitizer or hand-sanitizing wipes if liquid soap and warm running water are not available in accordance with paragraph (b) of this subsection. The child shall wash the child's hands as soon as practicable once liquid soap and warm running water are available.**

Findings:

General: Based on observation while in the one-year-old room, a staff person changed a child's diaper. After diapering the child the staff person placed the child on the floor with the other children. The child's hands were not washed after having his diaper changed.

685 - Diaper Changing Area/Surface

Not In Compliance

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

(10) When a child is diapered, the child shall:

- (b) Be placed on a surface that is:**
 - 1. Clean;**
 - 2. Padded;**
 - 3. Free of holes, rips, tears, or other damage;**
 - 4. Nonabsorbent;**
 - 5. Easily cleaned; and**
 - 6. Free of any items not used for diaper changing.**

Findings:

General: Based on observation, the changing mats on the diaper changing tables in the one-year-old room, the infant room and in the hallway bathroom had areas that were torn.

710 - Toy Sanitation Procedure

Not In Compliance

922 KAR 2:120. Section 11. Toys and Furnishings.

(4) A toy or another item that is considered a mouth contact surface by a child not toilet trained shall be sanitized daily by:

- (a) 1. Scrubbing in warm, soapy water using a brush to reach into crevices;**
- 2. Rinsing in clean water;**
- 3. Submerging in a sanitizing solution for at least two (2) minutes; and**
- 4. Air dried; or**
- (b) Cleaning in a dishwasher if the toy or other item is dishwasher safe.**

Findings:

General: Based on interview with staff in the one-year-old room, it was found that the toys that are mouth contact toys are sanitized once a week with a disinfectant spray and then wiped off with a paper towel. Based on interview with staff in the infant room, it was found that toys are sprayed with Clorox every day as a means of sanitation. Neither of these processes meet the requirements for sanitizing mouth contact toys used by children who are not yet toilet trained.

Inspection Report

First Aid/Medication

Not In Compliance

730 - 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 unless the medication is:

- 1. A first aid supply and is maintained in accordance with subsection (1) of this section;
- 2. Diaper cream, sunscreen, or toothpaste. Diaper cream, sunscreen, or toothpaste shall be inaccessible to a child;
- 3. An epinephrine auto-injector. A licensed child-care center shall comply with KRS 199.8951 and 311.646, including:
 - a. An epinephrine auto-injector shall be inaccessible to a child;
 - b. A child-care center shall have at least one (1) person onsite who has received training on the administration of an epinephrine auto-injector if the child-care center maintains an epinephrine auto-injector;
 - c. A child-care center shall seek emergency medical care for a child if an auto-injector is administered to the child; and
 - d. A child-care center shall report to the child's parent and the cabinet in accordance with 922 KAR 2:090, Section 12(1)(b) if an epinephrine auto-injector is administered to a child; or
- 4. An emergency or rescue medication for a child in care, such as medication to respond to diabetic or asthmatic condition, as prescribed by the child's physician. Emergency or rescue medication shall be inaccessible to a child in care;

(b) Kept in the original bottle; and

(c) Properly labeled.

(7) Medication shall not be given to a child if the medication's expiration date has passed.

Findings:

General: Based on observation while in the infant room, there was a low cabinet with four (4) drawers. In the second drawer from the bottom supplies belonging to a child were stored. Among those supplies was a tube of Bourdeaux Butt paste. There was not a child safety safety on the drawer. In the drawer above where another child's belongings are stored, a jar of Desitin diaper ointment was stored. There was not a child safety device on this drawer. The labels on these medications contain information that they should be kept out of the reach of children. There was one (1) child who was walking and another child who was crawling and pulling up on equipment. The drawers were at the level of these children, making the medications accessible to the children.

Outdoor Play Area

Not In Compliance

745 - Playground Clean

Not In Compliance

922 KAR 2:120. Section 4. Premises Requirements.

(20) An outdoor play area shall be:

(c) Free from:

- 1. Litter;
- 2. Glass;
- 3. Rubbish; and
- 4. Flammable materials;

Findings:

General: Based on observation of the playground, the following was found:

- 1) Several weeds were observed growing through the fence at the front of the outdoor playground.
- 2) A trash can was observed on the sidewalk located inside the fenced outdoor playground. The trash can was not covered and was overflowing with trash. The trash can contained empty plastic water bottles, McDonald's cups and straws, Kool-aid Jammer pouches and standing water.
- 3) A broken lid was observed on the sidewalk beside the trash can.
- 4) A plastic blow-up wading pool was observed near the front of the playground. The pool was filled with rain water, leaves, dirt and grass.

Equipment

Not In Compliance

815 - Toys/Furniture

Not In Compliance

922 KAR 2:120. Section 11. Toys and Furnishings.

(1) All toys 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, in the school age room one (1) of the dividing walls in the cubbies was unattached and leaning to one (1) side. A changing table located in the hallway bathroom had numerous areas of chipping and peeling paint.

820 - 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 of the outdoor play area, a blue, green and gray plastic playhouse was located against the fence. The sides of the playhouse contained a green residue.

Inspection Report

Transportation

Not In Compliance

850 - Transportation Notification/Type and Vehicle

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

(3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:

- (a) Type of transportation offered;**
- (b) Type of vehicle used for transportation;**

Findings:

General: Based on interview at the time of the inspection, it was found that the facility used a vehicle to transport school age children from school on 11/16/18 and 11/19/18 that has not been approved for use at this facility. Further interview found that the vehicle came from another facility owned by the director. A review of documentation found that this vehicle was not listed as an approved vehicle for this location. The vehicle used was a Gold 1997 GMC Savana mini van.

880 - 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 established 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, first aid supplies on a vehicle that was used to transport children from school on 11/16/18 and 11/19/18 were stored in a clear plastic container along with a coffee cup, a book other than a first aid book and various other items that are not part of supplies required as part of the first aid supplies. This is not a sanitary method for storing first aid supplies. In addition there was no medical tape or band-aids available as part of the supplies.

Food Service/Food Program

In Compliance

Food Service

Not In Compliance

1050 - Bottles

Not In Compliance

922 KAR 2:120. Section 8. Kitchen Requirements.

(9) Bottles shall be:

- (a) Individually labeled;**
- (b) Promptly refrigerated;**
- (c) Covered while not in use; and**
- (d) Consumed within one (1) hour of being heated or removed from the refrigerator.**

Findings:

General: Based on observation, an uncovered bottle of formula was observed in the refrigerator in the infant room. On the counter beside a bottle warmer, an uncovered bottle of formula was observed.

Children's Records

Not In Compliance

1135 - Immunization

Not In Compliance

922 KAR 2:090. Section 9. Records.

(1) A child-care center shall maintain:

- (a) A current immunization certificate for each child in care within thirty (30) days of the child's enrollment, unless an attending physician or the child's parent objects to the immunization of the child pursuant to KRS 214.036;**

Findings:

General: Based on review of documentation, children enrolled on 12/05/17 and 04/22/18 did not have a current immunization record on file.

Written Documentation

Not In Compliance

1150 - Evacuation Plan

Not In Compliance

922 KAR 2:090. Section 5. Evacuation Plan.

(1) A licensed child-care center shall have a written evacuation plan in the event of a fire, natural disaster, or other threatening situation that may pose a health or safety hazard for a child in care in accordance with KRS 199.895 and 42 U.S.C. 9858c(c)(2)(U).

Findings:

General: Based on review of documentation, there was no current emergency preparedness plan on file at the time of the survey.

Posted Documentation

In Compliance

Animals

In Compliance

Signature of Provider/Representative

Title

Date