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GOVERNOR

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INSPECTOR GENERAL

**Inspection Report**

|                                                                 |                                       |                                     |
|-----------------------------------------------------------------|---------------------------------------|-------------------------------------|
| <b>Provider Name:</b> Kare Bears                                | <b>Provider Information</b>           | <b>License 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 |

|                                              |                                           |                             |
|----------------------------------------------|-------------------------------------------|-----------------------------|
| <b>Inspection Type:</b> Investigation        | <b>Inspection Information</b>             | <b>Inspection No:</b> 95633 |
| <b>Visit Start Date:</b> 05/09/2014 12:00 PM | <b>Visit End Date:</b> 05/09/2014 1:17 PM |                             |
|                                              | <b>No. of Children Present:</b> 21        |                             |

| Inspection Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                          |
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| Supervision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          |
| <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>Based on interviews with the witnesses, it was revealed that when the employee of the bank picked up the child as he was running in the parking lot of the day care facility, the staff person left the play ground area and walked halfway through the parking lot to retrieve the child from the employee. The witness stated, "I thought it was strange that at that point the caregiver left the playground because I was walking toward the playground with the child to give him to her." Therefore, it was noted that the staff person left five (5) toddlers unsupervised for a brief moment when she left the playground area.</p> |                          |
| Staffing Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                          |
| <b>40 - Ratios and Group Size</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>In Compliance</b>     |

## Inspection Report

### 922 KAR 2:120. Section 2. Child Care Services.

(2) Minimum staff-to-child ratios and group size for an operating child-care center shall be maintained as follows:

**Age of Children Ratio Maximum Group Size\***

**Infant**

1 staff for 5 children 10

**Toddler**

1 staff for 6 children 12

**Preschool-age 2 to 3 years**

1 staff for 10 children 20

**Preschool-age 3 to 4 years**

1 staff for 12 children 24

**Preschool-age 4 to 5 years**

1 staff for 14 children 28

**School-age 5 to 7 years**

1 staff for 15 children 30

**School-age 7 and older**

1 staff for 25 children

**(for before and after school) 30**

1 staff for 20 children

**(full day of care) 30**

\*Maximum Group Size shall be applicable only to Type I child-care centers.

## General Administration

### 220 - Person Under Investigation by DCBS

In Compliance

#### 922 KAR 2:110. Section 2. General.

(8) If a director, employee, volunteer, or any person with supervisory or disciplinary control over, or having unsupervised contact with a child in care is named as the alleged perpetrator in a child abuse or neglect report accepted by the cabinet in accordance with 922 KAR 1:330, the individual shall be removed from direct contact with a child in care:

(a) For the duration of the family-in-need-of-services assessment or investigation; and

(b) Pending completion of the administrative appeal process for a cabinet substantiation of child abuse or neglect in accordance with 922 KAR 1:320 or 922 KAR 1:480.

## Director Requirements

### 265 - Health, Safety, Comfort

Not In Compliance

#### 922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

(1) Effective with the adoption of this administrative regulation, a director shall:

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

#### Findings:

General: Based on Interviews with staff and two (2) eye witnesses, it was found that a one (1) year old male child opened the latch on the gate located on the playground and exited the playground on 5/8/14 at approximately 10:45 a.m. The witnesses observed the incident from an office window located in the bank which is adjacent to the day care facility. Both witnesses stated that the child was running and made his way halfway through the parking lot. One (1) of the witnesses left her desk and ran out of the bank to the parking lot and retrieved the child while the other witness called the day care director to inform her of what happened. Both witnesses stated that the staff person that was on the playground was aware that the child had gotten out of the playground area. One (1) witness stated that the caregiver was yelling the child's name as he was making his way down the parking lot. Both witnesses and the staff person stated that the child was in the parking lot less than two (2) minutes. It was revealed during interviews with staff that the gate did not have a lock on it to prevent the child from exiting the area.

## Employee Records

### 300 - Background checks/left alone

In Compliance

#### 922 KAR 2:090. Section 6. License Issuance.

(5) An individual described in subsection (4) of this section shall:

(a) Submit to background checks described in paragraph (b) of this subsection;

(b) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:

1. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;

2. Criminal records check required by KRS 199.896(19);

3. Criminal records check for any previous state of residence if the person resided outside the state of Kentucky in the last five (5) years; and

4. An address check of the Sex Offender Registry; and

(c) Not be left alone in the presence of a child until copies of the background checks in accordance with paragraph (b) of this subsection have been received by the licensee.

### 315 - Educational Requirements

In Compliance

#### 922 KAR 2:110. Section 5. Staff Requirements.

(1) Child-care center staff:

(a) Hired after January 1, 2009, who have supervisory power over a minor and are not enrolled in secondary education, shall have a:

1. High school diploma;

2. GED or qualifying documentation from a comparable educational entity; or

3. Commonwealth Child Care Credential as described in 922 KAR 2:250;

Signature of  
Provider/Representative

Title

Date