



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

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Inspection Report

Provider Name: Rainbow Child Care Center	Provider Information	CLR No: L383220
Provider Address: 2092 Medical Arts Drive, Hebron, KY, 41018	Provider Type: LICENSED TYPE I	Capacity: 220
Owner(s): Ree Midwest, Inc.		Director(s): Blackburn, Kylene Dabney

Inspection Type: Renewal Application	Inspection Information	Inspection No: 289961
Date Initiated: 07/09/2019 10:21 AM	Date Concluded: 07/09/2019 1:40 PM	
	No. of Children Present: 100	

Inspection Report	
Background Checks	Not In Compliance
5 - Background check/left alone/dismissed/relocated	Not In Compliance
922 KAR 2:280. Section 3. Implementation and Enforcement. (1) A person who is a child care staff member prior to January 1, 2018, shall submit to and complete background checks in accordance with this administrative regulation no later than September 30, 2018. (2) A child care staff member hired on or after April 1, 2018, shall: (a) Have completed the background checks required in accordance with this administrative regulation and been found to have no disqualifying offense prior to becoming a child care staff member; or (b)1. Have submitted to the background checks required in accordance with this administrative regulation; 2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and 3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result. Findings: General: Based on observation and review of documentation, this regulatory requirement was not met. A staff member hired on 5/13/19 did not have written evidence of completing the National background check. The staff member was not observed working alone during the renewal. The KARES system was also reviewed.	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
180 - Plan of Correction/15 days	Not In Compliance
922 KAR 2:090. Section 14. Statement of Deficiency and Corrective Action Plans. (2) Except for a violation posing an immediate threat as handled in accordance with KRS 199.896(5)(c), a child-care center shall submit a written corrective action plan to the cabinet or its designee within fifteen (15) calendar days of the date of the statement of deficiency to eliminate or correct the regulatory violation. Findings: A PLAN OF CORRECTION WAS DUE ON 08/13/2019 AND AS OF 09/06/2019, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.	

Inspection Report**Director Requirements****Not In Compliance****345 - Staff Evaluation****Not In Compliance****922 KAR 2:090. Section 10. Director Requirements and Responsibilities.****(1) A director shall:****(j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;****Findings:**

General: Based on observation and review of documentation, this regulatory requirement was not met. The staff in charge was unable to locate the completed annual staff evaluations for the staff members that had been employed a year or more.

350 - Health, Safety, Comfort**Not In Compliance****922 KAR 2:090. Section 10. Director Requirements and Responsibilities.****(1) A director shall:****(i) Assure the health, safety, and comfort of each child;****Findings:**

General: Based on observation, this regulatory requirement was not met.

1) During a tour of a room located upstairs and used as an indoor gross motor room, a window air conditioner was observed. The cord to the unit was plugged into the wall where a climber was located. There was some slack in the cord even though it was plugged into the wall. The cord was not secured and was accessible to the children.

2) In the Toddler 1 room the surveyor observed a toddler sitting on the floor in front of the refrigerator drinking from a sippy cup. The floor is not a sanitary space for food or drink to be consumed. The surveyor observed the child get up and drop the cup on the floor. A staff person picked the cup up and handed it to the child. The child continued drinking from the cup. The staff person did not provide the child with a clean cup after the child dropped the cup on the floor.

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 and review of documentation, this regulatory requirement was not met.

1) Three (3) staff members did not have a statement from a health professional that the individual is free of active TB or a copy of negative tuberculin results prior to employment. These staff were hired on 5/21/19, 10/30/18, and 11/05/18.

2) Another staff member hired on 9/02/14 had TB documentation on file that was no longer current. The TB skin test on file was dated 4/20/17.

410 - Training

Not In Compliance

922 KAR 2:090. Section 11. Staff Requirements.

(16) In accordance with KRS 199.896(15) and (16), a staff person with supervisory authority over a child shall complete the following:

- (a) Six (6) hours of cabinet-approved orientation within the first three (3) months of employment;**
- (b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training; and**
- (c) Fifteen (15) hours of cabinet-approved early care and education training during each subsequent year of employment, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.**

Findings:

General: Based on observation and review of documentation, this regulatory requirement was not met. Thirteen (13) staff did not have fifteen (15) hours of cabinet-approved early care and education training within their completed training year. The following was found:

1. A staff hired on 5/12/14- 0 hours completed.

2. A staff hired on 9/14/16- 9 hours completed.

3. A staff hired on 5/30/19- 14 hours completed.

4. A staff hired on 8/12/16- 8 hours completed.

5. A staff hired on 9/26/16- 2 hours completed.

6. A staff hired on 7/12/16- 5 hours completed.

7. A staff hired on 8/11/14- 3 hours completed.

8. A staff hired on 8/18/14-6 hours completed.

9. A staff hired on 6/15/15- 9 hours completed.

10. A staff hired on 9/02/14- 13 hours completed.

11. A staff hired on 5/11/15- 3 hours completed.

12. A staff hired on 7/02/12- 0 hours completed.

13. A staff hired on 5/12/14- 2 hours completed.

In addition, a staff hired on 5/30/18 did not have written evidence of completing the six (6) hour cabinet-approved orientation training or the pediatric abusive head trauma training within their completed training year.

ECE-TRIS and the staff files were both reviewed.

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, this regulatory requirement was not met. During a tour of the Toddler 1 room, a yellow board mounted on the wall had a space with a label that had the words lesson plan printed on the surface. The space beneath the label was empty. The surveyor inspected the board and other areas of the classroom but was unable to find a posted lesson plan. The surveyor asked the staff in the room if there was a lesson plan. The staff person looked in various folders in the room but was unable to produce the document.

Inspection Report

Premises

Not In Compliance

525 - Items Accessible Only During Activity

Not In Compliance

922 KAR 2:120. Section 3. General Requirements.

(8) The following shall be inaccessible to a child in care unless under direct supervision and part of planned program of instruction:

- (a) Knives and sharp objects;**
- (b) Litter and rubbish;**
- (c) Bar soap; and**
- (d) Plastic bags not used for personal belongings.**

Findings:

General: Based on observation, this regulatory requirement was not met. During an inspection in the Varsity room, a large open trash bag was observed on the floor by a file cabinet. The surveyor observed various items that included toys inside the bag. The surveyor asked the staff person about the contents in the trash bag. The staff person indicated she has been cleaning the room and the items in the bag were trash. The bag of trash was accessible to the children in the room.

540 - 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, this regulatory requirement was not met. During an inspection of a large indoor gross motor area located downstairs, several empty cardboard boxes were observed on tables located under the windows. In addition there were numerous dead bugs on the ledge of the window sills.

560 - Building Requirements

Not In Compliance

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

(5) The building shall be constructed to ensure the:

(a) Building is:

- 1. Dry;**
- 2. Ventilated; and**
- 3. Well lit, including clean light fixtures that are:**
 - a. In good repair in all areas; and**
 - b. Shielded or have shatter-proof bulbs installed; and**

(b) Following are protected:

- 1. Windows;**
- 2. Doors;**
- 3. Stoves;**
- 4. Heaters;**
- 5. Furnaces;**
- 6. Pipes; and**
- 7. Stairs.**

Findings:

General: Based on observation, this regulatory requirement was not met.

1) In the science area in the Young Preschool room, there is a window with a screen. The metal frame at the bottom of the screen was bent and the screen was torn.

2) In the Montessori room, it was found that the screen on one (1) of the windows was torn.

An interview with the director found that they do not open the windows.

580 - 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 and interview, this regulatory requirement was not met.

1) Upon arrival at the facility, the director informed the surveyors there had been a water leak downstairs and repairs had been made to a wall. However, the director stated the drywall mud had not smoothed out and the wall had not been painted. During a tour of the facility this was noted by one (1) of the surveyors. It was also observed that the black baseboard was also missing from the bottom part of the wall.

2) During a tour of the Varsity room, a door stop was observed on the wall by a door by the bathroom. The door stop is located mid way on the wall at the same height as the knob on the bathroom door. At the time of the survey it was observed that the door stop had been pushed into the wall leaving the area around the door stop in disrepair. In the bathroom in this same room two (2) holes were observed in the wall under the toilet paper holder.

Inspection Report	
Hygienic Practices	Not In Compliance
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, this regulatory requirement was not met. 1) An interview with staff in the Toddler 1 room found that toys that are mouthed by children not toilet trained are placed in soapy water, then placed in bleach water and then left to air dry. 2) An interview with staff in the Infant 1 room found that toys that are mouthed by children not toilet trained are placed in soapy water to soak for five (5) minutes, rinsed and then placed in bleach water to soak for five (5) minutes and then air dried. The staff person indicated further that she takes her hand and swishes the toys in the soapy water to assure that all of the toys are submerged in the water. 3) An interview with staff in the Infant 2 room found that toys mouthed by children not toilet trained are washed in soapy water with a wash cloth, rinsed, placed in bleach water to soak and then air dried. The processes described for the sanitation of toys does not follow all of the required steps for the sanitation of toys that are mouthed by children not toilet trained as specified in this regulation.	
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, this regulatory requirement was not met. During a tour of the Toddler 1 room, a tube of diaper ointment was observed in an open compartment at the end of the changing table. The tube of diaper ointment did not contain the name of an individual child.	
Outdoor Play Area	Not In Compliance
750 - Playground Conditions	Not In Compliance
922 KAR 2:120. Section 4. Premises Requirements. (20) An outdoor play area shall be: (d) Safe from foreseeable hazard; (e) Well drained; (f) Well maintained; (g) In good repair; and (h) Visible to staff at all times. Findings: General: Based on observation, this regulatory requirement was not met. An inspection of the outdoor play area used by the toddlers found the rubber surfacing under equipment used to climb and slide had numerous places that were in disrepair. An interview with the director found that they are in the process of getting the surface replaced.	

Inspection Report	
Equipment	Not In Compliance
780 - Storage Space/Storage Device	Not In Compliance
922 KAR 2:120. Section 4. Premises Requirements. (29) Storage space shall be provided: (a) In the form of: 1. Shelves; or 2. Other storage device accessible to the children; and (b) In sufficient quantity for each child's personal belongings.	
Findings: General: Based on observation, this regulatory requirement was not met. In the Toddler 1 room the children's diaper bags were observed hanging on two (2) rows of hooks mounted to the wall. Due to the spacing of the hooks there was no space between each child's belongings which allows for the cross contamination of germs.	
795 - Individual Bed/Mat/Cot and Bedding	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: (b) For a toddler or preschool-age child: 1. An individual bed, a two (2) inch thick waterproof mat, or cot in good repair; and 2. Bedding that is in good repair and is changed: a. Weekly; or b. Immediately if it is soiled or wet.	
Findings: General: Based on observation, this regulatory requirement was not met. 1) In the Young Preschool room, red and blue vinyl nap mats were observed stacked in one corner of the room. The corners and edges of the mats were torn and worn. An interview with the staff person in the room found that the children use the mats for nap time. 2) In the Preschool 1 room, a stack of red and blue vinyl mats was observed in a corner of the room. The edges of the mats were torn. An interview with staff found that the children use the mats for nap time.	
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, this regulatory requirement was not met. 1) During a tour of the Varsity Club room, a black trash can was observed by the sink. The lid of the trash can had an accumulation of dirt and grime on the surface. 2) A black trash can in the Kindergarten room contained an accumulation of dirt and grime on the lid.	
Transportation	Not In Compliance
845 - 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, this regulatory requirement was not met. During a review of documents regarding practiced emergency drills, it was found there was no documentation to verify an emergency drill had been conducted for June 2019. A review of field trip permission forms found that children had been taken on two (2) field trips during the month of June 2019.	
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 review of documentation, this regulatory requirement was not met. A review of documentation from the previous renewal survey conducted on 7/26/18 found that the facility was using a 2003 Ford Econoline to transport children. During the exit conference the director stated they are no longer using the 2003 Ford Econoline. A review of DRCC files found there was no evidence that the facility had requested that the vehicle be removed from their list of vehicles used to transport children.	

Inspection Report

870 - Transportation Notification/Third Party Contracts

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:
- (f) Contracts, agreements, or documents detailing arrangements with any third party for services;

Findings:

General: Based on observation, interview and review of documentation, this regulatory requirement was not met. A review of documentation found that the entity listed as the insured party on the vehicle insurance was not that of the current facility. Further review of documentation provided at the time of the survey found there was not a third party agreement that could be reviewed by the surveyors. The director indicated that their internet services were down and documentation was not available. A copy of a third party agreement was e-mailed later to one (1) of the surveyors on 7/16/19. However, the document had areas that were required to be filled out and signed by the facility director and those areas had been left blank. It should be noted that children have been taken on field trips during June 2019.

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, this regulatory requirement was not met. An inspection of a 2007 Chevy Express used to transport children on field trips found that the first aid supplies on the vehicle did not include gloves, a cold pack, liquid soap or bandaids.

Food Service/Food Program

In Compliance

Food Service

Not In Compliance

1010 - Kitchen Requirements

Not In Compliance

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

- (1) The kitchen shall:
- (a) Be clean;
- (b) Be equipped for proper food:
1. Preservation;
 2. Storage;
 3. Preparation; and
 4. Service;
- (c) Be adequately ventilated to the outside air; and
- (d) Except in a Type II child-care center when a meal is not being prepared, not be used for the activity of a child.

Findings:

General: Based on observation, this regulatory requirement was not met. At the time of the survey the assistant director was observed in the kitchen with two (2) school age children. During the exit conference, the assistant director indicated the two (2) children belonged to her. It should be noted that the two (2) children had been observed in the Varsity Club room prior to them being in the kitchen.

Children's Records

Not In Compliance

1140 - Enrollment Information

Not In Compliance

922 KAR 2:090. Section 9. 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 a 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 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, this regulatory requirement was not met. A child's enrollment paperwork listed "nearest" as the preferred hospital. The child was enrolled on 6/10/17.

Inspection Report		
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 observation and review of documentation, this regulatory requirement was not met. The facility did not have written evidence of the annual submission of the emergency preparedness plan.		
1170 - Professional Development		Not In Compliance
922 KAR 2:090. Section 9. Records. (1) A child-care center shall maintain: (f) A written annual plan for child-care staff professional development;		
Findings: General: Based on review of documentation, this regulatory requirement was not met. Two (2) staff members did not have current professional development plans on file. These staff were hired on on 5/12/14 and 7/02/12. Both of the professional development plans on file were dated 1/2017.		
1185 - Confidentiality/Maintenance/Access		Not In Compliance
922 KAR 2:090. Section 9. Records. (2) A child-care center shall: (a) Maintain the confidentiality of a child's record and information concerning a child or the child's parent; (b) Maintain all records for five (5) years; and (c) Provide the cabinet access and information in the completion of the investigation pursuant to KRS 620.030(4) and (5).		
Findings: General: Based on observation, this regulatory requirement was not met. 1) During a tour of the Toddler 1 room, a note was observed taped to the cabinet over the sink. The note contained the name of a child and indicated that child should receive diaper cream at every diaper change. 2) During a tour of the Infant 1 room, a note containing a child's name was posted on the wall where the diaper bags were stored. The note was a topical ointment authorization form. Both of the items observed posted contained confidential information regarding a child and were visible to anyone who enters the classroom.		
Posted Documentation		Not In Compliance
1215 - Daily Activities		Not In Compliance
922 KAR 2:090. Section 10. Director Requirements and Responsibilities. (1) A director shall: (h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;		
Findings: General: Based on observation, this regulatory requirement was not met. 1) In the Toddler 2 room the posted daily activities did not have a date as to when the activities listed on the plan would be conducted in the classroom. 2) In the Infant 1 room the posted plan of activities had the word July at the top. There were no dates listed as to when the activities would be conducted. 3) In the Infant 2 room the posted plan of activities had the word July at the top. There were no dates listed as to when the activities would be conducted. 4) In the Toddler 3 room there were no dates listed as to when activities would be conducted. The word July was listed at the top with various activities below. 5) In the Young Preschool the posted plan of activities did not have a date as to when activities would be conducted. The words week 1 and week 2 were listed on the document. 6) In the Varsity Club room the posted plan of activities was labeled week 2. There were no dates as to when the activities would be conducted. 7) In the Kindergarten room there was a posted plan of activities. However, there was no date listed as to when the activities would be conducted. 8) In the Preschool 1 room a plan of activities was observed posted on the wall. However, there were no dates as to when the activities would be conducted.		
Animals		In Compliance

Signature of
Provider/Representative

Title

Date