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Inspection Report

<b>Provider Name:</b> ABC Daycare	<b>Provider Information</b>	<b>CLR No:</b> L355687
<b>Provider Address:</b> 415 West Spring Street, Irvington, KY, 40146	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 36
<b>Owner(s):</b> Abc Daycare Inc.		<b>Director(s):</b> Hodge, Subrena

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 320139
<b>Date Initiated:</b> 02/08/2022 10:25 AM	<b>Date Concluded:</b> 02/08/2022 2:00 PM	
	<b>No. of Children Present:</b> 9	

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, a caregiver, hired on 4/01/21, did not have a background check on file and was left alone with two (2) children in the infants' classroom. Also, a caregiver, hired on 12/6/21, did not have a background check on file and was left alone with seven (7) children in the toddlers' classroom.

15 - Submit fingerprints

Not In Compliance

922 KAR 2:280. Section 4. Procedures and Payments.

- (4)(a) Upon submission of payment in accordance with subsections (2) and (3) of this section, the child care provider shall print a copy of the DCC-504, Applicant Child Care Staff Member Live Scan Fingerprinting Form, from the NBCP portal and provide the form to the child care staff member.
- (b) The child care staff member shall:
  - 1. Have no more than ninety (90) calendar days from the date of payment pursuant to subsections (2) and (3) of this section to submit the child care staff member's fingerprints at an authorized collection site for NBCP; and
  - 2. Present the DCC-504 and driver's license or other government-issued photo identification to the designated agent at an authorized collection site prior to fingerprint submission.

Findings:

General: Based on review of documentation, three (3) caregivers, hired on 4/1/21, 7/5/21 and 12/6/21, each initiated the process of obtaining a background check through the NBCP portal but did not submit fingerprints.

Supervision

In Compliance

**Inspection Report**

**Staffing Requirements**

**Not In Compliance**

**125 - Ratios and Group Size**

**Not In Compliance**

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

**(2) For an operating child-care center, minimum staff-to-child ratios and group size shall be maintained as established in the table established in this subsection.**

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

**Infant**

**1 staff for 5 children 10**

**Toddler 12 to 24 months**

**1 staff for 6 children 12**

**Toddler 24 to 36 months**

**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.**

**(b) The age of the youngest child in the group shall determine the:**

- 1. Staff-to-child ratio; and**
- 2. Maximum group size.**

**Findings:**

General: Based on observation, interview and review of documentation, a caregiver supervised nine (9) children from 10:25 a.m. until 12:30 p.m. in the toddlers' room. The age of the youngest child was eight-months-old.

**General Administration**

**Not In Compliance**

**225 - Licensee Responsibility**

**Not In Compliance**

**922 KAR 2:090. Section 8. General.**

**(1) A licensee shall:**

- (a) Be responsible for the operation of the child-care center pursuant to this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280; and**
- (b) Protect and assure the health, safety, and comfort of each child.**

**Findings:**

General: Based on observation, five (5) outlets were not covered in the main area where children ate lunch. In addition, a cord from a cd player extended from a table in an adjacent room into the toddlers' room and was accessible to the children.

**275 - Change of Director**

**Not In Compliance**

**922 KAR 2:090. Section 13. Reports.**

**(3) A licensee shall report to the cabinet within one (1) week:**

- (a) Any resignation, termination, or change of director; and**
- (b) The name of the acting director who satisfies the requirements of Section 10 of this administrative regulation.**

**Findings:**

General: Based on interview and review of documentation, the licensee failed to report the change of director to the cabinet within one week of resignation and the name of the acting director who satisfies the requirement of Section 10 of the administrative regulation. Interview determined the director resigned in April 2021 and an acting director was not named.

**Director Requirements**

**Not In Compliance**

**335 - Operation instruction/Regulation copy**

**Not In Compliance**

**922 KAR 2:090. Section 8. General.**

**(2) Child-care center staff shall be:**

- (a) Instructed by the child-care center's director regarding requirements for operation; and**
- (b) Provided with a copy of this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280.**

**Findings:**

General: Based on observation, interview and review of documentation, the director failed to provide staff with a copy of the current administrative regulations, 922 KAR 2:120 and 922 KAR 2:280.

**355 - Staff Meeting**

**Not In Compliance**

**922 KAR 2:090. Section 10. Director Requirements and Responsibilities.**

**(1) A director shall:**

- (i) Conduct, manage, and document in writing recurring staff meetings;**

**Findings:**

General: Based on interview and review of documentation, there was no staff meeting documentation available for review.

**360 - 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 review of documentation, a caregiver, hired on 3/13/17, had an annual written performance evaluation on file that was dated 2/5/20.

**370 - Caregiver Alone**

**Not In Compliance**

**922 KAR 2:090. Section 10. Director Requirements and Responsibilities.**

**(1) A director shall:**

- (m) Assure that a person acting as a caregiver of a child in care shall not be left alone with a child, if the licensee has not received the results of the background checks as described in 922 KAR 2:280;**

**Findings:**

General: Based on observation and review of documentation, a caregiver, hired on 4/01/21, did not have a background check on file and was left alone with two (2) children in the infants' classroom. Also, a caregiver, hired on 12/6/21, did not have a background check on file and was left alone with seven (7) children in the toddlers' classroom.

**Employee Records**

**Not In Compliance**

**400 - Educational Requirements**

**Not In Compliance**

**922 KAR 2:090. Section 11. 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;**

**Findings:**

General: Based on review of documentation, four (4) caregivers, hired on 4/1/21, 7/5/21, 10/11/21 and 12/6/21, each did not have education verification on file.

**405 - 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 review of documentation, a caregiver, hired on 3/13/17, had TB documentation on file that was dated 3/16/19. A caregiver, hired on 10/11/21, had TB documentation on file that was dated 10/19/18. Three (3) caregivers, hired on 4/1/21, 7/5/21 and 12/6/21, did not have TB documentation on file.

**410 - CPR/First Aid Coverage**

**Not In Compliance**

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

- (3) For a child-care center licensed for infant, toddler, or preschool-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:**

- (a) Infant and child cardiopulmonary resuscitation; and**
- (b) Infant and child first aid.**

- (4) For a child-care center licensed for school-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:**

- (a) Adult cardiopulmonary resuscitation; and**
- (b) First aid.**

- (5) Cardiopulmonary resuscitation (CPR) and first aid training shall be in addition to the fifteen (15) clock hours requirement in subsection (16) of this section.**

**Findings:**

General: Based on review of documentation, there was no staff member present who was certified to administer first aid and CPR from 10:25 am 12:30 pm.

**415 - CPR/First Aid Required Training**

**Not In Compliance**

**922 KAR 2:120. Section 7. First Aid and Medicine.**

- (8) Each center shall ensure that every staff member has received training on first aid and cardiopulmonary resuscitation (CPR).**

**Findings:**

General: Based on review of documentation, a caregiver, hired on 4/1/21 was not CPR and first aid trained.

Inspection Report

435 - 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 completed within the first three (3) months of employment in a child-care program;
  - (b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment in a child care program, 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 completed between July 1 and the following June 30 of each subsequent year of employment in a child care program, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.
- (17) A staff person's compliance with training requirements of this section shall be verified through the cabinet-designated database maintained pursuant to 922 KAR 2:240.

Findings:

General: Based on review of documentation, a caregiver, hired on 3/13/17, did not complete any training hours during a subsequent year of employment. Three (3) caregivers, hired on 4/1/21, 7/5/21 and 10/11/21, each did not complete six (6) hours of cabinet approved orientation training within the first three (3) months of employment.

Programming

In Compliance

Premises

Not In Compliance

690 - Sink

Not In Compliance

922 KAR 2:120. Section 12. Toilet, Diapering, and Toiletry Requirements.

- (3) A sink shall be:
  - (a) Located in or immediately adjacent to toilet rooms;
  - (b) Equipped with hot and cold running water that allows for hand washing;
  - (c) Equipped with hot water at a minimum temperature of ninety (90) degrees Fahrenheit and a maximum of 120 degrees Fahrenheit;
  - (d) Equipped with liquid soap;
  - (e) Equipped with hand-drying blower or single use disposable hand drying material;
  - (f) Equipped with an easily cleanable waste receptacle; and
  - (g) Immediately adjacent to a changing area used for infants and toddlers.

Findings:

General: Based on observation, the hot water temperature registered sixty (60) degrees Fahrenheit at a sink in the toddlers' room. The hot water temperature registered eighty (80) degrees Fahrenheit at the sink in the school-age room. The hot water temperature registered eighty (80) degrees at the sink in the restroom. There was no sink adjacent to the changing table in the infants' classroom.

Hygienic Practices

Not In Compliance

700 - 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, nine (9) children did not wash their hands with liquid soap and warm, running water before they ate lunch and snack in the toddlers' room. Also, two (2) children did not wash their hands with liquid soap and warm, running water after a diaper change in the nursery.

730 - Diaper Changing Area/Surface

Not In Compliance

922 KAR 2:120. Section 12. 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, foam was exposed in the diaper changing pad in the infants' room.

First Aid/Medication

In Compliance

Outdoor Play Area

In Compliance

**Inspection Report**

**Equipment**

**Not In Compliance**

**865 - Indoor/Outdoor Equipment**

**Not In Compliance**

**922 KAR 2:120. Section 13. 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 and interview, an eight-month-old child sat in a high chair with a tray that did not latch to the high chair in the dining area. Interview determined the tray did not fit the high chair. Also, a tear, which exposed foam, was in the seat cushion of a black adult size chair in the toddlers' room. Dark brown stains and dried food particles were in a yellow, a blue and two (2) red child size chairs in the dining area. Water leaked from pipes under the sink onto the floor in the toddlers' room.

**Transportation**

**Not Applicable**

**Kitchen Requirements**

**Not In Compliance**

**1030 - Food Service Permit**

**Not In Compliance**

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

**(2) A child-care center required to have a food service permit shall be in compliance with 902 KAR 45:005 and this administrative regulation.**

**Findings:**

General: Based on observation, the center's food service permit was valid until 12/31/21.

**Food Service**

**In Compliance**

**Meal Planning/Center Provides Meals**

**Not In Compliance**

**1195 - Lunch/Dinner Requirements**

**Not In Compliance**

**922 KAR 2:120. Section 10. Meal Planning Requirements for a Center that Provides Meals.**

**(3) Lunch, and dinner if served, shall include the following components:**

- (a) Milk;**
- (b) Meat or meat alternative;**
- (c) Bread or grain; and**
- (d) 1. Two (2) different vegetables; or**  
**2. One (1) fruit and one (1) vegetable.**

**Findings:**

General: Based on observation, peanut butter and jelly crackers and milk were served to seven (7) children for lunch. The meal was missing a fruit and a vegetable; therefore, did not meet meal requirements.

**1220 - Menu**

**Not In Compliance**

**922 KAR 2:120. Section 10. Meal Planning Requirements for a Center that Provides Meals.**

**(9) A weekly menu shall be:**

- (a) Prepared;**
- (b) Dated;**
- (c) Posted in advance in a conspicuous place;**
- (d) Kept on file for thirty (30) days; and**
- (e) Amended in writing with any substitutions on the day the meal is served.**

**Findings:**

General: Based on observation and review of documentation, the center's menu was not prepared or posted.

**Meal Planning/Center Does Not Provide Meals**

**In Compliance**

**Children's Records**

**Not In Compliance**

**1245 - 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, a child, enrolled on 9/10/21, had an immunization certificate on file that was valid until 7/29/21.

**Inspection Report**

**Written Documentation**

**Not In Compliance**

**1270 - Daily Attendance Records**

**Not In Compliance**

**922 KAR 2:090. Section 9. Records.**

**(1) A child-care center shall maintain:**

**(c) Daily attendance records documenting the arrival and departure time of each child, including records that are required in accordance with 922 KAR 2:160, Section 13, if a child receives services from the child-care center through the Child Care Assistance Program;**

**Findings:**

Based on observation, nine (9) children were present at the center on 2/8/22. Review of the Brightwheel computerized documentation determined only one (1) child had a documented arrival time.

**1280 - 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, a caregiver, hired on 3/13/17, had an annual professional development plan on file that was dated 2/5/20.

**1285 - Earthquake/Tornado/Fire Drills**

**Not In Compliance**

**922 KAR 2:090. Section 9. Records.**

**(1) A child-care center shall maintain:**

**(h) A written record of quarterly practiced earthquake drills and tornado drills detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;**

**(i) A written record of practiced fire drills conducted monthly detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;**

**Findings:**

General: Based on review of documentation, monthly, fire drills and quarterly earthquake and tornado drills were conducted but the date, time and name of children participants were not documented.

**1305 - Fire Drills**

**Not In Compliance**

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

**(12) A fire drill shall be:**

**(a) Conducted during hours of operation at least monthly; and**  
**(b) Documented.**

**(13) An earthquake drill, shelter-in-place or lockdown drill, and tornado drill shall be:**

**(a) Conducted during hours of operation at least quarterly; and**  
**(b) Documented.**

**Findings:**

General: Based on review of documentation, monthly, fire drills and quarterly earthquake, tornado and lock down drills were conducted but were not documented.

**Posted Documentation**

**In Compliance**

**Animals**

**Not Applicable**

Signature of Provider/Representative

Title

Date