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Inspection Report

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

Inspection Type: Investigation	Inspection Information	Inspection No: 320724
Date Initiated: 03/11/2022 11:00 AM	Date Concluded: 03/11/2022 11:35 AM	
	No. of Children Present: 9	

Inspection Report	
Background Checks	Not In Compliance
5 - Background check/left alone/dismissed/relocated	Not In Compliance
<p>922 KAR 2:280. Section 3. Implementation and Enforcement.</p> <p>(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.</p> <p>(2) A child care staff member hired on or after April 1, 2018, shall:</p> <p>(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</p> <p>(b) 1. Have submitted to the background checks required in accordance with this administrative regulation;</p> <p>2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and</p> <p>3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result.</p>	
Findings:	
<p>General: Based on interview and review of documentation, a caregiver hired on 3/11/22, had not initiated the process of obtaining background checks and was present at the center in the infants' room with two (2) children on 03/11/22.</p> <p>A caregiver hired on 3/17/22, had not initiated the process of obtaining background checks. Interview with the caregiver determined she supervised children, from 5:30 a.m. to 1:00 p.m., at the center on 3/17/22.</p> <p>Another caregiver hired on 3/17/22, had not initiated the process of obtaining background checks. Interview with the caregiver determined she supervised children on 3/17/22, 3/24/22, and 3/29/22.</p> <p>A caregiver, date of hire was unknown, was listed in the national background check web-base system (NBCP) under "Pending Employees". The determination status indicated "not yet requested" and fingerprints had not been submitted. Interview determined this caregiver supervised children on 3/8/22.</p>	

Inspection Report

10 - Submit background check

Not In Compliance

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

- (1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:
 - (a) Request that the prospective child care staff member provide a copy of his or her driver's license or other government-issued photo identification and verify that the photograph clearly matches the prospective child care staff member;
 - (b) Request that the prospective child care staff member complete and sign the:
 - 1. DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and
 - 2. DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and
 - (c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:
 - 1. Child abuse and neglect central registry pursuant to 922 KAR 1:470;
 - 2. National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and
 - 3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580.

Findings:

General: Based on observation, interview and record review, a caregiver hired on 3/11/22, had not initiated the process of obtaining background checks. A review of the NBCP determined the caregiver was not listed in the system. This caregiver was observed in the infants' room with two (2) children on 3/11/22. Two (2) caregivers hired 3/17/22 had not initiated the process of obtaining background checks prior to employment.

Supervision

In Compliance

Staffing Requirements

In Compliance

General Administration

Not In Compliance

175 - Have Director

Not In Compliance

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

- (8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:
 - (g) Have a director who meets the requirements listed in Section 10 of this administrative regulation.

Findings:

General: Based on interview, the qualified director resigned in April 2021 as cited in a renewal inspection dated 2/8/22.

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 interviews, the safety of enrolled children was compromised when the center allowed a staff member, who was named in a child abuse/neglect report, to continue to work directly with children after being told the alleged perpetrator/staff member could not have direct contact with children, and after the licensee signed a DCBS prevention plan dated 3/16/22. A DCBS representative conducted a visit to the center on 3/29/22 and found the alleged perpetrator/staff member was present and supervised children at the center. Interviews determined the alleged perpetrator/staff member had worked with children since 3/16/22 and the licensee was fully aware of the staff member's work schedule.

265 - Child Abuse/Neglect Report

Not In Compliance

922 KAR 2:090. Section 13. Reports.

- (2) An incident of child abuse or neglect shall be reported to the cabinet pursuant to KRS 620.030.

Findings:

General: Based on interview and review of documentation, an eleven-year-old child reported that a caregiver smacked her on the face and cursed at her the morning of 3/8/22. The licensee was made aware of the alleged incident by the child's parent at 12:34 p.m. on 3/8/22. The caregiver in charge was made aware of the alleged incident at approximately 1:00 p.m. on 3/8/22. The licensee held a meeting with the child, the child's parent, two (2) staff members and the alleged perpetrator at approximately 6:00 pm the evening of 3/8/22. The center did not promptly report the alleged abuse in accordance with KRS 620.030.

320 - Person Under Investigation by DCBS

Not In Compliance

922 KAR 2:090. Section 8. General.

- (7) 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 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.

Findings:

General: Based on interview and review of documentation, a caregiver was named as the alleged perpetrator in a child abuse or neglect report accepted by the cabinet on 3/15/22. A prevention plan was issued by the Department for Community Based Services (DCBS) which indicated the caregiver was not to be in the caretaking role of any children at any time. The prevention plan was signed by the licensee on 3/16/22. In addition, the licensee was verbally informed of this regulatory requirement, 922 KAR 2:090 Section 8(7). A DCBS representative conducted a visit on 3/29/22 and found the alleged perpetrator/staff member was present and supervised children at the center. Interviews confirmed the alleged perpetrator/staff member had been present at the center since 3/16/22. The licensee was fully aware of the caregiver's work schedule.

Inspection Report

Director Requirements

Not In Compliance

350 - Staff Management/Policy Development/Supervision

Not In Compliance

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

(1) A director shall:

- (e) Manage the staff in their individual job descriptions;**
- (f) Assure the development, implementation, and monitoring of child-care center plans, policies, and procedures;**
- (g) Supervise staff conduct to ensure implementation of program policies and procedures;**

Findings:

General: Based on interview and review of documentation, an eleven-year-old child reported a caregiver smacked her on the face and cursed at her the morning of 3/8/22. The parent informed the licensee of the alleged incident at 12:34 p.m. on 3/8/22 and the caregiver in charge was made aware of the alleged incident at approximately 1:00 p.m. on 3/8/22. The center's child abuse reporting policy stated, "In the event that a staff person knows or has reason to believe that a child is an abused or neglected child, he/she shall report or cause a report to be made immediately to the Department for Social Services by phone. If it is believed that immediate protection of the child is advisable, an oral report to law enforcement agency will be made." The caregiver in charge and the licensee did not follow the center's policy.

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, a caregiver hired on 3/11/22, and a second caregiver, date of hire unknown, did not have documentation of education available for review.

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 3/11/22, and a second caregiver, date of hire unknown, did not have TB documentation available for review.

Equipment

Not In Compliance

840 - Individual Bed/Mat/Cot and Bedding

Not In Compliance

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.

(3) Rest time shall occur in an adequate space according to 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, six (6) children slept directly on cots without bedding (a sheet) and one (1) child slept on a mat without bedding (a sheet) in preschool room.

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 7/30/20, had an immunization certificate, on file, that was valid until 2/24/22.

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, a child enrolled on 7/30/20, did not include the name of her physician in the enrollment information.

Signature of Provider/Representative

Title

Date