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Inspection Report

Provider Information

Provider Name: Penguin Play School, LLP
Provider Type: LICENSED TYPE I
License No: L356506
Provider Address: 7109 Hopeful Church Road, Florence, KY, 41042
Capacity: 96
Owner(s): Penguin Playschool, LLP
Director(s): Goswick, Bonnie; Bellman, Jessica

Inspection Information

Inspection Type: Investigation
Inspection No: 190635
Visit Start Date: 05/11/2015 11:33 AM
Visit End Date: 05/11/2015 1:05 PM
No. of Children Present: 38

Inspection Report

Supervision

5 - Children Supervised — **In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(3)(a) Each center shall maintain a child-care program that assures each child will be:
1. Provided with adequate supervision at all times by a qualified staff person who:
a. Ensures the child is within scope of vision and range of voice; or
b. For a school-age child, within scope of vision or range of voice;

Staffing Requirements

40 - Ratios and Group Size — **In Compliance**

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.**

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 Observation and interview, the director failed to provide for the health of each child. During a tour of the center, the surveyor found that children's coats were hung on hooks on the walls in the four (4) year old classroom and the school age classroom. The coats were hung close to each other and in contact with each other. Individual items stored in this manner allow the spread of germs and contamination. The staff person in charge identified four (4) children enrolled at the facility that have had head lice within the past few weeks.

275 - Caregiver Alone — **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:
(n) 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 Section 3(1)(e)6 of this administrative regulation;

Findings:

General: Based on Observation, interview and record review this regulatory requirement was not met. A staff person observed working alone with ten (10) preschool children in Room 3A (building #2) during the investigation did not have a completed criminal records check (CRC) and child abuse/neglect check (CAN) on file. The staff person stated during interview, "I was hired during the summer of 2014 and worked at the facility until my college classes started in August. I left for awhile, but returned to work at the facility through my Christmas break and the first part of January 2015. Today is my first day back at the facility since January". A review of this staff person's file found CRC and CAN check applications that had been filled out and signed by the staff person 6/20/14; however, no evidence that these background checks were ever submitted for processing. The staff person in charge stated during interview that she was not aware that she did not have processed background checks on this staff person and stated, "I'm going to send off for new ones because she's been gone so long and make today her rehire date".

Employee Records

300 - Background checks/left alone — **Not 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.

Findings:

General: Based on Observation, interview and record review this regulatory requirement was not met. A staff person observed working alone with ten (10) preschool children in Room 3A (building #2) during the investigation did not have a completed criminal records check (CRC) and child abuse/neglect check (CAN) on file. The staff person stated during interview, "I was hired during the summer of 2014 and worked at the facility until my college classes started in August. I left for awhile, but returned to work at the facility through my Christmas break and the first part of January 2015. Today is my first day back at the facility since January". A review of this staff person's file found CRC and CAN check applications that had been filled out and signed by the staff person 6/20/14; however, no evidence that these background checks were ever submitted for processing. The staff person in charge stated during interview that she was not aware that she did not have processed background checks on this staff person and stated, "I'm going to send off for new ones because she's been gone so long and make today her rehire date".

Programming

385 - Discipline — **Not In Compliance**

922 KAR 2:120. Section 2. Child Care Services.
(10) A child shall not be subjected to:
(a) Corporal physical discipline pursuant to KRS 199.896(18);
(b) Loud, profane, threatening, frightening, or abusive language; or
(c) Discipline that is associated with:
1. Rest;
2. Toileting; or
3. Food.

Findings:

General: Based on Observation, this regulatory requirement was not met. While observing in building #2, the surveyor heard the staff person working in Room 3A speaking to the children in a harsh and threatening tone of voice. The staff person was observed working alone with ten (10) preschool children. The staff person yelled at the children repeatedly to "Stop it right now", "If you don't put that up, you're going in time out", "Do you want to go in time out again", "Put that back right now", "Quit", "Go get in time out right now, we don't hit our friends".

420 - Infant Sleep Position — **Not In Compliance**

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.
(1) An infant shall sleep or nap on the infant's back unless the infant's health professional signs a waiver that states the infant requires an alternate sleeping position.

Findings:

General: Based on Observation, this regulatory requirement was not met. Upon arrival (11:33AM) the surveyor entered the infant room and observed a seven (7) month old asleep in a swing. The surveyor toured the infant room a second time at 12:20PM and observed the child still sleeping in the same position. Documentation stating that the child required an alternate sleeping position was not provided.

Hygienic Practices

595 - 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 their developmental skills; and
(b) 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 wiping or blowing nose;
6. After touching items soiled with body fluids or wastes; and
7. After outdoor or indoor play time.

Findings:

General: Based on Observation, a three (3) year old child was not helped with personal care and cleanliness. While in building #2, the surveyor observed a three (3) year old child in the children's bathroom for approximately ten (10) - fifteen (15) minutes. The child had a bowel movement in his underware/pants and was attempting to clean the feces out of his underware with his bare hands. Surveyor observed the child picking feces up off the floor and placing it in the toilet. The staff person working in Room 3A eventually brought the child clean clothes to put on, placed the soiled underware in a plastic bag and assisted the child in washing his hands when he came out of the bathroom; however, did not check the child to make sure his buttocks was properly cleaned. The surveyor observed feces on the bathroom floor after the child exited the bathroom.

Outdoor Play Area

690 - 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, the outdoor patio identified as a play area for infants and toddlers was not maintained and in good repair. The following was found: 1. The concrete patio in this area was covered in carpet; however, several areas of the carpet were in dis-repair. A section of the carpet (approximately two (2) feet long) that was covering a concrete step was missing, a section in front of an exterior door contained a large rip/tear approximately two (2) feet long and another large section in front of the door did not lay flat due to several wrinkles. 2. Numerous leaves were observed on the carpet surfacing throughout this space.

700 - Fences — **Not In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(23) Fences shall be:
(a) Constructed of safe material;
(b) Stable; and
(c) In good condition.

Findings:

General: Based on Observation, the fence/gate on the outdoor patio identified as a play area for infants and toddlers was not stable and in good repair. Surveyor observed a small broken piece of wood hanging on the lattice closest to the building and observed that the piece of lattice on the gate was not securely attached to the frame. Approximately twenty (20) staples that were used to secure the piece of lattice to the wooden frame had popped out which created a large opening and exposed the sharp ends of the staples.

Equipment

760 - 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. During a tour of the outdoor play area the surveyor observed three (3) small riding toys that were discolored and contained chalked paint.

Posted Documentation

1155 - Posting Requirements — **Not In Compliance**

922 KAR 2:110. Section 2. General.
(7) In addition to the posting requirement of KRS 199.898(3), a child-care center shall post the following in a conspicuous place and make available for public inspection:
(a) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year;
(b) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;
(c) Information on the Kentucky Consumer Product Safety Program and the program's website as specified in KRS 199.897;
(d) A description of services provided by the child-care center, including:
1. Current rates for child care; and
2. Each service charged separately and in addition to the basic rate for child care;
(e) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and
(f) Daily schedule.

Findings:

General: Based on Observation, and interview, a civil penalty notice that was issued to the facility on 10/29/14 was not posted. The staff person in charge stated that she was not aware of this regulatory requirement.

1165 - Daily Activities — **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:
(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 and interview, the facility did not meet this regulatory requirement. The school age classroom did not have a schedule of daily activities posted. Staff stated during interview that the school age children have not been using their classroom because the weather has been nice and indicated that this age group stays outside because they are not present long.

Signature of Provider/Representative | Title | Date