



Andy Beshear
GOVERNOR

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

Eric Friedlander
SECRETARY

Melissa A. Moore, Director
Division of Regulated Child Care
Eastern Branch
455 Park Place, Suite 120A
Lexington, KY 40511
Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Kinder Care Learning Center #419	Provider Information	CLR No: L350185
Provider Address: 628 Wellington Way, Lexington, KY, 40503	Provider Type: LICENSED TYPE I	Capacity: 110
Owner(s): Kindercare Learning Centers LLC		Director(s): Carpenter, Carrington

Inspection Type: Renewal Application	Inspection Information	Inspection No: 219588
Date Initiated: 05/31/2017 8:20 AM	Date Concluded: 05/31/2017 11:00 AM	
	No. of Children Present: 55	

Inspection Report	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	In Compliance
Director Requirements	Not In Compliance
260 - Staff Evaluation	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:

(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, this regulatory requirement was not met. Seven (7) staff eligible for an annual performance review did not have documentation of a review on file in the facility.

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, this regulatory requirement was not met. During a tour of the facility, the surveyor observed a toilet plunger sitting beside a toilet in the children's bathroom in the Pre-K Classroom. The plunger was accessible to the children. This is a contamination risk and allows spread of germs.

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 Review of Documentation, observation and interview, this regulatory requirement was not met. One (1) staff person (hire date: 5/23/17) did not have evidence or results of a criminal records check (CRC) on file prior to being left alone with children. The surveyor observed this staff person working alone with nine (9) children in the preschool classroom during the inspection. The staff person in charge stated that she thought the facility corporate office processed CRC's on new hires; however, she found out during the visit that this was not done.

Inspection Report**Employee Records****Not In Compliance****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 Review of Documentation, observation and interview, this regulatory requirement was not met. The following was found:

1. One (1) staff person (hire date: 5/23/17) did not have evidence or results of a criminal records check (CRC) on file prior to being left alone with children. The surveyor observed this staff person working alone with nine (9) children in the preschool classroom during the inspection. The staff person in charge stated that she thought the facility corporate office processed CRC's on new hires; however, she found out during the visit that this was not done.
2. Five (5) staff (hire dates: 2/8/17, 6/23/16, 4/5/17 and 2 on 5/16/17) did not have evidence or results of a CRC on file. The staff person in charge stated that she thought the facility corporate office processed CRC's on new hires; however, she found out during the visit that this was not done.

315 - Educational Requirements**Not 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;**

Findings:

General: Based on Review of Documentation, six (6) staff (hire dates: 6/23/16, 4/5/17, 2 on 5/16/17, 5/23/17 and 4/17/17) did not have educational documentation on file.

320 - TB Verification**Not In Compliance****922 KAR 2:110. Section 5. 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, the following was found:

1. One (1) staff file (hire date: 6/28/11) contained results of a negative T.B. test that is no longer current. The test was dated 2/5/15 which exceeds the two (2) year time frame.
2. One (1) staff person did not have evidence of a negative TB skin test or physician's statement documenting he/she was free from tuberculosis prior to employment. The staff person was hired on 2/8/17; however, did not have a TB skin test until 4/7/17.
3. One (1) staff person did not have evidence of a negative TB skin test or physician's statement documenting he/she was free from tuberculosis prior to employment. The staff person was hired on 6/23/16; however, did not have a TB skin test until 7/7/16.
3. Two (2) staff (both hired 5/16/17) did not have T.B. documentation on file.

340 - Training**Not In Compliance****922 KAR 2:110. Section 5. Staff Requirements.****(14) 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 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 pediatric abusive head trauma training completed once every five (5) years.****Findings:**

General: Based on Review of Documentation and the Training Records Information System (TRIS), the following was found:

1. Two (2) staff files (hire dates: 9/3/92 and 5/19/15) did not contain the required fifteen (15) hours of training.
2. Two (2) staff files (hire dates: 3/4/15 and 5/19/15) contained a pediatric abusive head trauma training class certificate that was dated 1/17/12 and 3/17/12; therefore, this training is no longer valid.

345 - Driver Requirements

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

(18) A driver of a vehicle transporting a child for a center shall:

- (a) Be at least twenty-one (21) years old;
- (b) Complete:
 - 1. The background checks as described in 922 KAR 2:110; and
 - 2. An annual check of the:
 - a. Kentucky driver history records in accordance with KRS 186.018; or
 - b. Driver history records through the state transportation agency that issued the driver's license;
- (c) Hold a current driver's license which has not been suspended or revoked during the last five (5) years; and
- (d) Not caused an accident which resulted in the death of a person.

Findings:

General: Based on Review of Documentation and interview, this regulatory requirement was not met. A review of the transportation documentation on file found that one (1) bus driver had driver history record through the state transportation agency that issued the driver's license on file. This record was obtained on 6/9/15; therefore, not obtained within the required time frame (annual).

Programming

In Compliance

Premises

Not In Compliance

480 - 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 and interview, this regulatory requirement was not met. During a tour of the preschool classroom the surveyor observed a section of the floor near the children's bathroom that was unclean. A black sticky residue was observed on the floor. The staff person in charge stated that a diaper changing table had recently been removed in the area and she stated that she was in process of getting the floor cleaned.

Hygienic Practices

Not In Compliance

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, the facility failed to assure that a child be helped with personal care and cleanliness. During a tour of the toddler classroom, the surveyor observed a one (1) year old child walking around the classroom with nasal discharge toward her mouth. The surveyor observed a staff person guide the child at one point to a different area of the classroom; however, the child's nose was not wiped.

First Aid/Medication

In Compliance

Outdoor Play Area

In Compliance

Equipment

In Compliance

Transportation

Not In Compliance

785 - 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 and interview, this regulatory requirement was not met. The facility did not have written policies and procedures regarding emergency procedures. There was no evidence that emergency procedures are practiced monthly by the staff that transport the children. The staff person in charge acknowledged the finding and stated that the facility had written emergency procedures; however, she was not able to locate them during the visit.

Inspection Report

815 - Transportation Notification/Safety Procedures - Transporting, Loading/Unloading and Supervision

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:

(g) Safety procedures for:

1. Transporting a child;
2. Loading and unloading a child; and
3. Providing adequate supervision of a child.

Findings:

General: Based on Review of Documentation and interview, this regulatory requirement was not met. A review of the transportation binder found that the facility did not have written safety procedures for transporting a child, loading/unloading a child and providing adequate supervision of a child during transportation. The staff person in charge stated that the facility had transportation procedures; however, she was not able to locate them during the visit.

830 - Vehicle Inspection Documentation

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

(6) A vehicle used to transport children shall meet the following requirements:

(a) A twelve (12) or more passenger vehicle shall display a current certification of inspection from the Transportation Cabinet on the designated window.

Findings:

General: Based on Review of Documentation, this regulatory requirement was not met. The facility has two (2) mini buses (thirteen (13) passenger vehicles) that are used to transport children. A review of the inspection documentation found that the 2008 mini bus was last inspected on 6/15/15 and the 2010 mini bus was last inspected on 4/30/14; therefore, the inspection documentation was not current.

855 - Pre-trip Inspection

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

(8) A daily inspection of the vehicle shall be performed and documented for the following:

- (a) Tires;
- (b) Lights, signals, mirrors, gauges, and wiper blades;
- (c) Safety restraints;
- (d) Fuel; and
- (e) Free of debris.

Findings:

General: Based on Review of Documentation, this regulatory requirement was not met. Record review revealed no written documentation indicating that a daily inspection of the facility's two (2) mini buses was performed on 5/30/17. On this day, the vehicles were used to transport children on a field trip.

Food Service

In Compliance

Children's Records

Not In Compliance

1070 - Immunization

Not In Compliance

922 KAR 2:110. Section 3. 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, the following was found: 1. One (1) child (enrollment date: 2/17/17) had an immunization certificate on file that was no longer current as of 3/1/16. 2. A review of four (4) children's files (enrollment dates: 2 on 12/21/16, 3/24/17 and 8/5/16) found that they did not contain an immunization certificate.

1075 - Enrollment Information

Not In Compliance

922 KAR 2:110. Section 3. 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 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 situation 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, observation and interview, the following was found: 1. One (1) child's file/enrollment paperwork did not have physician contact information. 2. During the inspection the surveyor observed a First Steps Agency therapist working with a child present in the two (2) year old classroom. The staff person in charge stated that she had not obtained permission from the parent for third party professional services in the child-care center.

Written Documentation

Not In Compliance

1090 - Policies and Procedures

Not In Compliance

922 KAR 2:110. Section 2. General.

(5) Program policies and procedures shall:

(a) Be in writing; and

(b) Include:

1. Staff policies;
2. Job descriptions;
3. An organization chart;
4. Chain of command; and
5. Other procedures necessary to ensure implementation of:
 - a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;
 - b. 922 KAR 2:090, Child-care center licensure;
 - c. 922 KAR 2:120, Child-care center health and safety standards; and
 - d. This administrative regulation.

Findings:

General: Based on Review of Documentation, this regulatory requirement was not met. Review of the policies and procedures found that the facility did not have a current chain of command. The chain of command had a staff person's name listed that is no longer employed at the facility.

1105 - Professional Development

Not In Compliance

922 KAR 2:110. Section 3. 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. Eight (8) staff did not have evidence of a current staff professional development plan on file in the facility.

1115 - Earthquake/Tornado Drills

Not In Compliance

922 KAR 2:110. Section 3. 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;

Findings:

General: Based on Review of Documentation, this regulatory requirement was not met. At the time of the survey it was found that there was no record of quarterly earthquake and tornado drills conducted by the facility.

Inspection Report

1120 - Fire Drills

Not In Compliance

922 KAR 2:110. Section 3. Records.

(1) A child-care center shall maintain:

(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, this regulatory requirement was not met. At the time of the survey it was found that there was no record of monthly fire drills conducted by the facility.

1140 - Fire Drills

Not In Compliance

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

(12) A fire drill shall be conducted during hours of operation:

- (a) At least monthly; and
- (b) Documented.

Findings:

General: Based on Review of Documentation, this regulatory requirement was not met. At the time of the survey it was found that there was no record of monthly fire drills conducted by the facility.

1145 - Earthquake/Tornado Drills

Not In Compliance

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

(13) An earthquake drill and a tornado drill shall be conducted during hours of operation:

- (a) At least quarterly; and
- (b) Documented.

Findings:

General: Based on Review of Documentation, this regulatory requirement was not met. At the time of the survey it was found that there was no record of quarterly earthquake and tornado drills conducted by the facility.

Posted Documentation

In Compliance

Animals

In Compliance

Signature of Provider/Representative

Title

Date