



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

Adam Mather
INSPECTOR GENERAL

Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Inspection Report

Provider Name: Harmony Day Montessori School	Provider Information	CLR No: L383915
Provider Address: 2885 Rio Dosa, Lexington, KY, 40509	Provider Type: LICENSED TYPE I	Capacity: 39
Owner(s): Harmony Day Montessori School, Inc.		Director(s): Walker-Campbell, Michelle

Inspection Type: Renewal Application	Inspection Information	Inspection No: 293437
Date Initiated: 10/28/2020 9:37 AM	Date Concluded: 10/28/2020 11:50 AM	
	No. of Children Present: 22	

Inspection Report	
Background Checks	Not In Compliance
20 - Out of state background checks	Not In Compliance
<p>922 KAR 2:280. Section 5. Checks of Other States. (1) In accordance with 45 C.F.R. 98.43(b)(3), a prospective child care staff member who resides in or has resided in another state within the last five (5) years shall: (a) Request from each state of current or prior residency, in accordance with the state's laws, policies, and procedures, with a courtesy notice to the cabinet: 1. An in-state criminal records check by: a. Means of fingerprints for the state of residence; or b. Any means accepted by a state of prior residency; 2. A check of the state's sex offender registry or repository; and 3. A check of the state-based child abuse and neglect registry and database; and (b) Direct results of the checks required in paragraph (a) of this subsection to the Department for Community Based Services, Division of Child Care, 275 East Main Street, 3C-F, Frankfort, Kentucky 40601.</p>	
Findings:	
General: Based on review of documentation and interview, this regulatory requirement was not met. The following was found:	
1. A staff person with a hire date of 9/8/20 did not have evidence or results of an out of state background check from Florida. The staff person had a copy of a Florida driver's license in her file and listed that she previously lived in Florida in 2018.	
2. A staff person with a hire date of 9/28/20 did not have evidence or results of an out of state background check from North Carolina. The staff person stated during interview that she moved to Kentucky from North Carolina in January 2020.	
3. A staff person with a hire date of 9/13/20 did not have evidence of the application or the results of an out of state background check from California. The staff person had listed that he previously lived in California in 2019.	

Inspection Report

Supervision

Not In Compliance

100 - Activity Areas/Equipment/Materials

Not In Compliance

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

(2) Activity areas, equipment, and materials shall be arranged so that the child's activity is adequately supervised by staff.

Findings:

General: Based on observation, this regulatory requirement was not met. At approximately 11:15AM, the surveyor toured the playground with the staff person in charge. Upon opening the gate and entering the area, four preschool boys were observed playing around a rubber tire with standing water and mud. The boys were splashing each other with the water and mud; therefore, their clothes were wet and muddy. One of the boys was heard telling the others to stop splashing him. The staff person present with the group was observed sitting in chair on the opposite side of the playground (approximately 40 - 50 feet away) and several other pieces of equipment were observed positioned between where she was sitting and where the four boys were playing. Therefore, the staff person was sitting at a distance from the children that prevented them from being adequately supervising.

Staffing Requirements

In Compliance

General Administration

In Compliance

Director Requirements

Not In Compliance

350 - Health, Safety, Comfort

Not In Compliance

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

(1) A director shall:

(l) Assure the health, safety, and comfort of each child;

Findings:

General: Based on observation and interview, this regulatory requirement was not met. The following was found:

1. The surveyor observed 10 - 12 cloth tote bags with the children's personal belongings hung on hooks on the walls in the Primary Classroom. Multiple bags were hung on each hook; therefore, they were overlapping and touching. Individual items stored in this manner allow the spread of germs and contamination.
2. A coffee maker was observed sitting on a low table that was approximately six - eight inches from the floor in the Primary Classroom (preschool). The coffee maker was on, it was very hot to the touch and it was accessible to the eleven children present in the room. A staff person working in the classroom stated that the coffee maker was positioned on the low shelf so that children could assist in making coffee for the staff each morning. The staff person identified a specific male child in the room and stated that "he is very busy" and it gives him a chore to assist with.
3. Out of the eight staff employed at the facility, only one staff person (hire date: 8/1/10) had completed background checks on file. Two staff (hire dates: 7/7/20 and 6/15/20) had a completed child abuse/neglect check (CAN) on file; however, they did not have a completed criminal records check (CRC). The remaining five staff did not have evidence or results of background checks. It is important to note that the staff person with completed background checks was not present at the facility during the inspection.

Employee Records

Not In Compliance

385 - Personnel File

Not In Compliance

922 KAR 2:090. Section 9. Records.

(1) A child-care center shall maintain:

(e) A current personnel file for each child-care center staff person to include:

1. Name, address, date of birth, and date of employment;
2. Proof of educational qualifications;
3. Record of annual performance evaluation;
4. Documentation of compliance with tuberculosis screening in accordance with Section 11(1)(b) of this administrative regulation; and
5. The results of background checks conducted in accordance with 922 KAR 2:280;

Findings:

General: Based on review of documentation and interview, this regulatory requirement was not met. A review of staff files during the inspection found seven staff that did not have the date of employment listed in their file. The staff person in charge reviewed staff contract agreement paperwork located in a separate binder and then verbally identified the dates - 7/7/20, 6/15/20, 9/8/20, 10/5/20, 9/28/20, 9/13/20, and 9/30/20 as the hire dates. However, the dates of hire were not maintained in the personnel files.

390 - 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, five staff (hire dates: 7/7/20, 6/15/20, 10/5/20, 9/13/20, and 9/30/20) did not have educational documentation on file.

Inspection Report

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 review of documentation, this regulatory requirement was not met. The following was found:

- 1. One staff file (hire date: 8/1/10) contained results of a negative T.B. test that is no longer current. The test was dated 10/3/18 which exceeds the two year time frame.
- 2. Six staff (hire dates: 7/7/20, 6/15/20, 9/8/20, 10/5/20, 9/13/20, and 9/30/20) did not have T.B. documentation on file.

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 review of documentation and the Training Records Information System (TRIS), two staff (hire dates: 7/7/20 and 6/15/20) did not complete the six hours of cabinet-approved training within the first three months of employment.

Programming	In Compliance
Premises	In Compliance
Hygienic Practices	Not In Compliance

680 - Soiled Diapers/Clothing

Not In Compliance

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.

- (8) Diapers or clothing shall be:
 - (a) Changed when soiled or wet;
 - (b) Stored in a covered container temporarily; and
 - (c) Washed or disposed of at least once a day.

Findings:

General: Based on observation, this regulatory requirement was not met. The surveyor toured the children's bathroom in the Primary Classroom and observed a pair of soiled pants lying on the floor.

First Aid/Medication	In Compliance
Outdoor Play Area	In Compliance
Equipment	In Compliance
Transportation	Not Applicable
Food Service/Food Program	In Compliance
Food Service	In Compliance
Children's Records	Not In Compliance

1135 - 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, this regulatory requirement was not met. The following was found:

- 1. One child did not have an immunization certificate on file.
- 2. One child's file had an immunization certificate that did not have the required information (expiration date); therefore, it could not be determined whether or not the immunization certificate was current.

Inspection Report

Written Documentation

Not In Compliance

1155 - Policies and Procedures

Not In Compliance

922 KAR 2:090. Section 8. General.

(4) 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 2:120, Child-care center health and safety standards;

c. 922 KAR 2:280, Background checks for child care staff members, reporting requirements, and appeals; and

d. This administrative regulation.

Findings:

General: Based on review of documentation, this regulatory requirement was not met. A review of the policies and procedures found that the facility did not have a current chain of command. The chain of command had three staff names listed that are no longer employed at the facility.

1175 - 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 and interview, this regulatory requirement was not met. At the time of the survey it was found that there was no record of fire, earthquake and tornado drills conducted by the facility. The staff person in charge contacted the director via phone call during the inspection and the director stated that she had the records at her house.

Posted Documentation

In Compliance

Animals

Not Applicable

Emergency Regulation

Not In Compliance

1255 - Emergency Regulation

Not In Compliance

922 KAR 2:405E. Emergency Regulation.

Due to the current declared public health emergency caused by the Novel Coronavirus Disease (COVID-19), licensed child care centers must operate under Centers for Disease Control and Prevention and public health guidelines, as mandated by 922 KAR 2:405E, to prevent the spread of COVID-19.

Findings:

General: Based on review of documentation, a review of the Training Records Information System (TRIS), observation, and interview, this regulatory requirement was not met. The following was found:

1. One staff person (hire date: 8/1/10) did not have evidence of completing the required ECE 202 training class (Requirements for Reopening Child Care in Kentucky). This staff person does not have a set schedule; however, staff stated that she typically works in the afternoons.
2. The facility failed to submit a background check for two staff (hire dates: 7/7/20 and 6/15/20). Both staff had a completed child abuse/neglect check (CAN) on file; however, they only had criminal records check (CRC) application forms in their file. There was no way for the surveyor to verify whether or not the applications had been submitted for processing. The CRC results had not been obtained. The staff person with a 6/15/20 hire date was observed working in the primary classroom during the visit.
3. Five staff (hire dates: 9/8/20, 10/5/20, 9/28/20, 9/13/20, and 9/30/20) had KARES application forms in their files; however, there was no evidence or results on file of a completed child abuse/neglect check (CAN) or a criminal records check (CRC). Three of these staff were observed working at the facility during the visit.
4. One adult female that was observed present in the toddler classroom during the visit was identified as a college student who was working on practicum hours. The person stated that she started on 10/26/20, and indicated that she is present daily from 8:00AM - 11:00AM.

Signature of Provider/Representative

Title

Date