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**Inspection Report**

<b>Provider Name:</b> Tygart Creek Childcare Program	<b>Provider Information</b>	<b>CLR No:</b> L384087
<b>Provider Address:</b> 19743 West Highway 60, Olive Hill, KY, 41164	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 20
<b>Owner(s):</b> Carter County Schools		<b>Director(s):</b> Wright, Nellie

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 319236
<b>Date Initiated:</b> 11/09/2021 10:30 AM	<b>Date Concluded:</b> 11/09/2021 12:30 PM	
	<b>No. of Children Present:</b> 5	

Inspection Report	
<b>Background Checks</b>	<b>Not In Compliance</b>
<b>15 - Submit fingerprints</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:280. Section 4. Procedures and Payments.</b></p> <p>(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.</p> <p>(b) The child care staff member shall:</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol>	
<b>Findings:</b>	
<p>General: Based on review of documentation, found one staff hired 8/21/2021, was listed in KARES as in process. The staff person stated she has an appointment for her fingerprints this week. There were three additional staff with a date of hire of 8/21/2020, who had no evidence that their fingerprints had been submitted. This was verified through the KARES system. All staff members fingerprints should have been submitted no later than 9/30/2021. It should be noted that all staff had the results of a Child Abuse and Neglect Check and a Criminal Records Check on file at the facility.</p>	
<b>Supervision</b>	<b>In Compliance</b>
<b>Staffing Requirements</b>	<b>In Compliance</b>
<b>General Administration</b>	<b>In Compliance</b>
<b>Director Requirements</b>	<b>Not In Compliance</b>
<b>355 - Staff Meeting</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</b></p> <p>(1) A director shall:</p> <ol style="list-style-type: none"> <li>(i) Conduct, manage, and document in writing recurring staff meetings;</li> </ol>	
<b>Findings:</b>	
<p>General: Based on review of documentation, there was no documentation of staff meetings on file at the facility. The program has been in operation since August 2020.</p>	

**395 - 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 interview and review of documentation, there was one staff person's personnel file that did not have a documented date of hire. The staff person in charge was unsure as to when the staff person was hired.

**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 interview and review of documentation, there was one staff person who did not have a copy of a high school diploma, GED, or other qualifying documentation on file at the facility. There was no documented date of hire for this staff person. The staff person in charge was unsure as to when this staff person was hired.

**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 interview and review of documentation, there were two staff who did not have a copy of a current T.B. test or a statement from a health professional indicating they are free from the symptoms of T.B. on file at the facility. One of the staff person's date of hire is 8/21/2020. The other staff person did not have a date of hire documented in their personnel file. The staff person in charge indicated she was unsure as to when this staff person was hired.

**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, there were four staff with a hire date of 8/21/2020, who did not have evidence of fifteen hours of cabinet approved training from 7/1/2020 - 6/30/2021. This was verified in the ECE-TRIS system.

**455 - Program of Activities Followed**

**Not In Compliance**

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

- (4) The child-care center shall provide a daily planned program:**
- (a) Posted in writing in a conspicuous location with each age group and followed;**
  - (b) Of activities that are individualized and developmentally appropriate for each child served;**
  - (c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being; and**
  - (d) Unless the child-care center is a before- or after-school program that operates part day or less, that offers a variety of creative activities including:**
    - 1. Art or music;**
    - 2. Math or numbers;**
    - 3. Dramatic play;**
    - 4. Stories and books;**
    - 5. Science or nature;**
    - 6. Block building or stacking;**
    - 7. Tactile or sensory activity;**
    - 8. Multi-cultural exposure;**
    - 9. Indoor and outdoor play in which a child makes use of both small and large muscles;**
    - 10. A balance of active and quiet play, including group and individual activity;**
    - 11. An opportunity for a child to:**
      - a. Have some free choice of activities;**
      - b. If desired, play apart from the group at times;**

**Findings:**

General: Based on observation and interview, there was not a posted planned program of activities (lesson plan). The staff person in charge indicated she uses the schools preschool program lesson plan. However, this document was not posted and not in the classroom for review at the time of the survey.

**500 - Electronic Viewing/Listening Planned Program**

**Not In Compliance**

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

- (1) Screen time, electronic viewing and listening devices shall only be used in the center as a part of the child's planned program of activity as established in Section 2(4) and (5) of this administrative regulation.**

**Findings:**

General: Based on observation and review of documentation, at the time of the survey the children watched Pepa Pig while they ate lunch. It should be noted that television viewing was not listed as part of the daily schedule. It also could not be determined if the program was listed as part of the planned program of activities (lesson plan) for the day because there was no documentation posted or available for review.

**555 - Appropriate Use of Food**

**Not In Compliance**

**922 KAR 2:120. Section 9. Food and Drink Requirements for All Child-Care Centers.**

- (2) Food shall not be:**
- (a) Used for reward;**
  - (b) Used for discipline;**
  - (c) Withheld until all other foods are consumed; or**
  - (d) Served while viewing electronic devices.**

**Findings:**

General: Based on observation, at the time of the survey the children watched Pepa Pig while they ate lunch. This regulation requires that food not be served while children are viewing electronic devices.

**Premises**

**Not In Compliance**

**565 - Inaccessible Items**

**Not In Compliance**

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

- (7) The following shall be inaccessible to a child in care:**
- (a) Toxic cleaning supplies, poisons, and insecticides;**
  - (b) Matches, cigarettes, lighters, and flammable liquids; and**
  - (c) Personal belongings and medications of staff.**

**Findings:**

General: Based on observation, during a tour of the classroom a spray bottle of eyeglass cleaner had been placed on a table by the window. The label on the bottle had a warning to keep out of the reach of children. The bottle of eyeglass cleaner was accessible to the children.

**570 - Items Accessible Only During Activity**

**Not In Compliance**

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

- (8) The following shall be inaccessible to a child in care unless under direct supervision and part of planned program of instruction:**
- (a) Knives and sharp objects;**
  - (b) Litter and rubbish;**
  - (c) Bar soap; and**
  - (d) Plastic bags not used for personal belongings.**

**Findings:**

General: Based on observation, during a tour of the classroom a Stanley brand screwdriver had been placed on top of a box of craft sticks that was on a table by the window. The screwdriver was accessible to the children.

**Inspection Report**

**Hygienic Practices**

**In Compliance**

**First Aid/Medication**

**Not In Compliance**

**760 - First Aid Supplies**

**Not In Compliance**

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

**(1) First aid supplies shall:**

- (a) Be available to provide prompt and proper first aid treatment;**
- (b) Be stored out of reach of a child;**
- (c) Be periodically inventoried to ensure the supplies have not expired;**
- (d) If reusable, be:**
  - 1. Sanitized; and**
  - 2. Maintained in a sanitary manner; and**
- (e) Include:**
  - 1. Liquid soap;**
  - 2. Adhesive bandages;**
  - 3. Sterile gauze;**
  - 4. Medical tape;**
  - 5. Scissors;**
  - 6. A thermometer;**
  - 7. Flashlight;**
  - 8. Cold pack;**
  - 9. First aid book;**
  - 10. Disposable gloves; and**
  - 11. A cardiopulmonary resuscitation mouthpiece protector.**

**Findings:**

General: Based on observation, it was found that there was not a CPR mouthpiece available as part of the first aid supplies.

**Outdoor Play Area**

**In Compliance**

**Equipment**

**Not In Compliance**

**860 - Toys/Furniture**

**Not In Compliance**

**922 KAR 2:120. Section 13. Toys and Furnishings.**

**(1) All toys and furniture contacted by a child shall be:**

- (a) Kept clean and in good repair; and**
- (b) Free of peeling, flaking, or chalking paint.**

**Findings:**

General: Based on observation, during a tour of the classroom there was a red, vinyl child-sized chair with a hole the size of a tennis ball in the arm rest. In addition, a portion of the red vinyl surface had worn off the seat of the chair.

**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, during a tour of the playground, there was a child-sized Little Tikes picnic table. There was a portion of the table-top that was broken. The broken area contained sharp edges.

**Transportation**

**Not Applicable**

**Kitchen Requirements**

**Not In Compliance**

**1040 - Refrigerator**

**Not In Compliance**

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

**(4) A cold-storage facility used for storage of perishable food in a nonfrozen state shall:**

- (a) Have an indicating thermometer or other appropriate temperature measuring device;**
- (b) Be in a safe environment for preservation; and**
- (c) Be forty (40) degrees Fahrenheit or below.**

**Findings:**

General: Based on observation and interview, there was a small refrigerator in the classroom that contained packages of string cheese and individual boxes of juice. There was not an indicating thermometer in the refrigerator. Therefore, it could not be determined if the temperature inside the refrigerator was maintained at forty degrees Fahrenheit or below. The staff person confirmed that the items inside the refrigerator are served to the children.

**Food Service**

**In Compliance**

**Inspection Report**

**Meal Planning/Center Provides Meals**

**Not In Compliance**

**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 interview, it was found the children are served an afternoon snack. A tour of the classroom found there was not a snack menu posted.

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

**Not Applicable**

**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, out of ten children's files reviewed, there were nine children who did not have a current immunization certificate on file. Seven of the children have been enrolled since August 2021. One child has been enrolled since 9/8/2021 and the other child has been enrolled since 10/4/2021.

**1250 - Enrollment Information**

**Not In Compliance**

**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, out of ten children's enrollment information reviewed, there were seven children's information that did not contain permission for emergency medical care, the name and number of the child's physician and a preferred hospital. There were two additional children's enrollment information that did not contain the name and phone number of the child's physician.

**Written Documentation**

**Not In Compliance**

**1260 - Evacuation Plan**

**Not In Compliance**

**922 KAR 2:090. Section 5. Evacuation Plan.**

- (1) A licensed child-care center shall have a written evacuation plan in the event of a fire, natural disaster, or other threatening situation that may pose a health or safety hazard for a child in care in accordance with KRS 199.895 and 42 U.S.C. 9858c(c)(2)(U).**

**Findings:**

General: Based on review of documentation, there was no documentation available for review to verify the Evacuation Plan for the current year had been submitted to local emergency management for approval. This document is required to be submitted for approval by December 31 of the year prior.

**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:**

General: Based on review of documentation, found the time of arrival and time of departure is not being documented for the children in attendance.

**Inspection Report**

**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 interview with the staff person in charge, it was found that the date, time, and names of children who participated in monthly fire drills and in quarterly earthquake/tornado drills is not being recorded. The staff person in charge stated that all drills are conducted when the school conducts their drills.

**Posted Documentation**

**In Compliance**

**Animals**

**Not Applicable**

Signature of Provider/Representative

Title

Date