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Inspection Report

Provider Name: Kinder Care Learning Center #963	Provider Information	CLR No: L353073
Provider Address: 3199 Custer Drive, Lexington, KY, 40517	Provider Type: LICENSED TYPE I	Capacity: 157
Owner(s): Kindercare Learning Centers Llc		Director(s): Martin, Lea Ann

Inspection Type: Renewal Application	Inspection Information	Inspection No: 244611
Date Initiated: 05/15/2018 8:25 AM	Date Concluded: 05/15/2018 11:00 AM	
	No. of Children Present: 61	

Inspection Report	
Background Checks	Not In Compliance
20 - Out of state background checks	Not In Compliance
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. Findings: General: Based on Review of Documentation, staff hired on 03/21/18 listed California as a state she has lived in within the last five (5) years. An out of state background check was not completed on this staff.	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
260 - Change of Director	Not In Compliance
922 KAR 2:090. Section 12. Reports. (3) A licensee shall report to the cabinet within one (1) week: (a) Any resignation, termination, or change of director; and (b) The name of the acting director who satisfies the requirement of Section 10 of this administrative regulation. Findings: General: Based on Interview, the listed director quit the facility on 05/03/18 and a new director was hired on 05/10/18. The new director stated that she thought the change of director paperwork was submitted to Frankfort but she could not locate any written proof of this submission. DRCC surveyor checked with Frankfort and was told the change of director paperwork was received on 05/15/18, which was the day of the relicensure survey. The change of director paperwork was not submitted within a week of the listed director leaving the facility.	

Inspection Report**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, an indoor slide in the Discovery preschool room was sitting on linoleum. There was no protective surface underneath the slide in case of a fall. The kitchen door was propped open during the relicensure survey and there was bleach found in an unlocked kitchen cabinet which was accessible to the children.

Employee Records**Not In Compliance****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, staff hired on 09/02/17, 02/28/17 and 10/27/17 did not have education documentation on file.

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, staff hired on 09/02/17 did not have documentation from a health care professional stating she was free of active tuberculosis.

400 - CPR/First Aid Coverage**Not In Compliance****922 KAR 2:090. Section 11. Staff Requirements.**

- (3) For a child-care center licensed for infant, toddler, or preschool-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:**

- (a) Infant and child cardiopulmonary resuscitation; and**

- (b) Infant and child first aid.**

- (4) For a child-care center licensed for school-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:**

- (a) Adult cardiopulmonary resuscitation; and**

- (b) First aid.**

Findings:

General: Based on Review of Documentation, staff hired on 04/24/12 did not have a current CPR/First Aid card on file. This staff person is the only one listed as a driver for the facility.

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, staff hired on 01/02/18, 12/05/17, 09/02/17, 05/01/17 and 10/27/17 have not completed the required Orientation I and II class. Staff hired on 02/20/16, 05/01/17, 01/27/95, 04/24/12, 02/28/17, 11/05/07 and 04/28/15 did not have fifteen (15) hours of cabinet approved training on file. Staff hired on 01/23/17 has not completed the required pediatric abusive head trauma class. Staff hired on 04/28/15 took the pediatric abusive head trauma class on 05/06/13. This class has to be renewed every five (5) years but the staff person has not renewed the training. This information was verified through ECE-TRIS.

Inspection Report

415 - 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 2:280; 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, there was no current Kentucky driver history record on file for the van driver hired on 04/24/12.

Programming

In Compliance

Premises

Not In Compliance

570 - Pest Control

Not In Compliance

922 KAR 2:120. Section 4. Premises Requirements.

(7) Measures shall be utilized to control the presence of:

- (a) Rodents;
- (b) Flies;
- (c) Roaches; and
- (d) Other vermin.

Findings:

General: Based on Observation, there were numerous mouse droppings found in a kitchen drawer.

580 - Floors, Walls, Ceilings

Not In Compliance

922 KAR 2:120. Section 4. Premises Requirements.

(9) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.

Findings:

General: Based on Review of Documentation, the baseboards in the Infant B classroom had numerous spots of chipping paint. There was a large water stain on the ceiling tile in the bathroom of the Preschool classroom.

Hygienic Practices

Not In Compliance

685 - Diaper Changing Area/Surface

Not In Compliance

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

(10) When a child is diapered, the child shall:

- (b) Be placed on a surface that is:
 - 1. Clean;
 - 2. Padded;
 - 3. Free of holes, rips, tears, or other damage;
 - 4. Nonabsorbent;
 - 5. Easily cleaned; and
 - 6. Free of any items not used for diaper changing.

Findings:

General: Based on Review of Documentation, there was a tear found in the diaper changing pad in the Infant B classroom.

Inspection Report	
First Aid/Medication	Not In Compliance
730 - Medication	Not In Compliance
922 KAR 2:120. Section 7. First Aid and Medicine. (6) Medication, including refrigerated medication, shall be: (a) Stored in a separate and locked place, out of the reach of a child unless the medication is: 1. A first aid supply and is maintained in accordance with subsection (1) of this section; 2. Diaper cream, sunscreen, or toothpaste. Diaper cream, sunscreen, or toothpaste shall be inaccessible to a child; 3. An epinephrine auto-injector. In accordance with KRS 199.8951: a. An epinephrine auto-injector shall be inaccessible to a child; b. A child-care center shall have at least one person onsite who has received training on the administration of an epinephrine auto-injector if the child-care center maintains an epinephrine auto-injector; c. A child-care center shall seek emergency medical care for a child if an auto-injector is administered to the child; and d. A child-care center shall report to the child's parent and the cabinet in accordance with 922 KAR 2:090, Section 12 if an epinephrine auto-injector is administered to a child; or 4. An emergency or rescue medication for a child in care, such as medication to respond to diabetic or asthmatic condition, as prescribed by the child's physician. Emergency or rescue medication shall be inaccessible to a child in care; (b) Kept in the original bottle; and (c) Properly labeled. (7) Medication shall not be given to a child if the medication's expiration date has passed.	
Findings: General: Based on Review of Documentation, a tube of Aquafor Diaper Creme was found in an unlocked cabinet underneath the changing table in the Infant B classroom. This medication was accessible to the children.	
Outdoor Play Area	In Compliance
Equipment	Not In Compliance
815 - Toys/Furniture	Not In Compliance
922 KAR 2:120. Section 11. 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, the blue fabric covering the rocking chair in the Infant B classroom was covered with large dark circle stains. There were several torn books found in the PreKindergarten classroom.	
Transportation	Not In Compliance
890 - 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) For a twelve (12) or more passenger vehicle, the child-care center shall maintain a current certification of inspection from the Transportation Cabinet.	
Findings: General: Based on Review of Documentation, there was no current certification of inspection for the van on file from the Transportation Cabinet.	
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, children enrolled on 03/14/17, 05/26/17, 03/10/17 and 07/30/16 did not have a current immunization record on file.	

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, the chain of command still listed the previous director who left 05/03/18.	
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, there was no written documentation that an April fire drill was conducted.	
Posted Documentation	Not In Compliance
1200 - Posting Requirements	
Not In Compliance	
922 KAR 2:090. Section 8. General. (6) 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) The provider's preliminary or regular license; (b) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year; (c) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year; (d) Information on the Kentucky Consumer Product Safety Program and the program's website as specified in KRS 199.897; (e) 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; (f) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and (g) Daily planned program.	
Findings: General: Based on Observation, the daily schedule for the school age classroom only listed times from 3:00pm-6:30pm. There was no daily schedule for when school is out and the school age children are at the facility for the entire day.	
Animals	In Compliance