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Adam Mather
INSPECTOR GENERAL

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): Kennedy, Pamela Dawn

Inspection Type: Renewal Application	Inspection Information	Inspection No: 289323
Date Initiated: 06/06/2019 8:23 AM	Date Concluded: 06/06/2019 12:00 PM	
	No. of Children Present: 83	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	In Compliance
Director Requirements	Not In Compliance
345 - Staff Evaluation	Not In Compliance
922 KAR 2:090. Section 10. Director Requirements and Responsibilities. (1) A director shall: (j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;	
Findings: Based on review of documentation, two (2) staff hired on 9/1/17 and 5/9/18 did not have an annual performance evaluation on file.	
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, the surveyor found the following:	
1. A toilet plunger on the floor behind the toilets in the restroom located in the Preschool classroom; and 2. One (1) uncovered outlet in the Pre-K classroom.	

Inspection Report**Employee Records****Not In Compliance****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:

Based on review of documentation and ECE-TRIS, one (1) staff person hired on 2/20/17 completed fourteen (14) hours of early care and education training.

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 observation, interview and review of documentation, the surveyor found that five (5) staff identified as drivers did not have an annual Kentucky driver history check. It is important to note this regulatory violation was cited during the renewal inspection conducted on 5/15/18.

Programming**Not In Compliance****445 - Waiting Period****Not In Compliance****922 KAR 2:120. Section 2. Child Care Services.****(8) A child shall not be required to stand or sit for a prolonged period of time:**

- (a) During an activity;**
- (b) While waiting for an activity to start; or**
- (c) As discipline.**

Findings:

General: Based on observation, staff in the Toddler B classroom were requiring the whole group of eleven (11) toddlers ages one-to-two (1-2) years old to participate in a circle time activity. At approximately 9:49 a.m., the surveyor overheard a staff person telling the children to sit down in the book area. Both staff were observed redirecting children as they left the book area to go to other areas of the classroom. At approximately 9:55 a.m., the surveyor observed a staff person sitting in the book area and holding a couple of toddlers in her lap as the other staff person began singing songs. The staff person singing had to stop several times in order to tell the children to sit down. The surveyor observed a couple of toddlers crying during the group activity. At approximately 10:00 a.m., the surveyor noted the staff person who was leading the singing had to get up and redirect a female toddler back to the book area. It is important to note that toddlers cannot sit still for very long and large-group activities are not appropriate for this age group.

Premises**Not In Compliance****540 - 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, the surveyor noted the following:

1. Excessive tape residue on a picture wall located in the book area in the Preschool classroom;
2. A section of peeling blue contact paper on the wall located in the block area in the Pre-K classroom;
3. Brown smudges on the wall in the hand-washing area in the Toddler B classroom;
4. A cracked light fixture cover on an exterior light;
5. A broken door handle on an exterior door; and
6. An excessive amount of chipped paint at the bottom of the exterior windows and door.

It is important to note the director stated that she was aware of the exterior issues and has already placed a work order to have the issues fixed.

560 - Building Requirements

Not In Compliance

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

(5) The building shall be constructed to ensure the:

(a) Building is:

1. Dry;
2. Ventilated; and
3. Well lit, including clean light fixtures that are:
 - a. In good repair in all areas; and
 - b. Shielded or have shatter-proof bulbs installed; and

(b) Following are protected:

1. Windows;
2. Doors;
3. Stoves;
4. Heaters;
5. Furnaces;
6. Pipes; and
7. Stairs.

Findings:

General: Based on observation, the surveyor found a light shield covering an overhead light located in the preschool classroom was cracked.

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 observation, the surveyor found the following:

1. A section of peeling and chipped paint along the baseboard behind the art easel in the preschool classroom;
2. Several light colored stains on the ceiling around the water sprinkler in the hand-washing area in the preschool classroom;
3. Three (3) water stained ceiling tiles around a return vent located in the Pre-K classroom;
4. The ceiling around a return vent in the bathroom area was not smooth due to areas of old patchwork covering discolored areas of the ceiling;
5. A brown water stained ceiling tile located in the downstairs hallway; and
6. Five (5) areas of rough dry wall patch along the wall in the Toddler B classroom.

650 - Toilet

Not In Compliance

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

(4) Each toilet shall:

- (a) Be kept in clean condition;
- (b) Be kept in good repair;
- (c) Be in a lighted room; and
- (d) Have ventilation to outside air.

Findings:

General: Based on observation, the surveyor found the following:

1. Stains inside of the toilet located in the Pre-K classroom; and
2. A build-up of dirt and grime on the floor and around the base of the toilet located in the school-age classroom.

Hygienic Practices

In Compliance

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. A licensed child-care center shall comply with KRS 199.8951 and 311.646, including: a. An epinephrine auto-injector shall be inaccessible to a child; b. A child-care center shall have at least one (1) 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(1)(b) 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 observation, the surveyor found three (3) bottles of sunscreen (Banana Boat Kids, Coppertone Water Babies, and Babyganics) not labeled.		
	Outdoor Play Area	Not In Compliance
755 - Protective Surface		Not In Compliance
922 KAR 2:120. Section 4. Premises Requirements. (21) A protective surface shall: (a) Be provided for outdoor play equipment used to: 1. Climb; 2. Swing; and 3. Slide; and (b) Have a fall zone equal to the height of the equipment.		
Findings: General: Based on observation, he surveyor found two (2) Little Tikes First Slides approximately three (3) feet tall that were positioned directly on a concrete surface.		
	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 surveyor found the following: 1. Numerous rips and puncture holes in a red dramatic play couch located in the Pre-K classroom; 2. Numerous small puncture holes in a red dramatic play chair located in the Pre-K classroom; 3. Excessive tape residue on a table located in the school-age classroom; 4. A rip in the arm of a blue dramatic play couch located in the discovery preschool classroom; and 5. A blue plastic container located in the school-age classroom was cracked and jagged.		
820 - 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, the surveyor found dirty water and debris inside of two (2) sensory tables located on the playground. The surveyor observed dirty water in a third sensory table located in a contained area that was fenced. The director stated the children do not play in this area.		

Inspection Report	
Transportation	Not In Compliance
845 - Requirements for Transportation Services	
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 in the transportation files presented for review, the surveyor noted the last emergency procedure practiced by staff who transport children was done in February 2019. There was no documentation presented for review for the months of March, April, and May.	
Food Service/Food Program	In Compliance
Food Service	Not In Compliance
1040 - Kitchen Equipment Clean and Sanitary	
922 KAR 2:120. Section 8. Kitchen Requirements. (7) The following shall be clean and sanitary: (a) Eating and drinking utensils; (b) Kitchenware; (c) Food contact surfaces of equipment; (d) Food storage utensils; (e) Food storage containers; (f) Cooking surfaces of equipment; and (g) Nonfood contact surfaces of equipment.	
Findings:	
General: Based on observation, the surveyor found some spills in the refrigerator located in the Infant A classroom.	
Children's Records	In Compliance
Written Documentation	In Compliance
Posted Documentation	Not In Compliance
1200 - Posting Requirements	
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 and review of documentation, the surveyor found the Children and Parent Rights document was not posted. The director could not locate the document during the renewal inspection. Additionally, a civil penalty notice issued by the cabinet on 9/15/18 was not posted.	
Animals	In Compliance

Signature of Provider/Representative

Title

Date