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GOVERNOR

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Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Kinder Care Learning Center #936	Provider Information	CLR No: L353100
Provider Address: 2611 Wilhite Drive, Lexington, KY, 40503	Provider Type: LICENSED TYPE I	Capacity: 99
Owner(s): Kindercare Learning Centers Llc		Director(s): Countz, Megan Teresa

Inspection Type: Renewal Application	Inspection Information	Inspection No: 244943
Date Initiated: 05/25/2018 9:30 AM	Date Concluded: 05/25/2018 12:00 PM	
	No. of Children Present: 49	

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, there were two (2) staff (Hire dates: 2/20/18 and 4/2/18) who lived out of state within the last five (5) years. One (1) staff person lived in Indiana and the other staff person lived in Virginia. There were no criminal records checks on file from either of these states and no documentation to verify that an application for the results had been submitted.	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	In Compliance
Director Requirements	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, there were three (3) staff with hire dates of 3/21/18, 3/26/18 and 4/24/18 who did not have a copy of a high school diploma, GED or other qualifying 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, there was one (1) staff person hired 3/21/18 who did not have the results of a negative T.B. test or a statement from a health professional indicating they were free from the symptoms of T.B. There was one (1) staff with a hire date of 2/20/18 who did not have the results of a T.B. test read until 4/27/18. A staff person hired 3/26/18 did not have the results of a T.B. test read until 3/28/18. A staff person with a hire date of 4/9/18 did not have the results of a T.B. test read until 4/19/18 and another staff person with a hire date of 4/24/18 did not have the results of a T.B. test read until 4/28/18.

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 ECE-TRIS records, it was found there were four (4) staff (Hire dates: 9/30/11, 9/18/15, 10/4/16 and 4/1/17) who had not completed fifteen (15) hours of annual training. In addition the staff person hired 10/4/16 completed the required Pediatric Abusive Head Trauma training on 8/28/12. This staff person had not renewed the training after five (5) years.

Programming

Not In Compliance

420 - 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 the following:**
- 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 or 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, during a tour of the Preschool room the posted planned program of activities was dated 5/14/18. The posted planned program of activities in the Discovery Preschool room was dated 5/7 - 5/11. A tour of the infant room found there was not a daily planned program of activities posted. There was a poster that said May but there were no dates as to when these activities would be conducted. An interview with the staff person in the room found that they do the same activities all month long but present them in different ways. In the School Age room there were two (2) planned programs of activities posted with the dates of 1/29/18 and 2/15/18. An interview with the staff person in charge found that they have had to use different staff in the room due to them not having a school age teacher. In the Pre-K room the posted planned program of activities had Week 2 at the top but no dates.

Inspection Report**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, in the Discovery Preschool room the windows had numerous smudges, dirt and grime and red crayon marks. In the school age room the vent on the wall by the sink located in the classroom had an accumulation dust, dirt and grime.

645 - Sink**Not In Compliance****922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.**

- (3) A sink shall be:
- (a) Located in or immediately adjacent to toilet rooms;
 - (b) Equipped with hot and cold running water that allows for hand washing;
 - (c) Equipped with hot water at a minimum temperature of ninety (90) degrees Fahrenheit and a maximum of 120 degrees Fahrenheit;
 - (d) Equipped with liquid soap;
 - (e) Equipped with hand-drying blower or single use disposable hand drying material;
 - (f) Equipped with an easily cleanable waste receptacle; and
 - (g) Immediately adjacent to a changing area used for infants and toddlers.

Findings:

General: Based on Observation, the water at sinks used for handwashing was tested with a calibrated thermometer. It was found that the water temperature measured eighty (80) degrees Fahrenheit.

Hygienic Practices**Not In Compliance****660 - Staff Hygiene/Handwashing****Not In Compliance****922 KAR 2:120. Section 3. General Requirements.**

- (5) Staff shall:
- (a) Maintain personal cleanliness;
 - (b) Conform to hygienic practices while on duty;
 - (c) Wash their hands with liquid soap and running water:
 - 1. Upon arrival at the center;
 - 2. After toileting or assisting a child in toileting;
 - 3. Before and after diapering each child;
 - 4. After wiping or blowing a child's or own nose;
 - 5. After handling animals;
 - 6. After caring for a sick child;
 - 7. Before and after feeding a child or eating;
 - 8. Before dispensing medication;
 - 9. After smoking or vaping; and
 - 10. If possible, before administering first aid; and
 - (d) Use hand sanitizer or hand-sanitizing wipes if liquid soap and warm running water are not available in accordance with paragraph (c) of this subsection. The staff shall wash the staff's hands as soon as practicable once liquid soap and warm running water are available.

Findings:

General: Based on Observation, a staff person in the Discovery Preschool room changed a child's diaper. The staff person removed the child from the changing table and had the child wash their hands in the bathroom. As the child was washing their hands the staff person proceeded to put all of the diaper changing items away before washing her hands.

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, the trash can by the changing table in the Discovery Preschool room was filled to the top with soiled diapers. The lid to the trash can was stuck behind the can and not covering the top.

Inspection Report

710 - Toy Sanitation Procedure

Not In Compliance

922 KAR 2:120. Section 11. Toys and Furnishings.

(4) A toy or another item that is considered a mouth contact surface by a child not toilet trained shall be sanitized daily by:

- (a) 1. Scrubbing in warm, soapy water using a brush to reach into crevices;
2. Rinsing in clean water;
3. Submerging in a sanitizing solution for at least two (2) minutes; and
4. Air dried; or
- (b) Cleaning in a dishwasher if the toy or other item is dishwasher safe.

Findings:

General: Based on Interview, it was found that toys or other items considered a mouth contact surface by a child not toilet trained are cleaned every afternoon using a multi-surface cleaner and then sprayed with a sanitizing solution and left to air dry. The process for does not meet the requirement for sanitizing toys.

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 Observation, in the kitchen in a locked box there was a plastic baggy that contained a bottle of Ciprodex. Only the baggy that held the bottle had the child's name written on it. There was another baggy that was labeled Parent Use Only. Inside the baggy was a container of Noridropin Flexpro Somatropin - injector. There was no name as to to who this belonged to on the tube inside the baggy. During an interview with the director it was found that she was unsure as to who this belonged to and what it was used for.

Outdoor Play Area

In Compliance

Equipment

In Compliance

Transportation

Not In Compliance

850 - Transportation Notification/Type and Vehicle

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:

- (a) Type of transportation offered;
- (b) Type of vehicle used for transportation;

Findings:

General: Based on Interview, it was found that the facility recently obtained a new mini bus to replace an older vehicle the facility had been using. The facility has been using the vehicle since the end of April 2018. A review of records found that the facility had not notified the Division of Regulated Child Care. The vehicle has been used to transport children from school in the afternoon.

880 - Vehicle Equipment

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

(4) A vehicle used to transport children shall be equipped with:

- (a) A fire extinguisher;
- (b) First aid supplies as described in Section 7 of this administrative regulation;
- (c) Emergency reflective triangles; and
- (d) A device to cut the restraint system, if necessary.

Findings:

General: Based on Observation, it was found that the first aid supplies on the vehicle did not include liquid soap, a flashlight and a thermometer.

Food Service/Food Program

In Compliance

Inspection Report	
Food Service	Not In Compliance
1130 - Menu	Not In Compliance
922 KAR 2:120. Section 9. Food and Meal Requirements. (16) 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, it was found that the menu posted was dated for the week of May 7, 2018.	
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, out of ten (10) children's files reviewed there was one (1) child who had an immunization certificate that indicated the child's immunizations were current until 12/18/17.	
1140 - 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 (10) children's files reviewed there was one (1) child's enrollment information that did not include the physician's name and contact number and a preferred hospital.	
Written Documentation	Not In Compliance
1160 - 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, it was found that the daily attendance records did not have the date listed. An interview with the staff person in charge found that the dates are put on the forms at the end of the week.	
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, it was found that tornado and earthquake drills are labeled disaster drills and are conducted as one (1) drill.	

Inspection Report

1195 - 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.

(13) An earthquake drill and a tornado drill shall be:

- (a) Conducted during hours of operation at least quarterly; and
- (b) Documented.

Findings:

General: Based on Review of Documentation, it was found that a fire drill had not been conducted for September 2017 and for February and April for 2018.

Posted Documentation

Not In Compliance

1215 - Daily Activities

Not In Compliance

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

(1) A director shall:

- (h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;

Findings:

General: Based on Observation, a tour of the infant room found there was not a daily planned program of activities posted. There was a poster that said May but there were no dates as to when these activities would be conducted. An interview with the staff person in the room found that they do the same activities all month long but they present them in different ways. In the Pre-K room the posted planned program of activities had Week 2 at the top but no dates.

Animals

Not Applicable

Signature of Provider/Representative

Title

Date