



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
Northern Branch
908 W. Broadway, 10-W
Louisville, KY 40203
Phone: (502) 595-5781 Fax: (502) 595-5773
<https://chfs.ky.gov/agencies/os/oig>

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Kinder Care Learning Center #416	Provider Information	CLR No: L350425
Provider Address: 8016 Shelbyville Road, Louisville, KY, 40222	Provider Type: LICENSED TYPE I	Capacity: 133
Owner(s): Kindercare Learning Centers LLC		Director(s): Carrier, Ronee LeAnn

Inspection Type: Renewal Application	Inspection Information	Inspection No: 220354
Date Initiated: 06/08/2017 10:50 AM	Date Concluded: 06/08/2017 3:05 PM	
	No. of Children Present: 85	

Inspection Report	
Supervision	In Compliance
Staffing Requirements	Not In Compliance
40 - Ratios and Group Size	Not In Compliance
922 KAR 2:120. Section 2. Child Care Services. (2) Minimum staff-to-child ratios and group size for an operating child-care center shall be maintained as follows: Age of Children Ratio Maximum Group Size* Infant 1 staff for 5 children 10 Toddler 1 staff for 6 children 12 Preschool-age 2 to 3 years 1 staff for 10 children 20 Preschool-age 3 to 4 years 1 staff for 12 children 24 Preschool-age 4 to 5 years 1 staff for 14 children 28 School-age 5 to 7 years 1 staff for 15 children 30 School-age 7 and older 1 staff for 25 children (for before and after school) 30 1 staff for 20 children (full day of care) 30 *Maximum Group Size shall be applicable only to Type I child-care centers.	
Findings: General: Based on observation and interview, the child care center failed to comply with regulations regarding staffing requirements. In the infant room there were eleven (11) infants ranging in age from seven (7) weeks to thirteen (13) months old with three (3) staff members with hire dates 04/26/2002, 02/12/1990, and 03/06/2017. Interview with the director indicated she was not aware that the state maximum group size was ten (10) infants to a classroom.	

Inspection Report**General Administration****Not In Compliance****170 - Notification of Changes****Not In Compliance****922 KAR 2:110. Section 6. Reports.****(4) Written notification of the following shall be made to the cabinet to allow for approval before implementation:**

- (a) Change of ownership;
- (b) Change of location;
- (c) Increase in capacity;
- (d) Change in hours of operation;
- (e) Change of services in the following categories:
 - 1. Infant;
 - 2. Toddler;
 - 3. Preschool-age;
 - 4. School-age;
 - 5. Nontraditional hours; or
 - 6. Transportation; or
- (f) Addition to the square footage a child-care center's premises.

Findings:

General: Based on observation and interview, the child care center failed to comply with regulations regarding general administration as follows:

- 1) The Learning Adventures room was added as a music and arts room. Review of the current floor plan did not indicate this room as an approved space. Interview with the director indicated she was not aware it needed to be approved before use.
- 2) Further observation of the toddler room revealed there was now a wall built high enough so that children would be out of the staff's scope of vision in that classroom separating the space, now making the toddler classrooms two (2) separate classrooms.

Director Requirements**Not In Compliance****255 - Staff Meeting****Not In Compliance****922 KAR 2:110. Section 4. Director Requirements and Responsibilities.****(1) Effective with the adoption of this administrative regulation, a director shall:**

- (i) Conduct, manage, and document in writing staff meetings;

Findings:

General: Based on review of documentation, the child care center failed to comply with regulations regarding written documentation. The director failed to present documentation of a staff meeting with a sign in roster that included all staff members in attendance.

260 - Staff Evaluation**Not In Compliance****922 KAR 2:110. Section 4. Director Requirements and Responsibilities.****(1) Effective with the adoption of this administrative regulation, a director shall:**

- (j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;

Findings:

General: Based on review of documentation, the child care center failed to comply with regulations for Director Requirements. An annual written performance evaluation was not presented for staff members with hire dates 04/26/2003 and 07/05/2005.

265 - Health, Safety, Comfort**Not In Compliance****922 KAR 2:110. Section 4. Director Requirements and Responsibilities.****(1) Effective with the adoption of this administrative regulation, a director shall:**

- (l) Provide for the health, safety, and comfort of each child;

Findings:

General: Based on observation, the child care center failed to comply with regulations regarding Director Requirements/Health, Safety, and Comfort as follows:

- 1) There was a toilet bowl brush next to the toilet in the Toddler bathroom.
- 2) In the Preschool bathroom there was a plunger behind the toilet.

Employee Records**Not In Compliance****315 - Educational Requirements****Not In Compliance****922 KAR 2:110. Section 5. 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 and interview, the child care center failed to comply with regulations for Employee Records. The file for staff members with the hire dates of 10/19/2016 and 11/30/2016 failed to contain proof of education.

320 - TB Verification

Not In Compliance

922 KAR 2:110. Section 5. 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, the child care center failed to maintain employee records in accordance with regulations. The files for staff members with the hire dates of 03/30/2013, 08/25/2016, 11/30/2016, and 07/05/2005 failed to contain records of negative tuberculin results.

340 - Training

Not In Compliance

922 KAR 2:110. Section 5. Staff Requirements.

(14) 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 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 pediatric abusive head trauma training completed once every five (5) years.**

Findings:

General: Based on review of documentation, the child care center failed to maintain employee records in accordance with regulations. The personnel files and ECE-TRIS did not contain evidence of fifteen (15) hours of cabinet approved training for staff members with hire dates 12/02/2014, 07/01/2015, and 07/05/2005. The file for a staff member with hire date 07/29/2013 failed to contain proof that they had received Pediatric Abusive Head Trauma training PAHT.

Programming

Not In Compliance

385 - Discipline

Not In Compliance

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

(10) A child shall not be subjected to:

- (a) Corporal physical discipline pursuant to KRS 199.896(18);**
- (b) Loud, profane, threatening, frightening, or abusive language; or**
- (c) Discipline that is associated with:**
 - 1. Rest;**
 - 2. Toileting; or**
 - 3. Food.**

Findings:

General: Based on observation and interview, the child care center failed to comply with regulations regarding programming. Observation in the Pre-K room revealed a five-year-old child sitting isolated away from the rest of the group during lunch time. Interview with a staff member with the hire date of 01/29/2016 indicated the aforementioned child was being disciplined by sitting in isolation during lunch time for hitting other children earlier during the day. Further observation revealed the aforementioned child continued to get up and join the rest of the group, as the same aforementioned staff member then repeatedly led the child back to the isolated area away from the rest of the group. The child was observed to be sitting isolated from the time of 11:29am-11:43am during the survey.

435 - Bedding/Toys in Crib

Not In Compliance

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.

(3) Rest time shall include adequate space specified by the child's age as follows:

- (a) For an infant:**
 - 3. No loose bedding; and**
 - 4. No toys or other items except the infant's pacifier;**

Findings:

General: Based on observation and interview, the child care center failed to comply with regulations regarding Programming. In the Infant room there was a seven-week-old baby in a crib holding a pacifier with a clip attachment of a stuffed animal.

Premises

Not In Compliance

520 - 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 child care center failed to comply with regulations regarding premises as follows:

- 1) There was dust buildup in the wall air conditioning unit in the learning adventures room, infant room, and the discovery preschool room.
- 2) The wall air conditioning unit in the infant room was open, exposing the air filtration and accessible to children.
- 3) In the infant room there was dust and debris along the baseboard under the window.

580 - Toilet Room

Not In Compliance

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

(2) A toilet room shall:

- (a) 1. Be provided for each gender; or
- 2. A plan shall be implemented to use the same toilet room at separate times;
- (b) Have a supply of toilet paper; and
- (c) Be cleaned and sanitized daily.

Findings:

General: Based on observation, the child care center failed to comply with regulations regarding Premises. There was a yellow substance on the toilet seat in the Pre-K bathroom, indicative of urine.

590 - 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 child care center failed to comply with regulations regarding Premises. The Discovery Preschool bathroom had no ventilation to outside air.

Hygienic Practices

Not In Compliance

595 - Child Personal Care/Handwashing

Not In Compliance

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

(4) A child shall:

- (a) Be helped with personal care and cleanliness based upon their developmental skills; and
- (b) Wash his or her hands with liquid soap and warm running water:
 - 1. a. Upon arrival at the center; or
 - b. Within thirty (30) minutes of arrival for school-age children;
 - 2. Before and after eating or handling food;
 - 3. After toileting or diaper change;
 - 4. After handling animals;
 - 5. After wiping or blowing nose;
 - 6. After touching items soiled with body fluids or wastes; and
 - 7. After outdoor or indoor play time.

Findings:

General: Based on observation, the child care center failed to comply with regulations regarding Hygiene Practices. In the infant room a staff member with hire date 08/22/2016 did not wash a child's hands after changing their diaper.

625 - 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 observation, the child care center failed to comply with regulations regarding Hygienic Practices. In the Toddler 2 room, Toddler 1, and the Preschool Discovery room, there was debris underneath the changing pad on top of the diaper changing table.

First Aid/Medication

Not In Compliance

670 - 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;
- (b) Kept in the original bottle; and
- (c) Properly labeled.
- (7) Medication shall not be given to a child if the expiration date on the bottle has passed.

Findings:

General: Based on observation, the child care center failed to comply with regulations regarding medication as follows:

- 1) There were twenty-six (26) bottles of sunscreen located on the top of a cabinet in the Preschool room, that was not in a locked place.
- 2) In the Toddler 2 room, there was a bottle of "Balmax" diaper cream labeled with a child's name on it, located on some cots behind the changing table.

Inspection Report		
Outdoor Play Area		In Compliance
Equipment		Not In Compliance
755 - Toys/Equipment/Furniture		Not In Compliance
922 KAR 2:120. Section 11. Toys and Furnishings. (1) All toys, equipment, 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 child care center failed to comply with regulations regarding equipment as follows: 1) The discovery preschool room had a blue recliner chair that was torn, exposing fabric at the seams. 2) In the Pre-k room there was a torn mat in the reading nook, exposing fabric at the seams. 3) There was a red table in the Pre-k room with chipped paint.		
Transportation		Not Applicable
Food Service		Not In Compliance
935 - 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, the child care center failed to comply with regulations regarding Food Service. The Infant room refrigerator thermometer registered forty-three (43) degrees Fahrenheit.		
950 - Kitchen Equipment Clean and Sanitary		Not In Compliance
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 child care center failed to comply with regulations regarding food service. The kitchen refrigerator had food debris on the bottom shelf, where there were food packages. There was grease buildup on the stove top and inside of the oven door, as well as the bottom shelf of the oven.		

Inspection Report**Children's Records****Not In Compliance****1075 - Enrollment Information****Not In Compliance****922 KAR 2:110. Section 3. 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 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 situation 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, the child care center failed to maintain children's records in accordance with regulatory requirements as follows:

1) The files for children with enrollment dates of 06/13/2016 and 08/10/2016 did not contain the name of a physician or preferred hospital.

2) The file for a child with enrollment date 11/21/2016 did not contain the name of a physician.

3) The written record for a child with enrollment date 02/17/2012 failed to contain an emergency contact person for the center to seek emergency medical care for the child in the parent's absence, and the name of a person who is designated in writing to pick-up the child.

Written Documentation**Not In Compliance****1085 - 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.****Findings:**

General: Based on review of documentation, the child care center failed to comply with regulations regarding written documentation. The child care center failed to present a written evacuation plan, in the event of a fire, natural disaster, or other threatening situation.

1105 - Professional Development**Not In Compliance****922 KAR 2:110. Section 3. Records.****(1) A child-care center shall maintain:****(f) A written annual plan for child-care staff professional development;****Findings:**

General: Based on review of documentation, the child care center failed to maintain written documentation in accordance with regulatory requirements. The personnel files did not contain a professional development plan for the staff members with the hire dates of 04/26/2003 and 07/05/2005.

Posted Documentation**Not In Compliance****1155 - Posting Requirements****Not In Compliance****922 KAR 2:110. Section 2. General.****(7) 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) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year;****(b) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;****(c) Information on the Kentucky Consumer Product Safety Program and the program's website as specified in KRS 199.897;****(d) 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;****(e) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and****(f) Daily schedule.****Findings:**

General: Based on review of documentation, the child care center failed to comply with regulations regarding Posted Documentation. The Statement of Deficiencies issued by the cabinet during the current licensure year and Plan of Correction submitted to the cabinet were not posted in a conspicuous place.

Inspection Report

1165 - Daily Activities

Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

(1) Effective with the adoption of this administrative regulation, 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 review of documentation, the child care center failed to post documentation in accordance with regulations. The Toddler 2 room and the Learning Adventure room had no daily activities or daily schedule posted.

Animals

Not Applicable

Signature of Provider/Representative

Title

Date