



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL

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>

Eric Friedlander
SECRETARY

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Lilly Pad Child Care, LLC	Provider Information	License No: L358252
Provider Address: 159 John's Lane, Shepherdsville, KY, 40165	Provider Type: LICENSED TYPE I	Capacity: 125
Owner(s): Lilly Pad Child Care, Llc		Director(s): Harlan, Sherry Elaine; Hovious, Paula

Inspection Type: Investigation	Inspection Information	Inspection No: 192444
Visit Start Date: 09/17/2015 11:00 AM	Visit End Date: 09/17/2015 12:20 PM	
	No. of Children Present: 44	

Inspection Report

Supervision

5 - Children Supervised

Not In Compliance

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

- (3)(a) Each center shall maintain a child-care program that assures each child will be:**
- 1. Provided with adequate supervision at all times by a qualified staff person who:**
 - a. Ensures the child is within scope of vision and range of voice; or**
 - b. For a school-age child, within scope of vision or range of voice;**

Findings:

General: Based on Observation and Interview, the childcare center failed to maintain a childcare program that assured each child would be provided with adequate supervision at all times by a qualified staff person who ensured the child is within scope of vision and range of voice. Observation of the childcare center on 09/17/2015 from 11:00 a.m. to 12:20 p.m. revealed there was not a qualified staff member present, with all the required background checks completed, supervising the children in the Infant, Younger Two, Toddler and Three-Year-Old Classrooms, therefore, the four (4) infants, six (6) two-year-old children, four (4) toddler's and nine (9) three-year-old children were not provided adequate supervision due to the lack of a qualified staff member being present.

Interview revealed a staff member with the hire date of 08/17/2015 was supervising two (2) infants on 09/09/2015 without a qualified staff member present. Continued interview revealed that on 09/09/2015 the staff member with the hire date of 08/17/2015 was observed failing to maintain adequate supervision as on two occasions the staff member was "not making eye contact with children" and disciplined through a write-up and suspension.

General Administration

155 - Staff Awake on Duty

Not In Compliance

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

- (12) Each staff person shall remain awake while on duty except as specified in 922 KAR 2:120, Section 2(11)(f).**

Findings:

General: Based on Interview, the childcare center failed to ensure all staff would remain awake while on duty. Interview revealed a staff member with the hire date of 08/17/2015 was observed in the infant classroom, on 09/09/2015 at approximately 9:00 a.m. with eyes closed while sitting in a rocking chair holding an infant and a bottle. Continued interview revealed an OVEC representative had opened the classroom door, closed the door, walked across the room and picked up a crying infant before the staff member acknowledged the representative in the classroom. Continued interview revealed at approximately 10:30 a.m. on 09/09/2015, the infant staff member responsible for the infants was laying on the floor with eyes closed, body limp and with no movement while a male infant was at the staff members knees crying and a female infant was laying on the carpet asleep. Continued interview revealed that in both incidents, in which the staff member was sleeping, an OVEC representative and/or staff in charge entered the classroom and the staff member did not respond or acknowledge the representative and/or staff in charge as being in the classroom.

220 - Person Under Investigation by DCBS**Not In Compliance****922 KAR 2:110. Section 2. General.**

(8) If a director, employee, volunteer, or any person with supervisory or disciplinary control over, or having unsupervised contact with a child in care is named as the alleged perpetrator in a child abuse or neglect report accepted by the cabinet in accordance with 922 KAR 1:330, the individual shall be removed from direct contact with a child in care:

(a) For the duration of the family-in-need-of-services assessment or investigation; and

(b) Pending completion of the administrative appeal process for a cabinet substantiation of child abuse or neglect in accordance with 922 KAR 1:320 or 922 KAR 1:480.

Findings:

General: Based on Observation and Review of Documentation, the childcare center failed to assure that any person with supervisory or disciplinary control over, or having unsupervised contact with a child in care is named as the alleged perpetrator in a child abuse or neglect report accepted by the cabinet in accordance with 922 KAR 1:330, the individual shall be removed from direct contact with a child in care. Observation of the childcare center on 09/17/2015 revealed a staff member with the hire date of 08/01/2006 was having disciplinary control and unsupervised contact with children in care. Review of DRCC records revealed the aforementioned staff member was named as the alleged perpetrator in a child abuse report that was accepted by the cabinet. Continued review of DRCC records revealed a DRCC representative was present at the childcare center on 09/04/2015 and was notified by the staff member they were aware of the allegations of abuse.

Director Requirements**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 Interview and Review of Documentation, the childcare center failed to maintain the health, safety and comfort of all children in care. Interview with an OVEC representative revealed on 09/09/2015 at approximately 9:00 a.m., a staff member with the hire date of 08/17/2015 was in the infant classroom, sitting in a rocking chair feeding an infant a bottle while sleeping. Continued interview revealed the staff member with the hire date of 08/17/2015 was limp and made no acknowledgement upon the OVEC representative entering the classroom. Continued interview revealed that at approximately 10:30 a.m., the staff member with the hire date of 08/17/2015 was lying on the floor of the infant classroom, eyes closed and no movement. Interview with a staff member with the hire date of 08/17/2015 revealed on 09/09/2015 the staff member was given a written "Record Card" for "not making eye contact with children" in the infant classroom due to lying horizontally on the floor. Review of the "Record Card" revealed the staff member with the hire date of 08/17/2015 was suspended for two (2) days without pay due to two (2) incidents of "not making eye contact with the children."

Employee Records**300 - Background checks/left alone****Not In Compliance****922 KAR 2:090. Section 6. License Issuance.**

(5) An individual described in subsection (4) of this section shall:

(a) Submit to background checks described in paragraph (b) of this subsection;

(b) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:

1. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;

2. Criminal records check required by KRS 199.896(19);

3. Criminal records check for any previous state of residence if the person resided outside the state of Kentucky in the last five (5) years; and

4. An address check of the Sex Offender Registry; and

(c) Not be left alone in the presence of a child until copies of the background checks in accordance with paragraph (b) of this subsection have been received by the licensee.

Findings:

General: Based on Review of Documentation and Observation, the childcare center failed to maintain all required background check requirements. Review of personnel files revealed the staff members with the following hire dates did not have a completed Child Abuse and Neglect (CAN) check presented for review: 02/04/2014, 07/30/2015, 08/17/2015, 08/24/2015, 08/26/2015 (two staff members) and 09/08/2015.

Continued review of personnel files revealed the staff member with the hire date of 02/04/2014 was allowed to work beyond the 90-day probationary period without a completed CAN check.

Continued review of personnel files revealed the staff members with the following hire dates did not have a completed Criminal Record Check (CRC) presented for review: 07/30/2015, 08/17/2015, 08/24/2015, 08/26/2015 (two staff members) and 09/08/2015.

Observation of the childcare center revealed numerous staff members were caring for children either alone or with another unqualified staff member. Observation of the childcare center was as follows; Infant Classroom: staff member with the hire date of 08/26/2015, without the results of the CAN and CRC, was caring for four (4) infants without a qualified staff member present, Younger Two's Classroom: staff members with the hire dates of 07/30/2015 and 08/26/2015, without the results of the CAN and CRC, were caring for six (6) two-year-old children without a qualified staff member present, Toddler Classroom: staff members with the hire dates of 08/17/2015 and 09/08/2015, without the results of the CAN and CRC, were caring for four (4) toddler's without a qualified staff member present, Three-Year-Old Classroom: staff member with the hire date of 08/24/2015, without the results of the CAN and CRC, was caring for nine (9) three-year-old children without a qualified staff member present.

Interview with staff and Review of Documentation revealed the aforementioned staff member with the hire date of 08/17/2015 and without the results of the CAN and CRC, was caring for two (2) infants on 09/09/2015 without a qualified staff member present and received a "Record Card" and two (2) day suspension for "not making eye contact with the children while laying horizontal on the floor."

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, the center failed to assure that staff hired after 01/01/2009 provided proof of a high school diploma, GED or Commonwealth Care Credential. Review of child care staff files revealed that a staff member hired on 08/26/2015 did not have a high school diploma, GED or Commonwealth Care Credential on file.

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 ensure that all staff members were free from active Tuberculosis. Record review revealed that staff members with the hire dates of 7/30/2015, 8/17/2015, 8/24/2015, 8/26/2015 (two staff members) and 09/08/2015 did not have documentation from a health professional to verify that the individuals were free from active Tuberculosis.

Programming

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, the childcare center failed to maintain all loose bedding requirements. Observation of the infant classroom revealed an infant asleep in a crib with a comforter covering the infant's entire body including the face and mouth.

Written Documentation

1100 - Staff Schedule

Not In Compliance

922 KAR 2:110. Section 3. Records.

(1) A child-care center shall maintain:

(d) A written schedule of staff working hours;

Findings:

General: Based on Interview, the childcare center failed to maintain a written schedule of staff working hours. Interview with a Co-Owner revealed there was not a staff schedule available for review upon request.

Signature of
Provider/Representative

Title

Date