



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
Southern Branch
116 Commerce Ave
London, KY 40744

Adam Mather
INSPECTOR GENERAL

Phone: (606) 330-2030 Fax: (606) 330-2056
<https://chfs.ky.gov/agencies/os/oig>

Inspection Report

Provider Name: Learn and Play Daycare Center	Provider Information	CLR No: L358891
Provider Address: 159 Pine Crest Road, Lancaster, KY, 40444	Provider Type: LICENSED TYPE I	Capacity: 50
Owner(s): Learn And Play Daycare Llc		Director(s): Pietrzak, Lesia A

Inspection Type: Renewal Application	Inspection Information	Inspection No: 247111
Date Initiated: 02/20/2019 11:05 AM	Date Concluded: 02/20/2019 1:00 PM	
	No. of Children Present: 18	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	Not In Compliance
115 - Cooking/Cleaning Staffing	Not In Compliance

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.
(1) A director shall:
(k) Assure that additional staff are available during cooking and cleaning hours, if necessary, to maintain staff-to-child ratios pursuant to 922 KAR 2:120;

Findings:

General: Based on observation, the surveyor found that one (1) staff person was providing care for six (6) children in the Infant and Toddler Room. The children's ages ranged from two-months-old to one-year-old; thus, one (1) child exceeded the staff-to-child ratio. During interview, the surveyor learned that the childcare director was assisting to meet the staff-to-child ratio; however, due to lack of available staff, the director left the classroom to prepare the children's lunch. The director stated that she has been unable to hire additional staff.

125 - Ratios and Group Size

Not In Compliance

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

(2) For an operating child-care center, minimum staff-to-child ratios and group size shall be maintained as established in the table established in this subsection.

Age of Children Ratio Maximum Group Size*

- Infant**
- 1 staff for 5 children 10**
- Toddler 12 to 24 months**
- 1 staff for 6 children 12**
- Toddler 24 to 36 months**
- 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.

(b) The age of the youngest child in the group shall determine the:

- 1. Staff-to-child ratio; and**
- 2. Maximum group size.**

Findings:

General: Based on observation during a tour of the Infant/Toddler Room, the surveyor found that one (1) staff person was providing care for six (6) children. The children's ages ranged from two-months-old to one-year-old; thus, one (1) child exceeded the staff-to-child ratio.

General Administration

Not In Compliance

155 - Liability Insurance

Not In Compliance

922 KAR 2:090. Section 6. License Issuance.

(8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:

(d) Provide written proof of liability insurance coverage of at least \$100,000 per occurrence;

Findings:

General: Based on review of documentation, the surveyor found that the childcare center's liability insurance was no longer current as of 11/6/18.

Director Requirements

Not In Compliance

340 - Staff Meeting

Not In Compliance

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

(1) A director shall:

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

Findings:

General: Based on review of documentation, the surveyor found no verification of annual staff meetings.

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 gas grill with a propane tank was stored on the playground. The gas grill and propane tank were accessible to the children.
2. Two (2) plungers were stored beside the commode in the restroom adjacent to the dining area where the children were eating lunch. The restroom door was open; therefore, the plungers were accessible to the children.
3. The surveyor found that staff were drinking soda's in the presence of the children.

Inspection Report

Employee Records

Not In Compliance

405 - Adequate Substitute(s)

Not In Compliance

922 KAR 2:090. Section 11. Staff Requirements.

- (6) Child-care centers shall have available in case of need:**
 - (a) One (1) qualified substitute staff person for a Type II child-care center; or**
 - (b) Two (2) qualified substitute staff persons for a Type I child-care center.**
- (7) Each qualified substitute staff person shall:**
 - (a) Meet the staff requirements of this administrative regulation; and**
 - (b) Provide the required documentation to verify compliance with this administrative regulation.**

Findings:

General: Based on review of documentation and interview, the surveyor learned that the Type I childcare center has only one (1) substitute staff person.

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, the surveyor found verification that a staff (DOH: 3/12/9) completed only twelve (12) hours of cabinet-approved early care and education annual training for the review period of 3/12/17 through 3/11/18.

Programming

Not In Compliance

480 - Infant/Toddler Combined with Older Children

Not In Compliance

922 KAR 2:120. Section 5. Infant and Toddler Play Requirements.

- (2) Except in accordance with subsection (3) of this section or Section 2(2)(c) of this administrative regulation, an infant or toddler under twenty-four (24) months of age shall not participate in an activity with an older child for no more than one (1) hour per day.**
- (3) If a toddler is developmentally appropriate for a transition to a preschool age group, a toddler may participate in an activity with an older child for more than one (1) hour per day if:**
 - (a) Space for the toddler is available in the preschool-age group;**
 - (b) The staff-to-child ratios and group sizes are maintained based on the age of the youngest child;**
 - (c) The center has a procedure for listing a transitioning toddler on attendance records, including a specific day and time the toddler is with either age group; and**
 - (d) The child care center has obtained the signature and approval of the toddler's parent on the toddler's transition plan.**

Findings:

General: Based on observation during a tour of the childcare center, the surveyor found that one (1) staff person was providing care for three (3) two-year-old toddlers along with the three-year-old children. Through interview with staff, the surveyor learned that the two-year-old children were in the mixed-age group all day. Review of the children's files and interview with the director found that none of the two-year-old children had transition plans.

Premises

Not In Compliance

520 - Inaccessible Items

Not In Compliance

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

- (7) The following shall be inaccessible to a child in care:**
 - (a) Toxic cleaning supplies, poisons, and insecticides;**
 - (b) Matches, cigarettes, lighters, and flammable liquids; and**
 - (c) Personal belongings and medications of staff.**

Findings:

General: Based on observation during a tour of the childcare center, the surveyor found the following:

1. Ten (10) empty plastic bags were stacked on an approximate two and one-half (2 ½) foot high shelf located in the three-year-old children's classroom. The empty plastic bags were within reach and accessible to the children.
2. A staff's purse was stored on an approximate two and one-half (2 ½) foot high shelf located in the dining area where the children were eating lunch. The staff's purse was within reach and accessible to the children.
3. A bottle of hand sanitizer was clipped to a staff's purse that was located on an approximate two and one-half (2 ½) foot high shelf located in the dining area where the children were eating lunch. The label on the hand sanitizer indicated that it should be kept out of the reach of children. The hand sanitizer was within reach and accessible to the children.
4. A bottle of hand sanitizer was stored on top of the children's cubbies located in the dining area. The label on the hand sanitizer indicated that it should be kept out of the reach of children. The hand sanitizer was within reach and accessible to the children.

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 during a tour of the dining area, the surveyor found that a staff's purse was stored on the top of an approximate two and one-half (2 ½) foot shelf located in the dining area where the children were eating lunch. Prescription medication was observable in the purse; therefore, the medication was not stored in a separate and locked place.

Outdoor Play Area

In Compliance

Equipment

In Compliance

Transportation

Not Applicable

Food Service/Food Program

In Compliance

Food Service

Not In Compliance

1065 - Developmentally Appropriate Quantity/Additional Portions

Not In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.

- (1) Food shall be:
 - (g) Served in a quantity that is developmentally appropriate for the child with additional portions provided upon request of the child;

Findings:

General: Based on observation during the children's lunch, the surveyor found that a two to three-year-old child asked the teacher for a second helping of chili. The staff person refused the child additional chili and told the child to eat his carrots. The surveyor found that a substantial amount of chili was available for the child to have a second helping.

1115 - Meal Schedule

Not In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.

- (13) Meals shall be:
 - (a) Served every two (2) to three (3) hours;

Findings:

General: Based on observation, the surveyor found that on 2/20/19, the children received lunch at 11:55 a.m. Review of the daily schedule found that the children ate breakfast at 8:30 a.m.; therefore, the children did not receive their meal within three (3) hours of breakfast.

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, the surveyor found the following:

- 1. A child's (DOE: 10/9/17) enrollment file contained an immunization certificate that was no longer current as of 12/4/18.
- 2. A child's (DOE: 8/23/17) enrollment file contained an immunization certificate that was no longer current as of 2/15/19.
- 3. Three (3) children's (DOE: 12/17/18) files did not contain verification of immunization.

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, the surveyor found that three (3) children's (DOE: 12/17/18) files did not contain information to enable a person in charge to identify or contact the family physician.

Written Documentation

Not In Compliance

1150 - 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 and 42 U.S.C. 9858c(c)(2)(U).

Findings:

General: Based on review of documentation, the surveyor found that the emergency preparedness plan lacked the following:

- 1. A written route to the off-site evacuation location.
- 2. How staff will communicate emergency/disaster plans to the children and parents to ensure family reunification.

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, the surveyor found the following:

- 1. Review of the Daily Attendance Record found that staff did not document the departure times for seven (7) of the children when they left the childcare center for school.
- 2. Review of the Daily Attendance Record found that the arrival times for seven (7) children were not documented.

Posted Documentation

In Compliance

Animals

Not Applicable

Signature of Provider/Representative

Title

Date