



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: Lutheran Child Care Center	Provider Information	License No: L354490
Provider Address: 1701 Ring Road East, Elizabethtown, KY, 42701	Provider Type: LICENSED TYPE I	Capacity: 129
Owner(s): Gloria Dei Evangelical Lutheran Church Of Elizabethtown, Inc.		Director(s): Boudreau, Ute Hagen

Inspection Type: Investigation	Inspection Information	Inspection No: 53485
Visit Start Date: 12/18/2013 9:25 AM	Visit End Date: 12/18/2013 11:25 AM	
	No. of Children Present: 60	

Inspection Report

Supervision

5 - Children Supervised

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;

Staffing Requirements

40 - Ratios and Group Size

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.

Inspection Report**General Administration****110 - Report to Licensee****Not In Compliance****922 KAR 2:090. Section 11. Basis for Denial, Suspension or Revocation.**

(3) A director, employee, volunteer, any person with supervisory or disciplinary control over, or having unsupervised contact with, a child shall report to the licensee if:

(a) Convicted of, or entered an Alford or guilty plea to:

- 1. a violent crime or sex crime in accordance with KRS 17.165; or**
- 2. A crime specified in Section 6(5) of this administrative regulation;**

(b) The subject of a cabinet child abuse or neglect investigation;

(c) Found by the cabinet or a court to have abused or neglected a child;

(d) Convicted of, or entered an Alford or guilty plea to, a drug-related felony, and five (5) years have not elapsed since the person was fully discharged from imprisonment, probation, or parole;

(e) Placed on the Sex Offender Registry; or

(f) Determined by a physician to have a health condition that renders the person unable to care for children.

Findings:

General: Based on interview with director on December 18, 2013, Child Protective Services had been to the center on December 10, 2013, conducting an investigation regarding allegations of abuse and neglect to a child in the center's care by a staff member and the center failed to report this investigation to Division of Regulated Child Care.

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, it was determined that the center routinely used physical restraint as a behavior management intervention for a three year old child. The child (enrolled on 8-22-13) had been physically restrained routinely and on numerous occasions between the months of September 2013 and December 2013, by at least two staff members hired on 8-13-12, 1-30-12 and the director hired on 10-12-98. Staff members routinely held the child on their lap with child facing away from them. The staff members held their arms around the child's arms and chest preventing the child from getting off of their lap as the child was struggling to get off of their laps. Based on interview with staff member hired on 8-13-12, she has restrained three year old child as he is trying to get away. Based on interview with director, she has restrained the same child in response to unpreferred behavior displayed by the child. The director contended during interview that she thought these routine physical interventions were an appropriate manner for managing the three year old child's behaviors.

Programming**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 interview, it was determined that the center routinely used food as a form of discipline in that food was withheld from a child. On December 9, 2013, a three year old child enrolled on 8-22-13 threw his breakfast plate on the floor and stood on it. A staff member (hired on 1-30-12) stated to the child that as a result of his behaviors, he would not receive breakfast. Based on interview with several staff members, this has occurred on several other instances between September 2013 and December 9, 2013, in which the same child threw his food onto the floor and the same staff member stated to the child that he would not be allowed to eat as he had thrown his food onto the floor. Based on interview with director, she contended that it is an appropriate "natural consequence" for this child to not receive food if he throws his plate or his food onto the floor. Based on interview with staff member hired on 1-30-12, she did inform the three year old child that he would not get to eat breakfast as he threw his plate on the floor and stepped on it.

Signature of
Provider/Representative

Title

Date