



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: Brightside Childcare and Learning Center	Provider Information Provider Type: LICENSED TYPE I	License No: L359343
Provider Address: 1107 North Dixie Avenue, Elizabethtown, KY, 42701		Capacity: 49
Owner(s): Cook, Brandy		Director(s): Cook, Brandy

Inspection Type: Investigation	Inspection Information	Inspection No: 18998
Visit Start Date: 04/11/2013 12:45 PM	Visit End Date: 04/11/2013 4:00 PM	
	No. of Children Present: 37	

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:

- 1.) Based on observation on 4-11-13, eight sleeping two-year-old children were observed to be unsupervised in the classroom for approximately five minutes as the assigned staff member was assisting a parent at the front desk.
- 2.) Based on observation, seven one-year-old children (six were asleep, one was awake) were observed to be unsupervised for approximately 4 minutes as the staff member assigned to their care was cleaning in a restroom across the hall from the classroom.
- 3.) Based on record review, on 2/28/13, the KY Department of Agriculture issued an inspection report which deemed the "Playport" located inside licensed space at the center as "temporarily out of order until necessary repairs are completed". Observation revealed a staff person failed to supervise a four year old child in the hallway who went into the indoor play area and accessed "Playport" unattended.
- 4.) Based on observation a staff member left five one-year-old children unsupervised in the lunchroom to go into the kitchen for milk.
- 5.) Based on interview one staff member was alone with up to 18 children on 4-10-13. During this time, the staff member left the children unsupervised in the lunchroom to go into the kitchen to make a breakfast of toasted bagels for the children and to go to the front door of the center to get two children to the bus for school. The staff member asserted that infants were left in car seats to maintain their safety during the time period that they were unsupervised.
- 6.) Based on interview and record review on 4-8-13, one staff member was alone in the center with 13 children including two infants when she would leave the children unsupervised to make the children breakfast in the kitchen and to take two children outside of the building to the bus, leaving the remaining children inside of the building alone and unsupervised. Based on interview a second staff member has also left the building leaving children unsupervised to take two children to their bus in the morning before any other staff members arrive.
- 7.) Based on interview, the staff member responsible for the one year old children left her classroom approximately three times, leaving the children unsupervised and awake to go wash her hands in the kitchen and to get the broom. Based on review of DRCC records, this was previously cited on 9-26-12.

Staffing Requirements

30 - Cooking/Cleaning Staffing

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:****(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 interview, observation and review of records, the director has not assured that additional staff are available during cooking and cleaning hours to maintain staff to child ratios as on 4-11-13, a staff member was observed cleaning a bathroom, leaving a classroom of seven one-year-old children unsupervised. On 4-11-13 a staff member was observed leaving five one-year-old children unsupervised in the dining room as she went to the kitchen to get milk. Based on interview on 4-10-13 a staff member left children unsupervised in the dining room to fix children breakfast in the kitchen as she was the only staff member in the building. Based on review of DRCC records, this has been previously cited on 8-23-11.

35 - Adequate Adults/Qualified Staff

Not In Compliance

922 KAR 2:110. Section 5. Staff Requirements.**(10) The minimum number of adult workers in a child-care center shall be sufficient to ensure that:****(a) Minimum staff-to-child ratios in accordance with 922 KAR 2:120 are followed;****(b) Each staff person under eighteen (18) years of age and each student trainee are under the direct supervision of a qualified staff person who meets the requirements of this section; and****(c) Unless providing care with a qualified staff person, a person under the age of eighteen (18) shall not be counted as staff for the staff-to-child ratio.****Findings:**

General: Based on observation and review of documentation, center does not have sufficient qualified staff to ensure minimum staff-to-child ratios are followed as evidenced by on 4-11-13 seven one-year-old children were observed in a class with one caregiver assigned, caregiver left class unsupervised to clean the bathroom. Based on interview and review of records, on 4-10-13, one staff member was with about 18 children from 7:08 a.m. to 7:30 a.m.; children's ages were 5 infants, one one-year-old, two two-year-olds, nine 3-5 year-olds and one school age child; staff member had been alone since 4:45 with up to 18 children. Based on interview and review of records, on 4-8-13 one staff member was alone with about 13 children from 7:00 a.m. to 7:30 a.m.; children's ages were 2 infants, two one-year-olds, one two-year-old, six 3-5 year olds and two school age children. Staff schedule, sign in sheets, parent interview and staff interviews reveal a pattern of failure to meet minimum staff-to-child ratios in the mornings.

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, on 4-11-13 seven one-year-old children were in a class with one caregiver assigned. Based on interview and review of records, on 4-10-13, one staff member was with about 18 children from 7:08 a.m. to 7:30 a.m.; children's ages were 5 infants, one one-year-old, two two-year-olds, nine 3-5 year-olds and one school age child; staff member had been alone since 4:45 with up to 18 children. Based on interview and review of records, on 4-8-13 one staff member was alone with about 13 children from 7:00 a.m. to 7:30 a.m.; children's ages were 2 infants, two one-year-olds, one two-year-old, six 3-5 year olds and two school age children. Staff schedule, sign in sheets, parent interview and staff interviews reveal a pattern of failure to meet minimum staff-to-child ratios in the mornings. Based on review of DRCC records, this was previously cited on 12-12-12, 7-27-11 and 7-7-11.

Inspection Report

General Administration

115 - Reports to Cabinet

Not In Compliance

922 KAR 2:110. Reports.

(1) The following shall be reported to the cabinet or designee and other agencies specified in this section within twenty-four (24) hours from the time of discovery:

- (a) Communicable disease, which shall also be reported to the local health department pursuant to KRS 214.010;
- (b) An accident or injury to a child that requires medical care;
- (c) An incident that results in legal action by or against the child-care center that affects a child or staff person;
- (d) An incident involving fire or other emergency; or
- (e) A report of child abuse or neglect that:
 - 1. Has been accepted by the cabinet in accordance with 922 KAR 1:330; and
 - 2. Names a director, employee, volunteer, or person with supervisory or disciplinary control over, or having unsupervised contact with a child in care as the alleged perpetrator.

Findings:

General: Based on review of documentation, the center failed to request and wait for approval from the Cabinet for a change in capacity prior to implementation. On 4-10-13 sign in sheets reflect that at 2:45 p.m. the center was over given capacity of 49 when 61 children were signed into the center.

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 record review, on 2/28/13, the KY Department of Agriculture issued an inspection report which deemed the "Playport" located inside licensed space at the center as "temporarily out of order until necessary repairs are completed". Observation revealed a staff person failed to supervise a four year old child in the hallway who went into the "Playport" unattended. The child was observed to be in the "Playport" for a period of at least two minutes.

275 - Caregiver Alone

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:
 - (n) Assure that a person acting as a caregiver of a child in care shall not be left alone with a child, if the licensee has not received the results of the background checks as described in Section 3(1)(e)6 of this administrative regulation;

Findings:

General: Based on review of documentation and observation, the center director did not assure that staff acting as sole caregivers to children in care were not alone with children until the results of child abuse and neglect and/or criminal records check were received by the licensee as three staff members hired on 4-11-13, 3-28-13 and 3-6-13 were observed working alone with children on 4-11-13 without above background checks.

Employee Records

300 - Background checks/left alone

Not In Compliance

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

- (4) A director, employee, volunteer, or any person with supervisory or disciplinary control over, or having unsupervised contact with, a child 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, a staff member re-hired on 4-11-13 did not have results of criminal records check or child abuse and neglect check and was observed to be alone in the 3-4 year old classroom for a period of approximately five minutes. Staff member hired on 3-6-13 did not have results of criminal records check and was observed to be working alone in the two-year-old class with eight children for about two hours. A staff member hired on 3-6-13 stated that on 4-10-13 she opened the center to receive children and was alone with up to eighteen children from 4:45 a.m. to 7:30 a.m. prior to another staff person arriving to assist her with the children. A staff member hired on 3-28-13 was observed to be alone with 12 three/four-year old children for at least two and a half hours and staff member did not have the results of a criminal records check or child abuse and neglect check. Based on review of DRCC records this was previously cited on 8-23-11 and 7-7-11.

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, staff members hired on 1-13, 3-28-13, 3-6-13 and staff member re-hired on 4-11-13 did not have proof of a high school diploma, GED or Commonwealth Care Credential on file. Based on review of DRCC records, this was previously cited on 8-12-11.

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, staff members hired on 3-6-13 and 3-28-13 did not have T.B. verification and staff member re-hired on 3-11-13 did not have T.B. verification. Based on review of DRCC records, this was previously cited on 10-26-12 and 8-12-11.

325 - CPR/First Aid Coverage

Not In Compliance

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

(3) For a child-care center licensed for infant, toddler, or preschool-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

- (a) Infant and child cardiopulmonary resuscitation; and**
- (b) Infant and child first aid.**

(4) For a child-care center licensed for school-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

- (a) Adult cardiopulmonary resuscitation; and**
- (b) First aid.**

Findings:

General: Based on review of documentation of staff schedule provided for the week of Saturday, 4-6-13 to Friday, 4-12-13, the center did not have a staff person who was certified in CPR and First Aid scheduled to be on duty and present with the children for the following hours: Saturday 4-6-13: 5:50 a.m. to 11:30 p.m.; Sunday 4-7-13: 5:50 a.m. to 11:00 p.m.; Monday to Friday 4-8-13 to 4-12-13: 4:45 a.m. to 1:30 p.m. Based on review of DRCC records, this was previously cited on 8-23-11 and 8-12-11.

Programming

420 - Infant Sleep Position

Not In Compliance

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

(1) An infant shall sleep or nap on the infant's back unless the infant's health professional signs a waiver that states the infant requires an alternate sleeping position.

Findings:

General: Based on observation, two infants were sleeping in bouncers. Infants did not have statements from a health professional stating that the infants required an alternate sleeping position.

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:**
 - 4. No loose bedding; and**
 - 5. No toys or other items except the infant's pacifier;**

Findings:

General: Based on observation, three infant cribs contained toys on the interior of the crib attached to the sides. A crib containing a sleeping infant contained a large, loose, heavy quilt that the infant was sleeping on. A sleeping infant had a pacifier attachment device in the crib with him as he was sleeping.

Premises

505 - 35 Square Feet per Child

Not In Compliance

922 KAR 2:120. Section 4. Premises Requirements.

(6) Exclusive of the kitchen, bathroom, hallway, and storage area, there shall be a minimum of thirty-five (35) square feet of space per child.

Findings:

General: Based on interview, on 4-10-13, from 8:00 a.m. to 8:15 a.m. there were 10 children in the infant room that has a measured capacity of 241 square feet, equalling a capacity of six children. Room capacity was exceeded by four children.

585 - 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: 1.) Based on observation, the portable sink located in the toddler classroom adjacent to the diaper changing area did not have running hot or cold water to wash hands. 2.) Based on observation the girls restroom did not have hand drying material available for the children to dry their hands. Based on review of DRCC records, this was previously cited on 8-23-11.

Inspection Report

Hygienic Practices

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 interview with staff and observation, the portable sink in the toddler classroom does not have running hot or cold water. Staff indicated during interview that they routinely wipe the toddlers' hands with a baby wipe after diaper change as opposed to using soap and running water as there is not soap and water available. Based on review of DRCC records, this was previously cited on 10-26-12.

600 - 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; and
- (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; and
 - 9. If possible, before administering first aid.

Findings:

General: Based on interview with staff and observation, the portable sink in the toddler classroom does not have running hot or cold water. Staff stated during interview that they routinely wipe their own hands with baby wipes between diaper changes as opposed to using soap and water to wash her hands between diaper changes. Based on review of DRCC records, this was previously cited on 10-26-12.

Equipment

730 - Crib/Mattress/Sheet

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:

- 1. An individual non-tiered crib that meets Consumer Product Safety Commission standards established in 16 C.F.R. 1219-1220;
- 2. A firm crib mattress in good repair with a clean tight-fitted sheet that shall be changed:
 - a. Weekly; or
 - b. Immediately if it is soiled or wet;

Findings:

General: Based on observation, there were five cribs that do not meet Consumer Product Safety Commission standards established in 16 C.F.R. 1219-1220.

740 - Twelve Inch Spacing

In Compliance

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

(6) Cots, equipment, and furnishings used for sleeping and napping shall be spaced twelve (12) inches apart to allow free and safe movement by a person.

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 indoor Jungle Gym/"Playport" was deemed by Kentucky Department of Agriculture on 2-28-13 to be "temporarily out of order until necessary repairs are completed". Based on review of DRCC records, the "Playport" was determined to be not in good repair on 8-23-11 when this was previously cited.

Signature of
Provider/Representative

Title

Date