



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: St. Mark Catholic School	Provider Information	CLR No: L359294
Provider Address: 115 Parrish Avenue, Richmond, KY, 40475	Provider Type: LICENSED TYPE I	Capacity: 32
Owner(s): Roman Catholic Diocese Of Lexington		Director(s): Guest, Shapell Sydney

Inspection Type: Renewal Application	Inspection Information	Inspection No: 216823
Date Initiated: 10/12/2016 2:03 PM	Date Concluded: 10/12/2016 5:38 PM	
	No. of Children Present: 24	

Inspection Report	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	In Compliance
Director Requirements	Not In Compliance

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 surveyor found no verification that a written annual performance evaluation had been completed for a staff (DOH: 12/16/11).

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, the surveyor found the following:

1. The file for a staff (DOH: 08/01/16) did not contain a criminal background check. Through interview, the surveyor also learned that the staff person lived in the state of Missouri in 2014. A criminal background check from the state of Missouri had not been conducted. The child care director stated that the individual had not been alone with the children.
2. The file for a staff (DOH: 10/01/16) did not contain a criminal background check or a Child Abuse and Neglect background check. There was no verification that the background checks had been submitted. The child care director stated that the individual had not been alone with the children.
3. A staff's (DOH: 08/01/16) file contained a completed Child Abuse and Neglect background check; however, it was not submitted for approval until 09/06/16. The background check had not been submitted within five (5) days from the date of hire.
4. A staff's (DOH: 08/01/16) file contained a completed Child Abuse and Neglect background check; however, it was not submitted for approval until 09/07/16. The background check not submitted within five (5) days from the date of hire
5. A child with a disability that regularly attends the after-school program is provided assistance by an individual not employed by the child care center or school system. There was no verification found that criminal records or Child Abuse and Neglect background checks were conducted on the individual. The individual was observed to be alone with the child while in attendance at the after-school program.

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 surveyor found that a staff's (DOH: 8/01/16) file did not contain proof of a High School Diploma, GED or Commonwealth Child Care Credential.

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 surveyor found that three (3) staff's (DOH: 08/01/16 and 10/01/16) files did not contain a copy of a negative tuberculin result or a statement from a health professional that the individual is free of active tuberculosis.

330 - Adequate Substitute(s)

Not In Compliance

922 KAR 2:110. Section 5. 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.**

Findings:

General: Based on review of documentation, the surveyor found that the Type 1 child care center does not have two (2) qualified substitute staff based on the lack of the following verifications: education, negative tuberculin results and criminal and Child Abuse and Neglect background checks.

335 - Qualified Substitute

Not In Compliance

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

(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, the surveyor found that the Type 1 child care center does not have two (2) qualified substitute staff based on the lack of the following verifications: education, negative tuberculin results and criminal and Child Abuse and Neglect background checks.

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 and ECE-TRIS, the surveyor found verification that a staff (DOH: 12/16/11) had obtained only two (2) hours of cabinet-approved early care and education annual training hours during the review period.

Programming

In Compliance

Premises

Not In Compliance

460 - Inaccessible Items

Not In Compliance

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

(7) Except in accordance with subsection (8) of this section, the following shall be inaccessible to a child in care:

- (a) Toxic cleaning supplies, poisons, and insecticides;**
- (b) Knives and sharp objects;**
- (c) Matches, cigarettes, lighters, and flammable liquids;**
- (d) Plastic bags;**
- (e) Litter and rubbish;**
- (f) Bar soap; and**
- (g) Personal belongings and medications of staff.**

Findings:

General: Based on observation, the surveyor found the following:

- 1. A bottle of white board cleaner was observed on the desk in the After-School Room. The labeling on the bottle indicated that it should be kept out of the reach of children.
- 2. A bottle of hand sanitizer, package of needles, tube of Super Glue and three (3) packs of Shout Wipes were observed in a plastic container that was stored on a shelf by the teacher's desk. The items were within the reach of the children.
- 3. A bottle of hand sanitizer was observed on a desk in the library. The labeling on the bottle indicated that it should be kept out of the reach of children.

500 - Building Requirements

Not In Compliance

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

(5) The building shall be constructed to ensure the:

- (a) Building is:**
 - 1. Dry;**
 - 2. Adequately heated;**
 - 3. Ventilated; and**
 - 4. Well lit, including clean light fixtures that are:**
 - a. In good repair in all areas; and**
 - b. Shielded or have shattered proof bulbs installed; and**
- (b) Following are protected:**
 - 1. Windows;**
 - 2. Doors;**
 - 3. Stoves;**
 - 4. Heaters;**
 - 5. Furnaces;**
 - 6. Pipes; and**
 - 7. Stairs.**

Findings:

General: Based on observation, the surveyor found that a box fan and a pedestal fan were in use in the library. The fans were not protected and were within reach of the children.

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Inspection Report

Outdoor Play Area

Not In Compliance

690 - Playground Conditions

Not In Compliance

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

(20) An outdoor play area shall be:

- (d) Safe from foreseeable hazard;**
- (e) Well drained;**
- (f) Well maintained;**
- (g) In good repair; and**
- (h) Visible to staff at all times.**

Findings:

General: Based on observation during a tour of the playground, the surveyor found that a new barrier had been installed to keep the mulch from eroding. Twelve (12) metal spikes were sticking-up from the barrier and created a safety risk to the children.

Equipment

In Compliance

Transportation

Not In Compliance

810 - Transportation Notification/Third Party Contracts

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

(3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:

- (f) Contracts, agreements, or documents detailing arrangements with any third party for services;**

Findings:

General: Based on review of documentation, the surveyor learned that the children were taken on a field trip and transportation services were provided from Madison County Public School. There was no verification of a written contract, agreement or documentation detailing arrangements for third-party services with Madison County Public Schools.

Food Service

Not In Compliance

940 - Frozen Food

Not In Compliance

922 KAR 2:120. Section 8. Kitchen Requirements.

(5) Frozen food shall be:

- (a) Kept at a temperature of zero degrees Fahrenheit or below; and**

(b) Thawed:

- 1. At refrigerator temperatures;**
- 2. Under cool, potable running water;**
- 3. As part of the cooking process; or**
- 4. By another method in accordance with the Department of Public Health's food safety standards and permits, established in KRS Chapter 217.**

Findings:

General: Based on observation, the surveyor found that the interior temperature was five (5) degrees in the freezer that contained food designated for the preschool and after-school children.

1060 - Snack Requirements

Not In Compliance

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

(18) A snack shall include two (2) of the following:

- (a) Milk;**
- (b) Protein;**
- (c) Bread; or**
- (d) 1. Fruit;**
- 2. Vegetable; or**
- 3. 100 percent juice.**

Findings:

General: Based on observation, the surveyor found that the children were served only Vanilla Wafers for snack. The children did not receive the required snack components.

Children's Records

Not In Compliance

1070 - Immunization

Not In Compliance

922 KAR 2:110. Section 3. 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 that the files for two (2) children (DOE: 08/17/15) contained immunization certificates that were no longer current as of 01/02/16 and 05/15/16).

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 contained in ten (10) children's files, the surveyor found the following:

1. Six (6) children's files did not contain information to enable a person in charge to contact the preferred hospital.
2. Two (2) children's files did not contain information to enable a person in charge to identify or contact the preferred hospital.
3. Two (2) children's files did not contain information to enable a person in charge to identify or contact the family physician.
4. One (1) child's files did not contain information to enable a person in charge to contact the family physician.
5. Two (2) of the children's files did not contain authorization by the parent for the child care center to obtain emergency medical care for the child in the parent's absence.

Written Documentation

Not In Compliance

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 surveyor found no verification that a written annual plan for professional development had been completed for a staff (DOH: 12/16/11).

1115 - Earthquake/Tornado Drills

Not In Compliance

922 KAR 2:110. Section 3. Records.

(1) A child-care center shall maintain:

(h) A written record of quarterly practiced earthquake drills and tornado drills detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;

Findings:

General: Based on review of documentation, the surveyor found no verification that an earthquake drill was practiced for the third quarter of 2016.

Posted Documentation

In Compliance

Animals

Not Applicable

Signature of Provider/Representative

Title

Date