



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
Eastern Branch
455 Park Place, Suite 120A
Lexington, KY 40511

Adam Mather
INSPECTOR GENERAL

Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Inspection Report

Provider Name: Lexington Montessori School	Provider Information	CLR No: L376122
Provider Address: 319 S. Broadway Park, Lexington, KY, 40504	Provider Type: LICENSED TYPE I	Capacity: 56
Owner(s): Lexington Montessori School, Inc.		Director(s): Tucker, Randi Lynn

Inspection Type: Renewal Application	Inspection Information	Inspection No: 278449
Date Initiated: 03/26/2019 9:35 AM	Date Concluded: 03/26/2019 12:00 PM	
	No. of Children Present: 24	

Inspection Report	
Background Checks	In Compliance
Supervision	Not In Compliance
90 - Children Supervised	Not In Compliance
<p>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 ensures the child is: a. Within scope of vision and range of voice; or b. For a school-age child, within scope of vision or range of voice;</p> <p>Findings: General: Based on observation, this regulatory requirement was not met. While the surveyor was doing paperwork in the front room located beside the office, a child from Primary B came through the office and into the bathroom located in the front room. There was not an adult with the child and there were no adults in the office. While the child was in the bathroom, the director came into the area. The director observed the child come out of the bathroom and escorted the child back to the classroom.</p>	
	In Compliance
	In Compliance
	Not In Compliance
320 - Operation instruction/Regulation copy	Not In Compliance
<p>922 KAR 2:090. Section 8. General. (2) Child-care center staff shall be: (a) Instructed by the child-care center's director regarding requirements for operation; and (b) Provided with a copy of this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280.</p> <p>Findings: General: Based on review of documentation, this regulatory requirement was not met. It was found that there was not a current copy of the administrative regulations available for staff.</p>	
345 - Staff Evaluation	Not In Compliance
<p>922 KAR 2:090. Section 10. Director Requirements and Responsibilities. (1) A director shall: (j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;</p> <p>Findings: General: Based on review of documentation, this regulatory requirement was not met. It was found that a staff person hired 11/1/17 did not have evidence of an annual performance evaluation in the file for the staff person's first year of employment.</p>	

385 - Personnel File

Not In Compliance

922 KAR 2:090. Section 9. Records.

(1) A child-care center shall maintain:

(e) A current personnel file for each child-care center staff person to include:

- 1. Name, address, date of birth, and date of employment;**
- 2. Proof of educational qualifications;**
- 3. Record of annual performance evaluation;**
- 4. Documentation of compliance with tuberculosis screening in accordance with Section 11(1)(b) of this administrative regulation; and**
- 5. The results of background checks conducted in accordance with 922 KAR 2:280;**

Findings:

General: Based on observation and review of documentation, this regulatory requirement was not met. Out of eleven (11) staff files reviewed, there were two (2) staff who did not have a documented date of hire.

390 - Educational Requirements

Not In Compliance

922 KAR 2:090. Section 11. 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, this regulatory requirement was not met. Out of eleven (11) staff files reviewed, there was one (1) staff person with a hire date of 8/20/18 who did not have a copy of a high school diploma, GED or other qualifying documentation on file at the facility. There was an additional staff person who did not have a documented date of hire that did not have a copy of a high school diploma, GED or other qualifying documentation on file at the facility.

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 1/2) 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 1/2) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.**

Findings:

General: Based on observation, review of documentation, and ECE-TRIS records, this regulatory requirement was not met.

- 1) There were three (3) staff with hire dates of 5/31/12, 11/1/17 and 3/15/18 who did not have evidence of having completed one and one-half (1 1/2) hours of cabinet approved pediatric abusive head trauma training.
- 2) The staff person with a hire date of 5/31/12 also did not have evidence of having completed fifteen (15) hours of cabinet approved annual training.
- 3) The staff person with the hire date of 11/1/17 did not have evidence of having completed fifteen (15) hours of cabinet approved annual training.
- 4) A staff person with a hire date of 1/2/13 only had evidence of having completed nine (9) hours of cabinet approved annual training.

Programming

In Compliance

Premises

Not In Compliance

580 - Floors, Walls, Ceilings

Not In Compliance

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

(9) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.

Findings:

General: Based on observation, this regulatory requirement was not met.

- 1) In Primary A there were several areas on the carpet that had a white substance embedded in the fibers.
- 2) In Primary B there was a wall vent located in the corner where a lighted globe of the world was located. The vent had an accumulation of dust on the surface.
- 3) The walls in the front room which is also used for child care have areas where the paint had chipped off the surface.

645 - 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: Based on observation, this regulatory requirement was not met. In Primary B a bottle of Kroger brand hand sanitizer was found at the sink in the classroom used for hand washing. There was no liquid soap visible and available at the sink. Hand sanitizer does not take the place of the use of liquid soap for handwashing.

Hygienic Practices

In Compliance

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, this regulatory requirement was not met. In the bathroom located in Primary A, a container of Equate brand Continuous Dispense Triple Antibiotic Ointment was found on an open shelf by the toilet. The container of ointment was not in a locked container or area and was not labeled for an individual child. Furthermore, it was found that tubes of the same antibiotic ointment are kept in all of the first aid kits that are part of the licensed space. These tubes of ointment are not labeled for an individual child and are not kept in a locked container or area.

Outdoor Play Area

In Compliance

Equipment

Not In Compliance

815 - Toys/Furniture

Not In Compliance

922 KAR 2:120. Section 11. Toys and Furnishings.
(1) All toys 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, this regulatory requirement was not met.

1) In Primary A a large blue pillow was observed in the corner by a basket of books. The fabric on the pillow had several areas that were soiled and stained. In this same room there were two (2) trashcans located by the counter where the sink is located. The lid and outside surface of the trashcans had dried food and other dirt particles on the surface.

2) In Primary B there was a small child sized brown vinyl chair that had a tear in the seat and the back. The tears had been repaired with brown duct tape. This is not an acceptable form of repair as it does not allow for adequate cleaning and sanitation.

Transportation

Not Applicable

Food Service/Food Program

In Compliance

Inspection Report

Food Service

Not In Compliance

1040 - Kitchen Equipment Clean and Sanitary

Not In Compliance

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

- (7) The following shall be clean and sanitary:**
 - (a) Eating and drinking utensils;**
 - (b) Kitchenware;**
 - (c) Food contact surfaces of equipment;**
 - (d) Food storage utensils;**
 - (e) Food storage containers;**
 - (f) Cooking surfaces of equipment; and**
 - (g) Nonfood contact surfaces of equipment.**

Findings:

General: Based on observation, this regulatory requirement was not met. An inspection of the interior of the refrigerator located between Primary A and Primary B found dried food and other dirt particles on the shelves used to store food used for the children. Dried food and other debris were also found on the shelves on the inside of the door.

1070 - Food Protected From Contamination

Not In Compliance

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

- (1) Food shall be:**
 - (h) Protected against contamination from:**
 - 1. Dust;**
 - 2. Flies;**
 - 3. Rodents and other vermin;**
 - 4. Unclean utensils and work surfaces;**
 - 5. Unnecessary handling;**
 - 6. Coughs and sneezes;**
 - 7. Cuts in skin;**
 - 8. Communicable disease;**
 - 9. Flooding;**
 - 10. Drainage; and**
 - 11. Overhead leakage.**

Findings:

General: Based on observation, this regulatory requirement was not met. During an inspection of the refrigerator used to store food for the children, a can of Kroger non-dairy whipped topping was on its side on one of the shelves. The lid to the can was missing, leaving the spray nozzle exposed.

1090 - Food Storage

Not In Compliance

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

- (8) Food shall be stored on:**
 - (a) Clean racks;**
 - (b) Clean shelves;**
 - (c) Other clean surfaces; or**
 - (d) If maintained in a sanitary condition, in nonabsorbent labeled containers a minimum of (6) six inches off the floor.**

Findings:

General: Based on observation, this regulatory requirement was not met. An inspection of the interior of the refrigerator located between Primary A and Primary B found dried food and other dirt particles on the shelves used to store food used for the children. Dried food and other debris were also found on the shelves on the inside of the door.

Children's Records

In Compliance

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, this regulatory requirement was not met. It was found that the facility submitted the written evacuation plan for approval on 3/20/19 for the current year. This is not in accordance with KRS 199.895 and 42 U.S.C. 9858c(C)(2)(U) which requires that a written evacuation plan be submitted no later than 12/31 of each year for the upcoming year.

1170 - Professional Development

Not In Compliance

922 KAR 2:090. Section 9. 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, this regulatory requirement was not met. Out of eight (8) staff eligible for a professional development plan, there was one (1) staff person with a hire date of 11/1/17 who did not have any evidence of having completed a professional development plan.

Inspection Report

1175 - Earthquake/Tornado/Fire Drills

Not In Compliance

922 KAR 2:090. Section 9. 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;

(i) A written record of practiced fire drills conducted monthly detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;

Findings:

General: Based on review of documentation, this regulatory requirement was not met. A review of documented drills found that disaster drills were noted as the tornado drill. There was no documentation that indicated when a quarterly earthquake drill was conducted that included the date, time and names of children who participated. It was also found that there was no documentation to verify that a monthly fire drill had been conducted for April and May of 2018 and August of 2018. During the exit conference with the director, it was found that the documentation for those drills had been filed but it was not available for review. Therefore the date, time and names of children who participated were not available for review.

1195 - Fire Drills

Not In Compliance

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

(12) A fire drill shall be:

(a) Conducted during hours of operation at least monthly; and

(b) Documented.

(13) An earthquake drill and a tornado drill shall be:

(a) Conducted during hours of operation at least quarterly; and

(b) Documented.

Findings:

General: Based on observation and review of documentation, this regulatory requirement was not met. A review of documented drills found that disaster drills were noted as the tornado drill. There was no documentation that indicated when a quarterly earthquake drill was conducted. It was also found that there was no documentation to verify that a monthly fire drill had been conducted for April and May of 2018 and August of 2018. During the exit conference with the director, it was found that the documentation for the fire drills had been filed away but it was not available for review.

Posted Documentation

Not In Compliance

1210 - Disaster Course of Action

Not In Compliance

922 KAR 2:090. Section 9. Records.

(1) A child-care center shall maintain:

(j) A written plan and diagram outlining the course of action in the event of a natural or manmade disaster, posted in a prominent place;

Findings:

General: Based on observation, this regulatory requirement was not met. It was found that the posted diagram outlining the course of action in the event of a natural or manmade disaster did not clarify the specific course of action for fire, tornado and earthquake.

Animals

Not In Compliance

1225 - Animals in the Presence of Children

Not In Compliance

922 KAR 2:120. Section 13. Animals.

(1) An animal shall not be allowed in the presence of a child in care:

(a) Unless:

1. The animal is under the supervision and control of an adult;

2. Written parental consent has been obtained; and

3. The animal is certified as vaccinated against rabies; or

(b) Except in accordance with subsection (3) of this section.

Findings:

General: Based on observation, this regulatory requirement was not met. In Primary B there was an aquarium on a shelf. It was found through interview that the aquarium contained tadpoles. Further interview found that written permission had not been obtained from each child's parent.

Signature of Provider/Representative

Title

Date