



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL**

Andy Beshear
Governor

Melissa A. Moore, Director
Division of Regulated Child Care
Eastern Branch
1055 Wellington Way
Lexington, KY 40513
Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Eric C. Friedlander
Secretary

Adam Mather
Inspector General

Inspection Report

Provider Name: Rainbow Child Care Center	Provider Information	CLR No: L377420
Provider Address: 1404 Boone Aire Road, Florence, KY, 41042	Provider Type: LICENSED TYPE I	Capacity: 99
Owner(s): Ree Midwest, Inc.		Director(s): Thompson, Jessica

Inspection Type: Renewal Application	Inspection Information	Inspection No: 278963
Date Initiated: 05/14/2019 10:06 AM	Date Concluded: 05/14/2019 12:06 PM	
	No. of Children Present: 36	

Inspection Report	
Background Checks	Not In Compliance
10 - Submit background check	Not In Compliance
<p>922 KAR 2:280 - Section 4. Procedures and Payments.</p> <p>(1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:</p> <p>(a) Request that the prospective child care staff member provide a copy of his or her driver's license or other government-issued photo identification and verify that the photograph clearly matches the prospective child care staff member;</p> <p>(b) Request that the prospective child care staff member complete and sign the:</p> <ol style="list-style-type: none"> 1. DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and 2. DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and <p>(c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:</p> <ol style="list-style-type: none"> 1. Child abuse and neglect central registry pursuant to 922 KAR 1:470; 2. National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and 3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580. <p>Findings:</p> <p>General: Based on review of documentation, a staff person hired on 10/18/18 did not have the eligible for hire results, proof of fingerprint submission or evidence of the application for a criminal background check through the NBCP on file in the facility prior to employment. A review of KARES found that fingerprints for this staff were submitted on 1/14/19, which was three (3) months after the individual's date of hire. The staff person in charge indicated that this staff member did not work alone with children.</p>	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
180 - Plan of Correction/15 days	Not In Compliance
<p>922 KAR 2:090. Section 14. Statement of Deficiency and Corrective Action Plans.</p> <p>(2) Except for a violation posing an immediate threat as handled in accordance with KRS 199.896(5)(c), a child-care center shall submit a written corrective action plan to the cabinet or its designee within fifteen (15) calendar days of the date of the statement of deficiency to eliminate or correct the regulatory violation.</p> <p>Findings:</p> <p>A PLAN OF CORRECTION WAS DUE ON 06/07/2019 AND AS OF 06/26/2019, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.</p>	

Inspection Report

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 interview and record review, the staff person in charge stated that staff meetings are conducted each month; however, there was no staff meeting documentation presented for review. The staff person in charge could not locate the documentation during the renewal inspection.

350 - Health, Safety, Comfort

Not In Compliance

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

(1) A director shall:

- (i) Assure the health, safety, and comfort of each child;**

Findings:

General: Based on observation, this regulation was not met as follows:

1. A toilet brush was observed on top of the toilet tank and a plunger was observed on the floor next to the toilet in the restroom located in the Pre-K Academy Classroom.
2. A plunger was observed on the floor next to the toilet in the restroom located in the hallway. This restroom was labeled "Student Restroom."
3. A toilet brush was observed on the floor next to the toilet in the restroom located in the Discovery Preschool Classroom.

Employee Records

Not In Compliance

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 review of documentation, only nine (9) staff files were presented for the ten (10) staff employed at the facility. The staff file was not available for review for the director hired on 10/16/2017.

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, six (6) staff did not have proof of education on file. These staff were hired 6/4/18, 6/4/18, 6/4/18, 10/18/18, 3/11/19, and 4/18/19.

395 - TB Verification

Not In Compliance

922 KAR 2:090. Section 11. 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, three (3) staff members hired on 3/11/19, 6/4/18 and 6/4/18 did not have a statement from a health professional that the individual is free of TB or a copy of a negative TB skin test on file. Two (2) staff hired on 6/4/18 had a TB skin test that was no longer current as of 7/29/18 and 7/31/18.

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, two (2) staff members did not complete cabinet-approved orientation within the first three (3) months of employment.

Staff are listed as follows:

1. Staff- hired 6/4/18- No orientation
2. Staff- hired 10/18/18- No orientation
3. Staff- hired 6/4/18 - PAHT due to be renewed

415 - Driver Requirements

Not In Compliance

922 KAR 2:120. Section 12. Transportation.
(18) A driver of a vehicle transporting a child for a center shall:
(a) Be at least twenty-one (21) years old;
(b) Complete:
1. The background checks as described in 922 KAR 2:280; and
2. An annual check of the:
a. Kentucky driver history records in accordance with KRS 186.018; or
b. Driver history records through the state transportation agency that issued the driver's license;
(c) Hold a current driver's license which has not been suspended or revoked during the last five (5) years; and
(d) Not caused an accident which resulted in the death of a person.

Findings:

General: Based on interview and review of documentation, the child-care center failed to obtain Kentucky driver history records through the state transportation agency. The staff person in charge identified four (4) staff who drive the 2014 Chevy Express vehicle to transport children. A review of the transportation binder found background screenings processed by a company based in California identified as HireRight. The staff person in charge stated the KinderCare company required the background checks that were presented for review. It is important to note that this regulatory violation was cited during the renewal inspection conducted on 5/29/18.

Programming

In Compliance

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, the surveyor found two (2) mouse/insect glue boards in the hallway next to the exit door that leads to the playground.

540 - Premises Requirements

Not In Compliance

922 KAR 2:120. Section 4. Premises Requirements.
(1) The premises shall be:
(a) Suitable for the purpose intended;
(b) Kept clean and in good repair;

Findings:

General: Based on observation, the surveyor found an accumulation of tape residue across the bottom half of the Discovery Preschool classroom door.

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Outdoor Play Area

In Compliance

Inspection Report

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, the surveyor found an accumulation of tape residue on the side of a shelving unit positioned in the creative arts area of the Discover Preschool classroom.

820 - Indoor/Outdoor Equipment

Not In Compliance

922 KAR 2:120. Section 11. Toys and Furnishings.

- (2) Indoor and outdoor equipment shall:**
 - (a) Be clean, safe, and in good repair;**
 - (b) Meet the physical, developmental needs, and interests of children of different age groups;**
 - (c) Be free from sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous small parts, lead-based paint, poisonous material, and flaking or chalking paint; and**
 - (d) Be designed to guard against entrapment or situations that may cause strangulation.**

Findings:

General: Based on observation, the surveyor found that a section of plastic was cracked and missing at the base of a Step-2 pretend house that was located on the playground.

Transportation

Not In Compliance

845 - Requirements for Transportation Services

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (2) A center providing or arranging transportation service shall:**
 - (a) Be licensed and approved by the cabinet or its designee prior to transporting a child;**
 - (b) Have a written plan that details the type of transportation, staff schedule, transportation schedule, and transportation route; and**
 - (c) Have written policies and procedures, including emergency procedures practiced monthly by staff who transports children.**

Findings:

General: Based on review of documentation, the surveyor found documents with a heading that read "Monthly Emergency Evacuation Drills" in the transportation binder. These documents were blank; therefore, it could not be determined if emergency procedures are practiced monthly by staff who transport children.

865 - Transportation Notification/Policy & Procedures Regarding Emergency Plan for Evacuation

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:**
 - (e) Agency policy and procedures relating to an emergency plan for evacuating the vehicle;**

Findings:

General: Based on interview, the staff person in charge could not locate policies and procedures in regards to a plan for evacuating the vehicle in the event of an emergency.

875 - Transportation Notification/Safety Procedures - Transporting, Loading/Unloading and Supervision

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:**
 - (g) Safety procedures for:**
 - 1. Transporting a child;**
 - 2. Loading and unloading a child; and**
 - 3. Providing adequate supervision of a child.**

Findings:

General: Based on interview, the staff person in charge could not locate the safety procedures that address what to do when transporting a child, how to ensure adequate supervision of a child and how to safely load and unload a child on and off of the vehicle.

Food Service/Food Program

In Compliance

Food Service

In Compliance

Inspection Report

Children's Records

Not In Compliance

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, three (3) out the ten (10) childrens files presented for review did not have the dates of enrolment listed.

Written Documentation

Not In Compliance

1155 - Policies and Procedures

Not In Compliance

922 KAR 2:090. Section 8. General.

(4) Program policies and procedures shall:

(a) Be in writing; and

(b) Include:

- 1. Staff policies;**
- 2. Job descriptions;**
- 3. An organization chart;**
- 4. Chain of command; and**
- 5. Other procedures necessary to ensure implementation of:**
 - a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;**
 - b. 922 KAR 2:120, Child-care center health and safety standards;**
 - c. 922 KAR 2:280, Background checks for child care staff members, reporting requirements, and appeals; and**
 - d. This administrative regulation.**

Findings:

General: Based on interview, the surveyor found the child-care center did not have a written organizational chart nor a chain of command. The staff person in charge stated that she was in the process of updating the documents.

Posted Documentation

Not In Compliance

1215 - Daily Activities

Not In Compliance

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

(1) A director shall:

(h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;

Findings:

General: Based on review of documentation, the surveyor found that there was not a daily schedule posted in the Varsity school-age area.

Animals

In Compliance

Signature of
Provider/Representative

Title

Date