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Inspection Report

Provider Name: Small Heart Daycare	Provider Information	CLR No: L383090
Provider Address: 1107 S. Virginia Street, Hopkinsville, KY, 42240	Provider Type: LICENSED TYPE I	Capacity: 49
Owner(s): Small Heart Daycare, LLC		Director(s): Joseph, Melody Renee

Inspection Type: Renewal Application	Inspection Information	Inspection No: 245870
Date Initiated: 08/14/2018 8:10 AM	Date Concluded: 08/14/2018 12:30 PM	
	No. of Children Present: 24	

Inspection Report

Background Checks

Not In Compliance

5 - Background check/left alone/dismissed/relocated

Not In Compliance

922 KAR 2:280. Section 3. Implementation and Enforcement.

- (1) A person who is a child care staff member prior to January 1, 2018, shall submit to and complete background checks in accordance with this administrative regulation no later than September 30, 2018.**
- (2) A child care staff member hired on or after April 1, 2018, shall:**
 - (a) Have completed the background checks required in accordance with this administrative regulation and been found to have no disqualifying offense prior to becoming a child care staff member; or**
 - (b) 1. Have submitted to the background checks required in accordance with this administrative regulation;**
 - 2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and**
 - 3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result.**

Findings:

General: Based on Review of Documentation, interview and observation, a staff hired on 08/09/18, did not submit to background checks and was left alone to supervise a child for three (3) minutes when she took the child to the restroom. This same staff was left alone to supervise thirteen (13) children on the playground. A staff hired on 08/06/18, did not submit to a background check and was left alone to supervise a child for three (3) minutes when she took the child to the restroom. This same staff was alone to supervise five (5) children for eight (8) minutes in the preschool room. A staff hired on 10/27/17, did not submit to background checks and was left alone to supervise five (5) children from 9:15 am to 12:30 pm in the infants' room.

10 - Submit background check

Not In Compliance

922 KAR 2:280 - Section 4. Procedures and Payments.

- (1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:**
 - (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;**
 - (b) Request that the prospective child care staff member complete and sign the:**
 - 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**
 - (c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:**
 - 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.**

Findings:

General: Based on record review, a staff hired on 03/16/18, did not submit to background checks; a staff hired on 08/06/18, did not submit to a background check, and a staff hired on 10/27/17, did not submit to background checks.

Inspection Report

Supervision

Not In Compliance

90 - 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 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;**

Findings:

General: Based on Observation, three (3) infants were left unsupervised for less than a minute when the director, who was the infants' caregiver at the time, left the room to open the center's front door for the surveyor to enter the center.

Staffing Requirements

In Compliance

General Administration

In Compliance

Director Requirements

Not In Compliance

345 - Staff Evaluation

Not In Compliance

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;**

Findings:

General: Based on Review of Documentation, a staff, hired on 07/25/17, did not have an annual written performance evaluation on file.

360 - Caregiver Alone

Not In Compliance

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

- (1) 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 922 KAR 2:280;**

Findings:

General: Based on Review of Documentation and observation, a staff, hired on 08/09/18, did not submit to background checks and was left alone to supervise a child for three (3) minutes when she took the child to the restroom. This caregiver was also alone to supervise thirteen (13) children on the playground. A staff, hired on 08/06/18, did not submit to a background check and was left alone to supervise a child for three (3) minutes when she took the child to the restroom. This staff was also alone to supervise five (5) children for eight (8) minutes in the preschool room. A staff, hired on 10/27/17, did not submit to background checks and was left alone to supervise five (5) children from 9:15 am to 12:30 pm in the infants' room. A staff, hired on 03/16/18, did not submit to background checks.

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 and interview, a staff, hired on 05/23/13, did not maintain education verification on file.

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 Observation, a staff hired on 07/25/17; a staff hired on 08/09/18; a staff hired on 03/16/18, and a staff hired on 10/27/17, did not have education verification on file.

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, a staff hired on 03/16/18, and a staff hired on 10/27/17, did not have TB documentation on file.

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, a staff hired on 08/14/14, completed nine and a half (9½) hours of cabinet approved training hours during a subsequent year of employment. A staff hired on 07/25/17, completed five (5) hours of cabinet approved training during the first year of employment.

Programming

Not In Compliance

495 - 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:**
 - 3. No loose bedding, such as a bumper or a blanket; and**
 - 4. No toys or other items except the infant's pacifier;**

Findings:

General: Based on Observation, an infant slept in a crib with loose bedding in the infants' room. A second infant slept in a crib with a partially emptied bottle, loose bedding, a plush toy and a small ball in the infants' room.

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, two (2) bottles of air freshener and a spray bottle filled with soapy water were stored on a cart in the two-year-olds' room.

525 - Items Accessible Only During Activity

Not In Compliance

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

- (8) The following shall be inaccessible to a child in care unless under direct supervision and part of planned program of instruction:**
- (a) Knives and sharp objects;**
 - (b) Litter and rubbish;**
 - (c) Bar soap; and**
 - (d) Plastic bags not used for personal belongings.**

Findings:

General: Based on Observation, wadded up plastic bags filled an opened plastic storage tub, which was located beside the door. Also, a plastic bag was wedged behind a plastic storage cabinet beside the storage cubbies in the school-age room. A wadded up plastic bag was on top of a two foot high shelf and a folded plastic bag was on a cart in the two-year-olds' room. These items were not a part of the program of instruction and were accessible to children.

560 - 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. Ventilated; and**
 - 3. Well lit, including clean light fixtures that are:**
 - a. In good repair in all areas; and**
 - b. Shielded or have shatter-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, two (2) light bulbs were not shielded in the restroom located in the hallway on the right. A strong mildew odor was present down the hallway that lead to the preschool room, school-age room, two-year-olds' room and restroom in the hallway located to the right. An interview with staff revealed a bucket gathered water from the ceiling in the staffs' break room, The bucket of water was recently emptied but the bucket was present in the hallway. The bucket was possibly the source of the mildew odor.

Inspection Report

575 - Protected Openings

Not In Compliance

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

- (8) An opening to the outside shall be effectively protected against the entrance of vermin by:
- Self-closing doors;
 - Closed windows;
 - Screening;
 - Controlled air current; or
 - Other effective means.

Findings:

General: Based on Observation and interview, the center's side door, which lead to the outside playground, did not have protection against the entrance of vermin and was wide open for twenty (20) minutes and forty-five (45) minutes at another time.

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, a brown stain covered a ceiling tile in the preschool room and in the staffs' break room.

Hygienic Practices

Not In Compliance

655 - Child Personal Care/Handwashing

Not In Compliance

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

- (4) A child shall:
- Be helped with personal care and cleanliness based upon his or her developmental skills;
 - Except as established in paragraph (c) of this subsection, wash his or her hands with liquid soap and warm running water:
 - Upon arrival at the center; or
 - Within thirty (30) minutes of arrival for school-age children;
 - Before and after eating or handling food;
 - After toileting or diaper change;
 - After handling animals;
 - After touching an item or an area of the body soiled with body fluids or wastes; and
 - After outdoor or indoor play time; and
 - Use hand sanitizer or hand-sanitizing wipes if liquid soap and warm running water are not available in accordance with paragraph (b) of this subsection. The child shall wash the child's hands as soon as practicable once liquid soap and warm running water are available.

Findings:

General: Based on Observation, five (5) children did not wash their hands with liquid soap and running water after eating a snack in the two-year-olds' room.

First Aid/Medication

Not In Compliance

715 - First Aid Supplies

Not In Compliance

922 KAR 2:120. Section 7. First Aid and Medicine.

- (1) First aid supplies shall:
- Be available to provide prompt and proper first aid treatment;
 - Be stored out of reach of a child;
 - Be periodically inventoried to ensure the supplies have not expired;
 - If reusable, be:
 - Sanitized; and
 - Maintained in a sanitary manner; and
 - Include:
 - Liquid soap;
 - Adhesive bandages;
 - Sterile gauze;
 - Medical tape;
 - Scissors;
 - A thermometer;
 - Flashlight;
 - Cold pack;
 - First aid book;
 - Disposable gloves; and
 - A cardiopulmonary resuscitation mouthpiece protector.

Findings:

General: Based on Observation, the first aid kit/supplies hung approximately five (5) feet high on the wall above cubbies. The first aid supplies were accessible to children, in the school-age room.

Inspection Report

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, a staff member's bottle of medication was stored in an unlocked, lower locker in the staffs' break room. This room was accessible to children.

Outdoor Play Area

Not In Compliance

755 - Protective Surface

Not In Compliance

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

(21) A protective surface shall:

(a) Be provided for outdoor play equipment used to:

- 1. Climb;
- 2. Swing; and
- 3. Slide; and

(b) Have a fall zone equal to the height of the equipment.

Findings:

General: Based on Observation, sparse protective surface was at the end of a slide on the outside playground.

Equipment

Not In Compliance

795 - Individual Bed/Mat/Cot and Bedding

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:

(b) For a toddler or preschool-age child:

- 1. An individual bed, a two (2) inch thick waterproof mat, or cot in good repair; and
- 2. Bedding that is in good repair and is changed:
 - a. Weekly; or
 - b. Immediately if it is soiled or wet.

Findings:

General: Based on Observation, five (5) red and blue nap mats were torn and had exposed foam in the one-year-olds' room. A child was not provided bedding (blanket) at nap time in the two-year-olds' room.

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, a steering wheel was missing from a red and yellow Little Tikes car located on the outdoor playground.

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, a dried white substance was present on the outside of the trash can in the one-year-olds' room.

Transportation

Not Applicable

Inspection Report

Food Service/Food Program

Not In Compliance

990 - 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, cheese puff balls and water were served for snack to children in the two-year-olds' room and preschool room.

Food Service

Not In Compliance

1050 - Bottles

Not In Compliance

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

(9) Bottles shall be:

- (a) Individually labeled;**
- (b) Promptly refrigerated;**
- (c) Covered while not in use; and**
- (d) Consumed within one (1) hour of being heated or removed from the refrigerator.**

Findings:

General: Based on Observation, a bottle was not labeled and two (2) bottles were not covered in the infants' room.

1130 - Menu

Not In Compliance

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

(16) A weekly menu shall be:

- (a) Prepared;**
- (b) Dated;**
- (c) Posted in advance in a conspicuous place;**
- (d) Kept on file for thirty (30) days; and**
- (e) Amended in writing with any substitutions on the day the meal is served.**

Findings:

General: Based on Observation, a weekly menu was not posted in a conspicuous place. The only posted menu was in the kitchen.

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, a child, first date of attendance on 01/24/17, and a child, first date of attendance on 03/03/18, did not have information on file to enable the person in charge to contact the child's preferred hospital. In addition, a child, first date of attendance on 08/07/18, did not have information on file to enable the person in charge to contact the child's physician and authorization by the parent for the provider to seek emergency medical care for the child in the parent's absence.

Inspection Report

Written Documentation

Not In Compliance

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, a staff hired on 05/23/13; a staff hired on 07/20/15, and a staff hired on 07/25/17, did not have an annual written professional development plan on file. A staff hired on 01/18/16, had an annual written professional development plan on file that was dated 07/14/15.

1185 - Confidentiality/Maintenance/Access

Not In Compliance

922 KAR 2:090. Section 9. Records.

- (2) A child-care center shall:**
- (a) Maintain the confidentiality of a child's record and information concerning a child or the child's parent;**
- (b) Maintain all records for five (5) years; and**
- (c) Provide the cabinet access and information in the completion of the investigation pursuant to KRS 620.030(4) and (5).**

Findings:

General: Based on Observation, three (3) children's food allergies were posted, in plain view, in the preschool room.

Posted Documentation

In Compliance

Animals

In Compliance

Signature of Provider/Representative

Title

Date