



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: The Discovery Gym Provider Address: 116 Main Street, Shelbyville, KY, 40065 Owner(s): The Discovery Gym, LLC	Provider Information Provider Type: LICENSED TYPE I	CLR No: L383275 Capacity: 64 Director(s): Shelton, Laura
Inspection Type: Renewal Application Date Initiated: 09/29/2017 8:30 AM	Inspection Information Date Concluded: 09/29/2017 12:00 PM No. of Children Present: 36	Inspection No: 242061

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 and interview, the director failed to assure compliance with regulatory requirements. Review of staff files revealed an annual written performance evaluation was not presented for review at the time of survey for three (3) staff members hired 7/9/16, 8/15/16 and 8/10/15. Interview with director revealed an evaluation had not been completed for the staff members.	
Employee Records	Not In Compliance
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 and interview, the child care center failed to maintain employee records in accordance with regulations. Review of staff files revealed a high school diploma, GED, or Commonwealth Child Care Credential was not presented for review at the time of survey for one (1) staff member hired 8/31/17. Interview with director revealed she needed to obtain proof of education for this staff member.	

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 and interview, the child care center failed to maintain employee records in accordance with regulations. Review of staff files revealed the statement of negative tuberculin result on file for two (2) staff members hired 7/15/14 and 8/24/15 are no longer current as they are dated 6/6/14 and 6/19/15. Interview with director revealed current documentation was not on file at the time of survey.

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 interview, the child care center failed to maintain employee records in accordance with regulations. Review of staff files and ECE-TRIS report revealed documentation of fifteen (15) hours of cabinet approved training was not presented for review at the time of survey for four (4) staff members hired 6/1/14, 7/15/14, 1/30/15 and 7/9/16. Continued review of staff files revealed the center failed to submit verification that one (1) staff member hired 6/1/14 had not completed Pediatric Abusive Head Trauma training PAHT within the past five years. Interview with director revealed this documentation was not on file at the time of survey.

Programming

In Compliance

Premises

Not In Compliance

520 - 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, the child care center failed to maintain the premises in accordance with regulatory requirements. Observation of Two's classroom, revealed a wall outlet with its cover cracked. Continued observation in the Three's classroom revealed paint peeling and chipping from the wall and several brown stains on the ceiling tiles.

Hygienic Practices

Not In Compliance

625 - Diaper Changing Area/Surface

Not In Compliance

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.

(10) When a child is diapered, the child shall:

(b) Be placed on a surface that is:

- 1. Clean;**
- 2. Padded;**
- 3. Free of holes, rips, tears, or other damage;**
- 4. Nonabsorbent;**
- 5. Easily cleaned; and**
- 6. Free of any items not used for diaper changing.**

Findings:

General: Based on observation and interview, the child care center failed to maintain hygienic practices in accordance with regulations. Observation of the center bathroom revealed a hard plastic changing table with no padding. Interview with director revealed the changing table was used to change children at the center.

First Aid/Medication

In Compliance

Outdoor Play Area

Not In Compliance

695 - 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 and interview, the child care center failed to maintain an outdoor play area in accordance with regulations. Observation of the outdoor play area revealed a large slide/climber set was installed directly over a concrete surface. Continued observation revealed the protective surface failed to sufficiently cover the ground at the bottom of the slide as the concrete was visible. During interview, the director acknowledged the protective surface of the aforementioned equipment was not present to sufficiently cover the ground or provide for an adequate protective surface.

Inspection Report	
Equipment	Not In Compliance
755 - Toys/Equipment/Furniture	Not In Compliance
<p>922 KAR 2:120. Section 11. Toys and Furnishings.</p> <p>(1) All toys, equipment, and furniture contacted by a child shall be:</p> <p>(a) Kept clean and in good repair; and</p> <p>(b) Free of peeling, flaking, or chalking paint.</p> <p>Findings:</p> <p>General: Based on observation, the child care center failed to maintain equipment in accordance with regulations. Observation of the outside play area revealed a wooden picnic table with several broken and splintered boards on it's top. Continued observation revealed the sink in the Pre-K bathroom was cracked around the bowl of the sink.</p>	
Transportation	Not Applicable
Food Service	Not In Compliance
935 - Refrigerator	Not In Compliance
<p>922 KAR 2:120. Section 8. Kitchen Requirements.</p> <p>(4) A cold-storage facility used for storage of perishable food in a nonfrozen state shall:</p> <p>(a) Have an indicating thermometer or other appropriate temperature measuring device;</p> <p>(b) Be in a safe environment for preservation; and</p> <p>(c) Be forty (40) degrees Fahrenheit or below.</p> <p>Findings:</p> <p>General: Based on observation and interview, the child care center failed to maintain food service in accordance with regulations. Observation of the Three's classroom revealed the mini-refrigerator was used to store children's lunches. Continued observation and interview with a staff member revealed the mini-refrigerator was not equipped with an indicating thermometer. Observation of the Kitchen revealed the center refrigerator temperature measured fifty-five (55) degrees Fahrenheit.</p>	
Children's Records	Not In Compliance
1070 - Immunization	Not In Compliance
<p>922 KAR 2:110. Section 3. Records.</p> <p>(1) A child-care center shall maintain:</p> <p>(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;</p> <p>Findings:</p> <p>General: Based on review of documentation and interview, the child care center failed to maintain children's records in accordance with regulations. Review of children's files revealed the immunization certificate on file for a child enrolled 7/30/17 is not valid as it failed to include a validation date. Interview with director revealed the immunization certificate presented for review was the only certificate on file at the time of survey for the child enrolled 7/30/17.</p>	
1075 - Enrollment Information	Not In Compliance
<p>922 KAR 2:110. Section 3. Records.</p> <p>(1) A child-care center shall maintain:</p> <p>(b) A written record for each child:</p> <p>1. Completed and signed by the child's parent;</p> <p>2. Retained on file on the first day the child attends the child-care center; and</p> <p>3. To contain:</p> <p>a. Identifying information about the child, which includes, at minimum, the child's name, address, and date of birth;</p> <p>b. Contact information to enable a person in charge to contact the child's:</p> <p>(i) Parent at the parent's home or place of employment;</p> <p>(ii) Family physician; and</p> <p>(iii) Preferred hospital;</p> <p>c. The name of each person who is designated in writing to pick-up the child;</p> <p>d. The child's general health status and medical history including, if applicable:</p> <p>(i) Allergies;</p> <p>(ii) Restriction on the child's participation in activities with specific instructions from the child's parent or health professional; and</p> <p>(iii) Permission from the parent for third-party professional services in the child-care center;</p> <p>e. The name and phone number of each person to be contacted in an emergency situation involving or impacting the child;</p> <p>f. Authorization by the parent for the child-care center to seek emergency medical care for the child in the parent's absence;</p> <p>Findings:</p> <p>General: Based on review of documentation and interview, the child care center failed to maintain children's records in accordance with regulations. Review of ten (10) children's files revealed the written records for one (1) child enrolled 7/29/17 failed to contain contact information to enable a person in charge to contact the child's preferred hospital. Interview with director revealed this documentation was not on file at the time of survey.</p>	

Inspection Report		
Written Documentation		Not In Compliance
1095 - Daily Attendance Records		Not In Compliance
<div> <div> 922 KAR 2:110. Section 3. Records. (1) A child-care center shall maintain: (c) Daily attendance records documenting the arrival and departure time of each child, including records that are required in accordance with 922 KAR 2:160, Section 13, if a child receives services from the child-care center through the Child Care Assistance Program; </div> </div>		
Findings: General: Based on review of documentation, the child care center failed to maintain written documentation in accordance with regulations. Review of attendance records on 9/29/17 revealed on the day of 9/29/17 thirty-two (32) children had been signed in but thirty-six (36) children were present at time of survey.		
1120 - Fire Drills		Not In Compliance
<div> <div> 922 KAR 2:110. Section 3. Records. (1) A child-care center shall maintain: (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; </div> </div>		
Findings: General: Based on review of documentation and interview, the child care center failed to maintain written documentation in accordance with regulations. Review of the fire drill logs presented for review at the time of survey revealed a fire drill was not documented for June, July and August 2017. Interview with director revealed the drill was conducted; however, she could not locate this documentation at the time of survey.		
Posted Documentation		In Compliance
Animals		Not Applicable

Signature of Provider/Representative

Title

Date