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**Adam Mather**  
INSPECTOR GENERAL

**Inspection Report**

<b>Provider Name:</b> The Discovery Gym	<b>Provider Information</b>	<b>CLR No:</b> L383275
<b>Provider Address:</b> 116 Main Street, Shelbyville, KY, 40065	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 37
<b>Owner(s):</b> The Discovery Gym, LLC		<b>Director(s):</b> Hall, Carrie

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 320199
<b>Date Initiated:</b> 03/22/2022 9:45 AM	<b>Date Concluded:</b> 03/22/2022 12:30 PM	
	<b>No. of Children Present:</b> 10	

Inspection Report	
Background Checks	Not In Compliance
<b>10 - Submit background check</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:280 - Section 4. Procedures and Payments.</b></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"> <li>1. DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and</li> <li>2. DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and</li> </ol> <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"> <li>1. Child abuse and neglect central registry pursuant to 922 KAR 1:470;</li> <li>2. National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and</li> <li>3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580.</li> </ol>	
<p><b>Findings:</b></p> <p>General: Based on observation, interview, and review of documentation, the staff in charge did not provide verification that the National Background Check had been completed for the employee with the hire date of 06/07/2021. The staff was not observed working alone. Review of documentation revealed that the background check had not been initiated through the KARES system. The report indicated that the status of the employee was not currently listed.</p>	
<b>85 - Employment Status</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:280. Section 11. Status of Employment.</b></p> <p>(1) A child care provider shall maintain the employment or residential status of each child care staff member who has submitted to a fingerprint-based criminal background check by reporting the status using the NBCP Web-based system.</p>	
<p><b>Findings:</b></p> <p>General: Based on interview and review of documentation, the staff in charge did not provide verification that the child care center maintained the employment status for each child care staff by reporting the status of employment using the National Background Check Portal (NBCP). Review of the KARES system revealed the report did not list current employees or the employees who were no longer employed.</p>	
<b>Supervision</b>	<b>In Compliance</b>
<b>Staffing Requirements</b>	<b>In Compliance</b>

Inspection Report	
General Administration	Not In Compliance
<b>195 - Plan of Correction/15 days</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 15. Statement of Deficiency and Corrective Action Plans.</b> <b>(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.</b>	
<b>Findings:</b> A PLAN OF CORRECTION WAS DUE ON 07/16/2022 AND AS OF 09/21/2022, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.	
Director Requirements	Not In Compliance
<b>335 - Operation instruction/Regulation copy</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 8. General.</b> <b>(2) Child-care center staff shall be:</b> <b>(a) Instructed by the child-care center's director regarding requirements for operation; and</b> <b>(b) Provided with a copy of this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280.</b>	
<b>Findings:</b> General: Based on interview and review of documentation, the staff in charge did not present verification that the center had a current copy of the administrative regulations.	
<b>345 - Regulatory Compliance/Staff in Charge</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</b> <b>(1) A director shall:</b> <b>(d) Ensure:</b> <b>1. Compliance with 922 KAR 2:120, 922 KAR 2:280, and this administrative regulation; and</b> <b>2. The designation of one (1) adult staff person in charge to carry out the director's duties if the director is not present in the child-care center during operating hours. The director shall be responsible for the actions of the designee during the director's absence;</b>	
<b>Findings:</b> General: Based on observation and interview, the staff in charge reported that they are employed at an unlicensed school program during the hours of operation of the child care program, assigned as a director; therefore, the director is employed in a position other than an onsite licensed child care director during the hours the licensed child-care center is in operation.	
<b>355 - Staff Meeting</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</b> <b>(1) A director shall:</b> <b>(i) Conduct, manage, and document in writing recurring staff meetings;</b>	
<b>Findings:</b> General: Based on interview and review of documentation, the staff in charge did not present verification that more than one (1) staff meeting had been conducted and documented in writing within the last year.	
<b>360 - Staff Evaluation</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</b> <b>(1) A director shall:</b> <b>(j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;</b>	
<b>Findings:</b> General: Based on interview and review of documentation, the staff in charge did not present verification of an evaluation assessing the staff person's interaction with children in care and classroom performance for the employee with the hire date of 01/30/2015.	
Employee Records	Not In Compliance
<b>405 - TB Verification</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 11. Staff Requirements.</b> <b>(1) Child-care center staff:</b> <b>(b) Shall provide, prior to employment and every two (2) years thereafter:</b> <b>1. A statement from a health professional that the individual is free of active tuberculosis; or</b> <b>2. A copy of negative tuberculin results.</b>	
<b>Findings:</b> General: Based on interview and review of documentation, the staff in charge did not present verification that the records for the employees with the hire dates of 06/01/2014, 01/30/2015, and 01/04/2021 contained a current copy of a statement from a health professional that the individual is free of active tuberculosis, or a copy of negative tuberculin result.	
<b>415 - CPR/First Aid Required Training</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 7. First Aid and Medicine.</b> <b>(8) Each center shall ensure that every staff member has received training on first aid and cardiopulmonary resuscitation (CPR).</b>	
<b>Findings:</b> General: Based on interview and review of documentation, the staff in charge did not provide verification that the two (2) employees with the hire date of 05/03/2021 had met the requirement of completing CPR/First-Aid training or were certified in CPR/First Aid within the required timeframe.	

## 435 - 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 completed within the first three (3) months of employment in a child-care program;
  - (b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment in a child care program, 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 completed between July 1 and the following June 30 of each subsequent year of employment in a child care program, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.
- (17) A staff person's compliance with training requirements of this section shall be verified through the cabinet-designated database maintained pursuant to 922 KAR 2:240.

**Findings:**

General: Based on interview and review of documentation, the staff in charge did not provide verification that the record of the following employees with the hire dates of 06/01/2014 and 01/30/2015 had met the requirement of fifteen (15) hours of cabinet-approved early care and education training during the last year of employment. Continued review revealed the employee with a hire date of 05/03/2021 had not updated their Pediatric Head Trauma Training. Review of documentation in the ECE-TRIS training system revealed the staff members listed above had not met the requirements.

**Programming**

Not In Compliance

## 455 - Program of Activities Followed

Not In Compliance

**922 KAR 2:120. Section 2. Child Care Services.**

- (4) The child-care center shall provide a daily planned program:
- (a) Posted in writing in a conspicuous location with each age group and followed;
  - (b) Of activities that are individualized and developmentally appropriate for each child served;
  - (c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being; and
  - (d) Unless the child-care center is a before- or after-school program that operates part day or less, that offers a variety of creative activities including:
    - 1. Art or music;
    - 2. Math or numbers;
    - 3. Dramatic play;
    - 4. Stories and books;
    - 5. Science or nature;
    - 6. Block building or stacking;
    - 7. Tactile or sensory activity;
    - 8. Multi-cultural exposure;
    - 9. Indoor and outdoor play in which a child makes use of both small and large muscles;
    - 10. A balance of active and quiet play, including group and individual activity;
    - 11. An opportunity for a child to:
      - a. Have some free choice of activities;
      - b. If desired, play apart from the group at times;

**Findings:**

General: Based on interview and review of documentation, the staff in charge did not present verification that the daily activity of programming was posted in writing that had been updated to reflect the current week that included the activities that are individualized and developmentally appropriate for the Pre-school and Pre-K classrooms.

**Premises**

Not In Compliance

## 585 - 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 light switch in the restroom was broken, exposing the wires inside.

## 690 - Sink

Not In Compliance

**922 KAR 2:120. Section 12. 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, the sink inside of the restroom was not adequately working as evidenced by no running water.

**Hygienic Practices**

In Compliance

**First Aid/Medication**

In Compliance

Inspection Report	
Outdoor Play Area	In Compliance
Equipment	Not In Compliance
<b>865 - Indoor/Outdoor Equipment</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 13. Toys and Furnishings.</b> <b>(2) Indoor and outdoor equipment shall:</b> <b>(a) Be clean, safe, and in good repair;</b> <b>(b) Meet the physical, developmental needs, and interests of children of different age groups;</b> <b>(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</b> <b>(d) Be designed to guard against entrapment or situations that may cause strangulation.</b>	
<b>Findings:</b> General: Based on observation, the blue vinyl map located in the gross motor room had edges that were worn exposing the inside material.	
Transportation	Not Applicable
Kitchen Requirements	In Compliance
Food Service	In Compliance
Meal Planning/Center Provides Meals	Not In Compliance
<b>1220 - Menu</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 10. Meal Planning Requirements for a Center that Provides Meals.</b> <b>(9) A weekly menu shall be:</b> <b>(a) Prepared;</b> <b>(b) Dated;</b> <b>(c) Posted in advance in a conspicuous place;</b> <b>(d) Kept on file for thirty (30) days; and</b> <b>(e) Amended in writing with any substitutions on the day the meal is served.</b>	
<b>Findings:</b> General: Based on interview and review of documentation, the staff in charge did not provide a snack menu that had been updated to reflect the current week.	
Meal Planning/Center Does Not Provide Meals	In Compliance
Children's Records	Not In Compliance
<b>1245 - Immunization</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 9. Records.</b> <b>(1) A child-care center shall maintain:</b> <b>(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;</b>	
<b>Findings:</b> General: Based on interview and review of documentation, the staff in charge did not present verification that the child with the enrollment date of 08/11/2021 had a current immunization certificate. There were two (2) children with unknown enrollment dates whose records contained no immunization records.	
<b>1250 - Enrollment Information</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 9. Records.</b> <b>(1) A child-care center shall maintain:</b> <b>(b) A written record for each child:</b> <b>1. Completed and signed by the child's parent;</b> <b>2. Retained on file on the first day the child attends the child-care center; and</b> <b>3. To contain:</b> <b>a. Identifying information about the child, which includes, at a minimum, the child's name, address, and date of birth;</b> <b>b. Contact information to enable a person in charge to contact the child's:</b> <b>(i) Parent at the parent's home or place of employment;</b> <b>(ii) Family physician; and</b> <b>(iii) Preferred hospital;</b> <b>c. The name of each person who is designated in writing to pick-up the child;</b> <b>d. The child's general health status and medical history including, if applicable:</b> <b>(i) Allergies;</b> <b>(ii) Restriction on the child's participation in activities with specific instructions from the child's parent or health professional; and</b> <b>(iii) Permission from the parent for third-party professional services in the child-care center;</b> <b>e. The name and phone number of each person to be contacted in an emergency involving or impacting the child;</b> <b>f. Authorization by the parent for the child-care center to seek emergency medical care for the child in the parent's absence;</b>	
<b>Findings:</b> General: Based on interview and review of documentation, the staff in charge did not present verification that the child care center had maintained an enrollment record for the child with an unknown enrollment date. Five (5) of the ten (10) records reviewed did not contain an enrollment date. During interview, the staff did not identify the dates. Ten (10) of the ten (10) records reviewed did not have a parent's signature.	

Inspection Report		
Written Documentation		Not In Compliance
1260 - Evacuation Plan		Not In Compliance
<div>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).</div>		
<b>Findings:</b> General: Based on interview and review of documentation, the staff in charge did not present verification that the 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 had been completed to include all of the required documentation to the local emergency management team within the last year. The plan presented was dated for 2019.		
1285 - Earthquake/Tornado/Fire Drills		Not In Compliance
<div>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;</div>		
<b>Findings:</b> General: Based on interview and review of documentation, the staff in charge did not provide verification that the disaster drills for November and December of 2021, and January and February 2022 had been conducted and recorded.		
1305 - Fire Drills		Not In Compliance
<div>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, shelter-in-place or lockdown drill, and tornado drill shall be: (a) Conducted during hours of operation at least quarterly; and (b) Documented.</div>		
<b>Findings:</b> General: Based on interview and review of documentation, the staff in charge did not provide verification that the fire drills for November and December 2021, and January and February 2022 had been conducted and recorded.		
Posted Documentation		In Compliance
Animals		Not Applicable