



Andy Beshear
GOVERNOR

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

Melissa A. Moore, Director
Division of Regulated Child Care
Eastern Branch
455 Park Place, Suite 120A
Lexington, KY 40511
Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Eric Friedlander
SECRETARY

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Funshine Day Care	Provider Information	CLR No: L383871
Provider Address: 21 E. 32nd St., Covington, KY, 41015	Provider Type: LICENSED TYPE I	Capacity: 100
Owner(s): Funshine Day Care, LLC		Director(s): Powers, Tonya

Inspection Type: Initial Application	Inspection Information	Inspection No: 246545
Date Initiated: 08/30/2018 10:00 AM	Date Concluded: 08/30/2018 12:15 PM	
	No. of Children Present: 44	

Inspection Report	
Background Checks	Not In Compliance
5 - Background check/left alone/dismissed/relocated	Not In Compliance
<p>922 KAR 2:280. Section 3. Implementation and Enforcement.</p> <p>(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.</p> <p>(2) A child care staff member hired on or after April 1, 2018, shall:</p> <p>(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</p> <p>(b) 1. Have submitted to the background checks required in accordance with this administrative regulation;</p> <p>2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and</p> <p>3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result.</p> <p>Findings:</p> <p>General: Based on Observation, the surveyors found the following classrooms designated as licensed space: two (2) infant classrooms, one (1) toddler classroom, one (1) two-year-old classroom, one (1) three-year-old classroom, one (1) four-year-old classroom, and one (1) school-age classroom. The surveyors noted children and staff present in each classroom with the exception of the school-age classroom. A review of KARES (Kentucky National Background Service) found only three (3) out of fifteen (15) staff present during the survey are in the eligible for hire status. Four (4) staff whom were observed supervising children in both infant classrooms, three-year-old classroom, and during outdoor playtime have a determination for hire status listed in KARES as "in process". It is important to note the director nor the owner have an eligible for hire status in KARES.</p>	
Supervision	In Compliance
Staffing Requirements	Discussed
General Administration	Not In Compliance
155 - Liability Insurance	Not In Compliance
<p>922 KAR 2:090. Section 6. License Issuance.</p> <p>(8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:</p> <p>(d) Provide written proof of liability insurance coverage of at least \$100,000 per occurrence;</p> <p>Findings:</p> <p>General: Based on Review of Documentation, the liability insurance presented for review did not reflect the new license and LLC.</p>	
Director Requirements	In Compliance

Inspection Report**Employee Records****Not In Compliance****405 - Adequate Substitute(s)****Not In Compliance****922 KAR 2:090. Section 11. Staff Requirements.****(6) Child-care centers shall have available in case of need:**

- (a) One (1) qualified substitute staff person for a Type II child-care center; or**
- (b) Two (2) qualified substitute staff persons for a Type I child-care center.**

(7) Each qualified substitute staff person shall:

- (a) Meet the staff requirements of this administrative regulation; and**
- (b) Provide the required documentation to verify compliance with this administrative regulation.**

Findings:

Based on interview and file review, it was found the facility does not have two (2) qualified substitutes.

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, the director identified herself and two (2) staff as van drivers who transport children to and from school. The surveyor found the staff did not have an annual driving record history on file. The director could not locate the documentation during the inspection.

Programming**In Compliance****Premises****In Compliance****Hygienic Practices****In Compliance****First Aid/Medication****In Compliance****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, the surveyor noted several shelving units located in the following classrooms: three-year-old, four-year-old, and toddler room that contained an excessive amount of tape residue.

Transportation**Not In Compliance****840 - Transportation Compliance****Not In Compliance****922 KAR 2:120. Section 12. Transportation.****(1) A center shall document compliance with KRS Chapter 186 and 603 KAR 5:072 pertaining to:**

- (a) Vehicles;**
- (b) Drivers; and**
- (c) Insurance.**

Findings:

General: Based on Observation, the director could not locate the registration for the 1999 Ford fifteen passenger van used to transport children during the inspection.

Food Service/Food Program**In Compliance****Food Service****Not In Compliance****1015 - Food Service Permit****Not In Compliance****922 KAR 2:120. Section 8. Kitchen Requirements.****(2) A child-care center required to have a food service permit shall be in compliance with 902 KAR 45:005 and this administrative regulation.****Findings:**

General: Based on Interview, the surveyors found the meals are catered by Distinctive Dining. The food permit on file for Distinctive Dining was no longer valid as of 12/31/2017. The director stated she would call the caterer and obtain the new food service permit.

Inspection Report

1025 - Refrigerator

Not In Compliance

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

- (4) A cold-storage facility used for storage of perishable food in a nonfrozen state shall:
- (a) Have an indicating thermometer or other appropriate temperature measuring device;
 - (b) Be in a safe environment for preservation; and
 - (c) Be forty (40) degrees Fahrenheit or below.

Findings:

General: Based on Observation, the surveyors found the sides of a refrigerator located in the older infant classroom very warm to the touch. An indicating thermometer inside of the refrigerator had a reading of 49 degrees Fahrenheit.

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, at approximately 10:15 a.m. water was observed leaking from the bottom of a refrigerator that was located in the older infant classroom. A child crawled through a puddle of water at the time of the observation. Additionally, the surveyors found the sides of the refrigerator very warm to the touch. An indicating thermometer inside of the refrigerator had a reading of 49 degrees Fahrenheit. Additionally, a refrigerator located in the food prep area had some standing water in the bottom and a cooler that contained gallons of milk did not feel very cold. The gallons of milk had droplets of condensation around them and the indicating thermometer was not registering. It is also important to note a coil observed underneath the cooler and had some water coming out of it.

Children's Records

Discussed

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 Interview, the facility did not have an emergency preparedness plan available for review during the initial inspection. The Director stated she did not have an updated plan.

Posted Documentation

In Compliance

Animals

In Compliance

Signature of Provider/Representative

Title

Date