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Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Funshine Child 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 Child Care, Llc		Director(s): Powers, Tonya

Inspection Type: Renewal Application	Inspection Information	Inspection No: 305915
Date Initiated: 01/26/2021 10:12 AM	Date Concluded: 01/26/2021 2:00 PM	
	No. of Children Present: 28	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
145 - Fire Marshal	Not In Compliance
922 KAR 2:090. Section 6. License Issuance. (8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall: (b) Be approved by the Office of the State Fire Marshal or designee;	
Findings: General: Based on review of documentation, it was found that the last inspection conducted by the State Fire Marshal's office was 9/11/2018. While there was an inspection conducted on 4/3/2019, by a representative from the local fire department, inspections must be conducted by a representative from the State Fire Marshal's office.	
Director Requirements	Not In Compliance
360 - Caregiver Alone	Not In Compliance
922 KAR 2:090. Section 10. Director Requirements and Responsibilities. (1) A director shall: (n) Assume 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 interview and review of documentation, it was found that a staff person hired 11/11/2020, had a driver's license from the state of Ohio. Further review of the staff person's personnel file found that the results of a criminal records check, child abuse and neglect check, and a sexual offender list check from the state of Ohio was not on file. In addition, there was no documentation verifying a request for the results of these checks had been submitted. An interview with the staff person found he had moved to Kentucky in May of 2020. It was also found through interview that this staff person gives staff breaks and has been left alone with children.	

Inspection Report**Employee Records****Not In Compliance****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, staff person hired 11/11/2020, did not have a copy of a high school diploma, GED or other qualifying documentation on file at the facility.

Programming**Not In Compliance****420 - 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 or 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 observation during a tour of the facility, it was found that the planned program of activities posted in the 2's room and the 3's/4's room was dated for the week of 1/4/2021-1/8/2021. Therefore, the posted planned program of activities was not current for the week.

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 during a tour of the School-Age NTI room, a staff person's purse was found in an unlocked drawer in a desk. A box containing a bottle of Multi-Purpose Solution for soft contact lenses was found in the same drawer. The label on the box contained a warning to keep out of the reach of children. The purse and contact solution were accessible to the children.

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, the following was found during a tour of the facility:

- 1) Several walls throughout the facility had areas where the paint had chipped away from the surface as well as tape residue with an accumulation of dirt and grime.
- 2) In the 3's/4's, room, there were two water-stained ceiling tiles.

Inspection Report**Hygienic Practices****Not In Compliance****685 - 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, tears were found in the diaper-changing pad located in the 2's room. This does not allow the pad to be adequately sanitized after each child is diapered.

710 - Toy Sanitation Procedure**Not In Compliance****922 KAR 2:120. Section 11. Toys and Furnishings.****(4) A toy or another item that is considered a mouth contact surface by a child not toilet trained shall be sanitized daily by:**

- (a) 1. Scrubbing in warm, soapy water using a brush to reach into crevices;**
- 2. Rinsing in clean water;**
- 3. Submerging in a sanitizing solution for at least two (2) minutes; and**
- 4. Air dried; or**
- (b) Cleaning in a dishwasher if the toy or other item is dishwasher safe.**

Findings:

General: Based on interview with staff, it was found that toys that are mouthed by children not yet toilet trained are rinsed off and then placed in soapy water to soak. The toys are then sprayed with a sanitizing solution. This process of sanitizing toys mouthed by children not toilet trained does not meet the requirement as stated in this regulation.

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:**

- (a) Be available to provide prompt and proper first aid treatment;**
- (b) Be stored out of reach of a child;**
- (c) Be periodically inventoried to ensure the supplies have not expired;**
- (d) If reusable, be:**
 - 1. Sanitized; and**
 - 2. Maintained in a sanitary manner; and**
- (e) Include:**
 - 1. Liquid soap;**
 - 2. Adhesive bandages;**
 - 3. Sterile gauze;**
 - 4. Medical tape;**
 - 5. Scissors;**
 - 6. A thermometer;**
 - 7. Flashlight;**
 - 8. Cold pack;**
 - 9. First aid book;**
 - 10. Disposable gloves; and**
 - 11. A cardiopulmonary resuscitation mouthpiece protector.**

Findings:

General: Based on observation, the facility's first aid supplies did not include a CPR mouthpiece and a first aid book.

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, six packets of aspirin were found in the facility's first aid kit. The packets of aspirin were not labeled for an individual and were stored in an unlocked container on top of the filing cabinet in the office. The office door was open at the time of the survey. It should also be noted that the bathrooms used by the children are located by the office.

Outdoor Play Area

In Compliance

Equipment

Not In Compliance

790 - Crib/Mattress/Sheet

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:

- 1. An individual non-tiered crib that meets Consumer Product Safety Commission standards established in 16 C.F.R. 1219-1220;**
- 2. A firm crib mattress in good repair with a clean tight-fitted sheet that shall be changed:**
 - a. Weekly; or**
 - b. Immediately if it is soiled or wet;**

Findings:

General: Based on observation, two cribs in the infant room had sheets that did not fit tightly over the mattress. A crib with a loose fitting sheet was also observed in the 1's room. An infant was observed sleeping in the crib at the time.

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, there were several nap mats that were torn. This does not allow the mats to be adequately sanitized after each use.

Transportation

Not Applicable

Food Service/Food Program

In Compliance

Food Service

Not In Compliance

1075 - Bottle Preparation by Parent

Not In Compliance

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

(4) Formula or breast milk provided by the parent shall be prepared and labeled.

Findings:

General: Based on observation, cans of powder formula were observed in the Infant room. Interviews with staff found that parents provide the formula for their child and staff are required to measure the water and formula when preparing one child's bottle.

Inspection Report	
Children's Records	Not In Compliance
1140 - Enrollment Information	Not In Compliance
<p>922 KAR 2:090. Section 9. Records.</p> <p>(1) A child-care center shall maintain:</p> <p>(b) A written record for each child:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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: <ol style="list-style-type: none"> (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; <p>Findings:</p> <p>General: Based on a review of ten children's files, there was one child whose enrollment information did not contain the name and phone number of the child's physician.</p>	
Written Documentation	Not In Compliance
1175 - Earthquake/Tornado/Fire Drills	Not In Compliance
<p>922 KAR 2:090. Section 9. Records.</p> <p>(1) A child-care center shall maintain:</p> <p>(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;</p> <p>(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;</p> <p>Findings:</p> <p>General: Based on review of documentation, there was no documentation to verify that a monthly fire drill, including the date, time and names of children who attended were performed for January and February of 2020.</p>	
1195 - Fire Drills	Not In Compliance
<p>922 KAR 2:120. Section 3. General Requirements.</p> <p>(12) A fire drill shall be:</p> <ol style="list-style-type: none"> (a) Conducted during hours of operation at least monthly; and (b) Documented. <p>(13) An earthquake drill and a tornado drill shall be:</p> <ol style="list-style-type: none"> (a) Conducted during hours of operation at least quarterly; and (b) Documented. <p>Findings:</p> <p>General: Based on review of documentation provided, there was no documentation to verify that a monthly fire drill had been conducted for January and February of 2020.</p>	
Posted Documentation	Not In Compliance
1200 - Posting Requirements	Not In Compliance
<p>922 KAR 2:090. Section 8. General.</p> <p>(6) In addition to the posting requirement of KRS 199.898(3), a child-care center shall post the following in a conspicuous place and make available for public inspection:</p> <ol style="list-style-type: none"> (a) The provider's preliminary or regular license; (b) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year; (c) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year; (d) Information on the Kentucky Consumer Product Safety Program and the program's Website as specified in KRS 199.897; (e) A description of services provided by the child-care center, including: <ol style="list-style-type: none"> 1. Current rates for child care; and 2. Each service charged separately and in addition to the basic rate for child care; (f) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and (g) Daily planned program. <p>Findings:</p> <p>General: Based on observation, a statement of deficiencies issued from a renewal survey conducted on 11/1/2019, and the plan of correction submitted by the facility was not posted. It was also found that information regarding the Kentucky Consumer Product Safety Program and the program's website was not posted.</p>	
Animals	In Compliance

Inspection Report**Emergency Regulation****Not In Compliance****1260 - Emergency Regulation****Not In Compliance****922 KAR 2:410E. Emergency Regulation.**

Due to the current declared public health emergency caused by the Novel Coronavirus Disease (COVID-19), licensed child care centers must operate under Centers for Disease Control and Prevention and public health guidelines, as mandated by 922 KAR 2:410E, to prevent the spread of COVID-19.

Findings:

General: Based on observation and interview, the following was found:

- 1) An eleven-year-old child in the school-age room was observed not wearing a mask. An interview with staff found that the child has seizures. There was no information on file from the child's physician indicating that wearing a mask would represent a serious risk to the health or safety of the child.
- 2) At the time of the survey, children in the 2's room and children in the 3's/4's room were grouped together while playing outside and during lunch. They combine again at 2:00 p.m. and stay combined until 6:00 p.m. when the facility closes. This regulation requires that each child shall remain in the same group throughout the day without interacting with another group. An interview with the staff person in charge found that some, but not all of the children in the groups, are siblings.

Signature of Provider/Representative

Title

Date