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**Inspection Report**

<b>Provider Name:</b> Kare Bears	<b>Provider Information</b>	<b>CLR No:</b> L358318
<b>Provider Address:</b> 3155 Custer Drive, Suite A, Lexington, KY, 40517	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 76
<b>Owner(s):</b> PEH, Inc.		<b>Director(s):</b> Oabel, Maricor Almadrones

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 307005
<b>Date Initiated:</b> 05/04/2021 10:00 AM	<b>Date Concluded:</b> 05/04/2021 1:30 PM	
	<b>No. of Children Present:</b> 50	

Inspection Report	
Background Checks	In Compliance
Supervision	Not In Compliance
<b>90 - Children Supervised</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:120. Section 2. Child Care Services.</b></p> <p><b>(3)(a) Each center shall maintain a child-care program that assures each child will be:</b></p> <p><b>1. Provided with adequate supervision at all times by a qualified staff person who ensures the child is:</b></p> <p><b>a. Within scope of vision and range of voice; or</b></p> <p><b>b. For a school-age child, within scope of vision or range of voice;</b></p> <p><b>Findings:</b></p> <p>General: Based on observation at approximately 10:04 a.m., four preschool children were observed alone in the indoor gross motor space located downstairs. The staff person responsible for the children was in the Preschool Room located across the hall from the gross motor room. She was supervising nine children at the time; however, these children were not within scope of vision of the staff person. This was observed again at approximately 10:24 a.m., when a preschool child was observed alone in the gross motor room. The staff person responsible for this child was in the Preschool Room with 12 children.</p>	
Staffing Requirements	Not In Compliance
<b>120 - Adequate Adults/Qualified Staff</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:090. Section 11. Staff Requirements.</b></p> <p><b>(10) The minimum number of adult workers in a child-care center shall be sufficient to ensure that:</b></p> <p><b>(a) Minimum staff-to-child ratios in accordance with 922 KAR 2:120 are followed;</b></p> <p><b>(b) Each staff person under eighteen (18) years of age and each student trainee are under the direct supervision of a qualified staff person who meets the requirements of this section; and</b></p> <p><b>(c) Unless providing care with a qualified staff person, a person under the age of eighteen (18) shall not be counted as staff for the staff-to-child ratio.</b></p> <p><b>Findings:</b></p> <p>General: Based on observation and review of documentation, a staff person hired 4/2/2021, was observed supervising children alone while they washed their hands in the bathroom located in the hallway upstairs. There was not a qualified staff person in the hallway or within view of this staff person during this time. The staff person in charge was helping the cook in the kitchen with the door closed. This same staff person was left alone with a group of preschool children downstairs while the qualified staff person brought a child upstairs to the staff person in charge. A review of staff files found that this staff person has not yet turned 18 years old. This regulation requires that each staff person under the age of 18 years old be under the direct supervision of a qualified staff person.</p>	

**Inspection Report**

**General Administration**

**Not In Compliance**

**210 - Licensee Responsibility**

**Not In Compliance**

**922 KAR 2:090. Section 8. General.**

**(1) A licensee shall:**

- (a) Be responsible for the operation of the child-care center pursuant to this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280; and**
- (b) Protect and assure the health, safety, and comfort of each child.**

**Findings:**

General: Based on observation and a review of documentation the following was found:

- 1) Upon arrival at the facility a staff person opened the door for the surveyor. This staff person was not wearing a mask or facial covering. The staff person stated she needed to get her mask and walked down the hall and picked up a mask that was on the floor by the school-age room. This staff person was working in a classroom with children. During a walk-through of the facility, the staff person in the infant room was not wearing a mask or facial covering. When the surveyor returned to the infant room, the staff person had put on a mask.
- 2) In the hallway located at the entrance of the facility, several children's backpacks and coats were stored on hooks on the wall. Several of the coats and backpacks overlapped touching another child's belongings on either side. This method of storage is unsanitary and leads to a cross contamination of germs.

**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:**

- (m) 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 observation, interview and review of documentation, a staff person hired 4/22/2021, was observed supervising a group of children in the bathroom located in the hallway upstairs. A review of this staff person's file found that the results of a child abuse and neglect check is on file but the results of a criminal records check was not. There was no documentation to verify an application for the results of a criminal records check had been submitted. The staff person in charge indicated the staff person's first day of work was 5/3/2021.

**Employee Records**

**Not In Compliance**

**400 - CPR/First Aid Coverage**

**Not In Compliance**

**922 KAR 2:090. Section 11. Staff Requirements.**

- (3) For a child-care center licensed for infant, toddler, or preschool-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:**

- (a) Infant and child cardiopulmonary resuscitation; and**
- (b) Infant and child first aid.**

- (4) For a child-care center licensed for school-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:**

- (a) Adult cardiopulmonary resuscitation; and**
- (b) First aid.**

- (5) Cardiopulmonary resuscitation (CPR) and first aid training shall be in addition to the fifteen (15) clock hours requirement in subsection (16) of this section.**

**Findings:**

General: Based on review of documentation, it was found there were no staff who are currently certified in CPR and First Aid. The most recent date on file for staff was an expiration date of 12/30/2020. A review of staff files also found there is no one who transports children from school who is currently certified in CPR and First Aid.

**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 that resulted in the death of a person.**

**Findings:**

General: Based on interview and review of documentation, there are 2 staff who transport children from school. A review of these two staff member's files found their dates of hire to be 12/17/08 and 3/5/09. Neither staff person has a current driver history record on file from the state transportation agency that issued the license. The date of the driver history records on file were dated 2/3/19 and 5/2/19. It was also confirmed through interview that the facility has been transporting children from school the past two weeks.

**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, a one-year-old child in the Infant Room was given a color sheet with letters to trace. This is not a developmentally appropriate activity for children of this age.

**465 - Electronic Viewing/Listening Planned Program**

**Not In Compliance**

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

**(1) Electronic viewing and listening devices shall only be used in the center as a part of the child's planned program of activity as established in Section 2(4) of this administrative regulation.**

**Findings:**

General: Based on observation, the children in the Three-Year-Old Room were watching Peter Pan on the television. A review of the posted planned program of activities and the daily schedule found that this was not noted as part of the planned programming for the day.

**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 Infant Room, a container of disinfectant wipes, a bottle of Mr. Clean and various other cleaning supplies were found in a cabinet under the sink. The cabinet had a child safety latch that was not working properly and did not keep the door in a locked manner making these items accessible to the children. At the time of the survey the children in the room were ages three-months to one-year-old.

**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, the outer covering of an over-head light in the Three-Year-Old Room was cracked on one end.

Inspection Report

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:

- 1) In the gross motor room, there were areas on the walls where drywall mud had been used to patch areas in disrepair. These areas had not been smoothed and painted.
- 2) There were numerous areas in the Preschool Room where the walls had been repaired with drywall mud but had not been smoothed and painted. There were additional areas where the corners of some walls were in disrepair where the paint had chipped away from the surface leaving the drywall exposed. In this same room there were several areas on the carpet that were soiled and stained with yellow paint.

640 - Toilet Room

Not In Compliance

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

(2) A toilet room shall:

- (a) 1. Be provided for each gender; or
- 2. A plan shall be implemented to use the same toilet room at separate times;
- (b) Have a supply of toilet paper; and
- (c) Be cleaned and disinfected daily.

Findings:

General: Based on observation the following was found:

- 1) In the bathroom located in the Preschool Room, there was dirt and debris on the floor around the toilet.
- 2) In the bathroom located in the School-Age Room downstairs, a brown substance was observed smeared on the wall by the trashcan.

650 - Toilet

Not In Compliance

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

(4) Each toilet shall:

- (a) Be kept in clean condition;
- (b) Be kept in good repair;
- (c) Be in a lighted room; and
- (d) Have ventilation to outside air.

Findings:

General: Based on observation, dirt and debris were observed in the toilet bowl in the bathroom located in the School-Age Room downstairs.

Hygienic Practices

In Compliance

First Aid/Medication

Not In Compliance

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 bottle of Children's Tylenol was found in the first aid kit located in the office. The bottle of Tylenol was not labeled for an individual child and was not stored in a locked container or area. The office door remained open at the time of the survey and the cabinet where the first aid kit was stored was not locked.

**Inspection Report**

**Outdoor Play Area**

**Not In Compliance**

**750 - Playground Conditions**

**Not In Compliance**

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

**(20) An outdoor play area shall be:**

- (d) Safe from foreseeable hazard;**
- (e) Well drained;**
- (f) Well maintained;**
- (g) In good repair; and**
- (h) Visible to staff at all times.**

**Findings:**

Based on observation, a black wire was attached to the wall of the building. The wire was threaded through holes on each end of the wall. The wire was not secure and hung loosely making it accessible to the children.

**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, a small plastic slide was positioned near the end of a slide attached to a climber. There was not sufficient space between the end of the slide attached to the climber and the other slide that would allow for a child to move and slide safely on either piece of equipment. This was observed on the playground located closest to the building.

**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 several of the sheets in the cribs in the infant room were loose and did not fit snugly over the mattress.

**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, several of the vinyl nap mats in the Three-Year-Old Room were torn leaving the foam exposed. This does not allow the mats to be properly sanitized.

**810 - Individual Bedding Storage**

**Not In Compliance**

**922 KAR 2:120. Section 6. Sleeping and Napping Requirements.**

**(9) Individual bedding shall be stored in a sanitary manner.**

**Findings:**

General: Based on observation in the Preschool Room, some of the children's blankets were hanging out of their cubbies and touching the belongings in the cubby of the child on each side. This is not a sanitary method of storage for items used for napping. This leads to cross contamination of germs.

**Transportation**

**In Compliance**

**Food Service/Food Program**

**In Compliance**

**Inspection Report**

**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 and interview, cans of Gerber brand powder formula were observed in the Infant Room. Interviews with staff found that the parents provide the formula and the bottles are prepared by staff at the facility. It was found that the staff person measures the water and the formula.

**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 a review of documentation there were three children's enrollment information that listed a clinic as the preferred hospital. The regulation requires that a preferred hospital be listed by the parent.

**Written Documentation**

**Not In Compliance**

**1155 - Policies and Procedures**

**Not In Compliance**

**922 KAR 2:090. Section 8. General.**

**(4) Program policies and procedures shall:**

**(a) Be in writing; and**

**(b) Include:**

**1. Staff policies;**

**2. Job descriptions;**

**3. An organization chart;**

**4. Chain of command; and**

**5. Other procedures necessary to ensure implementation of:**

**a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;**

**b. 922 KAR 2:120, Child-care center health and safety standards;**

**c. 922 KAR 2:280, Background checks for child care staff members, reporting requirements, and appeals; and**

**d. This administrative regulation.**

**Findings:**

General: Based on a review of documentation there was not a written job description for the positions of director and assistant director.

**1195 - Fire Drills**

**Not In Compliance**

**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 and a tornado drill shall be:**

**(a) Conducted during hours of operation at least quarterly; and**

**(b) Documented.**

**Findings:**

General: Based on a review of documentation, the last documented quarterly earthquake drill and quarterly tornado drill was 7/31/2020. There was no documentation available for review at the time of the survey to verify that monthly fire drills had been conducted from August 2020 to April 2021.

**Posted Documentation**

**In Compliance**

**Animals**

**Not Applicable**

**Emergency Regulation**

**Not Applicable**

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Signature of Provider/Representative

Title

Date