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

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**Adam Mather**  
INSPECTOR GENERAL

**Inspection Report**

<b>Provider Name:</b> St. Pius Tenth Day Care	<b>Provider Information</b>	<b>CLR No:</b> L350125
<b>Provider Address:</b> 3418 Hwy 144, Owensboro, KY, 42303	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 99
<b>Owner(s):</b> St. Pius Tenth Parish Catholic Church		<b>Director(s):</b> Mattingly, Melissa Brook

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 289828
<b>Date Initiated:</b> 07/16/2019 10:40 AM	<b>Date Concluded:</b> 07/16/2019 3:50 PM	
	<b>No. of Children Present:</b> 78	

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 review of documentation, a caregiver hired on 1/31/18, had not submitted a background check in accordance with this administrative regulation.</p>	
<b>20 - Out of state background checks</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:280. Section 5. Checks of Other States.</b></p> <p>(1) In accordance with 45 C.F.R. 98.43(b)(3), a prospective child care staff member who resides in or has resided in another state within the last five (5) years shall:</p> <p>(a) Request from each state of current or prior residency, in accordance with the state's laws, policies, and procedures, with a courtesy notice to the cabinet:</p> <ol style="list-style-type: none"> <li>1. An in-state criminal records check by: <ol style="list-style-type: none"> <li>a. Means of fingerprints for the state of residence; or</li> <li>b. Any means accepted by a state of prior residency;</li> </ol> </li> <li>2. A check of the state's sex offender registry or repository; and</li> <li>3. A check of the state-based child abuse and neglect registry and database; and</li> </ol> <p>(b) Direct results of the checks required in paragraph (a) of this subsection to the Department for Community Based Services, Division of Child Care, 275 East Main Street, 3C-F, Frankfort, Kentucky 40601.</p> <p><b>Findings:</b></p> <p>General: Based on interview and review of documentation, a caregiver hired on 1/31/18, previously lived in another country and resided in Kentucky for four (4) years. The caregiver completed a FBI Check; however, the results of the FBI check was not submitted to the cabinet.</p>	

Inspection Report	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	In Compliance
Director Requirements	In Compliance
Employee Records	Not In Compliance
<b>395 - 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 review of documentation, a caregiver hired on 7/15/19, had no TB documentation.	
<b>410 - Training</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 11. Staff Requirements.</b> <b>(16) In accordance with KRS 199.896(15) and (16), a staff person with supervisory authority over a child shall complete the following:</b> <b>(a) Six (6) hours of cabinet-approved orientation within the first three (3) months of employment;</b> <b>(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 cabinet-approved pediatric abusive head trauma training; and</b> <b>(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 cabinet-approved pediatric abusive head trauma training completed once every five (5) years.</b>	
<b>Findings:</b> General: Based on review of documentation, a caregiver hired on 10/12/16, lacked three (3) hours of training. A caregiver hired on 10/5/15, lacked fifteen (15) hours of training. Also, a caregiver hired on 1/31/18, lacked two (2) hours of training.	
	<b>Programming</b>
<b>430 - Electronic Viewing/Listening Devices</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 2. Child Care Services.</b> <b>(4) The child-care center shall provide a daily planned program:</b> <b>(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 the following:</b> <b>12. Use of electronic viewing and listening devices if the:</b> <b>a. Material is appropriate to the child using the equipment;</b> <b>b. Material does not include any violence, adult content viewing, or inappropriate language;</b> <b>c. Viewing or individual listening is limited to two (2) hours per day;</b> <b>d. Viewing or listening is discussed with parents prior to viewing or listening; and</b> <b>e. Viewing or listening is designed as an educational tool.</b> <b>(5) A child who does not wish to use the electronic devices during the planned program shall be offered other appropriate activities.</b>	
<b>Findings:</b> General: Based on observation, adult pop music played from a radio/cd player in the preschool room. The music was not a part of the planned program of activities.	
<b>455 - Discipline</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 2. Child Care Services.</b> <b>(10) A child shall not be subjected to:</b> <b>(a) Corporal physical discipline pursuant to KRS 199.896(18);</b> <b>(b) Loud, profane, threatening, frightening, humiliating, or abusive language; or</b> <b>(c) Discipline that is associated with:</b> <b>1. Rest;</b> <b>2. Toileting; or</b> <b>3. Food.</b>	
<b>Findings:</b> General: Based on observation and interview, a one-year-old child was in a highchair during naptime in the one-year-olds' room. Interview determined the one-year-old child was placed in the highchair because the child did not want to go asleep and would wake up the other children. Further interview determined the child had been in the highchair for ten (10) minutes.	
	<b>Premises</b>
<b>580 - Floors, Walls, Ceilings</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 4. Premises Requirements.</b> <b>(9) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.</b>	
<b>Findings:</b> General: Based on observation, there was a ceiling tile with a brown circle located in the two-year-olds' room. Two (2) ceiling tiles had brown circles located in the mobile infants' room. Also, there were three (3) ceiling tiles with brown circles located in the three-year-olds' room.	

## Inspection Report

### 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, dried brown spots were on a toilet seat in the girls' restroom across from the kitchen. Also, a toilet was not flushed and had dried urine spots on the toilet seat in the boys' restroom across from the kitchen.

#### 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 tube of A+D Diaper Rash Cream was not labeled to indicate for whom it belong in a cubby located in the one-year-olds' room.

#### Outdoor Play Area

In Compliance

#### Equipment

Not In Compliance

### 820 - Indoor/Outdoor Equipment

Not In Compliance

#### 922 KAR 2:120. Section 11. Toys and Furnishings.

##### (2) Indoor and outdoor equipment shall:

- (a) Be clean, safe, and in good repair;
- (b) Meet the physical, developmental needs, and interests of children of different age groups;
- (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
- (d) Be designed to guard against entrapment or situations that may cause strangulation.

##### Findings:

General: Based on observation, a crib mattress had a large brown stain in a crib located in the infants' room. Also, a highchair with a bear design did not have safety restraints in the infants' room. A multi-colored letter and square printed area rug was soiled with dark spots in the three-year-olds' room. There were small particles and lint on four (4) area rugs in the Youth Room. Also, black grime was around the cold and hot water faucets located in the boys' restroom across from the kitchen.

#### Transportation

Not Applicable

#### Food Service/Food Program

In Compliance

#### Food Service

Not In Compliance

### 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, there was no thermometer in the refrigerator located in the three-year-olds' room.

#### Children's Records

In Compliance

#### Written Documentation

In Compliance

Inspection Report		
	Posted Documentation	Not In Compliance
1215 - Daily Activities		Not In Compliance
<div> <div>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</div> <div> <div>(1) A director shall:</div> <div>(h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;</div> </div> </div>		
<b>Findings:</b> General: Based on observation, there was no date on the posted schedule of daily activities in the two-year-olds' room, preschool room, infants' room, and three-year-olds' room.		
	Animals	Not Applicable

Signature of Provider/Representative

Title

Date