



Andy Beshear
GOVERNOR

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

Eric Friedlander
SECRETARY

Melissa A. Moore, Director
Division of Regulated Child Care
Western Branch
901 B South Main Street
Hopkinsville, KY 42240
Phone: (270) 889-6052 Fax: (270) 889-6089
<https://chfs.ky.gov/agencies/os/oig>

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Care Bear's Day Care	Provider Information	CLR No: L354966
Provider Address: 1315 Park Avenue, Paducah, KY, 42001	Provider Type: LICENSED TYPE I	Capacity: 21
Owner(s): Scott, Rosa Marian		Director(s): Scott, Rosa Marian

Inspection Type: Renewal Application	Inspection Information	Inspection No: 218248
Date Initiated: 01/25/2017 9:15 AM	Date Concluded: 01/25/2017 12:45 PM	
	No. of Children Present: 17	

Inspection Report	
Supervision	In Compliance
Staffing Requirements	Not In Compliance
40 - Ratios and Group Size	Not In Compliance
<div>922 KAR 2:120. Section 2. Child Care Services. (2) Minimum staff-to-child ratios and group size for an operating child-care center shall be maintained as follows: Age of Children Ratio Maximum Group Size* Infant 1 staff for 5 children 10 Toddler 1 staff for 6 children 12 Preschool-age 2 to 3 years 1 staff for 10 children 20 Preschool-age 3 to 4 years 1 staff for 12 children 24 Preschool-age 4 to 5 years 1 staff for 14 children 28 School-age 5 to 7 years 1 staff for 15 children 30 School-age 7 and older 1 staff for 25 children (for before and after school) 30 1 staff for 20 children (full day of care) 30 *Maximum Group Size shall be applicable only to Type I child-care centers.</div>	
Findings: General: Based on Observation, two (2) caregivers supervised sixteen (16) children, aged two (2) months to four years old, from 9:00 am until a caregiver arrived at approximately 9:35 am in the dining room. Two (2) caregivers supervised thirteen (13) children, aged one year old to four years old, from approximately 9:35 am until 12:45 pm in the preschool room. Also, one (1) caregiver supervised thirteen (13) children, aged one to four years old, for thirty (30) seconds while a second caregiver walked out of the dining room into the kitchen.	

Inspection Report

45 - Ratio/Group Size

Not In Compliance

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

(2)(b) The age of the youngest child in the group shall determine the:

1. Staff-to-child ratio; and
2. Maximum group size.

Findings:

General: Based on Observation, two (2) caregivers supervised sixteen (16) children, from 9:00 am until a caregiver arrived at approximately 9:35 am in the dining room. The age of the youngest child in the group was a two (2) month old. Two (2) caregivers supervised thirteen (13) children, from approximately 9:35 am until 12:45 pm in the preschool room. The age of the youngest child in the group was a one-year-old. Also, one (1) caregiver supervised thirteen (13) children for thirty (30) seconds while a second caregiver walked out of the dining room into the kitchen. The age of the youngest child in the group was a one year old.

General Administration

Not In Compliance

125 - Confidential Information

Not In Compliance

922 KAR 2:110. Section 2. General.

(3) Information concerning a child or the child's parent shall be kept in strict confidence by child-care center staff, except as otherwise required by law.

Findings:

General: Based on Review of Documentation, a child's childcare assistance agreement was on top of a table, in plain view, in the dining room.

Director Requirements

Not In Compliance

255 - Staff Meeting

Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

(1) Effective with the adoption of this administrative regulation, a director shall:

- (i) Conduct, manage, and document in writing staff meetings;

Findings:

General: Based on Review of Documentation, the director did not conduct, manage and document staff meetings.

260 - Staff Evaluation

Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

(1) Effective with the adoption of this administrative regulation, a director shall:

- (j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;

Findings:

General: Based on Review of Documentation, a staff, hired on 05/01/12, and a volunteer, start date 01/05/15, who had supervisory control over children and responsibilities of a caregiver, did not have an annual written performance evaluation on file.

265 - Health, Safety, Comfort

Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

(1) Effective with the adoption of this administrative regulation, a director shall:

- (l) Provide for the health, safety, and comfort of each child;

Findings:

General: Based on Observation, an electrical outlet was not covered in the infants' room. An extension cord was unraveled behind an adult-size chair and was accessible to children in the preschool room.

Employee Records

Not In Compliance

315 - Educational Requirements

Not In Compliance

922 KAR 2:110. Section 5. 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, a staff, hired on 03/28/16, did not have education verification on file.

320 - TB Verification

Not In Compliance

922 KAR 2:110. Section 5. Staff Requirements.

(1) Child-care center staff:

(b) Shall provide, prior to employment and every two (2) years thereafter:

1. A statement from a health professional that the individual is free of active tuberculosis; or
2. A copy of negative tuberculin results.

Findings:

General: Based on Review of Documentation, a staff, hired on 05/01/12, had TB documentation on file that was dated 05/10/12. A staff, hired on 05/01/93, had TB documentation on file that was dated 06/23/14. A staff, hired on 05/30/14, had TB documentation on file that was dated 06/23/14. A staff, hired on 12/22/16, did not have TB documentation on file. A volunteer, start date 01/05/15, had TB documentation on file that was dated 01/21/15.

340 - Training

Not In Compliance

922 KAR 2:110. Section 5. Staff Requirements.

- (14) 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 within the first three (3) months of employment;**
 - (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 pediatric abusive head trauma training; and**
 - (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 pediatric abusive head trauma training completed once every five (5) years.**

Findings:

General: Based on Review of Documentation, a staff, hired on 05/01/12; a staff hired on 05/30/14, and a volunteer, start date on 01/05/15, who had supervisory control over children and responsibilities of a caregiver, each completed one and a half (1 ½) hours of cabinet approved training during the subsequent year of employment. A staff, hired on 05/01/93, completed two and a half (2 ½) hours of cabinet approved training hours during a subsequent year of employment. A staff, hired on 03/28/16, did not complete six (6) hours of cabinet approved orientation within the first three (3) months of employment.

Programming

Not In Compliance

350 - 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) That offers a variety of creative activities including the following:**
 - 1. Art;**
 - 2. Music;**
 - 3. Dramatic play;**
 - 4. Stories and books;**
 - 5. Science;**
 - 6. Block building;**
 - 7. Tactile activity;**
 - 8. Culture;**
 - 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 Review of Documentation, the planned program of activities was not posted in the preschool room and in the infants' room.

360 - Electronic Viewing/Listening Devices

Not In Compliance

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

- (4) The child-care center shall provide a daily planned program:**
- (d) That offers a variety of creative activities including the following:**
 - 12. Use of electronic viewing and listening devices if the:**
 - a. Material is appropriate to the child using the equipment;**
 - b. Material does not include any violence, adult content viewing, or inappropriate language;**
 - c. Viewing or individual listening is limited to two (2) hours per day;**
 - d. Viewing or listening is discussed with parents prior to viewing or listening; and**
 - e. Viewing or listening is designed as an educational tool.**
 - (5) A child who does not wish to use the electronic devices during the planned program shall be offered other appropriate activities.**

Findings:

General: Based on Observation, the radio played on 96.9 FM, which was an adult radio station that played pop music, for forty (40) minutes in the preschool room.

375 - Waiting Period

Not In Compliance

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

- (8) A child shall not be required to stand or sit for a prolonged period of time:**
- (a) During an activity;**
 - (b) While waiting for an activity to start; or**
 - (c) As punishment.**

Findings:

General: Based on Observation, a caregiver placed a child in a highchair to eat lunch but the caregiver did not serve lunch to the child in the dining room. This resulted in the child sitting in a highchair for thirty (30) minutes before the caregiver removed the child from the highchair and took the child to the preschool room.

410 - Infant/Toddler Combined with Older Children

Not In Compliance

922 KAR 2:120. Section 5. Infant and Toddler Play Requirements.

(2) Except in accordance with subsection (3) of this section, an infant or toddler shall participate in an activity with an older child for no more than one (1) hour per day.

Findings:

General: Based on Observation, four (4) toddlers were combined with older children from 9:15 am until 12:45 pm in the preschool room.

420 - Infant Sleep Position

Not In Compliance

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

(1) An infant shall sleep or nap on the infant's back unless the infant's health professional signs a waiver that states the infant requires an alternate sleeping position.

Findings:

General: Based on Observation, a two (2) month old infant slept in a car seat in the dining room. Also, a caregiver placed the same infant on her stomach to nap in the infants' room. There was no signed waiver on file from the infant's physician stating the infant required an alternative sleep position.

435 - Bedding/Toys in Crib

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:

3. No loose bedding; and

4. No toys or other items except the infant's pacifier;

Findings:

General: Based on Observation, an infant slept in a crib with a folded blanket, two (2) soft blocks, two (2) small stuffed animals, and a bib around his neck in the infants' room. A second infant slept in a crib with a bottle, two (2) soft blocks, a small and large stuffed animal, a bib around his neck and a pacifier clip in the infants' room. A third infant slept on top of a blanket and with a stuff animal in the crib in the infants' room.

Premises

Not In Compliance

460 - Inaccessible Items

Not In Compliance

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

(7) Except in accordance with subsection (8) of this section, the following shall be inaccessible to a child in care:

(a) Toxic cleaning supplies, poisons, and insecticides;

(b) Knives and sharp objects;

(c) Matches, cigarettes, lighters, and flammable liquids;

(d) Plastic bags;

(e) Litter and rubbish;

(f) Bar soap; and

(g) Personal belongings and medications of staff.

Findings:

General: Based on Observation, several wadded up plastic bags were on top of a three (3) compartment cart in the restroom inside the infants' room. An infant put a caregiver's key chain, which consisted of a key ring and two (2) keys, in her mouth in the preschool room.

500 - 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. Adequately heated;

3. Ventilated; and

4. Well lit, including clean light fixtures that are:

a. In good repair in all areas; and

b. Shielded or have shattered 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, dead bugs were inside a light shield in the restroom adjacent to the dining room.

Inspection Report**Hygienic Practices****Not In Compliance****595 - Child Personal Care/Handwashing****Not In Compliance****922 KAR 2:120. Section 3. General Requirements.****(4) A child shall:**

- (a) Be helped with personal care and cleanliness based upon their developmental skills; and**
- (b) Wash his or her hands with liquid soap and warm running water:**
 - 1. a. Upon arrival at the center; or**
 - b. Within thirty (30) minutes of arrival for school-age children;**
 - 2. Before and after eating or handling food;**
 - 3. After toileting or diaper change;**
 - 4. After handling animals;**
 - 5. After wiping or blowing nose;**
 - 6. After touching items soiled with body fluids or wastes; and**
 - 7. After outdoor or indoor play time.**

Findings:

General: Based on Observation, a child failed to wash her hands with liquid soap and warm running water after wiping her nose in the dining room. Six (6) children failed to wash their hands with liquid soap and warm running water after eating lunch in the dining room. A child did not wash her hands with liquid soap and warm running water upon arrival to the center at 11:35 am.

600 - Staff Hygiene/Handwashing**Not In Compliance****922 KAR 2:120. Section 3. General Requirements.****(5) Staff shall:**

- (a) Maintain personal cleanliness;**
- (b) Conform to hygienic practices while on duty; and**
- (c) Wash their hands with liquid soap and running water:**
 - 1. Upon arrival at the center;**
 - 2. After toileting or assisting a child in toileting;**
 - 3. Before and after diapering each child;**
 - 4. After wiping or blowing a child's or own nose;**
 - 5. After handling animals;**
 - 6. After caring for a sick child;**
 - 7. Before and after feeding a child or eating;**
 - 8. Before dispensing medication; and**
 - 9. If possible, before administering first aid.**

Findings:

General: Based on Observation, a caregiver failed to wash her hands with liquid soap and warm running water after diapering a child on two (2) separate occasions in the infants' room.

First Aid/Medication**Not In Compliance****670 - 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;**
- (b) Kept in the original bottle; and**
- (c) Properly labeled.**

(7) Medication shall not be given to a child if the expiration date on the bottle has passed.**Findings:**

General: Based on Observation, a three (3) ounce tube of A and D ointment and a small tube of Orajel, were not labeled to indicate to whom each belonged. Each medication was stored on a shelf above the sink in the infants' room. Also, a small tube of budesonide was not labeled to indicate to whom it belonged and was stored in a plastic cup on a shelf above the sink in the infants' room.

Outdoor Play Area**Not In Compliance****695 - 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, three (3) swings, a slide, a metal arch shaped climbing apparatus, and a Little Tikes climbing and sliding apparatus, each had grass underneath on the outdoor play area.

Inspection Report	
Equipment	Not In Compliance
755 - Toys/Equipment/Furniture	Not In Compliance
<p>922 KAR 2:120. Section 11. Toys and Furnishings. (1) All toys, equipment, and furniture contacted by a child shall be: (a) Kept clean and in good repair; and (b) Free of peeling, flaking, or chalking paint.</p>	
<p>Findings: General: Based on Observation, safety belts were missing from four (4) highchairs in the dining room.</p>	
760 - Indoor/Outdoor Equipment	Not In Compliance
<p>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.</p>	
<p>Findings: General: Based on Observation, rust was on the chains of three (3) swings and a metal arch-shaped climbing apparatus on the outdoor play area. An approximate one foot long tear was in the curtains, which hung on the double doors, leading to the outside play area.</p>	
Transportation	Not Applicable
Food Service	Not In Compliance
910 - Bottle Feeding	Not In Compliance
<p>922 KAR 2:120. Section 3. General Requirements. (11) While bottle feeding an infant, the: (a) Child shall be held; and (b) Bottle shall not be: 1. Propped; 2. Left in the mouth of a sleeping infant; or 3. Heated in a microwave</p>	
<p>Findings: General: Based on Observation, a caregiver laid two (2) infants' in a crib to bottle feed in the infants' room. Also, a third infant was in a crib and given a bottle to drink while lying in a crib in the infants' room.</p>	
940 - Frozen Food	Not In Compliance
<p>922 KAR 2:120. Section 8. Kitchen Requirements. (5) Frozen food shall be: (a) Kept at a temperature of zero degrees Fahrenheit or below; and (b) Thawed: 1. At refrigerator temperatures; 2. Under cool, potable running water; 3. As part of the cooking process; or 4. By another method in accordance with the Department of Public Health's food safety standards and permits, established in KRS Chapter 217.</p>	
<p>Findings: General: Based on Observation, a thermometer indicated the temperature was seventeen (17) degrees Fahrenheit in the kitchen freezer.</p>	
960 - Bottles	Not In Compliance
<p>922 KAR 2:120. Section 8. Kitchen Requirements. (9) Bottles shall be: (a) Individually labeled; (b) Promptly refrigerated; (c) Covered when not in use; and (d) Consumed within one (1) hour of being heated or removed from the refrigerator.</p>	
<p>Findings: General: Based on Observation, two (2) bottles were not covered in the infants' room and a bottle was not covered in the preschool room.</p>	

985 - Milk Requirements

Not In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.**(3) A serving of milk shall consist of:**

- (a) Breast milk or iron-fortified formula for a child age birth to twelve (12) months;
- (b) Pasteurized whole milk for children ages twelve (12) months to twenty-four (24) months; or
- (c) Pasteurized low fat one (1) percent or fat-free skim milk for children ages twenty-four (24) months to school-age.

Findings:

General: Based on Observation and interview, a toddler was served juice and three (3) toddlers were each served 1% milk with the lunch meal in the dining room. The center did not have documentation from a parent or health professional stating a dietary restriction necessitated an alternative food item being served for each of the children.

1050 - Menu

Not In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.**(16) A weekly menu shall be:**

- (a) Prepared;
- (b) Dated;
- (c) Posted in advance in a conspicuous place;
- (d) Kept on file for thirty (30) days; and
- (e) Amended in writing with any substitutions on the day the meal is served.

Findings:

General: Based on Review of Documentation, the breakfast menu was not prepared and posted in the kitchen.

Children's Records

Not In Compliance

1070 - Immunization

Not In Compliance

922 KAR 2:110. Section 3. Records.**(1) A child-care center shall maintain:**

- (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;

Findings:

General: Based on Review of Documentation, a child, first date of attendance on 11/16/15, had an immunization certificate on file that was valid until 02/09/16.

1075 - Enrollment Information

Not In Compliance

922 KAR 2:110. Section 3. 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 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 situation 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 Review of Documentation, a child, first date of attendance on 08/01/15, did not have enrollment information on file. Also, a child, first date of attendance on 06/02/11, and a child, first date of attendance on 09/11/13, did not have information on file to enable the person in charge to contact the child's preferred hospital.

Written Documentation

Not In Compliance

1095 - Daily Attendance Records

Not In Compliance

922 KAR 2:110. Section 3. Records.**(1) A child-care center shall maintain:**

- (c) Daily attendance records documenting the arrival and departure time of each child, including records that are required in accordance with 922 KAR 2:160, Section 13, if a child receives services from the child-care center through the Child Care Assistance Program;

Findings:

General: Based on Review of Documentation, a child did not have a documented arrival time.

Inspection Report

1105 - Professional Development

Not In Compliance

922 KAR 2:110. Section 3. Records.

(1) A child-care center shall maintain:

(f) A written annual plan for child-care staff professional development;

Findings:

General: Based on Review of Documentation, a staff, hired on 02/01/12; a staff, hired on 05/30/14, and a volunteer, start date 01/05/15, who had supervisory control over children and responsibilities of a caregiver, did not have an annual professional development plan on file.

1115 - Earthquake/Tornado Drills

Not In Compliance

922 KAR 2:110. Section 3. 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;

Findings:

General: Based on Review of Documentation, the names of children, who participated in quarterly practiced earthquake drills and quarterly practiced tornado drills, were not documented.

1120 - Fire Drills

Not In Compliance

922 KAR 2:110. Section 3. Records.

(1) A child-care center shall maintain:

(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;

Findings:

General: Based on Review of Documentation, the names of children, who participated in monthly practiced fire drills, were not documented.

Posted Documentation

Not In Compliance

1155 - Posting Requirements

Not In Compliance

922 KAR 2:110. Section 2. General.

(7) 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:

- (a) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year;
- (b) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;
- (c) Information on the Kentucky Consumer Product Safety Program and the program's website as specified in KRS 199.897;
- (d) A description of services provided by the child-care center, including:
 - 1. Current rates for child care; and
 - 2. Each service charged separately and in addition to the basic rate for child care;
- (e) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and
- (f) Daily schedule.

Findings:

General: Based on Review of Documentation, the statement of deficiency and civil penalty notices issued by the cabinet during the current licensure year and plan of correction submitted by the child-care center to the cabinet during the current licensure year were not posted.

Animals

In Compliance

Signature of Provider/Representative

Title

Date