



**Andy Beshear**  
GOVERNOR

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

**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>

**Eric Friedlander**  
SECRETARY

**Adam Mather**  
INSPECTOR GENERAL

**Inspection Report**

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

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 243247
<b>Date Initiated:</b> 03/01/2018 9:45 AM	<b>Date Concluded:</b> 03/01/2018 1:05 PM	
	<b>No. of Children Present:</b> 13	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
<b>290 - Fire Marshal/Zoning Compliance</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 4. Premises Requirements.</b> <b>(2) A child-care center shall be in compliance with the State Fire Marshal and the local zoning laws.</b>	
<b>Findings:</b> General: Based on Review of Documentation, the most current fire marshal inspection report was dated 01/11/16.	
Director Requirements	Not In Compliance
<b>340 - Staff Meeting</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</b> <b>(1) A director shall:</b> <b>(i) Conduct, manage, and document in writing recurring staff meetings;</b>	
<b>Findings:</b> General: Based on Review of Documentation, the center had documentation for one (1) staff meeting.	
<b>345 - Staff Evaluation</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</b> <b>(1) A director shall:</b> <b>(j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;</b>	
<b>Findings:</b> General: Based on Review of Documentation, a volunteer start date 01/05/15, had supervisory control over children and responsibilities of a caregiver, but did not have an annual written performance evaluation on file. A staff, hired on 05/30/14, had an annual written performance evaluation on file that was dated 07/28/16. A staff, hired on 12/22/16, and a staff, hired on 08/29/17, each did not have an annual written performance evaluation on file.	

Inspection Report					
Employee Records	Not In Compliance				
<b>390 - Educational Requirements</b>	<b>Not In Compliance</b>				
<b>922 KAR 2:090. Section 11. Staff Requirements.</b> <b>(1) Child-care center staff:</b> <b>(a) Hired after January 1, 2009, who have supervisory power over a minor and are not enrolled in secondary education, shall have a:</b> <b>1. High school diploma;</b> <b>2. GED or qualifying documentation from a comparable educational entity; or</b> <b>3. Commonwealth Child Care Credential as described in 922 KAR 2:250;</b>					
<b>Findings:</b> General: Based on Observation, a staff hired on 03/28/16, and a staff hired on 08/29/17, each did not have education verification on file.					
<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 staff hired on 08/29/17, did not have TB documentation on file. A staff hired on 03/28/16, had TB documentation on file that was dated 10/27/15.					
<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 volunteer, start date on 01/05/15, who had supervisory control over children and responsibilities of a caregiver, did not complete any cabinet approved training during a subsequent year of employment. A staff, hired on 05/30/14, completed six (6) hours of cabinet approved training during a subsequent year of employment. A staff, hired on 05/01/93, did not complete any hours of cabinet approved training during a subsequent year of employment. A staff hired on 03/28/16, and a staff hired on 12/22/16, each did not complete six (6) hours of cabinet approved orientation. In addition, a staff hired on 03/28/16, and a staff hired on 12/22/16, each did not complete any hours of cabinet approved training during the first year of employment, which included one and a half (1 ½) hours of pediatric abusive head trauma training.					
<table> <tr> <td><b>Programming</b></td><td><b>In Compliance</b></td></tr> <tr> <td><b>Premises</b></td><td><b>Not In Compliance</b></td></tr> </table>		<b>Programming</b>	<b>In Compliance</b>	<b>Premises</b>	<b>Not In Compliance</b>
<b>Programming</b>	<b>In Compliance</b>				
<b>Premises</b>	<b>Not In Compliance</b>				
<b>520 - Inaccessible Items</b>	<b>Not In Compliance</b>				
<b>922 KAR 2:120. Section 3. General Requirements.</b> <b>(7) The following shall be inaccessible to a child in care:</b> <b>(a) Toxic cleaning supplies, poisons, and insecticides;</b> <b>(b) Matches, cigarettes, lighters, and flammable liquids; and</b> <b>(c) Personal belongings and medications of staff.</b>					
<b>Findings:</b> General: Based on Observation, a caregiver's book bag was stored on the floor in the infants' room. A bottle of Germ-X hand sanitizing wipes was stored on a shelf in the preschool room and on the table in the dining room. A container of Lysol disinfecting wipes was stored on a shelf in the dining room. All of these items were accessible to children.					
<table> <tr> <td><b>Hygienic Practices</b></td><td><b>Not In Compliance</b></td></tr> </table>		<b>Hygienic Practices</b>	<b>Not In Compliance</b>		
<b>Hygienic Practices</b>	<b>Not In Compliance</b>				
<b>655 - Child Personal Care/Handwashing</b>	<b>Not In Compliance</b>				
<b>922 KAR 2:120. Section 3. General Requirements.</b> <b>(4) A child shall:</b> <b>(a) Be helped with personal care and cleanliness based upon their developmental skills; and</b> <b>(b) Wash his or her hands with liquid soap and warm running water:</b> <b>1. a. Upon arrival at the center; or</b> <b>b. Within thirty (30) minutes of arrival for school-age children;</b> <b>2. Before and after eating or handling food;</b> <b>3. After toileting or diaper change;</b> <b>4. After handling animals;</b> <b>5. After touching an item or an area of the body soiled with body fluids or wastes; and</b> <b>6. After outdoor or indoor play time; and</b> <b>(c) Use hand sanitizer or hand-sanitizing wipes if liquid soap and warm running water are not available in accordance with paragraph (b) of this subsection. The child shall wash the child's hands as soon as practicable once liquid soap and warm running water are available.</b>					
<b>Findings:</b> General: Based on Observation, a toddler did not wash her hands with liquid soap and warm running water after being diapered in the infants' room.					

**660 - 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;**
- (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;**
  - 9. After smoking or vaping; and**
  - 10. If possible, before administering first aid; and**

**(d) Use hand sanitizer or hand-sanitizing wipes if liquid soap and warm running water are not available in accordance with paragraph (c) of this subsection. The staff shall wash the staff's hands as soon as practicable once liquid soap and warm running water are available.**

**Findings:**

General: Based on Observation, a staff did not wash her hands with liquid soap and warm running water before putting on gloves and diapering a child in the infants' room. Also, a staff did not wash her hands with liquid soap and warm running water after diapering a child in the infants' room.

**680 - Soiled Diapers/Clothing**

**Not In Compliance**

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

**(8) Diapers or clothing shall be:**

- (a) Changed when soiled or wet;**
- (b) Stored in a covered container temporarily; and**
- (c) Washed or disposed of at least once a day.**

**Findings:**

General: Based on Observation, a soiled diaper was stored in the handwashing sink in the infants' room.

**695 - Diapering Practice**

**Not In Compliance**

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

**(12) Staff shall disinfect the diapering surface after each child is diapered.**

**(13) If staff wears disposable gloves, the gloves shall be changed and disposed after each child is diapered.**

**Findings:**

General: Based on Observation, a staff did not disinfect the diapering surface after diapering a child in the infants' room.

**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. In accordance with KRS 199.8951:**
      - a. An epinephrine auto-injector shall be inaccessible to a child;**
      - b. A child-care center shall have at least one 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 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 Review of Documentation, four (4) bottles of children's cold medication, were not labeled to indicate to whom each belonged and were stored unlocked in the kitchen.

Inspection Report	
<b>Outdoor Play Area</b>	<b>Not In Compliance</b>
<b>755 - Protective Surface</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 4. Premises Requirements.</b> <b>(21) A protective surface shall:</b> <b>(a) Be provided for outdoor play equipment used to:</b> 1. Climb; 2. Swing; and 3. Slide; and <b>(b) Have a fall zone equal to the height of the equipment.</b>	
<b>Findings:</b> General: Based on Observation, three (3) swings, a slide, a metal arch shaped climbing apparatus, and a Little Tikes climbing and sliding apparatus, had grass underneath in the outdoor play area. There was no protective surface.	
<b>Equipment</b>	<b>Not In Compliance</b>
<b>795 - Individual Bed/Mat/Cot and Bedding</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 6. Sleeping and Napping Requirements.</b> <b>(3) Rest time shall include adequate space specified by the child's age as follows:</b> <b>(b) For a toddler or preschool-age child:</b> 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.	
<b>Findings:</b> General: Based on Observation, bedding (a cover) was not provided to six (6) children in the preschool room.	
<b>815 - Toys/Furniture</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 11. Toys and Furnishings.</b> <b>(1) All toys and furniture contacted by a child shall be:</b> <b>(a) Kept clean and in good repair; and</b> <b>(b) Free of peeling, flaking, or chalking paint.</b>	
<b>Findings:</b> General: Based on Observation, the sharp edge of two (2) metal plumbing flanges, which covered the tops of the metal legs under the sink, were exposed in the restroom.	
<b>820 - Indoor/Outdoor Equipment</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 11. Toys and Furnishings.</b> <b>(2) Indoor and outdoor equipment shall:</b> <b>(a) Be clean, safe, and in good repair;</b> <b>(b) Meet the physical, developmental needs, and interests of children of different age groups;</b> <b>(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</b> <b>(d) Be designed to guard against entrapment or situations that may cause strangulation.</b>	
<b>Findings:</b> General: Based on Observation, rust was on the chains of three (3) swings and a metal arch shaped climbing apparatus in the outdoor play area.	
<b>Transportation</b>	<b>Not Applicable</b>
<b>Food Service/Food Program</b>	<b>In Compliance</b>
<b>Food Service</b>	<b>Not In Compliance</b>
<b>1040 - Kitchen Equipment Clean and Sanitary</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 8. Kitchen Requirements.</b> <b>(7) The following shall be clean and sanitary:</b> <b>(a) Eating and drinking utensils;</b> <b>(b) Kitchenware;</b> <b>(c) Food contact surfaces of equipment;</b> <b>(d) Food storage utensils;</b> <b>(e) Food storage containers;</b> <b>(f) Cooking surfaces of equipment; and</b> <b>(g) Nonfood contact surfaces of equipment.</b>	
<b>Findings:</b> General: Based on Observation, a brown and gray substance covered the surface of a white dishrack and tray on the counter in the kitchen.	

Inspection Report	
Children's Records	Not In Compliance
<b>1135 - Immunization</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 9. Records.</b> <b>(1) A child-care center shall maintain:</b> <b>(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;</b>	
<b>Findings:</b> General: Based on Review of Documentation, a child, first date of attendance on 1/10/17, had an immunization certificate on file that was valid until 04/30/17. Also, a child, first date of attendance on 11/16/15, had an immunization record without a validity date documented.	
<b>1140 - Enrollment Information</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 9. Records.</b> <b>(1) A child-care center shall maintain:</b> <b>(b) A written record for each child:</b> <b>1. Completed and signed by the child's parent;</b> <b>2. Retained on file on the first day the child attends the child-care center; and</b> <b>3. To contain:</b> <b>a. Identifying information about the child, which includes, at a minimum, the child's name, address, and date of birth;</b> <b>b. Contact information to enable a person in charge to contact the child's:</b> <b>(i) Parent at the parent's home or place of employment;</b> <b>(ii) Family physician; and</b> <b>(iii) Preferred hospital;</b> <b>c. The name of each person who is designated in writing to pick-up the child;</b> <b>d. The child's general health status and medical history including, if applicable:</b> <b>(i) Allergies;</b> <b>(ii) Restriction on the child's participation in activities with specific instructions from the child's parent or health professional; and</b> <b>(iii) Permission from the parent for third-party professional services in the child-care center;</b> <b>e. The name and phone number of each person to be contacted in an emergency involving or impacting the child;</b> <b>f. Authorization by the parent for the child-care center to seek emergency medical care for the child in the parent's absence;</b>	
<b>Findings:</b> General: Based on Review of Documentation, a child, first date of attendance on 08/19/14; a child, first date of attendance on 10/19/17; a child, first date of attendance on 02/16/17, and two (2) children, first date of attendance on 08/10/16, did not have information on file to enable the person in charge to contact the child's preferred hospital.	
Written Documentation	Not In Compliance
<b>1160 - Daily Attendance Records</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 9. Records.</b> <b>(1) A child-care center shall maintain:</b> <b>(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;</b>	
<b>Findings:</b> General: Based on Review of Documentation, a child did not have a documented departure time on the attendance records dated 02/26/18 and 02/28/18. Also, a future documented departure time of 5:30 pm was documented for 03/01/18, and a documented arrival time and departure time was documented in advance on the attendance record for 03/02/18. Also, the daily attendance records did not include a signature to verify accuracy of weekly attendance for approximately nine (9) children during the week of 11/27/17, and for approximately ten (10) children during the week of 12/04/17, in accordance with the Child Care Assistance Program.	
Posted Documentation	Not In Compliance
<b>1200 - Posting Requirements</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 8. General.</b> <b>(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:</b> <b>(a) The provider's preliminary or regular license;</b> <b>(b) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year;</b> <b>(c) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;</b> <b>(d) Information on the Kentucky Consumer Product Safety Program and the program's website as specified in KRS 199.897;</b> <b>(e) A description of services provided by the child-care center, including:</b> <b>1. Current rates for child care; and</b> <b>2. Each service charged separately and in addition to the basic rate for child care;</b> <b>(f) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and</b> <b>(g) Daily planned program.</b>	
<b>Findings:</b> General: Based on Review of Documentation, the civil penalty notices issued by the cabinet during the current licensure year were not posted.	
Animals	In Compliance

Signature of Provider/Representative

Title

Date