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Inspection Report

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

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| Inspection Information | | |
| Inspection Type: Renewal Application | | Inspection No: 278059 |
| Date Initiated: 12/28/2018 10:45 AM | Date Concluded: 12/28/2018 2:12 PM | |
| No. of Children Present: 14 | | |

| Inspection Report | |
|---|-------------------|
| Background Checks | Not In Compliance |
| 5 - Background check/left alone/dismissed/relocated | |
| Not In Compliance | |
| <p>922 KAR 2:280. Section 3. Implementation and Enforcement.</p> <p>(1) A person who is a child care staff member prior to January 1, 2018, shall submit to and complete background checks in accordance with this administrative regulation no later than September 30, 2018.</p> <p>(2) A child care staff member hired on or after April 1, 2018, shall:</p> <p>(a) Have completed the background checks required in accordance with this administrative regulation and been found to have no disqualifying offense prior to becoming a child care staff member; or</p> <p>(b) 1. Have submitted to the background checks required in accordance with this administrative regulation;</p> <p>2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and</p> <p>3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result.</p> <p>Findings:</p> <p>General: Based on Review of Documentation, caregivers hired 05/01/1993, 12/22/16, 03/28/16, 08/29/17 and 06/01/13, had not initiated the process for the National Background Check Program (NBCP) prior to 09/30/18.</p> <p>In addition, previous inspection history indicated the center was cited violations for not completing background checks for the caregiver hired 03/28/16. Each of the center's written plans of corrections, dated 05/19/16 and 04/13/18, indicated the aforementioned staff member was terminated; therefore, background checks were never completed. Interviews with director confirmed this caregiver was never terminated.</p> | |
| Supervision | In Compliance |

Inspection Report**Staffing Requirements****Not In Compliance****125 - Ratios and Group Size****Not In Compliance****922 KAR 2:120. Section 2. Child Care Services.**

(2) For an operating child-care center, minimum staff-to-child ratios and group size shall be maintained as established in the table established in this subsection.

Age of Children Ratio Maximum Group Size***Infant**

1 staff for 5 children 10

Toddler 12 to 24 months

1 staff for 6 children 12

Toddler 24 to 36 months

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.

(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, one (1) caregiver supervised ten (10) children, ages nineteen-months-old to seven-years-old; therefore, the staff/child ratio was not maintained.

General Administration**Not In Compliance****180 - Plan of Correction/15 days****Not In Compliance****922 KAR 2:090. Section 14. Statement of Deficiency and Corrective Action Plans.**

(2) Except for a violation posing an immediate threat as handled in accordance with KRS 199.896(5)(c), a child-care center shall submit a written corrective action plan to the cabinet or its designee within fifteen (15) calendar days of the date of the statement of deficiency to eliminate or correct the regulatory violation.

Findings:

A PLAN OF CORRECTION WAS DUE ON 03/05/2019 AND AS OF 03/08/2019, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.

Director Requirements**Not In Compliance****340 - Staff Meeting****Not In Compliance****922 KAR 2:090. Section 10. Director Requirements and Responsibilities.**

(1) A director shall:

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

Findings:

General: Based on Review of Documentation, the center had documentation for one (1) staff meeting.

360 - Caregiver Alone**Not In Compliance****922 KAR 2:090. Section 10. Director Requirements and Responsibilities.**

(1) A director shall:

(n) 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, on 12/28/18, a caregiver hired 03/28/16, did not complete the National Background Check Program (NBCP), and was left alone to supervise three (3) children in the infants' room.

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 and interview, a caregiver hired on 03/28/16 did not have education verification on file. Based on observation, this caregiver was allowed to supervise three (3) children alone in the baby's room. Director indicated the caregiver has learning disabilities and is having difficulties passing the exam for her GED. The center's plan of correction dated 03/01/18, stated the caregiver was terminated. Interview with the director, determined the caregiver was never terminated.

395 - TB Verification**Not In Compliance****922 KAR 2:090. Section 11. 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 and interview, a caregiver, hired 12/22/16, had a TB skin test on file that was dated 11/05/16.

410 - Training**Not In Compliance****922 KAR 2:090. Section 11. Staff Requirements.****(16) 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 cabinet-approved 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 cabinet-approved pediatric abusive head trauma training completed once every five (5) years.**

Findings:

General: Based on Review of Documentation, one (1) caregiver hired 05/01/93, completed seven (7) hours of required fifteen (15) hours of annual training. Caregivers hired 05/01/93, 06/01/13, 12/22/16 and 08/29/17, have not completed the required fifteen (15) hours of annual training.

Programming**Not In Compliance****480 - 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 or Section 2(2)(c) of this administrative regulation, an infant or toddler under twenty-four (24) months of age shall not participate in an activity with an older child for no more than one (1) hour per day.**
- (3) **If a toddler is developmentally appropriate for a transition to a preschool age group, a toddler may participate in an activity with an older child for more than one (1) hour per day if:**
- (a) Space for the toddler is available in the preschool-age group;**
 - (b) The staff-to-child ratios and group sizes are maintained based on the age of the youngest child;**
 - (c) The center has a procedure for listing a transitioning toddler on attendance records, including a specific day and time the toddler is with either age group; and**
 - (d) The child care center has obtained the signature and approval of the toddler's parent on the toddler's transition plan.**

Findings:

General: Based on Observation, on 12/28/18, one (1) nineteen-month-old child was participating with nine (9) older children in the activities room from 11:30 a.m. to 2:12 p.m.

Premises**In Compliance****Hygienic Practices****In Compliance****First Aid/Medication****In Compliance****Outdoor Play Area****Not In Compliance****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, three (3) swings, two (2) slides, a metal arch shaped climbing apparatus, and a Little Tikes climbing and sliding apparatus, had sparse protective surface and grass underneath each of these in the outdoor play area.

| Inspection Report | |
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| 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, two (2) large, tan, plastic flower pots were busted. Three (3) swings had rust on the chains on the outdoor playground. | |
| Transportation | Not Applicable |
| Food Service/Food Program | In Compliance |
| Food Service | Not In Compliance |
| 1040 - Kitchen Equipment Clean and Sanitary | Not In Compliance |
| 922 KAR 2:120. Section 8. Kitchen Requirements. (7) The following shall be clean and sanitary: (a) Eating and drinking utensils; (b) Kitchenware; (c) Food contact surfaces of equipment; (d) Food storage utensils; (e) Food storage containers; (f) Cooking surfaces of equipment; and (g) Nonfood contact surfaces of equipment. | |
| Findings: General: Based on Observation and interview, an accumulation of black burnt particles were inside the stove in the kitchen. | |
| 1130 - 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 Observation, the menu posted on 12/28/18, was dated for the week of 12/17/18. | |
| Children's Records | Not In Compliance |
| 1135 - Immunization | Not In Compliance |
| 922 KAR 2:090. Section 9. 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 and interview, one (1) child enrolled 08/19/14, had an immunization certificate on file that expired 12/20/17. | |
| Written Documentation | In Compliance |
| Posted Documentation | In Compliance |
| Animals | Not Applicable |

Signature of Provider/Representative

Title

Date