



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

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Inspection Report

Provider Name: L & M Childcare	Provider Information	CLR No: L383097
Provider Address: 37 Elliott Howard Subdivision, Burning Fork Road, Salyersville, KY, 41465	Provider Type: LICENSED TYPE I	Capacity: 27
Owner(s): L & M Childcare, LLC		Director(s): Lemaster, Emma Kay

Inspection Type: Investigation	Inspection Information	Inspection No: 220305
Date Initiated: 05/23/2017 4:20 PM	Date Concluded: 08/01/2017 9:31 AM	
	No. of Children Present: 8	

Inspection Report

Supervision	Not In Compliance
5 - Children Supervised	Not In Compliance

922 KAR 2:120. Section 2. Child Care Services.
(3)(a) Each center shall maintain a child-care program that assures each child will be:
1. Provided with adequate supervision at all times by a qualified staff person who:
a. Ensures the child is within scope of vision and range of voice; or
b. For a school-age child, within scope of vision or range of voice;

Findings:

General: Based on observation, the surveyor found a sixteen-year-old volunteer (unknown start date) was observed to be standing in the doorway of the nursery with her back toward the preschool classroom. There were two (2) children playing in the preschool classroom who were not in the volunteer's scope of vision. The sixteen-year-old volunteer was alone with the children and was not under the direct supervision of a qualified staff person at the time. Therefore, the children were not being supervised by a qualified staff member.

Staffing Requirements	Not In Compliance
35 - Adequate Adults/Qualified Staff	Not In Compliance

922 KAR 2:110. Section 5. Staff Requirements.
(10) The minimum number of adult workers in a child-care center shall be sufficient to ensure that:
(a) Minimum staff-to-child ratios in accordance with 922 KAR 2:120 are followed;
(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
(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.

Findings:

General: Based on observation, a sixteen-year-old volunteer (unknown start date) was standing in the nursery doorway with her back toward the preschool classroom. Two (2) preschool children were playing in the preschool classroom. Another staff member (DOH: 3/23/16) was assisting another preschool child in the restroom. Therefore, the sixteen-year-old volunteer was not under the direct supervision of a qualified adult.

Inspection Report

General Administration

Not In Compliance

100 - Plan of Correction/10 days

Not In Compliance

922 KAR 2:090. Section 9. 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 ten (10) calendar days of receipt of the statement of deficiency to eliminate or correct the regulatory violation.

Findings:

General: A PLAN OF CORRECTION WAS DUE ON 09/06/2017 AND AS OF 09/12/2017, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.

165 - Child Abuse/Neglect Report

Not In Compliance

922 KAR 2:110. Section 6. Reports.

(2) An incident of child abuse or neglect shall be reported to the cabinet pursuant to KRS 620.030.

Findings:

General: Based on review of documentation, the surveyor found three (3) statements written by staff members documenting what they believed to be suspicious behavior and concerning marks on a child's body. In an interview with the director, the surveyor was informed that the director did not report the markings described in the written statement dated 6/9/15 to DCBS or law enforcement. Therefore, the child care center failed to report suspected abuse/neglect to the cabinet.

Director Requirements

Not In Compliance

275 - Caregiver Alone

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:

(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 Section 3(1)(e)6 of this administrative regulation;

Findings:

General: Based on review of documentation, the surveyor found that background checks for a sixteen-year-old volunteer (unknown start date) have not been completed. During the investigation the surveyor observed the sixteen-year-old volunteer to be left alone in the presence of children. The qualified staff person who should have been in the classroom was assisting another child inside the restroom.

Employee Records

Not In Compliance

300 - Background checks/left alone

Not In Compliance

922 KAR 2:090. Section 6. License Issuance.

(5) An individual described in subsection (4) of this section shall:

(a) Submit to background checks described in paragraph (b) of this subsection;

(b) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:

1. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;

2. Criminal records check required by KRS 199.896(19);

3. Criminal records check for any previous state of residence if the person resided outside the state of Kentucky in the last five (5) years; and

4. An address check of the Sex Offender Registry; and

(c) Not be left alone in the presence of a child until copies of the background checks in accordance with paragraph (b) of this subsection have been received by the licensee.

Findings:

General: Based on review of documentation, the surveyor found that background checks for a sixteen-year-old volunteer (unknown start date) have not been completed. During the investigation the surveyor observed the sixteen-year-old volunteer to be left alone in the presence of children.

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, the high school enrollment verification for a sixteen-year-old volunteer (unknown start date) was not available for the surveyor to review. Therefore, the educational requirements for the volunteer were not being met.

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 member's (DOH: 2/1/15) file contained a TB skin test result that is no longer current as of 1/21/17.

Inspection Report

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, the surveyor found the following:

1. A child's (DOE: 5/19/15) file did not contain an immunization certificate.
2. A child's (DOE: 5/19/15) file did not contain an immunization certificate.
3. A child's (DOE: 5/19/15) file did not contain an immunization certificate.

Signature of
Provider/Representative

Title

Date