



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

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**Inspection Report**

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

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 245597
<b>Date Initiated:</b> 08/23/2018 10:45 AM	<b>Date Concluded:</b> 08/23/2018 12:30 PM	
	<b>No. of Children Present:</b> 8	

Inspection Report	
<b>Background Checks</b>	<b>In Compliance</b>
<b>Supervision</b>	<b>In Compliance</b>
<b>Staffing Requirements</b>	<b>In Compliance</b>
<b>General Administration</b>	<b>In Compliance</b>
<b>Director Requirements</b>	<b>Not In Compliance</b>

**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 and interview, the surveyor was not presented with documentation of any staff meetings. The Director stated that she communicates with staff daily but has not documented any staff meetings.

**345 - Staff Evaluation** **Not In Compliance**

**922 KAR 2:090. Section 10. Director Requirements and Responsibilities.**  
**(1) 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 and interview, the following were found:

1. A staff file (DOH: 3/7/14) did not contain an annual evaluation.
2. A staff file (DOH: 2/1/15) did not contain an annual evaluation.
3. A staff file (DOH: 2/14/17) did not contain an annual evaluation.

The Director stated that she had not completed the annual evaluations.

**Inspection Report**

**350 - Health, Safety, Comfort**

**Not In Compliance**

**922 KAR 2:090. Section 10. Director Requirements and Responsibilities.**

**(1) A director shall:**

- (l) Assure the health, safety, and comfort of each child;**

**Findings:**

General: Based on observation and interview, the following were found:

1. There were two (2) sippy cups containing liquid located in the play kitchen area of the Preschool Classroom. The sippy cups were accessible to all of the children and presented a risk of cross contamination. The Director was not aware of the sippy cups being left in the play kitchen.
2. There was one (1) electrical outlet in the Preschool Classroom that did not have a protective covering. The Director was not aware of the missing protective covering.
3. There was a ladder propped up against the wall inside the Nursery Classroom next to the door. The Director stated they had not been using the Nursery Classroom.
4. A mop and mop bucket containing soiled water were located in the Nursery Classroom where they were accessible to the children. The Director stated that they had not been utilizing the Nursery.

**370 - Parental/Family Involvement Activity**

**Not In Compliance**

**922 KAR 2:090. Section 10. Director Requirements and Responsibilities.**

**(1) A director shall:**

- (p) Coordinate at least one (1) annual activity involving parental or family participation;**

**Findings:**

General: Based on review of documentation and interview, the surveyor was not presented with documentation of a parent/family involvement activity. The Director stated that she has parties for the children and parents attend; however, she does not document them.

**Employee Records**

**Not In Compliance**

**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, the surveyor found that a staff file (DOH: 3/7/14) contained a negative tuberculosis screening that was interpreted on 8/3/16; therefore, a negative tuberculin screening has not been obtained every two (2) years as required. The Director stated that she did not realize the staff member was due for a tuberculin screening.

**405 - Adequate Substitute(s)**

**Not In Compliance**

**922 KAR 2:090. Section 11. Staff Requirements.**

**(6) Child-care centers shall have available in case of need:**

- (a) One (1) qualified substitute staff person for a Type II child-care center; or**

- (b) Two (2) qualified substitute staff persons for a Type I child-care center.**

**(7) Each qualified substitute staff person shall:**

- (a) Meet the staff requirements of this administrative regulation; and**

- (b) Provide the required documentation to verify compliance with this administrative regulation.**

**Findings:**

General: Based on review of documentation and interview, the surveyor found that the center did not have adequate number of qualified substitutes as one (1) substitute (DOH: 3/7/14) had not had a tuberculin screening within the past two (2) years and neither substitute had acquired fifteen (15) hours of annual training as required. The Director was not aware that the required training was not completed or that a tuberculin screening had not been completed within the past two (2) years.

**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, review of ECE-TRIS, and interview, the following were found:

1. A staff file (DOH: 6/14/13) contained documentation of Pediatric Abusive Head Trauma (PAHT) training being completed last on 2/28/12. Review of ECE-TRIS, confirmed that PAHT training had not been updated within the past five (5) years. The Director stated she was not aware that PAHT training was due to be updated.
2. A staff file (DOH: 6/14/13) did not contain documentation of any training for 6/14/17 - 6/13/18. Review of ECE-TRIS revealed that only eleven (11) hours of annual training were completed for 6/14/17 - 6/13/18.
3. A staff file (DOH: 3/7/14) did not contain documentation of any training for 3/7/17 - 3/6/18. Review of ECE-TRIS revealed that zero (0) hours of annual training were completed for 3/7/17 - 3/6/18.
4. A staff file (DOH: 2/1/15) did not contain documentation of any training for 2/1/17 - 1/31/18. Review of ECE-TRIS revealed that only ten (10) hours of annual training were completed for 2/1/17 - 1/31/18.

The Director was not aware that staff had not completed the required fifteen (15) hours of annual training.

**Programming**

**Not In Compliance**

**420 - 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) 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:**  
**1. Art or music;**  
**2. Math or numbers;**  
**3. Dramatic play;**  
**4. Stories and books;**  
**5. Science or nature;**  
**6. Block building or stacking;**  
**7. Tactile or sensory activity;**  
**8. Multi-cultural exposure;**  
**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, observation, and interview, the surveyor found that no lesson plans were posted in the Preschool Classroom or the Nursery Classroom. Based on observation, there was no visible sign that any programming was being utilized as all age groups were combined and played outside for the duration of the inspection. The Director reported that due to low attendance the children are often combined all day. The Director stated that the lesson plan posted in the School Age Classroom is utilized with all age groups and adapted to suit each age groups developmental level.

**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:**

Based on observation and interview, the surveyor found that children between nine (9) months of age and five (5) years of age were combined from approximately 10:45 a.m. to 12:30 a.m. The Director reported that the children are usually combined all day due to low attendance.

**Inspection Report**

**Premises**

**Not In Compliance**

**540 - Premises Requirements**

**Not In Compliance**

**922 KAR 2:120. Section 4. Premises Requirements.**

- (1) The premises shall be:**
  - (a) Suitable for the purpose intended;**
  - (b) Kept clean and in good repair;**

**Findings:**

General: Based on observation and interview, the surveyor found that there were two (2) soiled paper towels on the red table located in the Preschool Classroom. The paper towels were accessible to the children. The Director was not aware that the paper towels were left on the table.

**560 - 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. Ventilated; and**
    - 3. Well lit, including clean light fixtures that are:**
      - a. In good repair in all areas; and**
      - b. Shielded or have shatter-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 and interview, the surveyor found the screen located on the outside of the Nursery window had a large hole in it. The Director stated that she was aware of the damaged screen.

**580 - Floors, Walls, Ceilings**

**Not In Compliance**

**922 KAR 2:120. Section 4. Premises Requirements.**

- (9) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.**

**Findings:**

General: Based on observation and interview, the surveyor found that the ceiling around the fan in the girls restroom had paint peeling off of it and had some water damage. The Director stated she was aware of the paint peeling and the water damage which had been caused by a leak.

**640 - Toilet Room**

**Not In Compliance**

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

- (2) A toilet room shall:**
  - (a) 1. Be provided for each gender; or**
  - 2. A plan shall be implemented to use the same toilet room at separate times;**
  - (b) Have a supply of toilet paper; and**
  - (c) Be cleaned and disinfected daily.**

**Findings:**

General: Based on observation and interview, the surveyor found that the boys restroom was not in clean condition as there were soiled tissues in the bath tub and between the bath tub and sink. The Director was not aware of the tissues being left in the bath tub or on the floor between the bath tub and sink.

**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 and interview, the surveyor found that the toilet located in the boys restroom was soiled. The toilet seat contained large amount of urine and the base of the toilet had dried urine on it. The Director reported that the boys are always messy in the restroom.

**Hygienic Practices**

**In Compliance**

**Inspection Report**

**First Aid/Medication**

**Not In Compliance**

**720 - Medication Administration**

**Not In Compliance**

**922 KAR 2:120. Section 7. First Aid and Medicine.**

- (4) Prescription and nonprescription medication shall be administered to a child in care:**
  - (a) 1. With a written request of the child's parent or the child's prescribing health professional; and**
  - 2. According to the directions or instructions on the medication's label; or**
  - (b) For epinephrine, in accordance with KRS 199.8951 and 311.646.**

**Findings:**

General: Based on interview, the surveyor found that a child (DOE: 2/1/15) was being administered Tenex medication at the center daily. The Director stated that she did not have a written request from the parent to administer the medication but only has a verbal agreement.

**725 - Administration Record**

**Not In Compliance**

**922 KAR 2:120. Section 7. First Aid and Medicine.**

- (5) The child-care center shall keep a written record of the administration of medication, including:**
  - (a) Time of each dosage;**
  - (b) Date;**
  - (c) Amount;**
  - (d) Name of staff person giving the medication;**
  - (e) Name of the child; and**
  - (f) Name of the medication.**

**Findings:**

General: Based on interview, the surveyor found that medication is being administered to a child (DOE: 2/1/15) daily by staff at the center. The Director reported that an administration record documenting the time of each dosage administered, the date, the amount of medication, and which staff administered the medication is not maintained.

**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 and interview, the following were found:

1. Tenex medication was stored on top of the refrigerator in the kitchen. The medication was not in a locked place.
2. There was Nystat prescription medication stored in the unlocked top drawer of the dresser located between the restrooms.
3. A jar of medicated chest rub was located on top of the back of the couch located in the School Age Classroom.

All three medications were accessible to the children. The Director stated that all medication is stored on top of the refrigerator in the kitchen and that the kitchen does not remain locked. The Director was not aware of the medicine located in the dresser or in the School Age Classroom.

**Outdoor Play Area**

**Not In Compliance**

**745 - Playground Clean**

**Not In Compliance**

**922 KAR 2:120. Section 4. Premises Requirements.**

- (20) An outdoor play area shall be:**
  - (c) Free from:**
    - 1. Litter;**
    - 2. Glass;**
    - 3. Rubbish; and**
    - 4. Flammable materials;**

**Findings:**

General: Based on observation and interview, the surveyor found that the playground was not clean. There was a significant amount of trash littered around the playground and deck going out to the playground. There was a large black bag of trash on the deck that was not sealed or inside a sealed container. There was wet soiled shirt on the deck. The Director stated that the playground was not being utilized at all as they have plans to renovate it soon.

**Inspection Report**

**750 - Playground Conditions**

**Not In Compliance**

**922 KAR 2:120. Section 4. Premises Requirements.**  
**(20) An outdoor play area shall be:**  
**(d) Safe from foreseeable hazard;**  
**(e) Well drained;**  
**(f) Well maintained;**  
**(g) In good repair; and**  
**(h) Visible to staff at all times.**

**Findings:**

General: Based on observation and interview, the following were found:

1. There was grass and weeds grown up around the inside of the playground fence and around the deck. The weeds were waist height in some locations.
2. The ramp on the deck had loose boards and a loose hand rail.

The Director stated that the playground has not been used as they have plans to renovate it soon.

**Equipment**

**Not In Compliance**

**815 - Toys/Furniture**

**Not In Compliance**

**922 KAR 2:120. Section 11. Toys and Furnishings.**  
**(1) All toys and furniture contacted by a child shall be:**  
**(a) Kept clean and in good repair; and**  
**(b) Free of peeling, flaking, or chalking paint.**

**Findings:**

General: Based on observation, and interview, the surveyor found that the white cubby shelves located in the Preschool Classroom were in poor repair as they were peeling paint and had some areas where the wood had chipped away. The Director stated that she was aware of the condition of the shelves.

**Transportation**

**Not Applicable**

**Food Service/Food Program**

**In Compliance**

**Food Service**

**Not In Compliance**

**1010 - Kitchen Requirements**

**Not In Compliance**

**922 KAR 2:120. Section 8. Kitchen Requirements.**  
**(1) The kitchen shall:**  
**(a) Be clean;**  
**(b) Be equipped for proper food:**  
**1. Preservation;**  
**2. Storage;**  
**3. Preparation; and**  
**4. Service;**  
**(c) Be adequately ventilated to the outside air; and**  
**(d) Except in a Type II child-care center when a meal is not being prepared, not be used for the activity of a child.**

**Findings:**

General: Based on observation and interview, the surveyor found that the kitchen was not clean as there was a significant amount of crumbs and debris on the kitchen floor. The Director stated that she was aware of the condition of the kitchen.

**1030 - Frozen Food**

**Not In Compliance**

**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.**

**Findings:**

General: Based on observation and interview, the surveyor was not able to determine if frozen food was maintained at the required temperature of zero (0) degrees fahrenheit as there was not a thermometer in the freezer. The Director was not aware that the thermometer was missing.

**Inspection Report**

**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, the surveyor found that the freezer was soiled with various spills and crumbs. The Director stated she was aware that the freezer needed to be cleaned.

**Children's Records**

**Not In Compliance**

**1140 - Enrollment Information**

**Not In Compliance**

**922 KAR 2:090. Section 9. 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 a 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 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 and interview, the following were found:

- 1. Three children's files (DOE: 5/19/15) did not contain emergency authorization signed by the parent.
- 2. A child's file (DOE: 3/10/18) did not contain emergency authorization signed by the parent.

Upon interview, the Director stated that the children were siblings and that she was not aware the emergency authorization was missing from the files.

**Written Documentation**

**Not In Compliance**

**1170 - Professional Development**

**Not In Compliance**

**922 KAR 2:090. Section 9. 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 and interview, the following were found:

- 1. A staff file (DOH: 6/14/13) did not contain an annual professional development plan.
- 2. A staff file (DOH: 3/7/14) did not contain an annual professional development plan.
- 3. A staff file (DOH: 2/1/15) did not contain an annual professional development plan.
- 4. A staff file (DOH: 2/14/17) did not contain an annual professional development plan.

The Director stated that she had not completed any professional development plans.

**Inspection Report**

**1175 - Earthquake/Tornado/Fire Drills**

**Not In Compliance**

**922 KAR 2:090. Section 9. 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;**

**(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 and interview, the surveyor found that an earthquake or tornado drill had not been documented for April - June of 2018. The last earthquake and tornado drill documented was for 3/1/18. The Director reported that the wrong date was documented for the last drills.

**Posted Documentation**

**In Compliance**

**Animals**

**In Compliance**

Signature of  
Provider/Representative

Title

Date