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Inspection Report

Provider Name: New Creation Child Care LLC	Provider Information	CLR No: L383153
Provider Address: 1037 Industry Road, Lexington, KY, 40505	Provider Type: LICENSED TYPE I	Capacity: 126
Owner(s): New Creation Child Care LLC		Director(s): Murphy, Erika Lashea

Inspection Type: Renewal Application	Inspection Information	Inspection No: 217739
Date Initiated: 01/11/2017 8:45 AM	Date Concluded: 01/11/2017 10:45 AM	
	No. of Children Present: 36	

Inspection Report	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	In Compliance
Director Requirements	Not In Compliance

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, none of the staff eligible for an annual evaluation had evidence of an evaluation on file in the facility.

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, it was found that in the one (1) year old classroom there was observed to be a broken electrical plate on the wall that was accessible to the children in care. It was also found that there was a toilet bowl scrubber sitting on the floor in the school age bathroom used by the children for toileting.

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, a staff person hired 8/17/15 had listed an address in Ohio as a previous residence in the past five (5) years. There was no evidence of a background check from Ohio for the staff person on file in the facility. The staff person was observed alone in a classroom with five (5) children.

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, 1. A staff person hired 8/17/15 had listed an address in Ohio as a previous residence in the past five (5) years. There was no evidence of a background check from Ohio for the staff person on file in the facility. The staff person was observed alone in a classroom with five (5) children. 2. Staff person hired 1/2/17 did not have the results of or evidence of the application for a criminal background check on file in the facility. 3. Staff person hired 1/2/17 did not have the results of or evidence of the application for a CA/N check on file in the facility.

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, it was determined that a staff person hired 1/2/17 did not have evidence of proof of education on file in the facility.

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, staff person hired 8/8/14 did not have documentation of negative T.B. results on file in the facility that had been obtained within the past two (2) years.

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, 1. Seven (7) of twelve (12) staff that had been employed for more than one (1) year did not have fifteen (15) hours of annual training on file for the last full year of employment. A review of ECE-TRIS records supports the information found during the survey. 2. Four (4) of twelve (12) staff that had been employed for more than one (1) year did not have evidence of completing the Pediatric Abusive Head Trauma training within the first year of employment. A review of ECE-TRIS records supports the information found during the survey.

Inspection Report

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, it was found that there was not a current program of activities posted in the two (2) year old classroom. The program of activities was dated 01/2016. It was found that the program of activities posted in the two (2) to three (3) year old classroom did not have a date listed. It was also found that there were no tactile and science materials in the two (2) year old classroom; No music and science materials available in the three (3) to four (4) year old classroom and no dramatic play or musical materials available for the children in the older school age classroom.

Premises

Not In Compliance

520 - 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, it was found that in the three (3) to four (4) year old classroom and in the five (5) to seven (7) year old classroom there was observed to be vents covered in dust. There was observed to be chipped paint on the walls in the three (3) to four (4) year old classroom, five (5) to seven (7) year old classroom and in the seven (7) to twelve (12) year old classroom. It was found that there was a torn ceiling tile in the one (1) year old classroom, two (2) ceiling tiles containing brown stains in the three (3) to four (4) year old classroom and two (2) brown stained ceiling tiles in the five (5) to seven (7) year old classroom. There was observed to be a hole in the wall and in the blue door in the five (5) to seven (7) year old room. There was observed to be frayed carpet on the floor in the five (5) to seven (7) year old classroom. The trim molding was also observed to be falling away from the wall in the five (5) to seven (7) year old classroom. The wall in the two (2) year old bathroom was observed to be breaking apart/crumbling and contained holes.

585 - Sink

Not In Compliance

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

(3) A sink shall be:

- (a) Located in or immediately adjacent to toilet rooms;**
- (b) Equipped with hot and cold running water that allows for hand washing;**
- (c) Equipped with hot water at a minimum temperature of ninety (90) degrees Fahrenheit and a maximum of 120 degrees Fahrenheit;**
- (d) Equipped with liquid soap;**
- (e) Equipped with hand-drying blower or single use disposable hand drying material;**
- (f) Equipped with an easily cleanable waste receptacle; and**
- (g) Immediately adjacent to a changing area used for infants and toddlers.**

Findings:

General: Based on Observation, it was found that there was no working hot water available for handwashing in the infant classroom. The staff in charge stated that they have been having issues with the hot water in the facility.

590 - 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, it was found that the toilet seats in the two (2) year old bathroom, in the three (3) to four (4) year old bathroom and in the school age bathroom were all substantially peeling making them unable to be sanitized properly.

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Outdoor Play Area

In Compliance

Inspection Report

Equipment

Not In Compliance

735 - Individual Bed/Mat/Cot and Bedding

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:
 - (b) For a toddler or preschool-age child:
 - 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.

Findings:

General: Based on Observation, it was found that in the two (2) year old classroom there were two (2) torn nap mats. It was also found that in the two (2) to three (3) year old classroom there was observed to be two (2) torn nap mats.

755 - Toys/Equipment/Furniture

Not In Compliance

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.

Findings:

General: Based on Observation, it was found that a Hannah Montanna chair in the five (5) to seven (7) year old classroom was torn exposing the cushioned material.

Transportation

Not In Compliance

785 - Requirements for Transportation Services

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (2) A center providing or arranging transportation service shall:
 - (a) Be licensed and approved by the cabinet or its designee prior to transporting a child;
 - (b) Have a written plan that details the type of transportation, staff schedule, transportation schedule, and transportation route; and
 - (c) Have written policies and procedures, including emergency procedures practiced monthly by staff who transports children.

Findings:

General: Based on Review of Documentation, it was found that there was no evidence of the routes used when transporting children for the three (3) vans that are used to transport the children.

820 - Vehicle Equipment

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (4) A vehicle used to transport children shall be equipped with:
 - (a) A fire extinguisher;
 - (b) First aid supplies as described in Section 7 of this administrative regulation;
 - (c) Emergency reflective triangles; and
 - (d) A device to cut the restraint system, if necessary.

Findings:

General: Based on Observation, it was found that there was no first aid book on two (2) of the vehicles used to transport the children.

900 - Children's Transportation Records

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (17) Transportation services provided shall:
 - (a) Be recorded in writing and include:
 - 1. The first and last name of the child transported; and
 - 2. The time each child gets on and the time each child gets off;
 - (b) Be completed by a staff member other than the driver; and
 - (c) Be kept for five (5) years.

Findings:

General: Based on Review of Documentation, it was found for two (2) of the vehicles (2014 Ford and 2006 Ford) used to transport children there was no current documentation in writing listing the child's first and last name and the time each child got on and off of the vehicle. The last noted documentation was for 2016. The staff in charge stated that she believes the wrong dates were put on the paper.

Food Service

In Compliance

Children's Records

In Compliance

Written Documentation

Not In Compliance

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, four (4) out of twelve (12) staff eligible for a professional development plan not have evidence of a plan on file in the facility.

Inspection Report

Posted Documentation

In Compliance

Animals

In Compliance

Signature of Provider/Representative

Title

Date