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**Inspection Report**

<b>Provider Name:</b> New Creation Child Care	<b>Provider Information</b>	<b>CLR No:</b> L383153
<b>Provider Address:</b> 1037 Industry Road, Lexington, KY, 40505	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 146
<b>Owner(s):</b> New Creation Child Care Llc		<b>Director(s):</b> Murphy, Erika Lashea

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 292183
<b>Date Initiated:</b> 01/08/2020 9:44 AM	<b>Date Concluded:</b> 01/09/2020 1:45 PM	
	<b>No. of Children Present:</b> 55	

<b>Inspection Report</b>	
<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>
<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 review of documentation, there was no evidence of required staff meetings on file.	
<b>350 - Health, Safety, Comfort</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>(l) Assure the health, safety, and comfort of each child;</b>	
<b>Findings:</b>	
General: Based on observation, the surveyor found the following:	
1. Approximately ten uncovered outlets located in the school-age classroom.	
2. A purple mat used for diapering toddlers placed on the floor near the toddler's play space and next to nap mats in Toddler B.	

**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 and ECE-TRIS, the following was found :

- 1. Staff with the following hire dates: 10/3/13, 9/02/14, 4/11/15, 9/1/15, 12/04/17, 9/19/18, 10/21/18, 11/12/18, and 11/26/18 did not complete fifteen hours of early care and education training.
- Staff hired on 10/03/13 and 11/12/18, did not have evidence of completing Pediatric Abusive Head Trauma.
- A staff person hired on 11/12/18 did not have evidence of completing the six-hour Orientation training.

**415 - Driver Requirements**

**Not In Compliance**

**922 KAR 2:120. Section 12. Transportation.**

**(18) A driver of a vehicle transporting a child for a center shall:**  
**(a) Be at least twenty-one (21) years old;**  
**(b) Complete:**  
**1. The background checks as described in 922 KAR 2:280; and**  
**2. An annual check of the:**  
**a. Kentucky driver history records in accordance with KRS 186.018; or**  
**b. Driver history records through the state transportation agency that issued the driver's license;**  
**(c) Hold a current driver's license which has not been suspended or revoked during the last five (5) years; and**  
**(d) Not caused an accident which resulted in the death of a person.**

**Findings:**

General: Based on review of documentation, staff with the hire date of 10/03/13, did not have a current driving record on file.

**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 observation and interview, the surveyor found that staff failed to implement a daily planned program (lesson plans) and failed to ensure activities are developmentally appropriate.

1. The surveyor reviewed the daily planned program posted in Toddler C dated 12/16/18-1/17/19, and found the following activities listed: counting soft blocks, dress-up like mommy, and playing with puppets. The surveyor found no dress-up clothes, no puppets, and no blocks available. Furthermore, the surveyor noted that on 1/8/2020, the children were to color Christmas trees, but the surveyor observed "cat" ditto sheets. The staff person stated that she did not know why she wrote "Christmas tree" activity on the lesson plan when the holiday had already passed.

The surveyor observed a pretend kitchen unit in Toddler C, but found no dramatic play items such as pots/pans, dishes, and pretend food to use with the kitchen set. There were no additional dramatic play toys and no multi-cultural materials. The staff person stated the staff person in charge was planning on getting more materials and toys for the classroom.

2. The surveyor reviewed the daily planned program posted in Toddler A labeled January 2020. The surveyor noted very few activities listed on the lesson plan. The activities were: holding crayons, use fingers to turn pages, building blocks, dancing, clapping, coloring, ABC and bumblebee song, finger paint coloring. The lesson plan did not give any specific details as to what exactly the children would be doing each day. Based on interview, the surveyor found the activities were planned to be implemented every day for a month.

3. The surveyor reviewed the daily planned program posted in Preschool A labeled January 2020. The surveyor noted "TV" listed three times on the lesson plan. Based on review of the lesson plan, the surveyor could not determine if "TV" time on Fridays is educational. Based on interview, the surveyor found that the children watch television every Friday. The staff person stated that they watch "kiddie movies" such as Boss Baby. It is important to note that Boss Baby has a PG rating for mild rude humor and mild violence. The children enrolled in Preschool A are three-to-five years old.

**430 - Electronic Viewing/Listening Devices**

**Not In Compliance**

**922 KAR 2:120. Section 2. Child Care Services.**

**(4) The child-care center shall provide a daily planned program:**

- (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 the following:**

- 12. Use of electronic viewing and listening devices if the:**
  - a. Material is appropriate to the child using the equipment;**
  - b. Material does not include any violence, adult content viewing, or inappropriate language;**
  - c. Viewing or individual listening is limited to two (2) hours per day;**
  - d. Viewing or listening is discussed with parents prior to viewing or listening; and**
  - e. Viewing or listening is designed as an educational tool.**

**(5) A child who does not wish to use the electronic devices during the planned program shall be offered other appropriate activities.**

**Findings:**

General: Based on observation and review of documentation, the surveyor found the following:

The surveyor reviewed the daily planned program posted in Preschool A labeled January 2020. The surveyor observed "TV" listed three times on the lesson plan. Based on review of the lesson plan, the surveyor could not determine if "TV" time on Fridays is educational. Based on interview, the surveyor found that the children watch television every Friday. The staff stated that they watch "kiddie movies" such as Boss Baby. It is important to note that Boss Baby has a PG rating for mild rude humor and mild violence. The children enrolled in Preschool A are three-to-five years old.

**495 - Bedding/Toys in Crib**

**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:**

**(a) For an infant:**

- 3. No loose bedding, such as a bumper or a blanket; and**
- 4. No toys or other items except the infant's pacifier;**

**Findings:**

Based on observation, the surveyor found three cribs that had crib sheets that were not form fitting to the crib mattresses.

**Premises**

**Not In Compliance**

**520 - Inaccessible Items**

**Not In Compliance**

**922 KAR 2:120. Section 3. General Requirements.**

**(7) The following shall be inaccessible to a child in care:**

- (a) Toxic cleaning supplies, poisons, and insecticides;**
- (b) Matches, cigarettes, lighters, and flammable liquids; and**
- (c) Personal belongings and medications of staff.**

**Findings:**

General: Based on observation, the surveyor found the following:

1. A spray bottle of Clorox multi-purpose cleaner and a roll of trash bags located in Toddler A on a shelf adjacent to the hand-washing sink.
2. A can of Hot Shot flying insect spray in the school-age classroom near the gaming area.
3. A staff person's purse on top of the children's cubbies across the hall from the restroom. The surveyor noted the strap of the purse hanging over the cubbies and within reach of the children in care. The surveyor noted this area of the classroom blocked with a gate; however, at approximately 10:20 a.m., the surveyor observed a staff person and two children walk through this area in order for the children to go to the restroom.

**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, the surveyor found the following:

1. An excessive amount of tape residue surrounding a red smiley face sticker on the wall in Preschool A.
2. An excessive amount of scuff marks along the wall in the two-year-old classroom.
3. Areas of unraveled carpet in Preschool C.
4. Area rugs located in the two-year-old (older 2's) classroom, Toddler B classroom, and School-Age classroom, littered with debris and small particles.
5. A build-up of dirt and grime in front of the gaming area located in the school-age classroom.
6. An overwhelming odor of urine in the school-age boys' restroom.
7. Brown residue on the front of the orange colored school-age girls' restroom door.
8. An exhaust fan located in the school-age boys' restroom that appeared not secured to the ceiling.
9. Urine in the toilet located in the school-age girls' restroom.
10. Children's clothing strewn about the floor in front of cubbies located in the two-year-old classroom.

**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, the surveyor found one overhead light fixture in a restroom that was not covered with a protective shield. The staff person in charge was not sure if the fluorescent light fixtures were shatterproof.

**565 - 35 Square Feet per Child**

**Not In Compliance**

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

**(6) Exclusive of the kitchen, bathroom, hallway, and storage area, there shall be a minimum of thirty-five (35) square feet of space per child.**

**Findings:**

General: Based on observation and review of documentation, the surveyor found Preschool B and Toddler B over capacity.

The surveyor entered Preschool B at approximately 9:44 a.m. and observed two staff and twelve preschool children. At approximately 10:54 a.m., the surveyor observed two staff and fifteen preschool children. At approximately 10:55 a.m., the surveyor observed two staff and sixteen preschool children. A review of the facility's diagram found the classroom was measured for a capacity of eleven children. The surveyors re-measured the classroom and found the classroom to be 399 square feet. Therefore, the classroom was over capacity by five children.

The surveyor entered Toddler B at approximately 9:45 a.m. and again at approximately 10:14 a.m. and observed one staff and five toddlers. The surveyor noted the classroom appeared to be too crowded. A review of the diagram found the classroom was given a capacity of four children. The surveyors re-measured the classroom and found the classroom to be 150 square feet. Therefore, the classroom was over capacity by one child.

**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, The surveyor found the following:

- 1. A section of peeled paint along the wall in Preschool C. Although the room was not in use during the inspection, a staff person stated that they were planning to utilize the classroom soon.
- 2. An area of peeled paint, one small hole, and five protruding screws in the wall located in the two-year-old room (older 2's). Additionally, the surveyor observed a section of peeled paint along the baseboard.
- 3. A section of rough paint/dry wall patchwork on the wall in the school-age room behind the gaming area. Additionally, the surveyor observed rough dry wall patchwork and dry wall tape peeling on the half-wall posts.

**Hygienic Practices**

**Not In Compliance**

**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, the surveyor found soiled diapers inside of uncovered waste receptacles located in Toddler B and Toddler C classrooms.

**685 - Diaper Changing Area/Surface**

**Not In Compliance**

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

- (10) When a child is diapered, the child shall:**
- (b) Be placed on a surface that is:**
- 1. Clean;**
  - 2. Padded;**
  - 3. Free of holes, rips, tears, or other damage;**
  - 4. Nonabsorbent;**
  - 5. Easily cleaned; and**
  - 6. Free of any items not used for diaper changing.**

**Findings:**

General: Based on observation, the surveyor found tears in the diapering pad located in the infant classroom. The staff person in charge stated that she was aware of the issue. Additionally, the diapering area located in Toddler C contained non-diapering items such as, an ink pen, a clipboard, ditto sheets, and a container of miscellaneous items.

**First Aid/Medication**

**In Compliance**

**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, the outside playground area had trash and debris littering the ground.

**760 - Fences**

**Not In Compliance**

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

- (23) Fences shall be:**
- (a) Constructed of safe material;**
  - (b) Stable; and**
  - (c) In good condition.**

**Findings:**

General: Based on observation, an area of chain link fence surrounding the play area (about 5ft long), was detached and hanging loosley from the metal pole.

**Equipment**

**Not In Compliance**

**775 - Sufficient Appropriate Equipment**

**Not In Compliance**

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

- (28) A child-care center shall have enough toys, play apparatus, and developmentally appropriate materials to provide each child with a variety of activities during the day, as specified in Section 2 of this administrative regulation.**

**Findings:**

General: Based on observation and interview, the surveyor found the five children present in Toddler C did not have an adequate amount of toys and materials to use on a daily basis.

1. The surveyor observed a pretend kitchen unit in Toddler C, but found no dramatic play items such as pots/pans, dishes, and pretend food to use with the kitchen set. There were no additional dramatic play toys, no multi-cultural materials, and no blocks. The staff person stated the staff person in charge was working on getting more materials and toys for the classroom.

**795 - 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, the surveyor found approximately 10 waterproof nap mats that were ripped and therefore no longer waterproof in the following classrooms: Toddler A, Two-year-old, and Preschool A.

**810 - Individual Bedding Storage**

**Not In Compliance**

**922 KAR 2:120. Section 6. Sleeping and Napping Requirements.**  
**(9) Individual bedding shall be stored in a sanitary manner.**

**Findings:**

General: Based on observation, the surveyor found several blankets folded and stored on top of the other on a mounted shelving unit located in Toddler A. The staff person stated the children use the blankets during naptime.

**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, the surveyor found the following:

1. Two push/pull toys located in Toddler A did not contain batteries.
2. Cause and effect toys located in the two-year-old classroom (older 2s) did not contain batteries. This included but was not limited to the following: ABC toy, Leap-frog piano, Fisher Price school bus, V-tech merry-go-round, V-tech alphabet toy, V-tech driving toy.
3. Black stains covering a baby doll and a V-tech driving toy located in the two-year-old classroom.
4. Tape residue on shelving units located in Toddler B and two-year-old classroom.
5. Half of a pop tart on top of a low shelving unit in Toddler B.
6. Particle board not attached to a tall shelving unit located in Preschool A.

**Transportation**

**In Compliance**

**Food Service/Food Program**

**In Compliance**

**Food Service**

**Not In Compliance**

**1000 - Bottle Feeding**

**Not In Compliance**

**922 KAR 2:120. Section 3. General Requirements.**  
**(11) While bottle feeding a child, the:**  
**(a) Child shall be held; and**  
**(b) Bottle or beverage container shall not be:**  
**1. Propped;**  
**2. Left in the mouth of a sleeping child; or**  
**3. Heated in a microwave.**

**Findings:**

General: Based on observation, the surveyor entered the infant classroom at approximately 9:46 a.m. and saw two infants sleeping in bouncy seats with their bottles propped with blankets. The surveyor found one of the infants had a bottle partially in her mouth. The surveyor found the infants were four and six months old. At approximately 9:56 a.m., the surveyor found the infants no longer asleep in bouncy seats, but in their cribs. Furthermore, the surveyor observed a one-year-old male sitting on the floor drinking from a beverage container (sippy cup) instead of sitting at a table or high chair in Toddler C.

**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, the surveyor noted an orange colored substance, standing milk, and dirty dishes in the kitchen sink at approximately 10:36 a.m.

**1035 - Food Contact Items**

**Not In Compliance**

**922 KAR 2:120. Section 8. Kitchen Requirements.**  
**(6) Equipment, utensils, and surfaces contacting food shall be:**  
**(a) Smooth;**  
**(b) Free of breaks, open seams, cracks, and chips;**  
**(c) Accessible for cleaning; and**  
**(d) Nontoxic.**

**Findings:**

General: Based on observation, the surveyor found an orange sticky spill in the refrigerator located in Preschool B.

**Inspection Report**

**1070 - Food Protected From Contamination**

**Not In Compliance**

**922 KAR 2:120. Section 9. Food and Meal Requirements.**

**(1) Food shall be:**

**(h) Protected against contamination from:**

- 1. Dust;**
- 2. Flies;**
- 3. Rodents and other vermin;**
- 4. Unclean utensils and work surfaces;**
- 5. Unnecessary handling;**
- 6. Coughs and sneezes;**
- 7. Cuts in skin;**
- 8. Communicable disease;**
- 9. Flooding;**
- 10. Drainage; and**
- 11. Overhead leakage.**

**Findings:**

General: Based on observation, the surveyor found a package of frozen bacon that was unwrapped located in the refrigerator. A piece of bacon was observed on the edge of the bottom crisper drawer.

**Children's Records**

**In Compliance**

**Written Documentation**

**In Compliance**

**Posted Documentation**

**Not In Compliance**

**1215 - Daily Activities**

**Not In Compliance**

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

**(1) A director shall:**

**(h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;**

**Findings:**

General: Based on observation, interview and review of documentation, the surveyor found no daily schedule posted in Preschool A. The staff person could not locate the dailey schedule upon the surveyor's request.

**Animals**

**In Compliance**

Signature of Provider/Representative

Title

Date