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Inspection Report

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

Inspection Type: Renewal Application	Inspection Information	Inspection No: 306647
Date Initiated: 03/18/2021 9:30 AM	Date Concluded: 03/18/2021 12:50 PM	
	No. of Children Present: 21	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
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)	1 staff for 20 children	30
(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:

- Staff-to-child ratio; and
- Maximum group size.

Findings:

General: Based on observation at approximately 9:40 a.m., there were 10 children ages one- to two years old with one staff person in the Toddler Room. The staff to child ratio with the age of the youngest child being one year old is one staff to six children. The staff to child ratio was over by four children for ten minutes after the surveyors arrived. At approximately 9:50 a.m., an additional staff person came in the room. It was not determined how long the Toddler Room had been out of ratio prior to the surveyor's arrival.

Inspection Report

General Administration

Not In Compliance

210 - Licensee Responsibility

Not In Compliance

922 KAR 2:090. Section 8. General.

(1) A licensee shall:

- (a) Be responsible for the operation of the child-care center pursuant to this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280; and**
- (b) Protect and assure the health, safety, and comfort of each child.**

Findings:

General: Based on observation during a tour of the facility, the following was found:

- 1) A drill and a plastic grocery bag containing a battery pack was observed on top of the children's cubbies located in the hallway near the kitchen. In addition, parts to a door knob were found in an open compartment under the drill. Children were observed in this area at the time of the survey. These items were easily accessible to the children.
- 2) Two bouncy seats were observed stored on a child-sized table located in the Toddler Room. This is an unsanitary method to store the bouncy seats and is a safety hazard.
- 3) A folded crib was observed stored in a corner of the room in the One-Year-Old Room. It was accessible to the children and causes a safety hazard. Children were observed in this room at the time of the survey.

Director Requirements

In Compliance

Employee Records

In Compliance

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 observation, interview and review of documentation, it was found that there was not a lesson plan posted in the School-Age Room. There were school-age children present at the time of the survey. The staff person in the room stated that the children are present all day due to their parents choosing to not have them attend in-person learning at the school. Only one of the students brought a tablet to be used for virtual learning. The staff person in the room stated that a lesson plan is not prepared for those school-age children who are present all day and do not engage in virtual learning while at the facility.

460 - Diagnosed Special Need

Not In Compliance

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

- (12)(a) Care for a child with a special need shall be consistent with the nature of the need as documented by the child's health professional.**
- (b) A child may include a person eighteen (18) years of age if the person has a special need for which child care is required.**

Findings:

General: Based on observation, interview and review of documentation, it was found that a two-year-old child in the Toddler Room is hearing impaired. An interview with staff in the room found that the child wears hearing aids but did not have them on the day of the survey. It was also found that accommodations and programming in the room do not address the needs of the child. It should be noted that the children in the room were observed watching a television program. A review of the child's file found no documentation regarding the child's needs. The staff person in charge stated they have asked the child's parent for information regarding the child's needs but they have not received any documentation.

465 - Electronic Viewing/Listening Planned Program

Not In Compliance

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

- (1) Electronic viewing and listening devices shall only be used in the center as a part of the child's planned program of activity as established in Section 2(4) of this administrative regulation.**

Findings:

General: Based on observation, interview and review of documentation upon arrival at the facility at approximately 9:40 a.m., a group of ten children ages one- to two years old were observed watching television. The staff person in the room did not know the name of the program the children were watching but indicated it was on the Care Bears Network. A review of the posted lesson plan and the daily schedule found that television viewing was not listed on either posted document.

Inspection Report

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 during a tour of the facility, the following was found:

- 1) A container of Plumbers Putty was found in a drawer located on a shelf in the School-Age Room. The label on the container had a warning to keep out of the reach of children. A bottle of diet Coke was also observed on a table in the same area.
- 2) A staff person's purse was observed on the floor behind an adult chair located in the Toddler Room. A bottle of A&W Root Beer was observed on a table in this same area.
- 3) A staff person's key chain was observed on the top shelf of a set of wooden cubbies used to store the children's belongings. Attached to the key chain was a pink canister of Pepper Spray. The cubby was located in the hallway where the kitchen and one of the bathrooms used by the children is located. Children were observed in this area at the time of the survey.

525 - Items Accessible Only During Activity

Not In Compliance

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

- (8) The following shall be inaccessible to a child in care unless under direct supervision and part of planned program of instruction:
 - (a) Knives and sharp objects;
 - (b) Litter and rubbish;
 - (c) Bar soap; and
 - (d) Plastic bags not used for personal belongings.

Findings:

In the Toddler Room, a small plastic bag with screws inside was attached to the safety strap of the diaper changing pad.

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, this regulatory requirement was not met. A tour of the facility found the following:

- 1) In several different classrooms, the baseboard was pulling away from the wall or missing. The staff person in charge indicated that she was aware and began the process of repairing the baseboards.
- 2) In the bathroom (painted yellow and white) the hand rail had several areas of rust.
- 3) In the white classroom, the closet door and the cubbies had water damage along the base.
- 4) An exterior door leading out the back of the building had a substantial amount of rust on the area located over the top of the door and at the bottom of the door.
- 5) Two electrical outlets in the room that was being used for school-age care were not secured to the wall. In the bathroom located in this same room, there were water stained ceiling tiles, a purple substance on the wall over the light switch and a hole in the wall behind the door.

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, this regulatory requirement was not met. A tour of the bathroom (yellow and white) found the light bulbs were not covered and it could not be confirmed that the bulbs were shatterproof.

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, this regulatory requirement was not met. A tour of the facility found the following:

- 1) In the blue hallway, there was a ceiling tile that was split in the middle.
- 2) In the white classroom, there was what appeared to be water damage along the back wall and baseboards.
- 3) In the infant room, there was a small gap in between the wall and the ceiling that had been loosely stuffed with what appeared to be foam.
- 4) In the back bathroom (yellow and white) there was damage to the wall all the way around the urinal. The damage extended out a couple of inches. The damage had caused the paint and drywall to chip off in several areas.
- 5) In the Toddler room (red room), there was damage to the drywall along the half-wall. The drywall was chipped away and the paint had peeled.
- 6) In the School-Age room, there were numerous areas of chipping and peeling paint. One of the walls had numerous scribble marks and pencil drawings as well as an accumulation of dirt and grime. The corner of a wall located near the children's cubbies was in disrepair.
- 7) In the hallway near the room providing care for school-age children and the hallway leading to the One-Year-Old Room, there were areas where the baseboard was loose. Chipping and peeling paint and other areas where the walls were in disrepair and contained dirt and grime were observed. A hole was found in the wall behind the door leading into the One-Year-Old Room.
- 8) In the One-Year-Old Room, there was a dusty ceiling vent.

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, a roll of toilet paper was stored on top of the toilet tank lid in the bathroom located behind the kitchen. This is an unsanitary method for storing toilet paper. This bathroom was observed being used by children in the Toddler Room.

645 - 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 at the time of the survey, the sink located in the bathroom in the room used for school-age care did not have cold running water.

Hygienic Practices

Not In Compliance

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 diaper changing mat located in the Toddler Room had tear in the surface. This does not allow for adequate cleaning and sanitation after each use.

Inspection Report

First Aid/Medication

Not In Compliance

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, medication was unlocked. A tour of the infant room found a first aid kit sitting on the diaper changing station. The first aid kit contained Antibiotic ointment, Aspirin tablets, and Diphen. The first aid kit was not locked.

Outdoor Play Area

In Compliance

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, several infant and toddler toys were observed on the shelves in the room currently used for school-age children. These toys are not developmentally appropriate for school-age children. It should be noted that this classroom is typically used to care for preschool-age children.

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 and interview, a stack of vinyl nap mats were found stacked on the floor in the Toddler Room. The top mat was a thin mat measuring approximately one and one-half inches thick. Interviews with staff confirmed that the mat is used by a child at naptime. Mats used for napping must be at least two inches thick.

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, this regulatory requirement was not met. A tour of the facility found the following:

- 1) In the white classroom, the fabric on two chairs was soiled and spotted.
- 2) In the infant room, the small refrigerator was wobbly. It appeared that one of the pedals was missing from the base causing the refrigerator to not sit securely.
- 3) Two soiled and stained bouncy seats were found in the Toddler Room.
- 4) A yellow plastic basket used to store toys in the room currently used for school-age care was in disrepair around the edges.
- 5) The sink located in the Toddler Room contained two small toys. A build-up of dirt and grime was also observed around the faucet handles.
- 6) A build-up of dirt and grime was observed around the faucet handles of the sink located in the bathroom used by the children in the Toddler Room.

Transportation

In Compliance

Inspection Report

Food Service/Food Program

In Compliance

Food Service

Not In Compliance

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 during a tour of the room used for School-Age care, an opened bag of animal crackers was observed in a clear plastic drawer in a moveable cart. The bag was stored with workbooks, various papers, and a mask used for personal protection. This is an unsanitary method to store food.

Children's Records

In Compliance

Written Documentation

Not In Compliance

1160 - Daily Attendance Records

Not In Compliance

922 KAR 2:090. Section 9. Records.

(1) A child-care center shall maintain:

(c) Daily attendance records documenting the arrival and departure time of each child, including records that are required in accordance with 922 KAR 2:160, Section 13, if a child receives services from the child-care center through the Child Care Assistance Program;

Findings:

General: Based on interview and review of documentation, the time of arrival and time of departure of each child is not being documented. It was also found that the parents of those children who receive assistance from the Child Care Assistance Program are not signing the required document at the end of each week.

Posted Documentation

Not In Compliance

1200 - Posting Requirements

Not In Compliance

922 KAR 2:090. Section 8. General.

(6) In addition to the posting requirement of KRS 199.898(3), a child-care center shall post the following in a conspicuous place and make available for public inspection:

- (a) The provider's preliminary or regular license;**
- (b) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year;**
- (c) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;**
- (d) Information on the Kentucky Consumer Product Safety Program and the program's Web site as specified in KRS 199.897;**
- (e) A description of services provided by the child-care center, including:**
 - 1. Current rates for child care; and**
 - 2. Each service charged separately and in addition to the basic rate for child care;**
- (f) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and**
- (g) Daily planned program.**

Findings:

General: Based on observation and review of documentation, a Statement of Deficiency and Plan of Correction was found posted in the front entryway; however, a review of the posted document found the Statement of Deficiency and Plan of Correction was for a survey conducted in 2018 and not for the most recent survey that was conducted on 1/8/2020.

Animals

In Compliance

Emergency Regulation

Not In Compliance

1265 - Emergency Regulation

Not In Compliance

922 KAR 2:415E. Emergency Regulation.

Due to the current declared public health emergency caused by the Novel Coronavirus Disease (COVID-19), licensed child care centers must operate under Centers for Disease Control and Prevention and public health guidelines, as mandated by 922 KAR 2:415E, to prevent the spread of COVID-19.

Findings:

Based on observation upon arrival at the facility, a staff person opened the door and let the surveyors enter the building. This staff person was not wearing a face mask. A walk through was then conducted by the surveyors and a staff person working in the Toddler Room was not wearing a face mask. During the course of the survey, both of these staff members were later observed wearing a face mask. Each adult is required to wear a face mask while inside a child-care facility unless they meet the exemption criteria. There was no documentation on file or presented for review at the time of the survey that indicated either of these individuals meet exemption criteria.

Signature of Provider/Representative

Title

Date