



**Andy Beshear**  
GOVERNOR

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

**Melissa A. Moore, Director**  
**Division of Regulated Child Care**  
Eastern Branch  
455 Park Place, Suite 120A  
Lexington, KY 40511  
Phone: (859) 246-2301 Fax: (859) 246-2307  
<https://chfs.ky.gov/agencies/os/oig>

**Eric Friedlander**  
SECRETARY

**Adam Mather**  
INSPECTOR GENERAL

**Inspection Report**

<b>Provider Name:</b> Ms. Tootie's Little Cuties <b>Provider Address:</b> 32 North Main Street, Walton, KY, 41094 <b>Owner(s):</b> Ms Tootie's Little Cuties, L.L.C.	<b>Provider Information</b> <b>Provider Type:</b> LICENSED TYPE I	<b>CLR No:</b> L383224 <b>Capacity:</b> 40 <b>Director(s):</b> Flege, Dena Gail
<b>Inspection Type:</b> Renewal Application <b>Date Initiated:</b> 05/26/2017 9:40 AM	<b>Inspection Information</b> <b>Date Concluded:</b> 05/26/2017 12:05 PM <b>No. of Children Present:</b> 34	<b>Inspection No:</b> 219546

Inspection Report	
<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>255 - Staff Meeting</b>	<b>Not In Compliance</b>
<b>922 KAR 2:110. Section 4. Director Requirements and Responsibilities.</b> <b>(1) Effective with the adoption of this administrative regulation, a director shall:</b> <b>(i) Conduct, manage, and document in writing staff meetings;</b>	
<b>Findings:</b> General: Based on Review of Documentation, it was found that the facility did not have evidence of staff meetings being conducted.	
<b>260 - Staff Evaluation</b>	<b>Not In Compliance</b>
<b>922 KAR 2:110. Section 4. Director Requirements and Responsibilities.</b> <b>(1) Effective with the adoption of this administrative regulation, a director shall:</b> <b>(j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;</b>	
<b>Findings:</b> General: Based on Review of Documentation, it was found that the files for three (3) eligible employees did not contain evidence of an annual evaluation being completed.	
<b>265 - Health, Safety, Comfort</b>	<b>Not In Compliance</b>
<b>922 KAR 2:110. Section 4. Director Requirements and Responsibilities.</b> <b>(1) Effective with the adoption of this administrative regulation, a director shall:</b> <b>(l) Provide for the health, safety, and comfort of each child;</b>	
<b>Findings:</b> General: Based on Observation, the following was found: 1) a one-year-old child was observed to be wearing an amber teething necklace. These necklaces are potential choking hazards; 2) a vinyl boppy pillow that had been used on the floor was found to be stored in a child's crib, thus contaminating the bedding.	

Inspection Report	
Employee Records	Not In Compliance
<b>300 - Background checks/left alone</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:090. Section 6. License Issuance.</b></p> <p><b>(5) An individual described in subsection (4) of this section shall:</b></p> <p><b>(a) Submit to background checks described in paragraph (b) of this subsection;</b></p> <p><b>(b) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:</b></p> <ol style="list-style-type: none"> <li><b>1. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;</b></li> <li><b>2. Criminal records check required by KRS 199.896(19);</b></li> <li><b>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</b></li> <li><b>4. An address check of the Sex Offender Registry; and</b></li> </ol> <p><b>(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.</b></p> <p><b>Findings:</b></p> <p>General: Based on Review of Documentation, it was found that the file for an employee hired on 5-22-17 did not contain evidence of submission for or a completed criminal records check. This employee reportedly does not work alone with the children.</p>	
<b>315 - Educational Requirements</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:110. Section 5. Staff Requirements.</b></p> <p><b>(1) Child-care center staff:</b></p> <p><b>(a) Hired after January 1, 2009, who have supervisory power over a minor and are not enrolled in secondary education, shall have a:</b></p> <ol style="list-style-type: none"> <li><b>1. High school diploma;</b></li> <li><b>2. GED or qualifying documentation from a comparable educational entity; or</b></li> <li><b>3. Commonwealth Child Care Credential as described in 922 KAR 2:250;</b></li> </ol> <p><b>Findings:</b></p> <p>General: Based on Review of Documentation, it was found that the file for an employee hired on 5-22-17 did not contain evidence of a high school diploma, GED or Commonwealth Childcare Credential.</p>	
<b>320 - TB Verification</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:110. Section 5. Staff Requirements.</b></p> <p><b>(1) Child-care center staff:</b></p> <p><b>(b) Shall provide, prior to employment and every two (2) years thereafter:</b></p> <ol style="list-style-type: none"> <li><b>1. A statement from a health professional that the individual is free of active tuberculosis; or</b></li> <li><b>2. A copy of negative tuberculin results.</b></li> </ol> <p><b>Findings:</b></p> <p>General: Based on Review of Documentation, it was found that the file for an employee hired on 5-22-17 did not contain evidence of a TB skin test or screening being completed.</p>	
<b>340 - Training</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:110. Section 5. Staff Requirements.</b></p> <p><b>(14) In accordance with KRS 199.896(15) and (16), a staff person with supervisory authority over a child shall complete the following:</b></p> <p><b>(a) Six (6) hours of cabinet-approved orientation within the first three (3) months of employment;</b></p> <p><b>(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</b></p> <p><b>(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.</b></p> <p><b>Findings:</b></p> <p>General: Based on Review of Documentation, the following was found: 1) the files and ECE-TRIS records for two (2) employees hired on 3-19-14 contained evidence of two and a half (2.5) and one and a half (1.5) hours of training being completed during the last completed training year; 2) the files and ECE-TRIS records for employees hired on 8-6-15, 1-15-16 and 4-25-16 contained evidence of only zero (0), two and a half (2.5) and one and a half (1.5) hours of additional training being completed during the first year of employment; 3) the file and ECE-TRIS record for an employee hired on 4-25-16 contained evidence of the cabinet-approved six-hour orientation training being completed on 2-23-17. This date is not within ninety (90) days of hire as required.</p>	
<b>Programming</b>	<b>In Compliance</b>

**Inspection Report****Premises****Not In Compliance****460 - Inaccessible Items****Not In Compliance****922 KAR 2:120. Section 3. General Requirements.****(7) Except in accordance with subsection (8) of this section, the following shall be inaccessible to a child in care:**

- (a) Toxic cleaning supplies, poisons, and insecticides;**
- (b) Knives and sharp objects;**
- (c) Matches, cigarettes, lighters, and flammable liquids;**
- (d) Plastic bags;**
- (e) Litter and rubbish;**
- (f) Bar soap; and**
- (g) Personal belongings and medications of staff.**

**Findings:**

General: Based on Observation, the following was found: 1) the child locks on the cabinet under the sink in the kitchenette were found to not be functioning. The cabinet was found to contain a toilet brush, a plunger, empty plastic bags, a box of Borax and D-Con rodent killer. The Borax and D-Con both bore the label "Keep Out of Reach of Children;" 2) an unlocked cabinet under the microwave was found to contain empty plastic bags; 3) an unlocked cabinet in the girls' bathroom was found to contain a container of Airwick automatic spray refill. This container bore the label "Keep Out of Reach of Children;" 4) the lock on a cabinet located between the two (2) bathrooms was found to be broken. This cabinet contained a can of Home Sense spray disinfectant, a bottle of Woolite carpet foam, a gallon of bleach, empty plastic bags, glass cleaner, a bottle of Gain and a container of Zep floor cleaner. These containers bore the label "Keep Out of Reach of Children."

**465 - 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; and**
- (c) Plastic bags not used for personal belongings.**

**Findings:**

General: Based on Observation, it was found that empty plastic bags were being stored in several unlocked cabinets in the facility. These bags were not being used to store personal belongings or being used as part of a structured activity.

**505 - 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, it was found that upon entry to the facility there were twenty-seven (27) children in the Preschool/School Age classroom. The classroom has a maximum capacity of twenty-two (22) children based on square footage. The teachers stated that the classroom is over capacity almost every morning until the younger children are moved. It was also found that there were ten (10) children in the Young Preschool classroom. The classroom has a maximum capacity of nine (9) children based on square footage. The director admitted that there have been ten (10) children in the classroom since they rearranged rooms in 2016. It should be noted that the classroom capacities are noted on the facility diagram signed by the director each year.

**Hygienic Practices****In Compliance****First Aid/Medication****Not In Compliance****660 - 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) With a daily written request of the child's parent.**
- (b) According to the directions or instructions on the medication's label.**

**Findings:**

General: Based on Review of Documentation, it was found that a parent signed a permission to administer medication form on 11-28-16 for her child to be given 5 ml of Zarbees cough syrup. The permission to administer medication form did not include the time the medication was to be administered.

**670 - 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;**
- (b) Kept in the original bottle; and**
- (c) Properly labeled.**

**(7) Medication shall not be given to a child if the expiration date on the bottle has passed.****Findings:**

General: Based on Observation, it was found that an unlocked cabinet in the kitchenette, where the children eat their meals, was found to contain an unlabeled tube of Neosporin, an unlabeled bottle of Zarbee's Children's Cough Syrup, a bottle of Kroger Children's Pain and Fever, multiple bottles of sunscreen and a bottle of prescription eye drops.

Inspection Report	
<b>Outdoor Play Area</b>	<b>Not In Compliance</b>
<b>690 - Playground Conditions</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 4. Premises Requirements.</b> <b>(20) An outdoor play area shall be:</b> <b>(d) Safe from foreseeable hazard;</b> <b>(e) Well drained;</b> <b>(f) Well maintained;</b> <b>(g) In good repair; and</b> <b>(h) Visible to staff at all times.</b>	
<b>Findings:</b> General: Based on Observation, the following was found: 1) the playground surfacing consisted of sparse mulch, dirt and large rocks. This playground is used by children ages one-year-old and over; 2) the middle of the playground was found to be washed out from the recent rain, creating uneven surfacing and exposing large rocks. The director admitted that the water drains right through the middle of the playground; 3) roof shingles, a dirty mop and a flathead screwdriver were found to be present on the playground; 4) a two (2) feet tall thistle plant with thorns was found to be growing on the playground.	
<b>695 - Protective Surface</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 4. Premises Requirements.</b> <b>(21) A protective surface shall:</b> <b>(a) Be provided for outdoor play equipment used to:</b> <b>1. Climb;</b> <b>2. Swing; and</b> <b>3. Slide; and</b> <b>(b) Have a fall zone equal to the height of the equipment.</b>	
<b>Findings:</b> General: Based on Observation, it was found that a bouncy horse, a two (2) feet tall slide and a four (4) feet tall climber/slide combination unit were present on the playground. The ground covering under and around these pieces of equipment was sparse mulch and dirt mixed with large rocks. It was also found that the slide and climber/slide combination unit were positioned near the outside wall of the facility, thus not providing an adequate fall zone.	
<b>Equipment</b>	<b>Not In Compliance</b>
<b>755 - Toys/Equipment/Furniture</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 11. Toys and Furnishings.</b> <b>(1) All toys, equipment, and furniture contacted by a child shall be:</b> <b>(a) Kept clean and in good repair; and</b> <b>(b) Free of peeling, flaking, or chalking paint.</b>	
<b>Findings:</b> General: Based on Observation, the following was found: 1) the fabric of a rocking chair cushion located in the Infant/Toddler classroom was ripped, exposing the foam beneath; 2) the vinyl seat cover of an Evenflow high chair located in the kitchenette was ripped, exposing the foam beneath; 3) a white plastic high chair and an Evenflow high chair located in the kitchenette were found to be missing the safety straps.	
<b>Transportation</b>	<b>Not Applicable</b>
<b>Food Service</b>	<b>Not In Compliance</b>
<b>925 - Food Service Permit</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 8. Kitchen Requirements.</b> <b>(2) A child-care center required to have a food service permit shall be in compliance with 902 KAR 45:005 and this administrative regulation.</b>	
<b>Findings:</b> General: Based on Observation, it was found that the facility heats up the food brought to the facility by the children's parents for lunch. According to the teachers, food such as hot dogs and grapes are cut up if the parents forget to cut them at home. These activities are not allowed without a food service permit.	
<b>Children's Records</b>	<b>Not In Compliance</b>
<b>1070 - Immunization</b>	<b>Not In Compliance</b>
<b>922 KAR 2:110. Section 3. Records.</b> <b>(1) A child-care center shall maintain:</b> <b>(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;</b>	
<b>Findings:</b> General: Based on Review of Documentation, it was found that four (4) children's records out of ten (10) children's records reviewed did not contain a current immunization certificate.	

**1075 - Enrollment Information**

**Not In Compliance**

**922 KAR 2:110. Section 3. 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 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 situation 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, it was found that one (1) child's file out of ten (10) children's files reviewed did not contain a physician's name and telephone number. It was also found that two (2) children's files out of ten (10) children's files reviewed did not contain information regarding the parent's preferred hospital.

**1080 - Documentation for Off Premise Trip**

**Not In Compliance**

**922 KAR 2:110. Section 3. Records.**

**(1) A child-care center shall maintain:**

**(b) A written record for each child:**

- 3. To contain:**
  - g. A permission form for each trip off the premises signed by the child's parent in accordance with 922 KAR 2:120, Section 12;**

**Findings:**

General: Based on Interview, it was found that the older preschool age children and the school age children go to the nearby park to play. A teacher in the classroom stated that the children were taken to the park at the beginning of May. The facility did not have written permission from the parents for the children to be taken off the premises.

**Written Documentation**

**Not In Compliance**

**1095 - Daily Attendance Records**

**Not In Compliance**

**922 KAR 2:110. Section 3. 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 Review of Documentation, it was found that only seven (7) of the thirty-four (34) children present in the facility were signed in.

**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, it was found that the files for six (6) eligible employees did not contain evidence of an annual professional development plan being completed.

**Posted Documentation**

**Not In Compliance**

**1165 - Daily Activities**

**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:**

- (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, it was found that a schedule of daily activities was not posted in the classroom. The teacher in the classroom found the form during the survey, however, it was blank. It was also found that the schedule of daily activities posted in the Infant/Toddler classroom was not dated.

**Animals**

**Not Applicable**

Signature of Provider/Representative

Title

Date