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**Inspection Report**

<b>Provider Name:</b> Ms. Tootie's Little Cuties	<b>Provider Information</b>	<b>CLR No:</b> L383224
<b>Provider Address:</b> 32 North Main Street, Walton, KY, 41094	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 40
<b>Owner(s):</b> Ms Tootie's Little Cuties, L.L.C.		<b>Director(s):</b> Flege, Courtney

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 289311
<b>Date Initiated:</b> 04/22/2019 9:30 AM	<b>Date Concluded:</b> 04/22/2019 11:40 AM	
	<b>No. of Children Present:</b> 31	

Inspection Report	
Background Checks	Not In Compliance
<b>10 - Submit background check</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:280 - Section 4. Procedures and Payments.</b></p> <p><b>(1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:</b></p> <p><b>(a) Request that the prospective child care staff member provide a copy of his or her driver's license or other government-issued photo identification and verify that the photograph clearly matches the prospective child care staff member;</b></p> <p><b>(b) Request that the prospective child care staff member complete and sign the:</b></p> <ol style="list-style-type: none"> <li><b>1. DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and</b></li> <li><b>2. DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and</b></li> </ol> <p><b>(c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:</b></p> <ol style="list-style-type: none"> <li><b>1. Child abuse and neglect central registry pursuant to 922 KAR 1:470;</b></li> <li><b>2. National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and</b></li> <li><b>3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580.</b></li> </ol>	
<p><b>Findings:</b></p> <p>General: Based on review of documentation and interview, this regulatory requirement was not met. A review of staff files during the inspection revealed that one (1) staff person, identified as a substitute, had not yet filled out the required forms for the fingerprint-based background check. The surveyor reviewed the Kentucky National Background check service (KARES) database and found that a background check has not yet been submitted for this staff person. The staff person in charge was not able to identify a hire date for this staff person. She stated that this staff person was originally hired 5/20/15; however, she indicated that this staff person "left for a while when she had a baby 5/2016", permanently stopped working at the facility when the child was approximately six (6) months old and then returned to work as a substitute staff person approximately Oct/Nov 2018. The staff person in charge stated that this staff person last worked at the facility "approximately two (2) weeks ago".</p>	
<b>Supervision</b>	<b>In Compliance</b>

**Inspection Report****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) 30

1 staff for 20 children

(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:

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

**Findings:**

General: Based on observation and interview, this regulatory requirement was not met. The surveyor entered the facility at 9:30AM and observed the staff person in charge standing in the facility food storage/food prep area. The staff person in charge walked toward the front entrance, greeted the surveyor and escorted the surveyor on a tour of the three (3) classrooms. Once the staff person in charge and the surveyor arrived at the third classroom (four (4) and five (5) year old room), the surveyor observed one (1) staff person caring for seventeen (17) children. Since the youngest child in the group was a four (4) year old, the minimum staff to child ratio would need to be one (1) staff person for fourteen (14) children. The staff person in charge identified herself as the second staff person assigned to work in the classroom and indicated that she had a staff person "running late".

**General Administration****In Compliance****Director Requirements****Not In Compliance****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, one (1) staff eligible for an annual performance review did not have current documentation of a review on file in the facility. The documentation on file was dated 3/2017.

**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, this regulatory requirement was not met. During a tour of the facility, the surveyor observed a window air conditioning unit in the hallway area between the infant/toddler room and the two (2) year old room. The electrical cord on the unit was approximately four (4) - five (5) feet long and it was dangling/hanging loose and was accessible to the children.

**Employee Records****Not In Compliance****385 - Personnel File****Not In Compliance****922 KAR 2:090. Section 9. Records.**

(1) A child-care center shall maintain:

(e) A current personnel file for each child-care center staff person to include:

1. Name, address, date of birth, and date of employment;
2. Proof of educational qualifications;
3. Record of annual performance evaluation;
4. Documentation of compliance with tuberculosis screening in accordance with Section 11(1)(b) of this administrative regulation; and
5. The results of background checks conducted in accordance with 922 KAR 2:280;

**Findings:**

General: Based on review of documentation and interview, this regulatory requirement was not met. A review of staff files during the inspection found three (3) staff that did not have the date of employment listed in their file. The staff person in charge reviewed internal documentation and then identified 7/23/18, 12/1/18 and "approximately Oct/Nov 2018" as the hire dates.

**390 - Educational Requirements**

**Not In Compliance**

**922 KAR 2:090. Section 11. 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, this regulatory requirement was not met. One (1) staff person (hire date: 10/15/18) did not have educational documentation on file.

**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, this regulatory requirement was not met. The following was found:

1. Two (2) staff files (hire dates: 3/19/14 and "approximatley Oct/Nov 2018") contained results of negative T.B. tests that are no longer current. The tests were dated 4/22/16 and 4/17/17 which exceeds the two (2) year time frame.
2. Two (2) staff (hire dates: 7/23/18 and 10/15/18) did not have T.B. documentation on file.

**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, this regulatory requirement was not met. The staff person in charge stated that she only had one (1) substitute staff person. A review of this staff person's employee file revealed that she is not qualified because she has not had a background check submitted in KARES and she does not have current T.B. documentation. Furthermore, the staff person in charge was not able to identify a hire date for this staff person. She stated that this staff person was originally hired 5/20/15; however, the staff in charge indicated that she "left for awhile when she had a baby 5/2016", permanently stopped working at the facility when the child was approximately six (6) months old and then returned to work as a substitute staff person approximately Oct/Nov 2018.

**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 the Training Records Information System (TRIS), the following was found:

1. Two (2) staff files (hire dates: 10/15/18 and 12/1/18) did not contain evidence of the six (6) hours of cabinet-approved training being completed within the first three (3) months of employment.
2. One (1) staff file (hire date: 10/25/17) did not contain evidence of the pediatric abusive head trauma training class being completed within the required time frame.
3. Three (3) staff files (hire dates: 3/19/14, 8/6/15 and 1/11/16) did not contain the required fifteen (15) hours of training.

**Programming**

**In Compliance**

Inspection Report	
Premises	Not In Compliance
<b>520 - Inaccessible Items</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:120. Section 3. General Requirements.</b></p> <p><b>(7) The following shall be inaccessible to a child in care:</b></p> <p><b>(a) Toxic cleaning supplies, poisons, and insecticides;</b></p> <p><b>(b) Matches, cigarettes, lighters, and flammable liquids; and</b></p> <p><b>(c) Personal belongings and medications of staff.</b></p> <p><b>Findings:</b></p> <p>General: Based on observation and interview, this regulatory requirement was not met. During a tour of the facility the surveyor observed a tall plastic storage cabinet positioned between the two (2) bathrooms used by the children. Numerous cleaning products including, but not limited to, Clorox, Lysol Power Toilet Cleaner, Glade Airfreshner, and Mr. Clean Multisurface Cleaner were being stored in this cabinet. The cabinet did not contain a lock; therefore, these items were accessible to the children. The staff person in charge stated during interview that the lock recently broke off.</p>	
Hygienic Practices	In Compliance
First Aid/Medication	Not In Compliance
<b>730 - Medication</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:120. Section 7. First Aid and Medicine.</b></p> <p><b>(6) Medication, including refrigerated medication, shall be:</b></p> <p><b>(a) Stored in a separate and locked place, out of the reach of a child unless the medication is:</b></p> <p><b>1. A first aid supply and is maintained in accordance with subsection (1) of this section;</b></p> <p><b>2. Diaper cream, sunscreen, or toothpaste. Diaper cream, sunscreen, or toothpaste shall be inaccessible to a child;</b></p> <p><b>3. An epinephrine auto-injector. A licensed child-care center shall comply with KRS 199.8951 and 311.646, including:</b></p> <p><b>a. An epinephrine auto-injector shall be inaccessible to a child;</b></p> <p><b>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;</b></p> <p><b>c. A child-care center shall seek emergency medical care for a child if an auto-injector is administered to the child; and</b></p> <p><b>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</b></p> <p><b>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></p> <p><b>(b) Kept in the original bottle; and</b></p> <p><b>(c) Properly labeled.</b></p> <p><b>(7) Medication shall not be given to a child if the medication's expiration date has passed.</b></p> <p><b>Findings:</b></p> <p>General: Based on observation, this regulatory requirement was not met. A tour of the food storage/food prep area found a prescription bottle of medication, a bottle of Hydrogen Peroxide and approximately nine (9) bottles of sunscreen stored in an unlocked cabinet.</p>	
Outdoor Play Area	Not In Compliance
<b>750 - Playground Conditions</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:120. Section 4. Premises Requirements.</b></p> <p><b>(20) An outdoor play area shall be:</b></p> <p><b>(d) Safe from foreseeable hazard;</b></p> <p><b>(e) Well drained;</b></p> <p><b>(f) Well maintained;</b></p> <p><b>(g) In good repair; and</b></p> <p><b>(h) Visible to staff at all times.</b></p> <p><b>Findings:</b></p> <p>General: Based on observation and interview, this regulatory requirement was not met. During a tour of the outdoor playground the surveyor observed sparse mulch, dirt and exposed rocks. The staff person in charge stated during interview that the city had a water main break on 4/18/19 and indicated that it washed out the whole outdoor play area. The staff person in charge stated that a city staff person told her that their insurance company would pay to replace the mulch. The staff person in charge stated that children have not been using the playground since the incident and she indicated that they have been using an unfenced green space on the other side of the building for outdoor play with written permission from the parents.</p>	
Equipment	Not In Compliance
<b>790 - Crib/Mattress/Sheet</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:120. Section 6. Sleeping and Napping Requirements.</b></p> <p><b>(3) Rest time shall include adequate space specified by the child's age as follows:</b></p> <p><b>(a) For an infant:</b></p> <p><b>1. An individual non-tiered crib that meets Consumer Product Safety Commission standards established in 16 C.F.R. 1219-1220;</b></p> <p><b>2. A firm crib mattress in good repair with a clean tight-fitted sheet that shall be changed:</b></p> <p><b>a. Weekly; or</b></p> <p><b>b. Immediately if it is soiled or wet;</b></p> <p><b>Findings:</b></p> <p>General: Based on observation, this regulatory requirement was not met. Three (3) cribs had a sheet that did not fit properly. The fitted sheets were too large for the mattresses and the excess material was bunched up in the middle.</p>	

**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, this regulatory requirement was not met. During a tour of the Infant/Toddler Classroom the surveyor observed a red vinyl child-size chair and a blue vinyl child-size chair that were in disrepair. The vinyl was split down the seams which exposed the foam filling.

**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. During a tour of the outdoor playground the following was found:

1. The surveyor observed a large crack/split in the plastic surface of a Little Tykes boat-shaped sandbox. Furthermore, this piece of equipment contained several inches of water.
2. An adult metal chair on the playground contained numerous areas of rust on the seat area, arms and base.

**Transportation**

**Not Applicable**

**Food Service/Food Program**

**In Compliance**

**Food Service**

**Not In Compliance**

**1050 - Bottles**

**Not In Compliance**

**922 KAR 2:120. Section 8. Kitchen Requirements.**

**(9) Bottles shall be:**

- (a) Individually labeled;**
- (b) Promptly refrigerated;**
- (c) Covered while not in use; and**
- (d) Consumed within one (1) hour of being heated or removed from the refrigerator.**

**Findings:**

General: Based on observation, this regulatory requirement was not met. Two (2) bottles in the infant/toddler room refrigerator were not labeled with a child's name.

**Children's Records**

**Not In Compliance**

**1135 - Immunization**

**Not In Compliance**

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

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

- (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;**

**Findings:**

General: Based on review of documentation, one (1) child (enrollment date: 7/1/17) had an immunization certificate on file that was no longer current as of 4/26/18.

**1145 - Documentation for Off Premises Trip**

**Not In Compliance**

**922 KAR 2:090. Section 9. 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 review of documentation and interview, this regulatory requirement was not met. The staff person in charge stated during the visit that the children have not been using the outdoor playground due to a recent water main break that washed out the whole area. The staff person in charge stated that the children have been using an unfenced green space on the opposite side of the building for outdoor play with written permission from the parents. A review of the permission slip in each child's file revealed that parents had been filling out one blanket form giving permission for the children to take walking field trips. The form is filled out when the child enrolls and did not specify the date, time or exact locations of each trip. The form stated, "We need your permission to go on excursions, this includes: the local cemetery, the local park playground, the local library, the Walton Sr. Center, the fire station, police station, lunch or ice cream trips, etc".

Inspection Report		
Written Documentation		Not In Compliance
<b>1150 - Evacuation Plan</b>		<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 5. Evacuation Plan.</b> <b>(1) A licensed child-care center shall have a written evacuation plan in the event of a fire, natural disaster, or other threatening situation that may pose a health or safety hazard for a child in care in accordance with KRS 199.895 and 42 U.S.C. 9858c(c)(2)(U).</b>		
<b>Findings:</b> General: Based on review of documentation, this regulatory requirement was not met. The emergency preparedness plan on file had not been updated since 2016.		
<b>1155 - Policies and Procedures</b>		<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 8. General.</b> <b>(4) Program policies and procedures shall:</b> <b>(a) Be in writing; and</b> <b>(b) Include:</b> <b>1. Staff policies;</b> <b>2. Job descriptions;</b> <b>3. An organization chart;</b> <b>4. Chain of command; and</b> <b>5. Other procedures necessary to ensure implementation of:</b> <b>a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;</b> <b>b. 922 KAR 2:120, Child-care center health and safety standards;</b> <b>c. 922 KAR 2:280, Background checks for child care staff members, reporting requirements, and appeals; and</b> <b>d. This administrative regulation.</b>		
<b>Findings:</b> General: Based on review of documentation and interview, this regulatory requirement was not met. A review of records found that the facility did not have evidence of a job description for the director. The director stated that she did not have a specific job description listing her duties as the director.		
<b>1160 - Daily Attendance Records</b>		<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 9. Records.</b> <b>(1) A child-care center shall maintain:</b> <b>(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;</b>		
<b>Findings:</b> General: Based on review of documentation and observation, this regulatory requirement was not met. The surveyor entered the facility at 9:30AM and observed thirty-one (31) children present; however, only twenty-seven (27) children had an arrival time documented.		
<b>1170 - Professional Development</b>		<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 9. Records.</b> <b>(1) A child-care center shall maintain:</b> <b>(f) A written annual plan for child-care staff professional development;</b>		
<b>Findings:</b> General: Based on review of documentation, five (5) staff (hire dates: 6/6/17, 3/19/14, 8/6/15, 1/11/16 and 10/25/17) did not have evidence of a current staff professional development plan on file in the facility.		
Posted Documentation		Not In Compliance
<b>1210 - Disaster Course of Action</b>		<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 9. Records.</b> <b>(1) A child-care center shall maintain:</b> <b>(j) A written plan and diagram outlining the course of action in the event of a natural or manmade disaster, posted in a prominent place;</b>		
<b>Findings:</b> General: Based on review of documentation, this regulatory requirement was not met. The facility had a diagram posted; however, it did not include a written emergency plan.		
Animals		In Compliance