



Andy Beshear
GOVERNOR

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

Eric Friedlander
SECRETARY

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>

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Ms. Tootie's Little Cuties Provider Address: 32 North Main Street, Walton, KY, 41094 Owner(s): Ms Tootie's Little Cuties, L.L.C.	Provider Information Provider Type: LICENSED TYPE I	CLR No: L383224 Capacity: 40 Director(s): Flege, Courtney
Inspection Type: Renewal Application Date Initiated: 07/12/2021 10:20 AM	Inspection Information Date Concluded: 07/12/2021 12:20 PM No. of Children Present: 38	Inspection No: 307041

Inspection Report	
Background Checks	Not In Compliance
20 - Out of state background checks 922 KAR 2:280. Section 5. Checks of Other States. (1) In accordance with 45 C.F.R. 98.43(b)(3), a prospective child care staff member who resides in or has resided in another state within the last five (5) years shall: (a) Request from each state of current or prior residency, in accordance with the state's laws, policies, and procedures, with a courtesy notice to the cabinet: 1. An in-state criminal records check by: a. Means of fingerprints for the state of residence; or b. Any means accepted by a state of prior residency; 2. A check of the state's sex offender registry or repository; and 3. A check of the state-based child abuse and neglect registry and database; and (b) Direct results of the checks required in paragraph (a) of this subsection to the Department for Community Based Services, Division of Child Care, 275 East Main Street, 3C-F, Frankfort, Kentucky 40601.	Not In Compliance
Findings: General: Based on review of documentation and interview, this regulatory requirement was not met. A staff person with a hire date of 3/30/21, did not have evidence or results of a criminal records check, child abuse and neglect check and a sexual register check from New York. The staff person had a copy of a New York driver's license in her file and listed that she previously lived in New York within the past five years. The staff person in charge stated that she was not aware of this regulatory requirement. This staff person was observed working alone with a group of five children in the infant classroom during the visit.	
Supervision Staffing Requirements	In Compliance In Compliance

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 review of documentation and interview, this regulatory requirement was not met. The following was found: 1. One staff person (hire date: 6/15/21) had a child abuse/neglect (CAN) application and a criminal records check (CRC) application in her file that had been filled out and signed by the staff person on 6/16/21. The applications had not been submitted for processing. The staff person in charge acknowledged the finding during the inspection and stated that she would submit the background checks immediately. 2. The surveyor observed two swings plugged into a multiple socket electric outlet in the infant classroom. The cords were lying loose on the floor and they were accessible to the children. Furthermore, two of the electrical outlets were uncovered/unprotected.	
Director Requirements	Not In Compliance
340 - Staff Meeting	Not In Compliance
922 KAR 2:090. Section 10. Director Requirements and Responsibilities. (1) A director shall: (i) Conduct, manage, and document in writing recurring staff meetings;	
Findings: General: Based on review of documentation, the surveyor found documentation of only one staff meeting in the previous year.	
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, two 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 8/2018.	
360 - Caregiver Alone	Not In Compliance
922 KAR 2:090. Section 10. Director Requirements and Responsibilities. (1) A director shall: (m) Assure that a person acting as a caregiver of a child in care shall not be left alone with a child, if the licensee has not received the results of the background checks as described in 922 KAR 2:280;	
Findings: General: Based on review of documentation and interview, this regulatory requirement was not met. A staff person with a hire date of 3/30/21 did not have evidence or results of required out of state background checks from New York. The staff person had a copy of a New York driver's license in her file and listed that she previously lived in New York within the past five years. The staff person in charge stated that she was not aware of this regulatory requirement. This staff person was observed working alone with a group of five children in the infant classroom during the visit.	
Employee Records	Not In Compliance
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, one staff person (hire date: 6/15/21) 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. One staff file (hire date: 6/6/17) contained results of a negative T.B. test that is no longer current. The test was dated 6/13/17, which exceeds the two-year time frame. 2. Two staff (hire dates: 3/24/21 and 3/30/21) did not have T.B. documentation on file.	

400 - CPR/First Aid Coverage

Not In Compliance

922 KAR 2:090. Section 11. Staff Requirements.

(3) For a child-care center licensed for infant, toddler, or preschool-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

- (a) Infant and child cardiopulmonary resuscitation; and**
- (b) Infant and child first aid.**

(4) For a child-care center licensed for school-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

- (a) Adult cardiopulmonary resuscitation; and**
- (b) First aid.**

(5) Cardiopulmonary resuscitation (CPR) and first aid training shall be in addition to the fifteen (15) clock hours requirement in subsection (16) of this section.

Findings:

General: Based on review of documentation and interview, this regulatory requirement was not met. A review of staff files during the inspection found that none of the staff (eight staff total) had current CPR or first aid certification documentation on file. Three staff had CPR and first aid certification cards in their file that expired February 2020.

The staff person in charge stated during interview that she renewed her certification; however, was not able to locate the documentation during the visit. Therefore, no one was present with the children on the day of the survey that was certified in CPR and first aid.

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 completed within the first three (3) months of employment in a child care program;**
- (b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment in a child care program, 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 completed between July 1 and the following June 30 of each subsequent year of employment in a child care program, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.**

(17) A staff person's compliance with training requirements of this section shall be verified through the cabinet-designated database maintained pursuant to 922 KAR 2:240.

Findings:

General: Based on review of documentation and the Training Records Information System (TRIS), the following was found:

1. Four staff (hire dates: 6/6/17, 3/19/14, 3/19/14, and 8/6/15) did not complete the required 15 hours of cabinet-approved training hours between 7/1/2020 and 6/30/21.
2. One staff person (hire date: 6/6/17) completed PAHT training on 3/29/16; however, did not renew the training due 3/29/21.
3. One staff person (hire date: 3/19/14) completed PAHT training on 7/7/16; however, did not renew the training due 7/7/21.

Programming

Not In Compliance

485 - Infant Sleep Position

Not In Compliance

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.

(1) An infant shall sleep or nap on the infant's back unless the infant's health professional signs a waiver that states the infant requires an alternate sleeping position.

Findings:

General: Based on observation, this regulatory requirement was not met. The surveyor observed that a Boppy pillow was being used to support an 11-month-old child asleep in the crib from 10:46AM - 11:40AM. The staff person in charge stated that they did not have a note from the doctor stating that the child needed the pillow in the crib.

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

1. The surveyor observed a can of Lysol disinfectant spray sitting on the classroom counter top in the preschool/school-age classroom. The label on the bottle read "Keep Out of Reach of Children."
2. While touring the playground area, the surveyor observed a can of Off insect repellent spray sitting on the window ledge in the children's play area. The label on the bottle read "Keep Out of Reach of Children."

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, this regulatory requirement was not met. A tour of the building found one room (front room/toddlers) wherein the capacity was exceeded. This area measured 394 square feet which gives a maximum capacity of 11 children. At the time of the survey, the room was accommodating 12 children. This does not provide a minimum of 35 square feet of space per 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, this regulatory requirement was not met. During a tour of the facility, the following was found:

1. The surveyor observed two lines of staples in a wall in the infant classroom. The staples were located a few inches from the floor in the children's play area. Some of the staples were not secure; hanging loose.
2. The wall behind two swings in the infant classroom was damaged. Chunks of drywall were missing in two areas which created holes.
3. The half wall in the toddler classroom contained excessive areas of tape residue.
4. A wooden transition strip on the floor in front of the gate used to enter the infant classroom was in disrepair. A piece of the transition strip (approximately 12 inches long) was missing and the piece in place was cracked/broken down the middle and contained a jagged edge.

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, this regulatory requirement was not met. During a tour of the center, the surveyor found that there were no paper towels at the sink in the girls' or boys' bathroom. The staff person in charge stated that they keep a basket of paper towels on the table in the kitchenette area so staff can hand each child an individual paper towel after handwashing; however, the basket of paper towels was not present in the area identified during the inspection.

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Outdoor Play Area

Not In Compliance

750 - Playground Conditions

Not In Compliance

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

(20) An outdoor play area shall be:

- (d) Safe from foreseeable hazard;**
- (e) Well drained;**
- (f) Well maintained;**
- (g) In good repair; and**
- (h) Visible to staff at all times.**

Findings:

General: Based on observation, this regulatory requirement was not met. The following was found:

1. A blue/green exterior door on the playground contained excessive chipped paint from top to bottom.
2. The surveyor observed three loose wires hanging on the side of the building under the electric meter and a metal box. Some of the wires did not appear to be connected to anything. The wires were twisted at the ends to hold them in place; however, were not secure and they were accessible to the children on the playground.
3. A gap was observed between the green fence and the metal pole on the playground. The gap was approximately six inches wide and provided an opening for possible entrapment.

A review of Division of Regulated Child Care files found that this regulatory violation was previously issued as a result of a renewal inspection conducted on 7/28/20. The director had indicated on the Plan of Correction that on 7/31/20, the fence was repaired to assure that no child could get a limb through the space and potentially be stuck and further indicated, "Any spacing in the fence outside will be adjusted so that entrapment is not a possibility at any time".

Inspection Report	
Equipment	Not In Compliance
790 - Crib/Mattress/Sheet	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: 1. An individual non-tiered crib that meets Consumer Product Safety Commission standards established in 16 C.F.R. 1219-1220; 2. A firm crib mattress in good repair with a clean tight-fitted sheet that shall be changed: a. Weekly; or b. Immediately if it is soiled or wet;	
Findings: General: Based on observation, this regulatory requirement was not met. During a tour of the infant classroom, the following was found: 1. One crib sheet contained a large pink stain. 2. One crib sheet contained a large dark circular stain. A child's pacifier was observed lying on the stained area. 3. Two crib sheets did not fit properly. The sheets were too large for the mattress and the excess material was bunched up in the middle.	
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 toddler classroom, the surveyor observed a blue fuzzy cover that had been placed over a vinyl chair structure. The blue cover contained several large holes in the fabric.	
Transportation	Not Applicable
Food Service/Food Program	In Compliance
Food Service	In Compliance
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, this regulatory requirement was not met. The following was found: 1. Two children's files had an immunization certificate that did not have the required information (expiration date); therefore, it could not be determined whether or not the immunization certificate was current. 2. Two children had immunization certificates that were no longer current as of 5/1/21 and 1/15/21. 3. One child did not have an immunization certificate on file.	
Written Documentation	Not In Compliance
1150 - Evacuation Plan	Not In Compliance
922 KAR 2:090. Section 5. Evacuation Plan. (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).	
Findings: General: Based on review of documentation, this regulatory requirement was not met. The emergency preparedness plan on file had not been updated since 12/31/16.	
1170 - Professional Development	Not In Compliance
922 KAR 2:090. Section 9. Records. (1) A child-care center shall maintain: (f) A written annual plan for child-care staff professional development;	
Findings: General: Based on review of documentation, four staff eligible for a staff professional development plan did not have documentation of a plan on file.	

Inspection Report**1175 - Earthquake/Tornado/Fire Drills****Not In Compliance****922 KAR 2:090. Section 9. Records.****(1) A child-care center shall maintain:**

(h) A written record of quarterly practiced earthquake drills and tornado drills detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;

(i) A written record of practiced fire drills conducted monthly detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;

Findings:

General: Based on review of documentation, this regulatory requirement was not met. A review of the emergency drill log found that a fire drill was not conducted during the month of June 2021; therefore, drills are not conducted monthly.

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 review of documentation, this regulatory requirement was not met. The Statement of Deficiency/Plan of Correction from the 5/10/18 renewal inspection was posted; however, the Statement of Deficiencies/Plan of Correction from the most recent renewal inspection (7/28/20) and an investigation conducted on 1/13/21 were not posted.

1210 - Disaster Course of Action**Not In Compliance****922 KAR 2:090. Section 9. Records.****(1) A child-care center shall maintain:**

(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;

Findings:

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.

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 review of documentation and interview, this regulatory requirement was not met. The infant classroom did not have a schedule of daily activities posted. When the surveyor questioned the staff person working in the classroom, the staff person pulled a notebook out and presented a lesson plan.

Animals**In Compliance**

Signature of Provider/Representative

Title

Date