



**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> Dragon's Den <b>Provider Address:</b> 1919 Brynneil Drive, Lexington, KY, 40505 <b>Owner(s):</b> Fayette County Public Schools	<b>Provider Information</b> <b>Provider Type:</b> LICENSED TYPE I	<b>CLR No:</b> L383229 <b>Capacity:</b> 100 <b>Director(s):</b> O'Ferral, Kate Elizabeth
<b>Inspection Type:</b> Renewal Application <b>Date Initiated:</b> 01/08/2020 2:30 PM	<b>Inspection Information</b> <b>Date Concluded:</b> 01/08/2020 4:25 PM <b>No. of Children Present:</b> 41	<b>Inspection No:</b> 292495

Inspection Report	
Background Checks	Not In Compliance
<b>10 - Submit background check</b>	<b>Not In Compliance</b>
<b>922 KAR 2:280 - Section 4. Procedures and Payments.</b> <b>(1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:</b> <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> <b>(b) Request that the prospective child care staff member complete and sign the:</b> <b>1. DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and</b> <b>2. DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and</b> <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> <b>1. Child abuse and neglect central registry pursuant to 922 KAR 1:470;</b> <b>2. National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and</b> <b>3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580.</b>	
<b>Findings:</b> General: Based on interview and review of documentation, the surveyor asked the staff member in charge to identify current staff members listed from the KARES portal list of current employees. The staff member in charge provided names of two individuals who were not listed on the KARES background check list for the facility. There was no evidence in the employee files indicating a date of hire for these two individuals, nor evidence of submitting fingerprints for review. The surveyor searched the first individual on KARES upon return to the office and did not observe that the background check process was started for this staff member. This staff member was observed to be alone with one group of children at approximately 3:40 pm. Upon KARES review for the second individual listed as currently employed by the staff member in charge, the portal verifies that the background check process was started on 11/7/18, by the staff member in charge but was closed on 11/22/18, for incomplete application.	
<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>370 - Parental/Family Involvement Activity</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>(p) Coordinate at least one (1) annual activity involving parental or family participation;</b>	
<b>Findings:</b> General: Based on review of documentation, there was no documentation provided to verify that an annual activity was coordinated involving parental or family participation.	

**Inspection Report****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,

1.) One staff member with an unknown date of hire did not have the following documentation in their personnel file: date of hire, date of birth, background check results, documentation of tuberculin screening, nor a performance evaluation. Additionally, a second individual with an unknown date of hire did not have the following documentation in their employee file: date of hire, date of birth, proof of educational qualifications, documentation of tuberculin screening, background check results, nor a performance evaluation.

2.) The surveyor reviewed six employee files and did not observe a staff evaluation for five out of six files reviewed. The evaluation reviewed for a staff member with an unknown date of hire was dated for 2016-2017; therefore, this document was not current.

**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, a staff member hired 8/13/14, had a negative tuberculin skin result on file that exceeded two years; the document was dated 11/15/17. Additionally, one staff member with an unknown date of hire did not have a negative tuberculin skin result in file, nor a physician's statement declaring this individual free of active tuberculosis.

**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.**

**Findings:**

General: Based on interview and review of documentation, upon review of personnel files, the surveyor observed one staff member hired 8/13/15, to be certified in CPR/FIRST aid. This individual left the facility at approximately 3:15 pm on the date of the survey. The surveyor did not observe documentation in the personnel files reviewed for the staff members currently present at the facility to be certified in CPR/First aid training. During the exit conference, the surveyor questioned an individual with an unknown date of hire whether any staff members were currently certified in CPR/FIRST aid. The individual stated that he was certified with CPR and first aid, yet this individual was unable to present any documentation to verify this statement.

**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, two staff members hired 8/13/15, and 8/13/14, did not complete fifteen hours of cabinet-approved early care and education training for the last full year of employment. The staff member hired 8/13/15, had completed eight hours of annual training; and the staff member hired 8/13/14, had completed 11 hours of annual training. A review of ECE-TRIS supports these findings.

**Programming****In Compliance****Premises****In Compliance****Hygienic Practices****In Compliance**

**Inspection Report****First Aid/Medication****Not In Compliance****715 - First Aid Supplies****Not In Compliance****922 KAR 2:120. Section 7. First Aid and Medicine.****(1) First aid supplies shall:**

- (a) Be available to provide prompt and proper first aid treatment;**
- (b) Be stored out of reach of a child;**
- (c) Be periodically inventoried to ensure the supplies have not expired;**
- (d) If reusable, be:**
  - 1. Sanitized; and**
  - 2. Maintained in a sanitary manner; and**
- (e) Include:**
  - 1. Liquid soap;**
  - 2. Adhesive bandages;**
  - 3. Sterile gauze;**
  - 4. Medical tape;**
  - 5. Scissors;**
  - 6. A thermometer;**
  - 7. Flashlight;**
  - 8. Cold pack;**
  - 9. First aid book;**
  - 10. Disposable gloves; and**
  - 11. A cardiopulmonary resuscitation mouthpiece protector.**

**Findings:**

General: Based on observation, the first aid kit presented did not contain the following items: gauze, tape, scissors, flashlight, cold pack, first aid book, or a CPR mouth cover.

**Outdoor Play Area****In Compliance****Equipment****In Compliance****Transportation****In Compliance****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, one child enrolled 8/14/19, had an immunization record on file that was not current. The immunization record had expired 11/15/19.

**1140 - Enrollment Information****Not In Compliance****922 KAR 2:090. Section 9. 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 a 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 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,

- 1.) Two children enrolled 8/8/19, and 5/17/19, did not have a physician contact number listed in their enrollment information.
- 2.) One child enrolled 11/20/19, did not have a physician contact number, or a preferred hospital listed in their enrollment information.

**Inspection Report****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, there was not an emergency plan provided that met the requirements of KRS 199.895 and 42 U.S.C 9858c (c)(2)(u).

**1155 - Policies and Procedures****Not In Compliance****922 KAR 2:090. Section 8. General.****(4) Program policies and procedures shall:**

**(a) Be in writing; and**

**(b) Include:**

**1. Staff policies;**

**2. Job descriptions;**

**3. An organization chart;**

**4. Chain of command; and**

**5. Other procedures necessary to ensure implementation of:**

**a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;**

**b. 922 KAR 2:120, Child-care center health and safety standards;**

**c. 922 KAR 2:280, Background checks for child care staff members, reporting requirements, and appeals; and**

**d. This administrative regulation.**

**Findings:**

General: Based on review of documentation, the program policies and procedures reviewed did not include individual job descriptions.

**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 staff member in charge stated that the facility receives childcare assistance payments. The individual was unable to present a DCC-94E documenting the children participating in this program.

**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 interview and review of documentation, the surveyor reviewed seven employee files and observed five professional development plans dated for November of 2017. The professional development plans had not been updated for the 2018 or 2019. Additionally, two staff files did not contain evidence of a professional development plan. The date of hire for these two individuals is unknown; however, the staff member in charge stated that the staff members in question have worked at the facility for more than one year.

**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, there was no evidence to verify that a tornado or earthquake drill was practiced for the fourth quarter of 2019.

**1195 - Fire Drills****Not In Compliance****922 KAR 2:120. Section 3. General Requirements.****(12) A fire drill shall be:**

**(a) Conducted during hours of operation at least monthly; and**

**(b) Documented.**

**(13) An earthquake drill and a tornado drill shall be:**

**(a) Conducted during hours of operation at least quarterly; and**

**(b) Documented.**

**Findings:**

General: Based on review of documentation, there was no evidence to verify that a fire drill had been practiced in September, October, November, or December of 2019.

Inspection Report		
	Posted Documentation	Not In Compliance
1200 - Posting Requirements		Not In Compliance
<div>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 Website 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.</div>		
<b>Findings:</b> General: Based on observation and review of documentation, the statement of deficiency from the previous licensure year was not posted for public inspection.		
	Animals	In Compliance