



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

Provider Name: Prodigy Preschool	Provider Information	CLR No: L383262
Provider Address: 101 Providence Way, Nicholasville, KY, 40356	Provider Type: LICENSED TYPE I	Capacity: 63
Owner(s): Webster Child Care, LLC		Director(s): Mattingly, Leigh Anna

Inspection Type: Renewal Application	Inspection Information	Inspection No: 318791
Date Initiated: 10/06/2021 11:00 AM	Date Concluded: 10/06/2021 2:15 PM	
	No. of Children Present: 31	

Inspection Report	
Background Checks	Not In Compliance
10 - Submit background check	Not In Compliance
<p>922 KAR 2:280 - Section 4. Procedures and Payments.</p> <p>(1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:</p> <p>(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;</p> <p>(b) Request that the prospective child care staff member complete and sign the:</p> <ol style="list-style-type: none"> 1. DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and 2. DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and <p>(c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:</p> <ol style="list-style-type: none"> 1. Child abuse and neglect central registry pursuant to 922 KAR 1:470; 2. National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and 3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580. <p>Findings:</p> <p>General: Based on review of documentation, it was found that four staff hired on 6/28/21, 8/23/21, 8/11/21, and 8/9/21 do not have evidence of background checks being submitted to KARES prior to employment.</p>	
20 - Out of state background checks	Not In Compliance
<p>922 KAR 2:280. Section 5. Checks of Other States.</p> <p>(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:</p> <p>(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:</p> <ol style="list-style-type: none"> 1. An in-state criminal records check by: <ol style="list-style-type: none"> 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 <p>(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.</p> <p>Findings:</p> <p>General: Based on review of documentation, it was found that a staff person hired on 7/8/21 had a previous address in New York and a staff person hired on 8/9/21 had a previous address in Virginia. Neither staff person had evidence of the proper out of state CAN check or Sex Offender check on file at the facility.</p>	

Inspection Report	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
150 - Fire Marshal	Not In Compliance
922 KAR 2:090. Section 6. License Issuance. (8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall: (b) Be approved by the Office of the State Fire Marshal or designee;	
Findings: General: Based on review of documentation, there was no documentation made available at the time of survey regarding a recent Fire Marshal report.	
225 - 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, a toilet brush and plunger were found in the Red room bathroom. Also, in the girls' bathroom, two toilet brushes were found in two separate stalls. These were accessible to children.	
Director Requirements	In Compliance
Employee Records	Not In Compliance
395 - 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, thirteen staff members did not have the results of the KARES background check on file showing that each staff is eligible for employment. The staff members were listed on the KARES report as cleared, but the facility did not have the written evidence in each of the staff member's file.	
400 - 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, staff persons hired on 8/23/21, 8/9/21, and 8/9/21 did not have evidence of education on file at the facility.	
405 - 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 person hired on 12/1/16 did not have documentation of negative TB results on file at the facility.	
415 - CPR/First Aid Required Training	Not In Compliance
922 KAR 2:120. Section 7. First Aid and Medicine. (8) Each center shall ensure that every staff member has received training on first aid and cardiopulmonary resuscitation (CPR).	
Findings: General: Based on review of documentation, a staff person hired on 1/9/19 did not have evidence of CPR/FA training on file at the facility.	

435 - 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, two staff were missing evidence of the required annual 15 hours of training. Also, one staff hired on 6/28/21 did not have evidence of the required six hours of orientation training within the first 90 days on file at the facility. A review of ECE-TRIS confirmed the findings.

Programming

In Compliance

Premises

Not In Compliance

570 - 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:

General: Based on observation, a garbage bag was used to store the dress up clothes in the dramatic play center in the Purple room, and a garbage bag of grocery bags was found hanging in the girls' bathroom. These items were accessible to children.

625 - 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, chipping paint was found in the Yellow classroom, in the girls' bathroom big stall, and over both urinals in the boys' bathroom.

690 - Sink

Not In Compliance

922 KAR 2:120. Section 12. 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, the water temperature at the sink in the Red room bathroom registered 130 degrees Fahrenheit when measured with a thermometer. The children use this sink for hand washing.

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Outdoor Play Area

Not In Compliance

795 - 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, it was found that a type of mushroom was growing on the playground which poses a safety hazard to children.

Equipment

In Compliance

Transportation

In Compliance

Kitchen Requirements

In Compliance

Inspection Report		
	Food Service	In Compliance
	Meal Planning/Center Provides Meals	In Compliance
	Meal Planning/Center Does Not Provide Meals	In Compliance
	Children's Records	In Compliance
	Written Documentation	Not In Compliance
1260 - Evacuation Plan		Not In Compliance
<div> <div>922 KAR 2:090. Section 5. Evacuation Plan.</div> <div>(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).</div> </div>		
Findings:		
General: Based on review of documentation, there was no evidence that the facility's Emergency Preparedness Plan had been submitted to the proper authority for review.		
1280 - Professional Development		Not In Compliance
<div> <div>922 KAR 2:090. Section 9. Records.</div> <div>(1) A child-care center shall maintain:</div> <div>(f) A written annual plan for child-care staff professional development;</div> </div>		
Findings:		
General: Based on review of documentation, two staff hired on 12/1/16 and 1/9/19 did not have evidence of a recent professional development plan on file at the facility.		
	Posted Documentation	In Compliance
	Animals	In Compliance