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Andy BeshearGOVERNOR

Provider Name: Educare Learning Center

CABINET FOR HEALTH AND FAMILY SERVICES OFFICE OF INSPECTOR GENERAL

Melissa A. Moore, Director

Division of Regulated Child Care

Eastern Branch

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Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Information

Provider Type: LICENSED TYPE I

Provider Address: 2832 Snow Road, Lexington, KY, 40517

Capacity: 80

Director(s): Kirk, Claudia

CLR No: 1352380

Owner(s): Educare Learning Center Of Lexington, Inc.

Inspection Information

Inspection Type: Renewal Application

Date Initiated: 08/06/2019 10:10 AM

Date Concluded: 08/06/2019 12:05 PM

No. of Children Present: 29

Inspection No: 290064

Inspection Report

Background Checks

In Compliance

Supervision

Not In Compliance
Not In Compliance

922 KAR 2:120. Section 2. Child Care Services.

(3)(a) Each center shall maintain a child-care program that assures each child will be:

- 1. Provided with adequate supervision at all times by a qualified staff person who ensures the child is:
- a. Within scope of vision and range of voice; or
- b. For a school-age child, within scope of vision or range of voice;

Findings:

90 - Children Supervised

General: Based on observation and interview, this regulatory requirement was not met. The surveyor arrived at the facility at 10:10AM to conduct the inspection. As the surveyor walked up to the front entrance, she observed a staff person with a 10/25/04 hire date present in the facility kitchen through a front window. The surveyor entered the facility and observed one (1) staff person (hire date: 6/19/19) present with a group of seventeen (17) children (two (2) - five (5) year olds) in the front classroom (later identified as the four (4) year old classroom). The staff person with a 10/25/04 hire date was still present in the facility kitchen; however, she indicated that she was working in the four (4) year old classroom with the other staff person (hire date: 6/19/19). The staff person then stepped out of the kitchen and into the four (4) year old classroom with the second staff person. The surveyor then noticed that a small group of four (4) children were sitting at a table playing with playdough in the three (3) year old classroom adjacent to the four (4) year old classroom. There was no adult present with the group. The staff person with a 6/19/19 DOH walked into the room and instructed the children to join the rest of the group in the four (4) year old classroom and indicated that she had been watching them. Therefore, the total number of children in the care of one staff person (hire date: 6/19/19) when the surveyor entered the facility was twenty-one (21). The children playing with play dough in the three (3) year old classroom were not visible to the staff working in the kitchen and the four (4) year old classroom; therefore, adequate supervision was not provided.

Staffing Requirements

Not In Compliance

115 - Cooking/Cleaning Staffing

Not In Compliance

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.

(1) A director shall:

(k) Assure that additional staff are available during cooking and cleaning hours, if necessary, to maintain staff-to-child ratios pursuant to 922 KAR 2:120;

Findings:

General: Based on observation and interview, this regulatory requirement was not met. The surveyor arrived at the facility at 10:10AM and found that a staff person with a 10/25/04 hire date was cooking food for lunch in the facility kitchen and was also assigned to a group of twenty-one (21) children (two (2) - five (5) year olds with another staff person (hire date: 6/19/19) in the four (4) year old classroom. Therefore, additional staff are not available during cooking hours to maintain staff/child ratios.

The director arrived at the facility at approximately 10:24am. At this time, the staff person with a 6/19/19 DOH separated the two (2) year olds from the group and relocated them into their classroom at the back of the building. The director then became the second staff person assigned to the group of children in the four (4) year old classroom with the staff person with a 10/25/04 hire date. They had fifteen (15) children in their group; therefore, both of them would be required to stay with the group to maintain ratio requirements.



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

Todalei 24 to 30 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 arrived at the facility at 10:10AM to conduct the inspection. As the surveyor walked up to the front entrance, she observed a staff person with a 10/25/04 hire date present in the facility kitchen through a front window. The surveyor entered the facility and observed one (1) staff person (hire date: 6/19/19) present with a group of seventeen (17) children (two (2) - five (5) year olds) in the front classroom (later identified as the four (4) year old classroom). The staff person with a 10/25/04 hire date was still present in the facility kitchen; however, she indicated that she was working in the four (4) year old classroom with the other staff person (hire date: 6/19/19). The staff person then stepped out of the kitchen and into the four (4) year old classroom with the second staff person. The surveyor then noticed that four (4) children were sitting at a table playing with playdough in the three (3) year old classroom adjacent to the four (4) year old classroom. There was no adult present with the group. The staff person with a 6/19/19 DOH walked into the room and instructed the children to join the rest of the group in the four (4) year old classroom and indicated that she had been watching them. Therefore, the total number of children in the care of one staff person (hire date: 6/19/19) when the surveyor entered the facility was twenty-one (21). Since the youngest child in the group was a two year old, the minimum staff to child ratio would need to be one (1) staff person for ten (10) children and the maximum group size would need to be twenty (20) children. The facility exceeded the staff/child ratio and group size requirements. This group remained together until the director arrived at the facility at approximately 10:24am and then the two (2) year olds separated from the group and relocated into their classroom.

General Administration

Not In Compliance

180 - Plan of Correction/15 days

Not In Compliance

922 KAR 2:090. Section 14. Statement of Deficiency and Corrective Action Plans.

(2) Except for a violation posing an immediate threat as handled in accordance with KRS 199.896(5)(c), a child-care center shall submit a written corrective action plan to the cabinet or its designee within fifteen (15) calendar days of the date of the statement of deficiency to eliminate or correct the regulatory violation.

Findings:

A PLAN OF CORRECTION WAS DUE ON 09/03/2019 AND AS OF 09/13/2019, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.

Director Requirements

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

340 - Staff Meeting

General: Based on review of documentation and interview, this regulatory requirement was not met. A review of the staff meeting documentation revealed that the last documented staff meeting was 5/15/18. The staff person in charge stated that she has had staff meetings; however, she indicated that she did not document them.



350 - Health, Safety, Comfort

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.

- (1) A director shall:
- (I) Assure the health, safety, and comfort of each child;

Findings:

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

- 1. At 10:10AM the surveyor entered the facility and observed the kitchen door propped open and food cooking on the stove. Twenty-one (21) children (two (2) five (5) year olds) were observed playing in an adjacent classroom (four (4) year old classroom). It is important to note that you must walk through the four (4) year old classroom to get to the kitchen; therefore, the stove was accessible to the children. A staff person with a 10/25/04 hire date was observed working in the four (4) year old classroom and cooking/preparing food in the kitchen at the same time during the visit.
- 2. During a tour of the infant classroom, the surveyor observed a five-month-old child asleep in a crib with a bib around his neck.

Employee Records

Not In Compliance

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 a review of documentation and interview, this regulatory requirement was not met. A review of staff files during the inspection found two (2) staff that did not have the date of employment listed in their file. The staff person in charge stated that she did not have their hire dates documented anywhere. She reviewed the date that one (1) staff person filled out her background check forms and then she asked the second staff person when her first day was. The staff person in charge then verbally identified the dates - 1/9/19 and 6/19/19 as the hire dates. However, the dates of hire were not maintained in the personnel files.

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 (1) staff person (hire date: 6/19/19) 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. Three (3) staff files (hire dates: 8/6/84, 6/15/15 and 11/7/02) contained results of negative T.B. tests that are no longer current. The tests were dated 6/30/17 and two (2) on 12/9/16 which exceeds the two (2) year time frame.

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 interview, this regulatory requirement was not met. The staff person in charge stated during interview that they do not have any substitutes in case of need.



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), two (2) staff (hire dates: 8/6/84 and 6/15/15) did not complete the required fifteen (15) hours of training.

Programming

Not In Compliance

Not In Compliance

420 - Program of Activities Followed

922 KAR 2:120. Section 2. Child Care Services.

- (4) The child-care center shall provide a daily planned program:
- (a) Posted in writing in a conspicuous location with each age group and followed;
- (b) Of activities that are individualized and developmentally appropriate for each child served;
- (c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being; and
- (d) Unless the child-care center is a before- or after-school program that operates part day or less, that offers a variety of creative activities including:
- 1. Art or music;
- 2. Math or numbers:
- 3. Dramatic play;
- 4. Stories and books;
- 5. Science or nature:
- 6. Block building or stacking:
- 7. Tactile or sensory activity;
- 8. Multi-cultural exposure;
- 9. Indoor or outdoor play in which a child makes use of both small and large muscles;
- 10. A balance of active and quiet play, including group and individual activity;
- 11. An opportunity for a child to:
- a. Have some free choice of activities;
- b. If desired, play apart from the group at times;

Findings:

General: Based on review of documentation, this regulatory requirement was not met. Information on the lesson plan posted in the infant room did not adequately describe the activities that children would be involved in throughout the day. The lesson plan only listed one (1) activity per day such as "Musical toys", "Story Time", Peek-A-Boo", "Plush Animals" and "Blocks". Due to the small amount of information listed, it could not be determined if the lesson plan met the individual needs and developmental levels of each child.

Premises Not In Compliance

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 two (2) year old classroom, the surveyor found that there were no paper towels or liquid soap at the sink in the children's bathroom and no liquid soap at the sink beside the diaper changing table in the classroom.

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance



Outdoor Play Area

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Not In Compliance

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;

750 - Playground Conditions

- (g) In good repair; and
- (h) Visible to staff at all times.

Findings:

General: Based on observation, this regulatory requirement was not met. During a tour of the outdoor playground, the surveyor observed a black cable lying on top of the ground in the corner of the children's play area. Both ends of the cable were buried underground; however, a large section (approximately six (6) - eight (8) feet long) was located on top of the ground and was accessible to the children. The staff person in charge stated that it has been buried underground several times; however, she indicated that someone keeps digging it back up.

755 - Protective Surface Not In Compliance

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

(21) A protective surface shall:

- (a) Be provided for outdoor play equipment used to:
- 1. Climb;
- 2. Swing; and
- 3. Slide; and
- (b) Have a fall zone equal to the height of the equipment.

Findings:

General: Based on observation, this regulatory requirement was not met. The surveyor toured the outdoor playground and found the following structures with inadequate fall zone surface material around them:

- 1. A large metal swing set had black rubber mats positioned directly under each swing; however, the surface around the swings was bare dirt with very sparse mulch.
- 2. A Little Tykes double slide (approximately three (3) feet tall) had bare dirt and sparse mulch around the entire structure.
- 3. A double metal slide had a black rubber mat positioned at the base of the slide; however, the surface around the entire structure was bare dirt and sparse mulch.
- 4. A very large blue and yellow metal structure with monkey bars, multi-level platforms, spiral pole and spiral slide had a rubber mat positioned at the base of the slide; however, the surface around the structure consisted of sparse mulch and bare dirt.
- 5. A purple dinosaur on springs had bare dirt and sparse mulch around the entire structure. The staff person in charge acknowledged the situation during interview and stated that the owner recently added mulch to a few areas and was in the process of adding more.

Equipment 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:

815 - Toys/Furniture

General: Based on observation, this regulatory requirement was not met. The surveyor toured the three (3) year old classroom during the visit and observed two (2) white step stools at the hand washing sink, that contained embedded dirt and grime on the top surface. A small piece of carpet was positioned under one of the stools. The carpet contained numerous dark spots and stains.

820 - Indoor/Outdoor Equipment

Not In Compliance

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. The surveyor toured the outdoor playground during the visit and observed the following:

- 1. A set of red, plastic steps shaped like a bridge contained a large crack/split on the top platform.
- 2. A large area of rust was observed on an interior platform panel on the yellow and blue structure.
- 3. The metal poles on the swing set contained an excessive amount of chipped paint.

Transportation

Not Applicable

Food Service/Food Program

In Compliance



Food Service

1025 - Refrigerator Not In Compliance

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

- (4) A cold-storage facility used for storage of perishable food in a nonfrozen state shall:
- (a) Have an indicating thermometer or other appropriate temperature measuring device;
- (b) Be in a safe environment for preservation; and
- (c) Be forty (40) degrees Fahrenheit or below.

Findings:

General: Based on observation, this regulatory requirement was not met. During a tour of the one (1) year old classroom, the surveyor found no indicating thermometer or other appropriate temperature measuring device in the refrigerator that contained drinks for the children.

1040 - Kitchen Equipment Clean and Sanitary

Not In Compliance

Not In Compliance

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

- (7) The following shall be clean and sanitary:
- (a) Eating and drinking utensils;
- (b) Kitchenware:
- (c) Food contact surfaces of equipment;
- (d) Food storage utensils;
- (e) Food storage containers;
- (f) Cooking surfaces of equipment; and
- (g) Nonfood contact surfaces of equipment.

Findings:

General: Based on observation, the facility failed to ensure that drinking utensils be clean and sanitary. During a tour of the one (1) year old classroom, the surveyor observed several reusable sippy cups that had been washed by hand in the classroom sink after breakfast and were found lying on a paper towel to dry on a classroom shelf. This process does not meet the requirement of the regulation because the items are not sanitized. The director acknowledged this finding during the exit interview and stated that she would instruct staff to send all cups to the kitchen to be washed after each meal.

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:

Based on review of documentation, one (1) child (enrollment date: 5/5/19) had an immunization certificate on file that was no longer current as of 7/20/19.

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:

Based on review of documentation, one (1) child's file/enrollment documentation did not contain information for the family's preferred hospital.

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 and interview, this regulatory requirement was not met. The facility did not have evidence of an emergency preparedness plan on file. The staff person in charge stated that she did not know where it was located.



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, this regulatory requirement was not met. Four (4) staff (hire dates: 6/15/15, 4/3/17, 11/7/02 and 10/25/04) did not have evidence of a current staff professional development plan on file in the facility.

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 2019 fire drill log posted in the lobby found that a drill was not conducted during July 2019; therefore, drills were 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 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.

Findings:

General: Based on review of documentation, this regulatory requirement was not met. A letter from the DRCC office stating the facility had submitted an acceptable plan of correction in regards to an investigation conducted on 11/14/18 was framed and posted in the lobby. However, the statement of deficiencies and plan of correction from this investigation was not posted.

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

- 1. The surveyor toured the one (1) year old classroom during the visit and found that a daily schedule was not posted; therefore, the surveyor could not determine the sequence of events or the children's basic routine.
- 2. Three (3) classrooms (three (3) year old room, two (2) year old room and one (1) year old room) had a schedule of daily activities posted that was dated July 2019; therefore, they were no longer current.

Animals In Compliance

