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Inspection Report

Provider Name: Miracles & Wonders Play & Learning Center	Provider Information Provider Type: LICENSED TYPE I	CLR No: L383506
Provider Address: 1183 Devonport Circle, Lexington, KY, 40504		Capacity: 42
Owner(s): New Life Creations, Llc		Director(s): Luckett, Tracy Consuelo

Inspection Type: Renewal Application	Inspection Information	Inspection No: 244613
Date Initiated: 06/01/2018 8:25 AM	Date Concluded: 06/01/2018 10:12 AM	
	No. of Children Present: 14	

Inspection Report	
Background Checks	Not In Compliance
5 - Background check/left alone/dismissed/relocated	Not In Compliance
<p>922 KAR 2:280. Section 3. Implementation and Enforcement.</p> <p>(1) A person who is a child care staff member prior to January 1, 2018, shall submit to and complete background checks in accordance with this administrative regulation no later than September 30, 2018.</p> <p>(2) A child care staff member hired on or after January 1, 2018, shall:</p> <p>(a) Have completed the background checks required in accordance with this administrative regulation and found to have no disqualifying offense prior to becoming a child care staff member; or</p> <p>(b)1. Have submitted to the background checks required in accordance with this administrative regulation;</p> <p>2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and</p> <p>3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result.</p>	
<p>Findings:</p> <p>General: Based on Observation at approximately 8:25 a.m., the surveyor observed two (2) staff in the preschool classroom supervising, directing, and caring for seven (7) children. File review found one staff present was a qualified staff person per the regulations who was hired on 5/3/17. The second staff person present did not have a personnel file for the surveyor to review. The director stated this individual was a volunteer who started in March 2018. She stated this person assists her with the Spanish speaking clientele that attend the facility. She stated the volunteer works from 7:30 a.m. until 10:30 a.m. on Tuesdays, Wednesdays, and Fridays. It is important to note the volunteer was observed leading circle time and small group activities during the inspection. She was acting as the lead caregiver in the classroom during the observation. It is also important to note at approximately 8:45 a.m. the qualified staff person left the classroom to retrieve a trash bag leaving the "volunteer" alone for a brief moment with seven (7) children. During the exit interview, the director stated today was the volunteer's last day because she was going on maternity leave.</p>	

10 - Submit background check

Not In Compliance

922 KAR 2:280. Section 4. Procedures and Payments.

- (1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:**
- (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) Request that the prospective child care staff member complete and sign the:**
 - 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**
 - (c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:**
 - 1. Child abuse and neglect central registry pursuant to 922 KAR 1:470;**
 - 2. National Crime Information Center's National Sex Offender Registry; and**
 - 3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580.**

Findings:

General: Based on Review of Documentation, the surveyor found a staff person hired on 5/16/18 has yet to apply for background checks through the Kentucky National Background Check Program "NBCP" as set forth by 922 KAR 2:280. It is important to note this staff person was not observed working alone with children. This person was paired with a qualified staff person in the infant/ toddler classroom during the observation conducted at approximately 9:40 a.m. The only documents in this person's personnel file presented for review were: proof of education and a TB skin screening.

Supervision

In Compliance

Staffing Requirements

In Compliance

General Administration

Not In Compliance

155 - Liability Insurance

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:**
- (d) Provide written proof of liability insurance coverage of at least \$100,000 per occurrence;**

Findings:

General: Based on Review of Documentation, the facility's liability insurance policy presented for review was no longer valid as of 2/25/18.

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 Interview, the director stated staff meetings had been conducted; however, she could not locate the documentation during the inspection.

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 and interview, the surveyor found two (2) staff eligible for a performance evaluation had not had one completed by the director.

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, the surveyor observed the following: (1) A roll of toilet paper was observed on the bathroom floor. The director stated the children struggle to reach the toilet paper when it is placed on the toilet paper holder. (2) Two (2) outlets located next to the sensory table in the preschool classroom did not contain outlet protectors. Four (4) outlets located in the school-age classroom did not contain outlet protectors. (3) A vacuum cleaner was observed in the dramatic play area accessible to the children in care in the school-age classroom. (4) A small crockpot that was turned on used to warm bottles was observed on a low chair in front of the hand-washing sink in the diapering area of the infant/ toddler classroom. The crockpot was plugged into an extension cord that was extended to the chair from the wall outlet. The director stated there was no other place to plug in the crockpot. (5) A large Kobalt adjustable wrench was observed on a shelving unit located in the entryway of the facility. The surveyor observed children pass through the area as they were being dropped off by their parents.

360 - Caregiver Alone

Not In Compliance

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

(1) A director shall:

(n) 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 Observation, at approximately 8:25 a.m., the surveyor observed two (2) staff in the preschool classroom supervising, directing, and caring for seven (7) children. File review found one staff present was a qualified staff person per the regulations who was hired on 5/3/17. The second staff person present did not have a personnel file for the surveyor to review. The director stated this individual was a volunteer who started in March 2018. She stated this person assists her with the Spanish speaking clientele that attend the facility. She stated the volunteer works from 7:30 a.m. until 10:30 a.m. on Tuesdays, Wednesdays, and Fridays. It is important to note the volunteer was observed leading circle time and small group activities during the inspection. She was acting as the lead caregiver in the classroom during the observation. It is also important to note at approximately 8:45 a.m. the qualified staff person left the classroom to retrieve a trash bag leaving the "volunteer" alone for a brief moment with seven (7) children. During the exit interview, the director stated today was the volunteer's last day because she was going on maternity leave.

Employee Records

Not In Compliance

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, interview, and a review of ECE-TRIS, the surveyor found staff hired on 2/6/17, (2) 2/25/17, and 5/3/17 did not complete the required fifteen (15) hours of cabinet approved early care and education training during their first year of employment. Additionally, a staff person hired on 5/3/17 did not complete the six (6) hour orientation training required within ninety (90) days of hire and the pediatric abusive head trauma training required within the first year of hire.

Programming

In Compliance

Premises

Not In Compliance

540 - Premises Requirements

Not In Compliance

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

(1) The premises shall be:

- (a) Suitable for the purpose intended;**
- (b) Kept clean and in good repair;**

Findings:

General: Based on Observation, the surveyor observed a black sticky substance on a light switch in the toddler classroom.

560 - Building Requirements

Not In Compliance

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

(5) The building shall be constructed to ensure the:

- (a) Building is:**
 - 1. Dry;**
 - 2. Ventilated; and**
 - 3. Well lit, including clean light fixtures that are:**
 - a. In good repair in all areas; and**
 - b. Shielded or have shatter-proof bulbs installed; and**
- (b) Following are protected:**
 - 1. Windows;**
 - 2. Doors;**
 - 3. Stoves;**
 - 4. Heaters;**
 - 5. Furnaces;**
 - 6. Pipes; and**
 - 7. Stairs.**

Findings:

General: Based on Observation, the surveyor found the light fixture in the infant/ toddler diaper changing area over the hand-washing sink only had one (1) working light bulb.

Inspection Report

575 - Protected Openings

Not In Compliance

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

- (8) An opening to the outside shall be effectively protected against the entrance of vermin by:
 - (a) Self-closing doors;
 - (b) Closed windows;
 - (c) Screening;
 - (d) Controlled air current; or
 - (e) Other effective means.

Findings:

General: Based on Observation, the surveyor noted the window in the bathroom was opened. Although the window was screened, the surveyor noted there were several dead moths, flies and a cobweb in the window sill.

650 - Toilet

Not In Compliance

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.

- (4) Each toilet shall:
 - (a) Be kept in clean condition;
 - (b) Be kept in good repair;
 - (c) Be in a lighted room; and
 - (d) Have ventilation to outside air.

Findings:

General: Based on Observation, the surveyor observed standing water on the bathroom floor next to the first toilet. It appeared the water was coming from the base of the toilet. Additionally, the second toilet contained an abundance of toilet tissue.

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Outdoor Play Area

In Compliance

Equipment

Not In Compliance

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, the surveyor observed three (3) area rugs that were stained. The director stated she recently had the rugs professionally cleaned.

Transportation

Not In Compliance

845 - Requirements for Transportation Services

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (2) A center providing or arranging transportation service shall:
 - (a) Be licensed and approved by the cabinet or its designee prior to transporting a child;
 - (b) Have a written plan that details the type of transportation, staff schedule, transportation schedule, and transportation route; and
 - (c) Have written policies and procedures, including emergency procedures practiced monthly by staff who transports children.

Findings:

General: Based on Interview, the director stated she transports children. She stated she had not practiced monthly emergency procedures.

860 - Transportation Notification/Full Coverage Insurance

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:
 - (d) Full insurance coverage for each vehicle;

Findings:

General: Based on Review of Documentation, the insurance policy for the 2001 Ford Windstar van that was presented for review was no longer valid as of 2/25/18.

915 - Pre-trip Inspection

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (8) A daily inspection of the vehicle shall be performed prior to the vehicle's use and documented for the following:
 - (a) Tire inflation consistent with tire manufacturer's recommended air pressure;
 - (b) Working lights, signals, mirrors, gauges, and wiper blades;
 - (c) Working safety restraints;
 - (d) Adequate fuel level; and
 - (e) Cleanliness and good repair.

Findings:

General: Based on Interview, the director stated the public school bus drops off five (5) school-age children at the end of the school day at the facility when school is in session and then those five (5) children are transported by her in a 2001 Windstar mini-van to the owner's other day care facility located on Cambridge Drive which is 0.7 miles away. She stated the school bus does not make a stop at the day care located on Cambridge Drive and that is why she has to transport the children to that location. The director stated she does not complete pre-trip daily inspections of the vehicle prior to using it to transport children.

Inspection Report

960 - Children's Transportation Records

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

(17) Transportation services provided shall:

(a) Be recorded in writing and include:

- 1. The first and last name of the child transported; and
- 2. The time each child gets on and the time each child gets off;

(b) Be completed by a staff member other than the driver; and

(c) Be kept for five (5) years.

Findings:

General: Based on Interview, the director stated that she did not have transportation records documenting the times children are on and off of the van. Therefore, the surveyor was unable to verify the times children are transported to and from the child care center.

Food Service/Food Program

In Compliance

Food Service

Not In Compliance

1055 - Food Clean/Free From Spoilage

Not In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.

(1) Food shall be:

(a) Clean;

(b) Free from:

- 1. Spoilage;
- 2. Adulteration; and
- 3. Misbranding;

(c) Safe for human consumption;

(d) Withheld from service or discarded if the food is hermetically sealed, nonacidic, or low-acidic food that has been processed in a place other than a commercial food-processing establishment;

Findings:

General: Based on Observation, the surveyor observed a carton of eggs in the refrigerator that had an expiration date of April 14, 2018.

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, found one (1) child enrolled on 3/11/16 had immunization documentation that was no longer valid as of 1/5/18.

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, the emergency preparedness plan presented for review had not been updated since 2/22/16. The documentation listed the former director as the contact.

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 and interview with the director, the facility did not have a written professional development plan for staff.

Inspection Report

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, a civil monetary penalty notice issued by the cabinet on 9/19/17 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, a daily of schedule of activities was not posted in the pre-school classroom. The director stated the classroom had recently been painted and the schedule had been taken down.

Animals

Not Applicable

Signature of Provider/Representative

Title

Date