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**Inspection Report**

<b>Provider Name:</b> Puddle Jumpers Learning Center	<b>Provider Information</b>	<b>CLR No:</b> L383506
<b>Provider Address:</b> 1183 Devonport Circle, Lexington, KY, 40504	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 42
<b>Owner(s):</b> New Life Creations, Llc		<b>Director(s):</b> Luckett, Tracy Consuelo

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 289189
<b>Date Initiated:</b> 05/15/2019 8:55 AM	<b>Date Concluded:</b> 05/15/2019 11:30 AM	
	<b>No. of Children Present:</b> 18	

**Inspection Report**

**Background Checks**

**Not In Compliance**

**5 - Background check/left alone/dismissed/relocated**

**Not In Compliance**

**922 KAR 2:280. Section 3. Implementation and Enforcement.**

- (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.**
- (2) A child care staff member hired on or after April 1, 2018, shall:**
  - (a) Have completed the background checks required in accordance with this administrative regulation and been found to have no disqualifying offense prior to becoming a child care staff member; or**
  - (b) 1. Have submitted to the background checks required in accordance with this administrative regulation;**
    - 2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and**
    - 3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result.**

**Findings:**

General: Based on observation and review of documentation, this regulatory was not met.

1) A review of staff files and KARES found a staff person hired 4/24/19 had a background check that was still in process. This staff person was observed caring for five (5) children ages one to two years old alone. This was observed when the surveyors first arrived at the facility. There were three (3) other staff including the director sitting at a table in the preschool room located on the middle floor of the facility. As the surveyors walked in the door of the facility at approximately 8:55 a.m., one (1) of the staff got up from the table and quickly ran downstairs to the room where this staff person was caring for children alone. The director stated that the staff person who quickly ran downstairs was giving her information regarding a child who had been ill. It could not be determined as to how long the staff person was left alone.

2) A review of records also found that a staff person hired 4/29/19 did not have their fingerprints taken until 5/7/19. An interview with the director found that this staff person worked one (1) week at the facility before having their fingerprints taken.

**Inspection Report**

**Supervision**

**Not In Compliance**

**90 - Children Supervised**

**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:**

General: Based on observation, this regulatory requirement was not met. At the time of the survey a group of seven (7) three-year-old children were moved from the preschool classroom located on the middle floor of the facility to another room located on the top level of the facility. The room is located at the end of the hallway and is L shaped. The bathroom is located to the right as you come up the steps. The staff person in the room was observed helping a child in the bathroom while leaving the remaining six (6) children unsupervised in the classroom area. The children in the classroom could not be seen by the staff person who was inside the bathroom helping the child.

**Staffing Requirements**

**In Compliance**

**General Administration**

**Not In Compliance**

**260 - Change of Director**

**Not In Compliance**

**922 KAR 2:090. Section 12. Reports.**

**(3) A licensee shall report to the cabinet within one (1) week:**

- (a) Any resignation, termination, or change of director; and**
- (b) The name of the acting director who satisfies the requirements of Section 10 of this administrative regulation.**

**Findings:**

General: Based on review of documentation, this regulatory requirement was not met. The Division of Regulated Child Care (DRCC) records were reviewed prior to the survey to determine the named director and any other changes and deficiencies the facility had documented two (2) years prior. A review of the KARES system found that the staff person documented in DRCC records was listed as having separated employment. There was no documentation in DRCC records of a new director being named. At the time of the survey, a staff person identified herself as the new director. Further interview with this individual found that the previous director left employment at the facility sometime in November 2018 and she was then named as director by the owners of the facility. She stated further that she did not realize until April 2019 that a request for a change of director had not been submitted. The director provided an email sent to personnel in Frankfort on 4/17/19 indicating the request for a change of director. The new director also stated she is the director of another facility owned by the same entity.

**Director Requirements**

**Not In Compliance**

**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, this regulatory requirement was not met.

- 1) The cord from a Home Medics brand radio was observed plugged into the wall by a crib in the sleeping area used for infants and toddlers. The cord was loose and accessible to the children.
- 2) In a laundry room/bathroom area located off of the sleeping area used for infants and toddlers, a toilet brush and toilet plunger were observed on the floor by the toilet. There is not a door or gate to assure children do not enter this area making these items accessible to the children.
- 3) In the room used for activities for the infants and toddlers, there were five (5) chairs stacked on top of a low table. Children ages one to two (1-2) years old were observed playing in this room at the time of the survey. This is a safety hazard for the children.
- 4) In the preschool room located on the middle floor of the facility, there was an electrical outlet that was missing a plug cover. The outlet was located beside the blue sensory table making the uncovered receptacle accessible to the children.

**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, this regulatory was not met.

A review of staff files and KARES found a staff person hired 4/24/19 had a background check that was still in process. This staff person was observed caring for five (5) children ages one to two years old alone. This was observed when the surveyors first arrived at the facility. There were three (3) other staff including the director sitting at a table in the preschool room located on the middle floor of the facility. As the surveyors walked in the door of the facility at approximately 8:55 a.m., one (1) of the staff got up from the table and quickly ran downstairs to the room where this staff person was caring for children alone. The director stated that the staff person who quickly ran downstairs was giving her information regarding a child who had been ill. It could not be determined as to how long the staff person was left alone.

**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, this regulatory requirement was not met. A review of nine (9) staff files found the following:

- 1) A staff person hired 5/1/19 did not have a copy of a high school diploma, GED or other qualifying document on file at the facility. The director stated this staff person had lived in El Salvador and graduated from a high school in that country.
- 2) A staff person hired 4/24/19 did not have a copy of a high school diploma, GED or other qualifying document on file at the facility. The director stated this staff person had lived in Guatamaula and graduated from a high school in that country.
- 3) A staff person hired 5/7/19 did not have a copy of a high school diploma, GED or other qualifying document on file at the facility. The director stated this staff person had lived in El Salvador and graduated from a high school in that country.
- 4) A staff person hired 4/29/19 did not have a copy of a high school diploma, GED or other qualifying document on file at the facility. The director stated this staff person is a retired school teacher and will have the required documentation.
- 5) A staff person hired 5/1/19 did not have a copy of a high school diploma, GED or other qualifying document on file at the facility. The director stated this staff person had lived in Mexico and graduated from a high school in that country.

**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. A review of nine (9) staff files found the following:

- 1) A staff person hired 5/1/19 did not have a current T.B. test or statement from a health professional indicating the individual is free from the symptoms of T.B.
- 2) A staff person hired 4/24/19 did not have a current T.B. test or statement from a health professional indicating the individual is free from the symptoms of T.B.
- 3) A staff person hired 4/29/19 had the results of a T.B. test read on 5/3/19. The T.B. test was completed after the staff person's date of hire and not prior to employment.
- 4) A staff person hired 5/7/19 had the results of a T.B. test read on 5/19/19. The T.B. test was completed after the staff person's date of hire and not prior to employment.

**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 ECE Tris records, this regulatory requirement was not met. A review of nine (9) staff files found the following:

- 1) A staff person hired 11/14/18 did not have documentation to verify the completion of six (6) hours of cabinet approved orientation training within the first three (3) months of employment.
- 2) A staff person hired 2/28/16 had taken pediatric abusive head trauma training on 12/10/13. There was no evidence to verify this staff person had completed this training once every five (5) years.
- 3) A staff person who is the director and had a hire date of 2/25/16 had taken pediatric abusive head trauma training on 9/30/13. There was no evidence to verify this staff person had completed this training once every five (5) years. An interview with the director found she was not aware the pediatric abusive head trauma training had to be taken every five (5) years.

**415 - Driver Requirements**

**Not In Compliance**

**922 KAR 2:120. Section 12. Transportation.**

**(18) A driver of a vehicle transporting a child for a center shall:**

- (a) Be at least twenty-one (21) years old;**
- (b) Complete:**
  - 1. The background checks as described in 922 KAR 2:280; and**
  - 2. An annual check of the:**
    - a. Kentucky driver history records in accordance with KRS 186.018; or**
    - b. Driver history records through the state transportation agency that issued the driver's license;**
- (c) Hold a current driver's license which has not been suspended or revoked during the last five (5) years; and**
- (d) Not caused an accident which resulted in the death of a person.**

**Findings:**

General: Based on interview, this regulatory requirement was not met. An interview with the director found she is the staff person who drives the van. A review of records found that there was not a current driver history through the transportation agency that issued the driver's license on file at the facility.

**Programming**

**Not In Compliance**

**465 - Electronic Viewing/Listening Planned Program**

**Not In Compliance**

**922 KAR 2:120. Section 3. General Requirements.**

**(1) Electronic viewing and listening devices shall only be used in the center as a part of the child's planned program of activity as established in Section 2(4) of this administrative regulation.**

**Findings:**

General: Based on observation, this regulatory requirement was not met. Upon the surveyor's arrival at the facility, a group of twelve (12) children ages three to five (3-5) years old were watching the cartoon Angry Birds. A review of the daily schedule found that television viewing was not listed as part of the daily plan of activities. A review of the posted lesson plan found that the viewing of Angry Birds was not listed as part of the planned curriculum.

**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.

- 1) In a laundry room/bathroom located off of the infant/toddler sleeping area, a gallon jug of Pro Force floor stripper was located on the back of the toilet.
- 2) A twenty-four pack of Coke was observed on the floor inside the doorway. There was not a door or gate blocking entry into this area making these items accessible to the children.
- 3) In the preschool room located on the middle level of the facility, a staff person's purse was observed on top of the sensory table. The purse was accessible to the children.

**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.

- 1) In the infant/toddler play area there were several areas on the walls that contained tape residue with an accumulation of dirt and grime.
- 2) In the preschool room located on the middle floor of the facility, there was an accumulation of dirt and dust along the baseboard under the pull down diaper changing station.
- 3) In the bathroom located in the preschool room located on the middle level of the facility, there was an area on the wall in front of the toilets where the paint had peeled away from the surface.
- 4) In the preschool room located on the middle level of the facility, there were several area rugs that were soiled and stained.

**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, this regulatory requirement was not met. In the bathroom located in the preschool room on the middle level of the facility, water was observed on the floor next to the toilet located at the far end of the bathroom. It appeared that the water was coming from the toilet bowl.

Inspection Report

Hygienic Practices

Not In Compliance

710 - Toy Sanitation Procedure

Not In Compliance

922 KAR 2:120. Section 11. Toys and Furnishings.

- (4) A toy or another item that is considered a mouth contact surface by a child not toilet trained shall be sanitized daily by:
  - (a) 1. Scrubbing in warm, soapy water using a brush to reach into crevices;
  - 2. Rinsing in clean water;
  - 3. Submerging in a sanitizing solution for at least two (2) minutes; and
  - 4. Air dried; or
  - (b) Cleaning in a dishwasher if the toy or other item is dishwasher safe.

Findings:

General: Based on interview, this regulatory requirement was not met. An interview with staff in the infant/toddler room found that toys are sanitized daily by putting the toys in bleach water, then rinsing them off and allowing them to air dry. This method of sanitizing toys used by children not toilet trained does not meet the requirement as described in this regulation.

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, this regulatory requirement was not met. In the bathroom located on the upper level of the facility, a first aid kit was observed in an unlocked cabinet under the sink in the bathroom. The bathroom is used by the children in the Three-Year-Old room. The first aid kit was accessible to the children.

730 - Medication

Not In Compliance

922 KAR 2:120. Section 7. First Aid and Medicine.

- (6) Medication, including refrigerated medication, shall be:
  - (a) Stored in a separate and locked place, out of the reach of a child unless the medication is:
    - 1. A first aid supply and is maintained in accordance with subsection (1) of this section;
    - 2. Diaper cream, sunscreen, or toothpaste. Diaper cream, sunscreen, or toothpaste shall be inaccessible to a child;
    - 3. An epinephrine auto-injector. A licensed child-care center shall comply with KRS 199.8951 and 311.646, including:
      - a. An epinephrine auto-injector shall be inaccessible to a child;
      - b. A child-care center shall have at least one (1) person onsite who has received training on the administration of an epinephrine auto-injector if the child-care center maintains an epinephrine auto-injector;
      - c. A child-care center shall seek emergency medical care for a child if an auto-injector is administered to the child; and
      - d. A child-care center shall report to the child's parent and the cabinet in accordance with 922 KAR 2:090, Section 12(1)(b) if an epinephrine auto-injector is administered to a child; or
    - 4. An emergency or rescue medication for a child in care, such as medication to respond to diabetic or asthmatic condition, as prescribed by the child's physician. Emergency or rescue medication shall be inaccessible to a child in care;
  - (b) Kept in the original bottle; and
  - (c) Properly labeled.
- (7) Medication shall not be given to a child if the medication's expiration date has passed.

Findings:

General: Based on observation, this regulatory requirement was not met. In the infant/toddler play area, a tube of Equate brand sunscreen and a tube of Desitin diaper ointment were observed in a child's cubby. Neither of these items were labeled for an individual child. Some of the children in the room are two-years-old and mobile and are tall enough to reach these items.

Outdoor Play Area

In Compliance

**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. Upon arrival at the facility a tour of the facility was taken. In the infant/toddler play area two (2) children who are one-year-old were observed sleeping in a swing. The children were not placed in a crib or on mat to sleep. In the infant/toddler sleeping area there were three (3) cribs. Each of these cribs had sheets that were loose fitting and did not fit tightly over the mattress.

**820 - Indoor/Outdoor Equipment**

**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. In the preschool room located on the middle level of the facility, a blackboard was observed mounted on one (1) of the walls. The lower corner of the blackboard was missing a large section of the wooden frame on one (1) side.

**Transportation**

**Not In Compliance**

**880 - Vehicle Equipment**

**Not In Compliance**

**922 KAR 2:120. Section 12. Transportation.**

**(4) A vehicle used to transport children shall be equipped with:**

- (a) A fire extinguisher;**
- (b) First aid supplies as established in Section 7 of this administrative regulation;**
- (c) Emergency reflective triangles; and**
- (d) A device to cut the restraint system, if necessary.**

**Findings:**

General: Based on observation, this regulatory requirement was not met. An inspection of first aid supplies located on the van used to transport children found that a working flashlight and liquid soap were not available. The cold pack located with the materials appeared to have burst. There was not another cold pack on the vehicle.

**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 review of documentation, this regulatory requirement was not met. A review of records noting the names of the children transported on the van found there were eight (8) children documented as having gotten on and off the van at the same time. It should be noted that the van only has seating for seven (7) people which includes the driver who is the director. During the exit conference the director stated she transports the school age children to their other location located on Cambridge Drive. She stated she does not transport all eight (8) children at the same time and stated she makes two (2) trips. The director indicated in interview she put the same time on and off for all of the children and did not think about putting a different time for the children she transported on the second trip.

**Food Service/Food Program**

**In Compliance**

**Food Service**

**Not In Compliance**

**1075 - Bottle Preparation by Parent**

**Not In Compliance**

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

**(4) Formula or breast milk provided by the parent shall be prepared and labeled.**

**Findings:**

General: Based on observation, this regulatory requirement was not met. In the infant/toddler play area two (2) cans of infant formula were observed in one (1) of the children's cubbies. An interview with staff in the room found the facility provides formula for those parents who choose to use the brand they offer. However, there is one (1) child that requires a different type of formula than what is provided by the facility. The staff person stated that they prepare the child's bottle by measuring the water and powdered formula.

Inspection Report

Children's Records

Not In Compliance

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, this regulatory requirement was met. Out of ten (10) children's files reviewed, it was found that two (2) children's enrollment information did not include individuals who have been designated to pick up the child. At the time of the survey, the surveyors also asked the director for the file of an additional child that had not been pulled for review. This was done to determine the age of the child. However, the director was unable to produce a file or any type of identifying information for this particular child.

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. A review of documents provided for review found that 2/22/16 was the last date documented as having submitted for approval an emergency evacuation plan in accordance with KRS 199.895 and 42 U.S.C. 9858c(c)(2)(U).

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 observation and review of documentation, this regulatory requirement was not met. At the time of the survey there were eighteen (18) children present. However, only four (4) children had a documented time of arrival.

Posted Documentation

In Compliance

Animals

Not Applicable

Signature of Provider/Representative

Title

Date