



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL

Eric Friedlander
SECRETARY

Melissa A. Moore, Director
Division of Regulated Child Care
Eastern Branch
455 Park Place, Suite 120A
Lexington, KY 40511

Adam Mather
INSPECTOR GENERAL

Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Inspection Report

Provider Name: Marino's Day Care Center	Provider Information	CLR No: L350183
Provider Address: 130 West Fifth Street, Lexington, KY, 40508	Provider Type: LICENSED TYPE I	Capacity: 28
Owner(s): Marian Berry		Director(s): Berry, Marian Jones

Inspection Type: Renewal Application	Inspection Information	Inspection No: 304503
Date Initiated: 10/27/2020 9:05 AM	Date Concluded: 10/27/2020 10:30 AM	
	No. of Children Present: 3	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
155 - Liability Insurance	Not In Compliance
<p>922 KAR 2:090. Section 6. License Issuance.</p> <p>(8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:</p> <p>(d) Provide written proof of liability insurance coverage of at least \$100,000 per occurrence;</p> <p>Findings:</p> <p>General: Based on review of documentation, it was found that the insurance policy presented for review at the time of the inspection had the effective dates of 10/8/19 - 10/8/2020. There was no other documentation to verify the facility has current liability insurance policy.</p>	
Director Requirements	In Compliance
Employee Records	Not In Compliance
400 - CPR/First Aid Coverage	Not In Compliance
<p>922 KAR 2:090. Section 11. Staff Requirements.</p> <p>(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:</p> <p>(a) Infant and child cardiopulmonary resuscitation; and</p> <p>(b) Infant and child first aid.</p> <p>(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:</p> <p>(a) Adult cardiopulmonary resuscitation; and</p> <p>(b) First aid.</p> <p>Findings:</p> <p>General: Based on observation, interview and review of documentation, upon arrival at the facility, there was only one staff person present with one child. A review of staff files found that the staff person (Date of hire: 4/15/04) present did not have documentation on file at the facility to verify they are currently certified in CPR and First Aid. At approximately 10:00 a.m., another staff person arrived. A review of this staff person's file (Date of hire: 2/13/15) found that this staff person is currently certified in CPR and First Aid. An interview with the staff person in charge found that she had taken a CPR and first Aid course recently but had not received her cards for documentation.</p>	

Inspection Report

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 and review of documentation, the staff person responsible for transporting children had a driver history record dated 7/23/19. This driver history record was not current as required by this regulation. It should be noted that an interview with the driver found they have not been transporting children. The date of hire for this staff person is 2/13/15.

Programming

In Compliance

Premises

In Compliance

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Outdoor Play Area

In Compliance

Equipment

In Compliance

Transportation

Not In Compliance

840 - Transportation Compliance

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

(1) A center shall document compliance with KRS Chapter 186 and 603 KAR 5:072 pertaining to:

- (a) Vehicles;
- (b) Drivers; and
- (c) Insurance.

Findings:

General: Based on review of documentation, it was found that the proof of insurance for the vehicle listed to transport children had the effective dates of 10/31/18-1031/19. There was no other documentation available for review to verify there is current insurance on the vehicle.

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, it was found that the vehicle used to transport children did not have a CPR mouthpiece available as part of the first aid supplies on the vehicle.

Food Service/Food Program

In Compliance

Food Service

In Compliance

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, it was found that one child's enrollment information did not contain a 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 at the time of the survey, there was no documentation available to verify the facility has a written evacuation plan and that the plan has been submitted to the local emergency management as required by KRS 199.985 and 42 U.S.C. 9858c(c)(2)(U).

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, the facility did not have a written record of having conducted quarterly earthquake drills that included the date, time and names of children who participated. Further review of documentation found that information regarding practiced fire drills and tornado drills were recorded as one drill and not separately.

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 documentation to verify earthquake drills have been conducted quarterly. Further review of documentation found that monthly fire drills and quarterly tornado drills are documented as one drill and not separately.

Posted Documentation

Not In Compliance

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 observation, it was found that the posted planned program of activities did not have a date listed as to when the planned activities would be implemented.

Animals

Not Applicable

Inspection Report

Emergency Regulation

Not In Compliance

1255 - Emergency Regulation

Not In Compliance

922 KAR 2:405E. Emergency Regulation.

Due to the current declared public health emergency caused by the Novel Coronavirus Disease (COVID-19), licensed child care centers must operate under Centers for Disease Control and Prevention and public health guidelines, as mandated by 922 KAR 2:405E, to prevent the spread of COVID-19.

Findings:

General: Based on observation, interview and review of documentation, the following was found:

- 1) During a tour of the large room, a blanket and pillow were observed in an area used for the children's activities. An interview with the staff person in charge found that these items are used by the children.
- 2) An interview with the staff person in charge found that the facility does not have a written cleaning plan as required by this regulation. The staff person in charge showed the surveyor the supplies used for cleaning and sanitizing.
- 3) A review of ECE-TRIS records found that two staff had not completed the required training for centers to reopen. The staffs dates of hire are 4/15/04 and 2/13/15.

Signature of Provider/Representative

Title

Date