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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: 322546
Date Initiated: 09/14/2022 3:08 PM	Date Concluded: 09/19/2022 5:45 PM	
	No. of Children Present: 2	

Inspection Report	
Background Checks	In Compliance
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 interview and review of documentation, compliance with the State Fire Marshal's office was not verified. During the survey, it was found there was no current Fire Marshal inspection. The documentation presented for review at the time of the survey was dated from 2015.	
160 - 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 interview and review of documentation, the child care center failed to comply with regulatory requirements. Review of documentation found proof of current liability insurance was presented for review at the time of survey; however, verification of the coverage amount was not presented for review. Interview with staff-in-charge revealed she could not locate this documentation at the time of survey.	
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, the child care center failed to maintain the health, safety, and comfort of children. It was found during the survey that two (2) electrical wall outlets, located directly underneath a table in the far back left corner of the main room, were uncovered and accessible to children.	

Inspection Report

Director Requirements

Not In Compliance

335 - Operation instruction/Regulation copy

Not In Compliance

922 KAR 2:090. Section 8. General.

(2) Child-care center staff shall be:

- (a) Instructed by the child-care center's director regarding requirements for operation; and**
- (b) Provided with a copy of this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280.**

Findings:

General: Based on interview and review of documentation, the child care center director failed to assure compliance with regulatory requirements. Review of documentation found that a current copy of administrative regulations 922 KAR 2:090 and 922 KAR 2:280 were not presented for review at the time of survey.

360 - 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, the child care center failed to maintain staff files in accordance with state regulations. Review of staff files found two employees with date of hire 6/15/2016, and 3/3/2021 were missing evaluations. Interview with the director found the documents were not available for review at the time of survey.

Employee Records

Not In Compliance

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, the child care center failed to maintain employee records in accordance with regulations. Review of staff files found that a high school diploma, GED, or Commonwealth Child Care Credential was not presented for review at the time of survey for one (1) staff member hired 6/15/2016. Interview with the director revealed she needed to obtain proof of education for this staff member.

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 observation and review of documentation, the child care center failed to maintain employee records in accordance with regulations. Review of staff files found that a statement from a health professional that the individual with date of hire 6/15/2016, is free of active tuberculosis or a copy of negative tuberculin results was not presented for review at the time of survey.

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 observation and review of documentation, the child care center failed to maintain staff records in accordance with state regulations. During the inspection, it was found that staff member hired 08/17/2016, had zero (0) training hours in the Early Care and Education Training Records Information System database.

Programming

In Compliance

Premises

Not In Compliance

595 - Fire Exits Clear

Not In Compliance

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

- (3) Fire and emergency exits shall be kept clear of debris.**

Findings:

Based on observation, the child care center failed to maintain state regulations in regards to clear fire exits. At the time of the survey, it was revealed that two (2) exits/entrances to the facility were inaccessible. The front door leading to the main room was locked, and the foyer was being used as storage, filled with supplies and boxes. The side screen door was blocked from the inside completely by a table being used for storage and paperwork.

Inspection Report

605 - 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, it was determined the child care center failed to comply with regulatory requirements regarding premises, specifically building requirements. Observation found the large main room was poorly lit. Only two of the three ceiling lights were operational at the time of the survey; leaving the back part of the room dimly lit.

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, the child care center failed to maintain the premises according to state regulations. The following was found:

- 1.) In the main room, the entire baseboard along the right wall contained dust buildup.
- 2.) There was chipping paint and wood damage around a window sill located on the right wall in the main room.

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, the child care center failed to maintain the premises in accordance with regulations. The following was found:

- 1.) On the playground, the end of a white pipe was protruding from the ground, near the entrance steps.
- 2.) There was a dark/black substance covering the bottom of the screen door on the west side of the house, accessible from the playground.
- 3.) Two (2) shovels and four (4) paint cans, that were covered in rust, leaned against the back of the house between the garbage cans and heating and air unit, accessible from the playground.
- 4.) An upside down appliance dolly was located between two trashcans in the rear of the house, accessible from the playground.

Equipment

Not In Compliance

860 - Toys/Furniture

Not In Compliance

922 KAR 2:120. Section 13. 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 child care center failed to maintain safety of its furniture. Upon inspection, it was found a high chair, located in the main room, had no straps to secure a child when seated, or protective mats on the chair itself.

Transportation

In Compliance

Inspection Report

Kitchen Requirements

Not In Compliance

1030 - Food Service Permit

Not In Compliance

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

(2) A child-care center required to have a food service permit shall be in compliance with 902 KAR 45:005 and this administrative regulation.

Findings:

General: Based on interview and review of documentation, the child care center failed to maintain state regulations regarding a food service permit. During the survey, it was found that the documentation presented for a food service permit was expired and dated for 2021.

Food Service

Not In Compliance

1155 - Drinks

Not In Compliance

922 KAR 2:120. Section 9. Food and Drink Requirements for All Child-Care Centers.

(15) Drinks served to children shall not have added sugar. Children shall drink water, milk, or 100% juice with meals.

Findings:

General: Based on observation and interview, the child care center failed to maintain state regulations. At the time of the survey it was found that two school-age children consumed ginger ale during the time of their snack/meal.

1180 - All Food Components

Not In Compliance

922 KAR 2:120. Section 9. Food and Drink Requirements for All Child-Care Centers.

(20) Children shall be served all daily food components required by Section 10 or 11 of this administrative regulation.

Findings:

General: Based on observation and interview, the child care center failed to maintain state regulations. At the time of the survey, it was found that two school-age children were observed eating bags of Taki's chips. This item does not meet the qualifications to be counted as a meal component.

Meal Planning/Center Provides Meals

Not In Compliance

1220 - Menu

Not In Compliance

922 KAR 2:120. Section 10. Meal Planning Requirements for a Center that Provides Meals.

(9) A weekly menu shall be:

- (a) Prepared;**
- (b) Dated;**
- (c) Posted in advance in a conspicuous place;**
- (d) Kept on file for thirty (30) days; and**
- (e) Amended in writing with any substitutions on the day the meal is served.**

Findings:

General: Based on observation and review of documentation, the child care center failed to maintain state regulations. It was found that the posted menu had no date; therefore, it could not be determined if the menu was current.

Meal Planning/Center Does Not Provide Meals

In Compliance

Children's Records

In Compliance

Written Documentation

Not In Compliance

1280 - 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 interview and review of documentation, the child care center failed to maintain written documentation in accordance with regulations. Review of staff files found that one staff member hired on 03/03/21, did not have evidence of a professional development plan on file at the facility. Interview with owner/director revealed a staff professional development plan had not been completed for this staff member.

Posted Documentation

Not In Compliance

1320 - Disaster Course of Action

Not In Compliance

922 KAR 2:090. Section 9. Records.

(1) A child-care center shall maintain:

- (j) A written plan and diagram outlining the course of action in the event of a natural or manmade disaster, posted in a prominent place;**

Findings:

General: Based on observation and interview, the child care center failed to maintain state regulations. Upon inspection, no documentation was posted or presented for an evacuation disaster plan. An interview with the director revealed that it was not available at the time of the survey.

1325 - 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, the child care center failed to post documentation in accordance with regulations. In the Main Room it was found the daily schedule of activities did not have dates or times.

Signature of Provider/Representative

Title

Date