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Inspection Report

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|---|---------------------------------------|---|
| Provider Name: Kinder Care Learning Center #419 | Provider Information | CLR No: L350185 |
| Provider Address: 628 Wellington Way, Lexington, KY, 40503 | Provider Type: LICENSED TYPE I | Capacity: 110 |
| Owner(s): Kindercare Learning Centers Llc | | Director(s): Goble, Brigette Marie |

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| Inspection Type: Renewal Application | Inspection Information | Inspection No: 306993 |
| Date Initiated: 06/10/2021 9:10 AM | Date Concluded: 06/10/2021 12:45 PM | |
| | No. of Children Present: 67 | |

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| Inspection Report | |
| Background Checks | In Compliance |
| Supervision | In Compliance |
| Staffing Requirements | In Compliance |
| General Administration | Not In Compliance |

210 - 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 surveyor found the following:
- 1.) In the Discovery room, children's coats were touching as they were hung on hooks close together. Also, the sleeping blankets and sheets were protruding from children's individual cubbies and touching one another.
 - 2.) The plunger was stored on the floor beside the toilet in the children's bathroom in the Preschool and Pre-Kindergarten rooms.
 - 3.) Brooms and dustpans were accessible to the children in three rooms (Toddler B, Pre-Kindergarten and Discovery). These methods of storing promotes the spread of germs and bacteria.
 - 4.) During a tour of Pre-Kindergarten bathroom, the surveyor observed that a roll of paper towels children use in the bathroom area is stored in an unsanitary manner, positioned on the back of the toilet.
 - 5.) During a tour of the Discovery bathroom, the surveyor observed a broken toilet paper dispenser cover, exposing the toilet paper roll that children use, which makes it unsanitary.

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| Director Requirements | In Compliance |
| Employee Records | Not In Compliance |

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, a staff members hired 04/21/2021, 04/26/2021 and 05/24/2021 did not have evidence of a high school diploma, GED or Commonwealth Child Care Credential on file in the facility.

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, staff members hired 08/31/2020, 12/14/2020 and 05/24/2021 did not have a current TB test or statement from a health professional on file.

Programming

Not In Compliance

420 - Program of Activities Followed

Not In Compliance

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 observation and review of documentation, the surveyor found the following:
 1.) Daily planned program of activities without the dates in four rooms (Toddler A, Toddler B, Preschool and Pre-Kindergarten).
 2.) The surveyor observed empty shelves in the Toddler B room. The classroom did not offer a variety of creative activities for the children in care.

445 - Waiting Period

Not In Compliance

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

- (8) A child shall not be required to stand or sit for a prolonged period of time:**
 - (a) During an activity;**
 - (b) While waiting for an activity to start; or**
 - (c) As discipline.**

Findings:

General: Based on observation and interview, this regulatory requirement was not met. The surveyor observed children were sitting for a prolonged period of time waiting for lunch to be served. In the interview, the staff person stated they started getting ready and seated for lunch at 10:45 am as lunch is served around 11:00 am. At 11:15 am, children were still sitting at the table without any activity. A staff person was holding a child who was falling asleep, trying to keep that child awake. It is not developmentally appropriate to keep children waiting a prolonged period of time with no activity nor to try to keep them awake if they are falling asleep.

495 - Bedding/Toys in Crib

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:**
 - 3. No loose bedding, such as a bumper or a blanket; and**
 - 4. No toys or other items except the infant's pacifier;**

Findings:

General: Based on observation and interview, the surveyor found the following in the Infant room:
 1.) Plastic storage bins with children's personal belongings placed on the mattress in the crib.
 2.) Orange Velcro fabric strip used to hold the top part of the side of the crib. The top part of the side of the crib can be folded down for easier access when placing or picking up a child from the crib. The orange strip is being used when a child is in the crib which poses a choking hazard for the infants.

Inspection Report

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. During the tour of the facility, the surveyor found staff purses accessible to children in three rooms (Toddler B, Pre-Kindergarten and Discovery).

525 - Items Accessible Only During Activity

Not In Compliance

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

- (8) The following shall be inaccessible to a child in care unless under direct supervision and part of planned program of instruction:**
- (a) Knives and sharp objects;**
 - (b) Litter and rubbish;**
 - (c) Bar soap; and**
 - (d) Plastic bags not used for personal belongings.**

Findings:

General: Based on observation in the Discovery room, the surveyor observed gloves and rolls of trash bags on the changing table that were accessible to the children in care. Also, there were trash bags being stored in an unlocked cabinet accessible to the children. Gloves and trash bags are a choking hazard and shall be stored out of the reach of children.

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

- 1.) Dirty trash cans in four rooms (Toddler A, Toddler B, Preschool and Pre-Kindergarten).
- 2.) Ceiling vents and exhaust fans contained an accumulations of dust in Toddler B and Pre-Kindergarten rooms.
- 3.) Clutter in the corner next to the bathroom entrance in the Pre-Kindergarten room.
- 4.) Plastic green toy that is used for a puppet show in the Pre-Kindergarten room was dirty.

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, in the Discovery room the surveyor observed ceiling light bulb cover was not secured properly and was exposing the lightbulbs. In the exit interview the staff person in charge stated that the work order has been placed.

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. The surveyor found the following:

- 1.) Chipped paint on the walls in Pre-Kindergarten room and bathroom.
- 2.) Holes in the wall in the Toddler A and Discovery rooms.
- 3.) Walls were dirty in four rooms (Toddler A, Pre-Kindergarten, Preschool and Discovery).

615 - Indoor Gross Motor Space Requirements

Not In Compliance

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

(22) If a child-care center does not have access to an outdoor play area, an indoor space shall:

- (a) Be used as a play area;**
- (b) Have a minimum of sixty (60) square feet per child, separate from and in addition to the thirty-five (35) square feet minimum pursuant to subsection (6) of this section;**
- (c) Include equipment for gross motor skills; and**
- (d) Have a protective surface of at least two (2) inches thick around equipment intended for climbing.**

Findings:

General: Based on observation, this regulatory requirement was not met. During a tour of the Toddler A room, the surveyor observed a climbing structure placed by the dividing wall. The structure did not have protective surface around it.

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, the surveyor found that the water temperature was 80°F in the Pre-Kindergarten room and bathroom, as well as Toddler A and Toddler B rooms.

Hygienic Practices

Not In Compliance

685 - Diaper Changing Area/Surface

Not In Compliance

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

(10) When a child is diapered, the child shall:

- (b) Be placed on a surface that is:**
 - 1. Clean;**
 - 2. Padded;**
 - 3. Free of holes, rips, tears, or other damage;**
 - 4. Nonabsorbent;**
 - 5. Easily cleaned; and**
 - 6. Free of any items not used for diaper changing.**

Findings:

General: Based on observation, the surveyor found the following items on the changing tables, accessible to the children in care:

- 1.) Baby lotion in the Infant room.
- 2.) Trash bags and gloves in the Discovery room.

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 observation and interview, the staff person stated that the items mouthed by a child not toilet trained are sprayed with class cleaner or red cleaner provided by the center then air dried. This is not the proper procedure for sanitizing those items.

Inspection Report

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, the surveyor found missing items in the First Aid kit: liquid soap, First Aid book, scissors and CPR mouthpiece protector.

720 - Medication Administration

Not In Compliance

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

- (4) Prescription and nonprescription medication shall be administered to a child in care:**
 - (a) 1. With a written request of the child's parent or the child's prescribing health professional; and**
 - 2. According to the directions or instructions on the medication's label; or**
 - (b) For epinephrine, in accordance with KRS 199.8951 and 311.646.**

Findings:

General: Based on observation and interview, this regulatory requirement was not met. The surveyor observed unlabeled baby lotion on the changing table in the Infant room. The staff person stated that she uses it for herself and children in care. The staff person did not have written permission from the parents to use the lotion.

Outdoor Play Area

Not In Compliance

745 - Playground Clean

Not In Compliance

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

- (20) An outdoor play area shall be:**
 - (c) Free from:**
 - 1. Litter;**
 - 2. Glass;**
 - 3. Rubbish; and**
 - 4. Flammable materials;**

Findings:

General: Based on observation, this regulatory requirement was not met. During the inspection of the outdoor play area, the surveyor found popsicle wraps and several broken plastic cups on the grounds.

750 - 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, this regulatory requirement was not met. During the inspection of the outdoor play area, the following was found:
1.) Plants and branches protruding through the fence on Toddler and Preschool playgrounds.
2.) Large plastic bin was not locked on the Preschool playground, making it accessible to the children in care.

Inspection Report

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 observed the following:

- 1.) The area around the big blue slide on the Preschool playground used by the children did not have a sufficient amount of ground cover. The mulch was sparse and grass/dirt was visible at the bottom of the slide.
- 2.) The small yellow slide on the Toddler playground was positioned by the edge of the playground. This placement of the slide does not meet an appropriate fall zone requirement.

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, this regulatory requirement was not met. During the tour of the Pre-Kindergarten room, the surveyor observed a dirty blue plastic toy used for a puppet play.

Transportation

Not Applicable

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, this regulatory requirement was not met. During a tour of the kitchen, the surveyor observed the following:

- 1.) A bag of rotten zucchini in the fridge.
- 2.) The bottom shelf of the fridge was dirty; had a sticky food stains.

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, it was found that a child enrolled in the center did not have a current immunization certificate on file in the facility.

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 a child enrolled in the center did not have a preferred hospital listed in their file.

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 interview and review of documentation, there was no evidence that the facility's Emergency Preparedness Plan has been updated or submitted to the proper authority for review since 2019.

1185 - Confidentiality/Maintenance/Access

Not In Compliance

922 KAR 2:090. Section 9. Records.

(2) A child-care center shall:

- (a) Maintain the confidentiality of a child's record and information concerning a child or the child's parent;
- (b) Maintain all records for five (5) years; and
- (c) Provide the cabinet access and information in the completion of the investigation pursuant to KRS 620.030.

Findings:

General: Based on observation, it was found that a list of children and their allergies was posted in the Toddler A room. The list was in a conspicuous area and could be viewed by anyone in that classroom.

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 Web site 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 observation, the following was found:

- 1.) There was no information from the Kentucky Consumer Product Safety Program as specified in KRS 199.897 posted in the facility.
- 2.) The daily schedule of activities in Toddler A room was not posted.

Animals

In Compliance

Signature of Provider/Representative

Title

Date