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Inspection Report

Provider Name: Totally Kids Learning Center	Provider Information	CLR No: L383821
Provider Address: 902 North Main St., Barbourville, KY, 40906	Provider Type: LICENSED TYPE I	Capacity: 40
Owner(s): Totally Kids Learning Center LLC		Director(s): Trent, Delone Michelle

Inspection Type: Renewal Application	Inspection Information	Inspection No: 291846
Date Initiated: 12/02/2019 10:05 AM	Date Concluded: 12/02/2019 12:30 PM	
	No. of Children Present: 24	

Inspection Report	
Background Checks	In Compliance
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, the surveyor observed the following:	
(1.) The staff in the Preschool Classroom was sitting in a chair looking down at her cell phone. The children in the Preschool Classroom were screaming and climbing on top of the furniture inside the classroom. Staff in the classroom was not properly supervising the children as she was utilizing her cell phone. No additional staff was present in the classroom.	
(2.) A four-year-old child was observed to walk from the Preschool Classroom to the restroom without a staff present. A staff realized the child was walking to the restroom just prior to the child entering the restroom. The child walked from the Preschool Classroom, into the Twos Classroom, entering the School Age Classroom before walking into the restroom.	

Inspection Report

Staffing Requirements

Not In Compliance

125 - Ratios and Group Size

Not In Compliance

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

(2) For an operating child-care center, minimum staff-to-child ratios and group size shall be maintained as established in the table established in this subsection.

Age of Children Ratio Maximum Group Size*

Infant

1 staff for 5 children 10

Toddler 12 to 24 months

1 staff for 6 children 12

Toddler 24 to 36 months

1 staff for 10 children 20

Preschool-age 3 to 4 years

1 staff for 12 children 24

Preschool-age 4 to 5 years

1 staff for 14 children 28

School-age 5 to 7 years

1 staff for 15 children 30

School-age 7 and older

1 staff for 25 children

(for before and after school) 30

1 staff for 20 children

(full day of care) 30

***Maximum Group Size shall be applicable only to Type I child-care centers.**

(b) The age of the youngest child in the group shall determine the:

- 1. Staff-to-child ratio; and**
- 2. Maximum group size.**

Findings:

General: Based on observation, the surveyor found seven (7) one-year-old children present in the Toddler Classroom with one (1) staff present. Staff confirmed through interview the age of the children. Therefore, the staff-to-child ratio was exceeded by one (1) child.

General Administration

In Compliance

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 surveyor found that staff meetings were not documented in writing. Staff confirmed that the staff meetings were conducted; however, the staff meetings were not documented in writing.

350 - Health, Safety, Comfort

Not In Compliance

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

(1) A director shall:

- (i) Assure the health, safety, and comfort of each child;**

Findings:

General: Based on observation, the surveyor found the following:

(1.) A large flat screen television was observed on a countertop in the Preschool Classroom. The television was not secured to the countertop. Based on the surveyor observing children climbing on shelves and tables, the unsecured television creates a safety risk for the children as the television could turn over on the children.

(2.) An uncovered electrical outlet was observed in the Infant Classroom. Staff was not aware of the issue.

(3.) A two-year-old child was observed to be sleeping on the tile floor in the Twos Classroom. Staff reported the child had been asleep for five (5) minutes. When the surveyor questioned the staff why the child was sleeping on the tile floor, the staff reported the child refused to get up off of the floor.

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, the surveyor found a staff's (DOH: 10/28/19) file did not contain a high school diploma, GED, or Commonwealth Child Care Credential. Staff reported the documentation was not obtained for the staff's file.

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, the surveyor found the following:

- (1.) Staff's (DOH: 5/15/19) file contained a copy of a negative tuberculin result dated 8/18/17; therefore, the result was no longer current.
 (2.) Staff's (DOH: 10/28/19) file did not contain a statement from a health professional that the individual was free from active tuberculosis or a copy of a negative tuberculin result. Staff reported the documentation had been obtained for the staff's file; however, the documentation could not be presented during the surveyor's visit.

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, the surveyor found a lesson plan was not posted in the following classrooms: Preschool Classroom, Twos Classroom, Infant Classroom, or the Toddler Classroom. Staff confirmed through interview that lesson plans had not been provided to them for their classrooms. The surveyor observed the classrooms to be chaotic with no structure for the children.

485 - Infant Sleep Position

Not In Compliance

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.

- (1) An infant shall sleep or nap on the infant's back unless the infant's health professional signs a waiver that states the infant requires an alternate sleeping position.**

Findings:

General: Based on observation, the surveyor found an infant child was sleeping in a swing in the Infant Classroom. Staff confirmed the child had been asleep for approximately fifteen (15) to twenty (20) minutes. According to staff, the child does not have a written statement from a healthcare professional indicating that the child requires an alternate sleeping position.

Premises

Not In Compliance

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, the surveyor found a glue like substance on the floor surrounding shelves in the Preschool Classroom. Staff reported the substance was liquid nail from where the shelves had moved away from the floor.

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 found a liquid substance, yellow in color, on the toilet seat in the restroom; therefore, the toilet was not kept in a clean condition.

Inspection Report

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 debris underneath the diaper changing pad in the Infant Classroom and the Twos Classroom.

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 the first aid kit did not contain the following required items:

- (1.) Medical Tape
- (2.) Scissors
- (3.) Thermometer
- (4.) Cardiopulmonary resuscitation mouthpiece protector
- (5.) Flashlight

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, the surveyor observed a ziplock bag located inside the unlocked first aid kit. The ziplock bag contained one (1) Tylenol. The first aid kit was located on top of cubbys inside the Preschool Classroom. Children were observed climbing on the furniture inside the classroom; therefore, the medication was not stored in a separate and locked place and was accessible to the children.

Outdoor Play Area

In Compliance

Equipment

In Compliance

Transportation

Not Applicable

Food Service/Food Program

In Compliance

Food Service

Not In Compliance

1050 - Bottles

Not In Compliance

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

(9) Bottles shall be:

- (a) Individually labeled;**
- (b) Promptly refrigerated;**
- (c) Covered while not in use; and**
- (d) Consumed within one (1) hour of being heated or removed from the refrigerator.**

Findings:

General: Based on observation, the surveyor observed an uncovered bottle with milk on top of a cubby inside the Toddler Classroom. The surveyor observed the bottle not being utilized at approximately 10:20 a.m. Staff reported that the bottle was used to feed a child at breakfast at 8:30 a.m. The bottle was not promptly refrigerated, covered when not in use, or consumed within one (1) hour of being heated and removed from the refrigerator.

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, the surveyor found a child's (DOE: 3/28/19) file contained an immunization certificate dated 10/15/19; therefore, the immunization certificate was no longer current.

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, the surveyor found the following:

- (1.) A child's (DOE: 8/2/19) file did not contain contact information for the child's preferred physician.
- (2.) A child's (DOE: 8/2/19) file did not contain contact information for the child's preferred physician.

Written Documentation

Not In Compliance

1155 - Policies and Procedures

Not In Compliance

922 KAR 2:090. Section 8. General.

(4) Program policies and procedures shall:

(a) Be in writing; and

(b) Include:

- 1. Staff policies;**
- 2. Job descriptions;**
- 3. An organization chart;**
- 4. Chain of command; and**
- 5. Other procedures necessary to ensure implementation of:**
 - a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;**
 - b. 922 KAR 2:120, Child-care center health and safety standards;**
 - c. 922 KAR 2:280, Background checks for child care staff members, reporting requirements, and appeals; and**
 - d. This administrative regulation.**

Findings:

General: Based on review of documentation, the child care center's chain of command needed to be updated. The current chain of command that was documented list staff that are no longer employed by the child care center.

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, the surveyor found the following:

- (1.) Seven (7) children were present in the Preschool Classroom with only five (5) children's arrival times documented on the daily attendance record.
 - (2.) Five (5) children were present in the Infant Classroom with only two (2) children's arrival times documented on the daily attendance record.
 - (3.) Seven (7) children were present in the Toddler Classroom with only five (5) children's arrival times documented on the daily attendance record.
 - (4.) Five (5) children were present in the Twos Classroom with only three (3) children's arrival times documented on the daily attendance record.
- Staff reported parents forget to sign their children into the child care center on the daily attendance record.

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 surveyor found the following:

(1.) A written record of the children who participated in the fire drills were not documented for the following dates: 1/9/19, 2/20/19, 3/14/19, 4/30/19, 5/15/19, 6/24/19, 7/2/19, 8/2/19, 9/6/19, and 10/14/19.

(2.) A written record of the children who participated in the earthquake drills were not documented for the following dates: 1/16/19, 4/18/19, 7/1/19 and 10/14/19.

(3.) A written record of the children who participated in the tornado drills was not documented for the following dates: 1/16/19, 4/18/19, 7/1/19 and 10/14/19.

Posted Documentation

In Compliance

Animals

In Compliance

Signature of Provider/Representative

Title

Date