



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL

Melissa A. Moore, Director
Division of Regulated Child Care
Southern Branch
116 Commerce Ave
London, KY 40744

Phone: (606) 330-2030 Fax: (606) 330-2056
<https://chfs.ky.gov/agencies/os/oig>

Eric Friedlander
SECRETARY

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Smart Start Early Learning Academy	Provider Information	CLR No: L383861
Provider Address: 2801 Us Highway 25e, Suite 100, Middlesboro, KY, 40965	Provider Type: LICENSED TYPE I	Capacity: 79
Owner(s): Smart Start Early Learning Academy, LLC		Director(s): Rudd, Taylor Leigh

Inspection Type: Investigation	Inspection Information	Inspection No: 320359
Date Initiated: 03/02/2022 9:54 AM	Date Concluded: 03/02/2022 11:00 AM	
	No. of Children Present: 28	

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 review of documentation, the surveyor found the following:

1. A staff (DOH: 01/03/22) file did not contain documentation of background checks submitted through the Kentucky National Background Check Service, a Criminal Records Check (CRC), or a Child Abuse/Neglect Check (CAN). Based on review of the Kentucky National Background Check Service, the staff member did not have a completed background check prior to employment; therefore, the staff person was hired prior to clearance for employment. Completed forms for CAN and CRC were filled out by the staff person and was found in the staff persons file but had not been submitted. During interview, staff-in-charge stated that the staff person had not worked alone children. The surveyor did not observe the staff person working alone with children.

2. A staff (DOH: 01/28/22) file did not contain documentation of background checks submitted through the Kentucky National Background Check Service, a Criminal Records Check (CRC), or a Child Abuse/Neglect Check (CAN) prior to employment. Based on review of the Kentucky National Background Check Service, the staff member did not have a completed background check; therefore, the staff person was hired prior to clearance for employment. During interview, staff-in-charge stated that the staff person had not worked alone with children and would submit their paperwork. The surveyor did not observe the staff person working alone with children.

3. A staff (DOH: 12/23/21) file did not contain documentation of background checks submitted through the Kentucky National Background Check Service, a Criminal Records Check (CRC), or a Child Abuse/Neglect Check (CAN) prior to employment. Based on review of the Kentucky National Background Check Service, the staff member did not have a completed background check; therefore, the staff person was hired prior to clearance for employment. During interview, staff-in-charge stated that the staff person had not worked alone with children and would submit their paperwork. The surveyor did not observe the staff person working alone with children.

4. A staff (DOH: 02/28/22) file did not contain documentation of background checks submitted through the Kentucky National Background Check Service, a Criminal Records Check (CRC), or a Child Abuse/Neglect Check (CAN). Based on review of the Kentucky National Background Check Service, the staff member did not have a completed background check; therefore, the staff person was hired prior to clearance for employment. During interview, staff-in-charge stated that the staff person had not worked alone with children and would submit their paperwork. The surveyor did not observe the staff person working alone with children.

395 - Personnel File

Not In Compliance

922 KAR 2:090. Section 9. Records.**(1) A child-care center shall maintain:****(e) A current personnel file for each child-care center staff person to include:**

- 1. Name, address, date of birth, and date of employment;**
- 2. Proof of educational qualifications;**
- 3. Record of annual performance evaluation;**
- 4. Documentation of compliance with tuberculosis screening in accordance with Section 11(1)(b) of this administrative regulation; and**
- 5. The results of background checks conducted in accordance with 922 KAR 2:280;**

Findings:

General: Based on observation and review of documentation, the surveyor observed a staff (DOH: 2/28/22) person working in the Glowworm Classroom during the surveyor's initial head count. When the surveyor reviewed staff files, the surveyor found that the staff file was not present. Staff-in-charge stated that the staff person had just started working at the center that week and the center had not created a file; therefore, the surveyor was unable to review or verify the staff person's information and the center failed to maintain a personnel file for the staff person.

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 surveyor was not presented with a staff file for staff (DOH: 02/28/22) and education for the staff was not presented to the surveyor. Staff-in-charge stated that the staff person had just started working at the center that week and the center had not created a file yet.

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 review of documentation, the surveyor was not presented with a staff file for staff (DOH: 02/28/22) and TB documentation for the staff was not presented to the surveyor. Staff-in-charge stated that the staff person had just started working at the center that week and the center had not created a file yet.

Signature of Provider/Representative

Title

Date