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GOVERNOR

**CABINET FOR HEALTH AND FAMILY SERVICES**  
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**Eric Friedlander**  
SECRETARY

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INSPECTOR GENERAL

**Inspection Report**

<b>Provider Name:</b> Funshine Child Care	<b>Provider Information</b>	<b>CLR No:</b> L383871
<b>Provider Address:</b> 21 E. 32nd St., Covington, KY, 41015	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 100
<b>Owner(s):</b> Funshine Child Care, Llc		<b>Director(s):</b> Powers, Tonya

<b>Inspection Type:</b> Investigation	<b>Inspection Information</b>	<b>Inspection No:</b> 318486
<b>Date Initiated:</b> 08/24/2021 11:45 AM	<b>Date Concluded:</b> 08/24/2021 2:10 PM	
	<b>No. of Children Present:</b> 41	

Inspection Report	
Background Checks	Not In Compliance
<b>5 - Background check/left alone/dismissed/relocated</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:280. Section 3. Implementation and Enforcement.</b></p> <p>(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.</p> <p>(2) A child care staff member hired on or after April 1, 2018, shall:</p> <p>(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</p> <p>(b) 1. Have submitted to the background checks required in accordance with this administrative regulation;</p> <p>2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and</p> <p>3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result.</p>	
<p><b>Findings:</b></p> <p>General: Based on review of documentation and interview, this regulatory requirement was not met. The following was found:</p> <ol style="list-style-type: none"> <li>One staff person (hire date: 4/16/21) had a completed child abuse/neglect check (CAN) on file; however, did not have a completed criminal records check (CRC). The staff person had an application for the National Background Check Program that had been filled out and placed in her file; however, her information had not yet been entered in the system. Staff stated during interview that this staff person worked alone with a group of one and two year old children the afternoon of 8/5/21.</li> <li>One person identified as a 17 year old volunteer (start date: 8/9/21), did not have evidence or results of a CAN check on file. The staff person in charge stated that this person works at the facility several days a week.</li> <li>One staff person (hire date: 7/1/21) did not have evidence or results of background checks on file.</li> <li>One staff person (hire date: 7/5/21) was observed paired with another staff person in the preschool classroom during the visit. The surveyor reviewed the Kentucky National Background check database (KARES) and found this staff person listed as "Not Eligible". Her fingerprints were submitted for processing on 7/29/21 and the 8/16/21 was listed as the determination date. The staff person in charge stated that she thought the finding was an error since the staff person's first name was not spelled correctly in the KARES database.</li> </ol>	

# Inspection Report

## 20 - Out of state background checks

Not In Compliance

### 922 KAR 2:280. Section 5. Checks of Other States.

(1) In accordance with 45 C.F.R. 98.43(b)(3), a prospective child care staff member who resides in or has resided in another state within the last five (5) years shall:

(a) Request from each state of current or prior residency, in accordance with the state's laws, policies, and procedures, with a courtesy notice to the cabinet:

1. An in-state criminal records check by:

a. Means of fingerprints for the state of residence; or

b. Any means accepted by a state of prior residency;

2. A check of the state's sex offender registry or repository; and

3. A check of the state-based child abuse and neglect registry and database; and

(b) Direct results of the checks required in paragraph (a) of this subsection to the Department for Community Based Services, Division of Child Care, 275 East Main Street, 3C-F, Frankfort, Kentucky 40601.

#### Findings:

General: Based on review of documentation, this regulatory requirement was not met. One staff person (hire date: 7/1/21) did not have evidence or results of background checks on file and she did not have evidence or results of an out of state background check from Ohio. This staff person had a copy of an Ohio Driver's License in her file; therefore, she would need a child abuse and neglect check and a sexual abuse registry check from this state.

#### Supervision

In Compliance

#### Staffing Requirements

In Compliance

#### General Administration

Not In Compliance

## 180 - Plan of Correction/15 days

Not In Compliance

#### Findings:

A PLAN OF CORRECTION WAS DUE ON 10/21/2021 AND AS OF 10/08/2021, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.

#### Director Requirements

Not In Compliance

## 370 - Caregiver Alone

Not In Compliance

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

(1) A director shall:

(m) Assure that a person acting as a caregiver of a child in care shall not be left alone with a child, if the licensee has not received the results of the background checks as described in 922 KAR 2:280;

#### Findings:

General: Based on review of documentation and interview, this regulatory requirement was not met. One staff person (hire date: 4/16/21) had a completed child abuse/neglect check (CAN) on file; however, did not have a completed criminal records check (CRC). The staff person had an application for the National Background Check Program that had been filled out and placed in her file; however, her information had not yet been entered in the system. Staff stated during interview that this staff person worked alone with a group of one and two year old children the afternoon of 8/5/21.

#### 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, two staff (hire dates: 6/25/21 and 7/5/21) did not have educational documentation on file.

## 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, one staff person (hire date: 7/5/21) did not have T.B. documentation on file.

#### Hygienic Practices

In Compliance

Signature of Provider/Representative

Title

Date