



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL

Eric Friedlander
SECRETARY

Melissa A. Moore, Director
Division of Regulated Child Care
Eastern Branch
455 Park Place, Suite 120A
Lexington, KY 40511

Adam Mather
INSPECTOR GENERAL

Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Inspection Report

Provider Name: St. Mary School	Provider Information	CLR No: L383894
Provider Address: 1121 Main Street, Paris, KY, 40361	Provider Type: LICENSED TYPE I	Capacity: 22
Owner(s): Catholic Diocese of Lexington		Director(s): Marsh, Lucy Ann

Inspection Type: Renewal Application	Inspection Information	Inspection No: 292594
Date Initiated: 02/05/2020 9:05 AM	Date Concluded: 02/05/2020 12:00 PM	
	No. of Children Present: 17	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
155 - 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 review of documentation, the liability insurance reviewed was not current. The document reviewed was dated 12/31/2018 to 12/31/2019.	
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 review of documentation, the staff meeting documentation listed the names of the individuals who had attended, but did not list the topics addressed during the meetings.	
345 - 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, two staff members hired 10/16/18 and 12/10/18, did not have an evaluation on file.	

Inspection Report

350 - Health, Safety, Comfort

Not In Compliance

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

(1) A director shall:

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

Findings:

General: Based on observation,

- 1.) There was one uncovered electrical outlet in the hallway outside of the three- to five-year-old classroom.
2.) The children's coats were placed on a rack with a plastic divider separating them, however; the divider did not expand the full length of the coats leading to the fabric touching. This method of storage of the children's belongings allows for cross contamination of germs.

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, one staff member hired 12/10/18, did not have documentation of their educational qualifications on file.

410 - 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 within the first three (3) months of employment;
(b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment, including one and one-half (1 1/2) hours of cabinet-approved pediatric abusive head trauma training; and
(c) Fifteen (15) hours of cabinet-approved early care and education training during each subsequent year of employment, including one and one-half (1 1/2) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.

Findings:

- General: Based on review of documentation,
1.) Two staff members, both hired 10/16/18, did not have evidence of completing cabinet-approved Pediatric abusive head trauma training. This training is to be completed during the first year of employment, and repeated every five years thereafter.
2.) Two staff members, hired 10/16/18 and 12/10/18, did not have evidence of completing cabinet-approved orientation training. This training is required within the first 90 days of employment.
3.) Staff members hired 10/16/18, 10/23/18, and 12/10/18, did not complete fifteen hours of cabinet-approved early care and education training during the last full year of employment. Staff member hired 10/16/18 had completed ten hours, staff member hired 10/23/18 had completed twelve hours, and staff member hired 12/10/18 had completed one hour of training.
A review of ECE-TRIS supports these findings.

Programming

In Compliance

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, the following items were accessible to the children in the three- to five-year-old classroom:

- 1.) A phone charging cord was hanging beside the closet; this cord was frayed and exposed the electrical wiring.
2.) Lysol cleaner and cough drops were found stored on a low shelf underneath the television.
3.) There was hand sanitizer placed on a low shelf, the warning label on the back of the hand sanitizer read, "Keep out of reach of children."
4.) A staff member's purse was located on the floor of the classroom near the radiator.

The following items were accessible to children outside of the classroom:

- 1.) There was a clear plastic bin on the bathroom floor that contained a toilet brush, a plunger, and three cans of chemical cleaner.
2.) A storage cabinet located in the hallway outside of the classroom housed chemical cleaners, insecticide, and a toilet brush. This cabinet was unlocked, therefore was accessible.

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, during a tour of the three- to five-year-old classroom, the surveyor observed two radiators and one pipe that were hot to the touch. An additional radiator was not protected in the restroom.

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, during a tour of the three- to five-year-old classroom, the surveyor observed two water-stained ceiling tiles.

Hygienic Practices

In Compliance

First Aid/Medication

Not In Compliance

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, a child's inhaler was stored in a bin, which was located behind the unlocked closet door in the classroom. This emergency medication was accessible to the children in care, as it was stored at a low height within reach of the children.

Outdoor Play Area

In Compliance

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, the wood on the back of the writing center shelf was splintering and not smooth.

Transportation

In Compliance

Inspection Report

Food Service/Food Program

Not In Compliance

975 - Milk Requirements

Not In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.

(3) A serving of milk shall consist of:

(a) Breast milk or iron-fortified formula for a child:

- 1. Age birth to twelve (12) months; or**
- 2. Beyond twelve (12) months of age as documented by the parent or the child's physician;**

(b) Pasteurized whole milk for children ages twelve (12) months to twenty-four (24) months; or

(c) Pasteurized low fat one (1) percent or fat-free skim milk for children ages twenty-four (24) months to school-age.

Findings:

General: Based on interview, the staff person in charge stated that she was not aware that milk is a required component for lunch; therefore, does not provide or ensure that this component was served during lunchtime.

995 - Lunch/Dinner Requirements

Not In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.

(19) Lunch and dinner shall include:

(a) Milk;

(b) Protein;

(c) Bread; and

(d) 1. Two (2) vegetables;

2. Two (2) fruits; or

3. One (1) fruit and one (1) vegetable.

Findings:

General: Based on observation and interview, this regulatory requirement was not met. The staff in charge indicated that the children pack their lunches Monday through Thursday, and on Friday they can either pack their lunch or have pizza. The staff in charge indicated that she was unaware that the children shall be served milk with their lunches. The staff in charge stated that the majority of the children do not pack milk in their lunches and the facility does not supplement milk for the children.

Food Service

Not In Compliance

1060 - Food From Approved Source

Not In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.

(1) Food shall be:

(e) Obtained from a source that is in compliance with the Department of Public Health's food safety standards and permits, established in KRS Chapter 217;

(f) Acceptable if from an established commercial food store;

Findings:

General: Based on interview, the staff person in charge stated that the facility provides Hunt Brother's Pizza on Fridays. The staff member stated that the pizza is prepared at the Parish Hall industrial kitchen, which is located down the street from the facility. The staff person in charge did not have a copy of the food service permit for the Parish Hall.

1130 - Menu

Not In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.

(16) 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, interview and review of documentation, this regulatory requirement was not met. The facility did not have a snack menu or a lunch menu posted. The staff in charge indicated that the children pack their lunches Monday through Thursday, and on Friday they can either pack their lunch or have pizza that is catered by the parish. This information was not posted.

Children's Records

In Compliance

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 review of documentation, the emergency plan reviewed was dated 7/12/2018. This plan did not have evidence of being submitted to local emergency management.

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 review of documentation, the daily attendance documentation presented did not list the arrival and departure time of the students.

1165 - Staff Schedule

Not In Compliance

922 KAR 2:090. Section 9. Records.

(1) A child-care center shall maintain:

- (d) A written schedule of staff working hours;**

Findings:

General: Based on review of documentation, a written schedule of staff working hours was not available for review.

1170 - 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:

Based on review of documentation, two staff members hired on 10/16/18, one staff member hired 10/23/18, and one staff member hired 12/10/18, did not have a professional development plan in their personnel file.

1175 - Earthquake/Tornado/Fire Drills

Not In Compliance

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 fire, earthquake and tornado drill documentation did not record the names of the children who had participated.

1195 - Fire Drills

Not In Compliance

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

(12) A fire drill shall be:

- (a) Conducted during hours of operation at least monthly; and**
- (b) Documented.**

(13) An earthquake drill and a tornado drill shall be:

- (a) Conducted during hours of operation at least quarterly; and**
- (b) Documented.**

Findings:

General: Based on review of documentation, there was no evidence that a monthly fire drill had been conducted in the month of January 2020.

Inspection Report

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 Website 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, this regulatory requirement was not met. The following items were not posted:

- 1.) There was not a plan of correction posted with the statement of deficiency from the licensing inspection on 10/16/18. Additionally, the statement of deficiency and plan of correction from the 3/16/2019, licensing visit was not posted, nor made available for public review.
- 2.) The Consumer Product Safety Commission flyer was not posted or available for public viewing.
- 3.) Minimum staff-to-child ratios and group size established were not posted for review. A document was found that read, "Ratio 1 staff to 10 children." This document does not meet the requirements for posted ratios, as this document does not list the ages that this ratio applies. This ratio applies to children aged two, the ratios for children aged three to five were not posted at the facility.
- 4.) The daily planned programming reviewed was dated 1/21/20. The plan was not current.

1210 - 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 review of documentation, the posted diagram did not document emergency routes in the event of an emergency. Additionally, there was no written instruction to inform building occupants what course of action to take in the event of an emergency.

Animals

In Compliance

Signature of Provider/Representative

Title

Date