



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL**

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Inspection Report

Provider Name: Johnson's Day Care	Provider Information	CLR No: L352585
Provider Address: 5533 Bruce Avenue, Louisville, KY, 40214	Provider Type: LICENSED TYPE I	Capacity: 58
Owner(s): Johnson Day Care, Inc.		Director(s): Mattingly, Amanda Marie

Inspection Type: Renewal Application	Inspection Information	Inspection No: 292399
Date Initiated: 01/29/2020 8:27 AM	Date Concluded: 01/29/2020 3:20 PM	
	No. of Children Present: 39	

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

290 - Fire Marshal/Zoning Compliance **Not In Compliance**

922 KAR 2:120. Section 4. Premises Requirements.
(2) A child-care center shall be in compliance with the State Fire Marshal and the local zoning laws.

Findings:

General: Based on interview and review of documentation, the staff in charge did not present a current Fire Marshal report. The document presented was no longer current, dated 2017.

Director Requirements	Not In Compliance
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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: In the preschool Red room was a large round fan that was turned on and sitting on the floor, accessible to the children. In the Infant classroom, hanging on a pole behind a crib being used by a child hung an unsecure 11 X 14 picture saying "Welcome" that could fall into the crib. A blue picture was hanging unsecurely on a black hook over three (3) bouncy seats. There was a child sitting under the picture, also in the Infant classroom were two (2) cribs being used by the children stored under two (2) shelves that are secured to the wall. The shelving units were holding pastic boxes and bags. There was a crib stored under a three(3)foot silver fire extinguisher that was secured to the wall but moves if touched. There was a crib being used by a child in the corner of the room that was under a corner shelf that housed blankets and sheets that were hanging from the shelf over the crib. In the Two (2) Year Old classroom was a tall floor lamp that was not secure and the electrical cord was accessible to the children. In the cafeteria was a small table, that was not being used, that had three (3) chairs resting upside down on the table top, the legs of the chairs were at the children's eye level. In the One Year Old classroom at 10:27 A.M. lunch was being served; the children were served a whole slice of pizza, black beans and sliced apples. The children were struggling to eat the pizza, one child, was trying to eat the pizza and got frustrated and threw the pizza down on the plate, there was another child sitting in a high chair trying to manipulate the slice of pizza and could not get it to his/her mouth, the child kept dropping the pizza. There was a staff beside the child, but did not offer assistance. A child picked up an apple slice and could not hold it and got frustrated and threw the apple on his/her plate. There were three (3) staff in the classroom. Additionally, in the One Year Old classroom, a staff member put a child in a high chair and neglected to secure the safety belt around the child. The staff member slid the tray onto the high chair. In the front of the child care center on the concrete area, where the children play, was a gas grill that was hooked up to propain. The staff in charge said, "We only use it one time a year." Based upon observation, in the Two Year Old room, there was a forty (40) inch T.V. sitting on the floor, in front of the stairs that are used by children.

Employee Records	In Compliance
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Inspection Report

Programming

Not In Compliance

425 - Practice Appropriate Self-Help Procedures

Not In Compliance

922 KAR 2:120. Section 2. Child Care Services.
(4) The child-care center shall provide a daily planned program:
(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 the following:
11. An opportunity for a child to:
c. Practice developmentally appropriate self-help procedures in respect to:
(i) Clothing;
(ii) Toileting;
(iii) Hand-washing; and
(iv) Eating;

Findings:

General: Based on observation and interview, the one year olds were served lunch, but the children were not offered a utensil to eat with. A staff member stated, "They do not give One Year Olds utensils to eat with and if they are served yogurt, the staff feeds all of the children."

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, in the Infant classroom there were eight(8)cribs used by children that had sheets that were loose.

Premises

Not In Compliance

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, the black latch did not properly lock on the half door located in the child care center's foyer. In the Preschool Green room, the windowsill was peeling green paint. The wooden deck adjacent to the back of the child care center was chipping tan paint and there were two(2)areas of wood missing out of the corners of wooden plank leaving two(2)holes, three(3)inches in diameter, leaving a rusty nail protruding through the wood.

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 Two Year Old room there was a double pane window that was broken on the outside bottom right corner.

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, in the Preschool Green room the ceiling above the Library center was chipping plaster, leaving a hole and showing dry wall. Upon observation, going up the stairs on the left side of the wall was a white vent that came loose from the wall, exposing a screw and leaving a half of an inch (1/2) gap accessible to the children.

Hygienic Practices

In Compliance

Inspection Report

First Aid/Medication

Not In Compliance

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 interview and review of documentation, medication had been administered to a child. The staff in charge failed to provide a record of permission from a parent or a health care provider with written instructions on how and when to administer medication to the child. However, the staff in charge did provide an Administration Record of when the medication was administered.

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, on the Preschool playground there were three (3) large collapsed cardboard boxes in the right corner of the fencing.

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, throughout the Preschool and Two Year Old playground were rail road ties that were split and broken, exposing rusty rail road stakes. Observation on the Infant and Toddler playground revealed a loose black fabric that was showing through the protective surface. The fabric presented a foreseeable tripping hazard.

760 - Fences

Not In Compliance

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

- (23) Fences shall be:**
 - (a) Constructed of safe material;**
 - (b) Stable; and**
 - (c) In good condition.**

Findings:

General: Based on observation, the fence around the Infant and Toddler playground was chipping paint. The rusted metal fencing around the garden area was not attached to the wooden fence structure, leaving a hole in the damaged fence exposing sharp points that were protruding, and was accessible to the children.

Equipment

Not In Compliance

790 - Crib/Mattress/Sheet

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:**
 - 1. An individual non-tiered crib that meets Consumer Product Safety Commission standards established in 16 C.F.R. 1219-1220;**
 - 2. A firm crib mattress in good repair with a clean tight-fitted sheet that shall be changed:**
 - a. Weekly; or**
 - b. Immediately if it is soiled or wet;**

Findings:

General: Based on observation, in the Infant classroom was eight(8) cribs with loose fitting sheets being used by the children.

800 - Twelve Inch Spacing

Not In Compliance

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

- (6) Cots, equipment, and furnishings used for sleeping and napping shall be spaced twelve (12) inches apart to allow free and safe movement by a person.**

Findings:

General: Based on observation, in the Infant classroom, there were two (2)cribs being used that was not twelve(12)inches a part.

Inspection Report

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 of the play area in front of the child care center, there were three(3)wooden play houses that were chipping paint and the wooden walls on all three (3)of the houses were rotted and splintering around the windows and the entry way of the houses. Also, on the playground were two (2) wooden benches that were chipping tan paint.

820 - Indoor/Outdoor Equipment

Not In Compliance

922 KAR 2:120. Section 11. Toys and Furnishings.

- (2) Indoor and outdoor equipment shall:**
 - (a) Be clean, safe, and in good repair;**
 - (b) Meet the physical, developmental needs, and interests of children of different age groups;**
 - (c) Be free from sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous small parts, lead-based paint, poisonous material, and flaking or chalking paint; and**
 - (d) Be designed to guard against entrapment or situations that may cause strangulation.**

Findings:

General: Observation of the Preschool playground revealed a rusty See-Saw that was chipping yellow paint and the frame of the soccer net was rusted.

Transportation

Not In Compliance

845 - Requirements for Transportation Services

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (2) A center providing or arranging transportation service shall:**
 - (a) Be licensed and approved by the cabinet or its designee prior to transporting a child;**
 - (b) Have a written plan that details the type of transportation, staff schedule, transportation schedule, and transportation route; and**
 - (c) Have written policies and procedures, including emergency procedures practiced monthly by staff who transports children.**

Findings:

General: Based on interview and review of documentation, the staff in charge failed to provide evidence of the following procedures: 1.The type of transportation provided; 2.Staff schedule; 3.Transportation schedule; and 4.Emergency procedures practiced monthly.

855 - Transportation Notification/Plan for Ensuring Staff Duties

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:**
 - (c) Plan for ensuring staff perform duties relating to transportation properly;**

Findings:

General: Based and interview and review of documentation, the staff in charge failed to provide a written plan of duties for staff transporting children.

865 - Transportation Notification/Policy & Procedures Regarding Emergency Plan for Evacuation

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:**
 - (e) Agency policy and procedures relating to an emergency plan for evacuating the vehicle;**

Findings:

General: Based on review of documentation and interview, the staff in charge failed to provide evidence of a plan to evacuate the van in case of an emergency.

875 - Transportation Notification/Safety Procedures - Transporting, Loading/Unloading and Supervision

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the:**
 - (g) Safety procedures for:**
 - 1. Transporting a child;**
 - 2. Loading and unloading a child; and**
 - 3. Providing adequate supervision of a child.**

Findings:

General: Based on interview and review of documentation, the staff in charge failed to maintain a record to ensure the children are safe when loading and unloading the van.

910 - Car Seats

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (7) The appropriate car safety seat meeting federal and state motor vehicle safety standards in 49 C.F.R. 571.213 and KRS 189.125 shall be used for each child.**

Findings:

General: Based on interview and of observation, multiple children varying in ages and sizes were being transported on the day of the observation. There was no evidence of car seats being used in the van for children under the height requirements of fifty-seven (57) inches and eight (8) years old. The staff in charge stated, "She has never used car seats."

Food Service/Food Program

In Compliance

Inspection Report

Food Service

Not In Compliance

1010 - Kitchen Requirements

Not In Compliance

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

(1) The kitchen shall:

(a) Be clean;

(b) Be equipped for proper food:

1. Preservation;

2. Storage;

3. Preparation; and

4. Service;

(c) Be adequately ventilated to the outside air; and

(d) Except in a Type II child-care center when a meal is not being prepared, not be used for the activity of a child.

Findings:

Observation of the kitchen revealed no evidence of a ventilation system leading to outside air.

1030 - Frozen Food

Not In Compliance

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

(5) Frozen food shall be:

(a) Kept at a temperature of zero degrees Fahrenheit or below; and

(b) Thawed:

1. At refrigerator temperatures;

2. Under cool, potable running water;

3. As part of the cooking process; or

4. By another method in accordance with the Department of Public Health's food safety standards and permits, established in KRS Chapter 217.

Findings:

General: Based on observation in the kitchen, the temperature of the large white refrigerator freezer and the small white refrigerator freezer could not be determined due to not having a measuring device.

1040 - Kitchen Equipment Clean and Sanitary

Not In Compliance

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

(7) The following shall be clean and sanitary:

(a) Eating and drinking utensils;

(b) Kitchenware;

(c) Food contact surfaces of equipment;

(d) Food storage utensils;

(e) Food storage containers;

(f) Cooking surfaces of equipment; and

(g) Nonfood contact surfaces of equipment.

Findings:

General: Based on observation, in the kitchen was a white plastic dish holder that sat on a counter, that stored wet, clean dishes. It had a brown substance and dirt dried on the dish holder and the attached white mat. In the One Year Old room during lunch, the staff member failed to sanitize the high chair before placing a child in it.

1070 - Food Protected From Contamination

Not In Compliance

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

(1) Food shall be:

(h) Protected against contamination from:

1. Dust;

2. Flies;

3. Rodents and other vermin;

4. Unclean utensils and work surfaces;

5. Unnecessary handling;

6. Coughs and sneezes;

7. Cuts in skin;

8. Communicable disease;

9. Flooding;

10. Drainage; and

11. Overhead leakage.

Findings:

General: Based on observation, at 10:26 A.M. lunch was being transported to the One Year Old room by a staff member; the staff member had three plastic plates stacked on top of one another. The bottom of the plastic plates were touching the food being served to the children.

Inspection Report

1120 - Sufficient Room/Eating Utensils Supplied

Not In Compliance

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

(13) Meals shall be:

(b) Served to a child:

- 1. Seated with sufficient room to manage food and tableware; and**
- 2. Supplied with individual eating utensils designed for use by a child.**

Findings:

General: Based on observation and interview, when the One Year Old children were being served lunch the staff members did not offer the children utensils. The staff member stated, "They do not give one year olds utensils to eat with, and if they are served yogurt, the staff feeds all of the children."

Children's Records

In Compliance

Written Documentation

In Compliance

Posted Documentation

In Compliance

Animals

In Compliance

Signature of
Provider/Representative

Title

Date