



**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**  
Southern Branch  
116 Commerce Ave  
London, KY 40744

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

**Adam Mather**  
INSPECTOR GENERAL

**Inspection Report**

<b>Provider Name:</b> The Giving Tree	<b>Provider Information</b>	<b>CLR No:</b> L383940
<b>Provider Address:</b> 57 Poplar Springs Road, Stearns, KY, 42647	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 49
<b>Owner(s):</b> The Giving Tree Child Daycare LLC		<b>Director(s):</b> Nowak, Lori Ann

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 293756
<b>Date Initiated:</b> 12/22/2020 9:55 AM	<b>Date Concluded:</b> 12/22/2020 12:45 PM	
	<b>No. of Children Present:</b> 29	

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>	
<b>Findings:</b>	
General: Based on interview and review of documentation, the surveyor was not presented with the following:	
1.) Documentation that a staff member (DOH: 08/21/20) had submitted to a Criminal Records check. The staff member had an original Child Abuse/Neglect background check on file dated 09/14/20. Staff identified the staff member as a floater and reported that the staff member has not worked alone with children. The surveyor did not observe the staff member working alone with children during the visit on 12/22/20.	
2.) Documentation that a staff member (DOH: 08/17/20) had submitted to a Criminal Records check. The staff member had an original Child Abuse/Neglect background check on file dated 09/14/20. Staff reported that the staff member has not worked alone with children. The surveyor did not observe the staff member working alone with children during the visit on 12/22/20. Staff identified the staff member as a substitute teacher.	
Through interview, the surveyor learned that a Criminal Records check for the staff members had not been completed.	
<b>Supervision</b>	<b>In Compliance</b>
<b>Staffing Requirements</b>	<b>In Compliance</b>

Inspection Report	
General Administration	Not In Compliance
145 - Fire Marshal	Not In Compliance
<b>922 KAR 2:090. Section 6. License Issuance.</b> <b>(8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:</b> <b>(b) Be approved by the Office of the State Fire Marshal or designee;</b>	
<b>Findings:</b> General: Based on review of documentation, the surveyor was not presented with an updated fire marshal report. Staff-in-charge reported having documentation of the report; however, it was not available for review.	
Director Requirements	Not In Compliance
345 - Staff Evaluation	Not In Compliance
<b>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</b> <b>(1) A director shall:</b> <b>(j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;</b>	
<b>Findings:</b> General: Based on review of documentation, the surveyor found the following: 1. A staff's (DOH: 03/02/19) file did not contain an updated annual written performance evaluation. The most recent annual evaluation on file was dated for 11/26/19. 2. A staff's (DOH: 03/02/19) file did not contain an annual written performance evaluation. Through interview, the surveyor learned that the evaluations were not available for review.	
Employee Records	Not In Compliance
405 - Adequate Substitute(s)	Not In Compliance
<b>922 KAR 2:090. Section 11. Staff Requirements.</b> <b>(6) Child-care centers shall have available in case of need:</b> <b>(a) One (1) qualified substitute staff person for a Type II child-care center; or</b> <b>(b) Two (2) qualified substitute staff persons for a Type I child-care center.</b> <b>(7) Each qualified substitute staff person shall:</b> <b>(a) Meet the staff requirements of this administrative regulation; and</b> <b>(b) Provide the required documentation to verify compliance with this administrative regulation.</b>	
<b>Findings:</b> General: Based on interview and review of documentation, the surveyor found that the Type I child care center has only one (1) qualified substitute staff person; therefore, the child care center did not have the required two (2) qualified substitute staff persons for a Type I child care center.	
Programming	Not In Compliance
420 - Program of Activities Followed	Not In Compliance
<b>922 KAR 2:120. Section 2. Child Care Services.</b> <b>(4) The child-care center shall provide a daily planned program:</b> <b>(a) Posted in writing in a conspicuous location with each age group and followed;</b> <b>(b) Of activities that are individualized and developmentally appropriate for each child served;</b> <b>(c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being; and</b> <b>(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:</b> <b>1. Art or music;</b> <b>2. Math or numbers;</b> <b>3. Dramatic play;</b> <b>4. Stories and books;</b> <b>5. Science or nature;</b> <b>6. Block building or stacking;</b> <b>7. Tactile or sensory activity;</b> <b>8. Multi-cultural exposure;</b> <b>9. Indoor or outdoor play in which a child makes use of both small and large muscles;</b> <b>10. A balance of active and quiet play, including group and individual activity;</b> <b>11. An opportunity for a child to:</b> <b>a. Have some free choice of activities;</b> <b>b. If desired, play apart from the group at times;</b>	
<b>Findings:</b> General: Based on review of documentation, the surveyor found the following: 1. The lesson plan posted in the Two Year Old Classroom was dated for 11/23/20 – 11/27/20; therefore, the lesson plan was not current. 2. The lesson plan posted in the Three Year Old Classroom was dated for 12/14/20 – 12/18/20; therefore, the lesson plan was not current. 3. The lesson plan posted in the Preschool Classroom was dated for 12/14/20 - 12/18/20; therefore, the lesson plan was not current. Through interview, the surveyor learned that the current lesson plans were not available for review.	

Inspection Report	
Premises	Not In Compliance
540 - Premises Requirements	
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 surveyor found the following:  (1.) A rug in the Two Year Old Classroom that contained debris; therefore, the rug was not clean.  (2.) A rug in the Three Year Old Classroom that contained debris; therefore, the rug was not clean.  (3.) A rug in the School Age Classroom that contained debris; therefore, the rug was not clean.	
Hygienic Practices	In Compliance
First Aid/Medication	In Compliance
Outdoor Play Area	Not In Compliance
750 - Playground Conditions	
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, the surveyor found a toy fire truck located on the playground that had sharp edges and was accessible to the children. Staff-in-charge reported being unaware of the fire truck being broken and having sharp edges. Staff-in-charge stated they would remove the fire truck from the playground.	
755 - Protective Surface	
922 KAR 2:120. Section 4. Premises Requirements. (21) A protective surface shall: (a) Be provided for outdoor play equipment used to: 1. Climb; 2. Swing; and 3. Slide; and (b) Have a fall zone equal to the height of the equipment.	
Findings: General: Based on observation, the surveyor found a Little Tikes slide that was located on the playground and there was no protective surface under or around the equipment.	
Equipment	In Compliance
Transportation	In Compliance
Food Service/Food Program	In Compliance
Food Service	In Compliance
Children's Records	Not In Compliance
1135 - Immunization	
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: 10/19/20) file contained an immunization certificate that is no longer current as of 11/30/20.	

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: 08/17/20) file did not contain a contact telephone number for the child's family physician or hospital.
2. A child's (DOE: 10/12/20) file did not contain a contact telephone number for the child's preferred hospital.
3. A child's (DOE: 10/19/20) file did not contain the name of a preferred family physician or contact telephone number.
4. A child's (DOE: 10/19/20) file did not contain a contact telephone number for the child's preferred hospital.

**Written Documentation**

Not In Compliance

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 surveyor found that the daily attendance record in the Three Year Old Classroom for 12/22/20 had two (2) children's arrival times documented with six (6) children present in the classroom.

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:**

General: Based on review of documentation, the following were found:

1. The surveyor was not presented with an updated annual professional development plan for a staff member (DOH: 03/02/19). The last professional development plan on file did not contain a date.
2. The surveyor was not presented with an updated annual professional development plan for a staff member (DOH: 03/25/19). The last professional development plan on file was dated for 05/20/19.
3. The surveyor was presented with a file for a staff member (DOH: 03/02/19) that did not contain an annual professional development plan.
4. The surveyor was not presented with an updated annual professional development plan for a staff member (DOH: 03/07/19). The last professional development plan on file was dated for 05/13/19.
5. The surveyor was not presented with an updated annual professional development plan for a staff member (DOH: 03/06/19). The last professional development plan on file was dated for 05/14/19.
6. The surveyor was not presented with an updated annual professional development plan for a staff member (DOH: 06/04/19). The last professional development plan on file was dated for 07/20/19.

# Inspection Report

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 interview and review of documentation, the surveyor found the following:

1.) A tornado drill was not conducted during the third quarter of 2020. Through interview, the surveyor learned that written verification of the tornado drills was not available for review.

2.) The names of children who participated in the fire drills for the months of October, November, and December 2020 were not documented. Through interview, the surveyor learned that written verification was not available for review.

Posted Documentation

In Compliance

Animals

Not Applicable

Emergency Regulation

In Compliance

Signature of Provider/Representative

Title

Date