



Andy Beshear
GOVERNOR

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

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Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: The Giving Tree	Provider Information	CLR No: L383940
Provider Address: 57 Poplar Springs Road, Stearns, KY, 42647	Provider Type: LICENSED TYPE I	Capacity: 49
Owner(s): The Giving Tree Child Daycare LLC		Director(s): Vanover, Patsy Lou

Inspection Type: Renewal Application	Inspection Information	Inspection No: 307283
Date Initiated: 06/21/2021 11:17 AM	Date Concluded: 06/21/2021 2:36 PM	
	No. of Children Present: 35	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
210 - Licensee Responsibility	Not In Compliance

922 KAR 2:090. Section 8. General.

(1) A licensee shall:

- (a) Be responsible for the operation of the child-care center pursuant to this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280; and**
(b) Protect and assure the health, safety, and comfort of each child.

Findings:

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

1. A staff (DOH: 6/1/2021) personnel file did not have a completed Criminal Records Check or Child Abuse/Neglect Check or completed KARES report. Staff was observed working alone with children.
2. A staff (DOH: 6/14/2021) personnel file did not have a completed Criminal Records Check or Child Abuse/Neglect Check or completed KARES report. Staff was observed working alone with children.
3. A staff (DOH: 2/24/2021) personnel file did not have a completed Criminal Records Check or Child Abuse/Neglect Check or completed KARES report. Staff was not working on the day the surveyor was present. Staff-in-charge stated that when the staff member works, she normally works in the 1's Classroom with another employee.
4. A staff (DOH: 8/27/2020) personnel file did not have a completed Criminal Records Check or completed KARES report. Staff was observed working alone with children.

Staff-in-Charge stated that the reports had been submitted; however, they have not received the results back.

Inspection Report	
Director Requirements	Not In Compliance
360 - Caregiver Alone	Not In Compliance
922 KAR 2:090. Section 10. Director Requirements and Responsibilities. (1) A director shall: (m) Assume 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 observation, the surveyor found the following: <ol style="list-style-type: none"> A staff (DOH: 6/1/2021) personnel file did not have a completed Criminal Records Check or Child Abuse/Neglect Check or completed KARES report. Staff was observed working alone with children. A staff (DOH: 6/14/2021) personnel file did not have a completed Criminal Records Check or Child Abuse/Neglect Check or completed KARES report. Staff was observed working alone with children. A staff (DOH: 8/27/2020) personnel file did not have a completed Criminal Records Check or completed KARES report. Staff was observed working alone with children. During interview, staff stated that the reports had been submitted; however, they have not received the results. Therefore, the director failed to ensure the employee's background check was completed and that the results were received/reviewed prior to leaving the employee alone with children in care.	
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: <ol style="list-style-type: none"> High school diploma; GED or qualifying documentation from a comparable educational entity; or Commonwealth Child Care Credential as described in 922 KAR 2:250; 	
Findings: General: Based on review of documentation, the surveyor was not presented with education documentation for a staff member (DOH: 6/1/2021). Staff-in-charge stated that the employee had never brought that in to her; therefore, the center failed to provide the required verification of a high school diploma, GED, or Commonwealth Child Care Credential.	
395 - 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: <ol style="list-style-type: none"> A statement from a health professional that the individual is free of active tuberculosis; or A copy of negative tuberculin results. 	
Findings: General: Based on review of documentation, the surveyor found the following: <ol style="list-style-type: none"> A staff's (DOH: 3/27/2019) negative tuberculin result was no longer current as of 3/8/2021. The personnel file presented to the surveyor for review for four (4) staff members (DOH: 2/24/2021, DOH: 6/1/2021, DOH: 2/24/2021, & DOH: 6/14/2021) did not contain documentation of a negative tuberculin result. Staff-in-charge stated that they did not have the negative TB documentation for the staff. Staff-in-charge stated that one of the staff had the test performed, but failed to go back and have it read. Therefore, the child-care center failed to show proof that the employees are free of active tuberculosis or provide a copy of a negative tuberculin result.	
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: <ol style="list-style-type: none"> Six (6) hours of cabinet-approved orientation completed within the first three (3) months of employment in a child care program; Nine (9) hours of cabinet-approved early care and education training within the first year of employment in a child care program, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training; and Fifteen (15) hours of cabinet-approved early care and education training completed between July 1 and the following June 30 of each subsequent year of employment in a child care program, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years. (17) A staff person's compliance with training requirements of this section shall be verified through the cabinet-designated database maintained pursuant to 922 KAR 2:240.	
Findings: General: Based on review of documentation, the surveyor was unable to find verification that three (3) staff members (DOH: 08/21/2020, 08/27/2020, 02/24/2021) completed six (6) hours of cabinet-approved orientation training. During interview, staff-in-charge stated that the staff have not completed the training; therefore, the child-care center failed to ensure that the employees completed six (6) hours of cabinet-approved orientation within the first three (3) months of employment.	
Programming	In Compliance
Premises	In Compliance
Hygienic Practices	In Compliance
First Aid/Medication	In Compliance

Inspection Report	
Outdoor Play Area	In Compliance
Equipment	In Compliance
Transportation	In Compliance
Food Service/Food Program	In Compliance
Food Service	In Compliance
Children's Records	Not In Compliance
1140 - Enrollment Information	Not In Compliance
<p>922 KAR 2:090. Section 9. Records.</p> <p>(1) A child-care center shall maintain:</p> <p>(b) A written record for each child:</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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; <p>Findings:</p> <p>General: Based on review of documentation, the surveyor found that the file presented for review for a child (DOE: 2/10/2021) did not contain the name or telephone number for the preferred hospital; therefore, the child-care center failed to maintain children's records as required.</p>	
Written Documentation	Not In Compliance
1150 - Evacuation Plan	Not In Compliance
<p>922 KAR 2:090. Section 5. Evacuation Plan.</p> <p>(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).</p> <p>Findings:</p> <p>General: Based on review of documentation, the surveyor found that the Emergency Preparedness Plan was dated 3/18/2019; therefore, the surveyor was unable to verify that the plan had been reviewed or revised within the past year. Staff-in-charge stated that it had not changed from the previous year; however, she stated that she would update the date on the document to reflect that it has been reviewed.</p>	
1160 - Daily Attendance Records	Not In Compliance
<p>922 KAR 2:090. Section 9. Records.</p> <p>(1) A child-care center shall maintain:</p> <p>(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;</p> <p>Findings:</p> <p>General: Based on observation and review of documentation, the surveyor found that on the date of the inspection, thirty-five (35) children were present. However, only thirty-two (32) children had been signed in on the daily attendance record. During interview with staff, the surveyor was informed that children are also signed in using the Brightwheel App. Staff pulled up the Brightwheel App to show the surveyor, and found that only thirty-two (32) of the thirty-five (35) children were signed in via the app. Thus, the daily attendance records were not maintained as required.</p>	
1175 - Earthquake/Tornado/Fire Drills	Not In Compliance
<p>922 KAR 2:090. Section 9. Records.</p> <p>(1) A child-care center shall maintain:</p> <p>(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;</p> <p>(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;</p> <p>Findings:</p> <p>General: Based on review of documentation, the surveyor found that the child-care center did not document that the 2021 First Quarter (January - March) Earthquake and Tornado drills were conducted. During interview, staff stated that she was not aware that the form had not been updated as someone else had been responsible for documenting the information; therefore, the child-care center failed to maintain a written record of practiced earthquake and tornado drills.</p>	
Posted Documentation	In Compliance
Animals	In Compliance

Signature of Provider/Representative

Title

Date