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Inspection Report

Provider Name: Creation Kingdom Bracktown	Provider Information	CLR No: L383947
Provider Address: 3016 Bracktown Road, Lexington, KY, 40511	Provider Type: LICENSED TYPE I	Capacity: 191
Owner(s): Creation Kingdom Bracktown, LLC		Director(s): White, Kim

Inspection Type: Renewal Application	Inspection Information	Inspection No: 307348
Date Initiated: 07/01/2021 9:10 AM	Date Concluded: 07/01/2021 10:40 AM	
	No. of Children Present: 33	

Inspection Report	
Background Checks	Not In Compliance
5 - Background check/left alone/dismissed/relocated	Not In Compliance
<p>922 KAR 2:280. Section 3. Implementation and Enforcement.</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>	
Findings:	
General: Based on observation and review of documentation, this regulatory requirement was not met. The following was found:	
1. A staff member hired on 5/05/2021, had a copy of a criminal background check on file that was submitted on 4/13/2021, and the results had not yet come back. The staff member was observed supervising two (2) children alone in the infant room during the renewal survey.	
2. A substitute staff member hired on 5/30/2017, did not have a personnel file on site. The KARES system was reviewed, and the staff member was not listed. The substitute staff member did not have evidence of a completed background check. The substitute staff member was observed supervising three (3) children alone in the One Year Old Classroom during the renewal survey.	

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 observation and review of documentation, this regulatory requirement was not met. A staff member hired on 3/19/2018, did not have an out-of-state background check on file. The staff member lived in Michigan within the last five (5) years. This staff member was observed supervising six (6) children alone in the two-year-old room during the renewal survey.

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 observation, this regulatory requirement was not met. The following was found:

1. The surveyor observed toilet plungers positioned on the floor next to toilets in three (3) bathrooms (Two Year Old Classroom, Preschool Classroom and School Age Classroom). This manner of storage is not sanitary and promotes the spread of germs.

2. The surveyors entered the Infant Classroom at approximately 9:15AM, and observed an 11-month-old child buckled into a Bouncy seat. The child was wiggling around in the seat and attempted to turn over. Putting a child this age in a bouncy seat is counter to recommendations from the manufacturer's guidelines. The guidelines state that the use of Bouncy seats should stop when the child is able to sit up unassisted. It is important to note that the staff person working in the classroom was sitting in an adult chair in the room at the time and observed using a breast pump on herself.

Director Requirements

Not In Compliance

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 observation and review of documentation, this regulatory requirement was not met. Two(2) staff did not have an evaluation on file. Evaluations are to be conducted annually.

360 - 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 observation and review of documentation, this regulatory requirement was not met. The following was found:

1. A staff member hired on 5/05/2021, did not have the results of a criminal records check on file. She was observed working alone with two (2) infants during the renewal survey.

2. A staff member hired on 3/19/2018, did not have an out-of-state background check on file. The staff member lived in Michigan within the last five (5) years. This staff member was observed working alone with six (6) children in the two-year-old room during the renewal survey.

3. A substitute staff member hired on 5/30/2017, did not have a personnel file on site. The KARES system was reviewed for a completed background check and the staff member was not listed. This staff member was observed working alone with a group of three (3) children in the One Year Old Classroom.

Inspection Report

Employee Records

Not In Compliance

385 - Personnel File

Not In Compliance

922 KAR 2:090. Section 9. Records.

(1) A child-care center shall maintain:

(e) A current personnel file for each child-care center staff person to include:

- 1. Name, address, date of birth, and date of employment;**
- 2. Proof of educational qualifications;**
- 3. Record of annual performance evaluation;**
- 4. Documentation of compliance with tuberculosis screening in accordance with Section 11(1)(b) of this administrative regulation; and**
- 5. The results of background checks conducted in accordance with 922 KAR 2:280;**

Findings:

General: Based on observation and review of documentation, this regulatory requirement was not met. A substitute staff member that was present during the renewal survey conducted on 7/01/2021, did not have a personnel file on site. Based on interview, this staff member was hired on 5/30/2017. The staff in charge indicated that the staff member works at another center that is under the same ownership and she helps at this location when needed. The staff in charge indicated that the substitute staff member did not bring her file. The staff member was observed supervising three (3) children alone in the One Year Old Classroom.

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:

- 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 observation and review of documentation, this regulatory requirement was not met. A staff member hired on 9/18/2019, did not have a current TB skin test on file. The TB skin test on file for this staff was dated 2/15/2019; therefore, it was no longer current as of 2/15/2021.

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 completed within the first three (3) months of employment in a child care program;**
- (b) 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**
- (c) 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 observation and review of documentation, this regulatory requirement was not met. A staff member hired on 2/01/2021, did not complete the required fifteen (15) hours of cabinet-approved training between July 1st and the following June 30th of each subsequent year of employment in a child care center. This staff member had been employed in child care prior to 2/01/2021. The ECE-TRIS system was reviewed.

Programming

Not In Compliance

485 - Infant Sleep Position

Not In Compliance

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

(1) An infant shall sleep or nap on the infant's back unless the infant's health professional signs a waiver that states the infant requires an alternate sleeping position.

Findings:

General: Based on observation and interview, this regulatory requirement was not met. A child identified as being four months old was observed sleeping in a swing in the infant classroom from approximately 9:15AM - 10:05AM. The staff person working in the classroom identified the child as her son and did not able provide documentation stating that the child required an alternate sleeping position.

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, this regulatory requirement was not met. The following was found:

1. The surveyor observed an excessive amount of green paint splattered on the cabinets near the sink in the infant classroom.
2. The Green Classroom (Room #130) had a broken electrical outlet plate. Only a small piece of the plate remained intact. A radio was observed plugged into the outlet during the inspection.

Inspection Report

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, this regulatory requirement was not met. The following was found:

- 1. The wall beside the children's activity table in the One Year Old Classroom contained excessive crayon marks.
- 2. A ceiling tile in the Two Year Old Classroom contained a dark stain.
- 3. The surveyor observed peeling paint on the wall behind the entrance/exit door in the Infant Classroom.

645 - Sink

Not In Compliance

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.

(3) A sink shall be:

- (a) Located in or immediately adjacent to toilet rooms;
- (b) Equipped with hot and cold running water that allows for hand washing;
- (c) Equipped with hot water at a minimum temperature of ninety (90) degrees Fahrenheit and a maximum of 120 degrees Fahrenheit;
- (d) Equipped with liquid soap;
- (e) Equipped with hand-drying blower or single use disposable hand drying material;
- (f) Equipped with an easily cleanable waste receptacle; and
- (g) Immediately adjacent to a changing area used for infants and toddlers.

Findings:

General: Based on observation, this regulatory requirement was not met. The water temperature at the sink in the school age classroom registered 78 degrees Fahrenheit when measured with a calibrated thermometer. The children use these sinks for hand washing.

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

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

1135 - Immunization

Not In Compliance

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, this regulatory requirement was not met. The following was found:

- 1. One (1) child did not have an immunization certificate on file.
- 2. Two (2) children had immunization certificates that were no longer current as of 4/30/21 and 5/5/21.

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, this regulatory requirement was not met. The following was found:

1. Four (4) of the children's files/enrollment documentation did not contain information for the family's preferred hospital.
2. One (1) child's file/enrollment paperwork did not have physician contact information.

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 observation and review of documentation, this regulatory requirement was not met. The facility did not have evidence of an updated emergency preparedness plan on file. The last submission of the emergency preparedness plan was 4/16/2019. The emergency preparedness plan shall be updated annually in accordance with KRS 199.895.

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, this regulatory requirement was not met. The surveyor observed two (2) children present in the infant classroom during the visit; however, neither child had an arrival time documented on the classroom attendance form.

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 observation and review of documentation, this regulatory requirement was not met. Three (3) staff did not have professional development plans on file. Professional development plans are to be conducted annually.

Posted Documentation

In Compliance

Animals

In Compliance

Signature of Provider/Representative

Title

Date