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Inspection Report

Provider Name: Creative Kids Child Care Center	Provider Information	CLR No: L383963
Provider Address: 2385 Huguenard Drive, Lexington, KY, 40503	Provider Type: LICENSED TYPE I	Capacity: 99
Owner(s): TJ7, LLC		Director(s): Erwin, Laurie Rene'

Inspection Type: Renewal Application	Inspection Information	Inspection No: 322629
Date Initiated: 08/18/2022 9:48 AM	Date Concluded: 08/18/2022 12:45 PM	
	No. of Children Present: 75	

Inspection Report	
Background Checks	Not In Compliance
85 - Employment Status	Not In Compliance
922 KAR 2:280. Section 11. Status of Employment. (1) A child care provider shall maintain the employment or residential status of each child care staff member who has submitted to a fingerprint-based criminal background check by reporting the status using the NBCP Web-based system.	
Findings:	
General: Based on interview and review of documentation, the center's Kentucky Applicant Registry and Employment Screening (KARES) report was not updated to reflect the separation status of one (1) separated employee. Interview with the staff in charge confirmed the individual was no longer employed.	
Supervision	In Compliance

Inspection Report

Staffing Requirements

Not In Compliance

125 - Ratios and Group Size

Not In Compliance

922 KAR 2:120. Section 2. Child Care Services.

(2) For an operating child-care center, minimum staff-to-child ratios and group size shall be maintained as established in the table established in this subsection.

Age of Children Ratio Maximum Group Size*

Infant

1 staff for 5 children 10

Toddler 12 to 24 months

1 staff for 6 children 12

Toddler 24 to 36 months

1 staff for 10 children 20

Preschool-age 3 to 4 years

1 staff for 12 children 24

Preschool-age 4 to 5 years

1 staff for 14 children 28

School-age 5 to 7 years

1 staff for 15 children 30

School-age 7 and older

1 staff for 25 children

(for before and after school) 30

1 staff for 20 children

(full day of care) 30

***Maximum Group Size shall be applicable only to Type I child-care centers.**

(b) The age of the youngest child in the group shall determine the:

- 1. Staff-to-child ratio; and**
- 2. Maximum group size.**

Findings:

General: Based on observation and interview, there were forty (40) children from three (3) classrooms on the large playground with four (4) staff members. The children ranged in age from three (3) to five (5) years old. All children were intermingled and moved freely about on the playground. The maximum group size was exceeded by sixteen (16) children.

General Administration

Not In Compliance

225 - 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, an area rug in the Ones B classroom was curled up on the edge, creating a tripping hazard.

Director Requirements

Not In Compliance

335 - Operation instruction/Regulation copy

Not In Compliance

922 KAR 2:090. Section 8. General.

(2) Child-care center staff shall be:

- (a) Instructed by the child-care center's director regarding requirements for operation; and**
- (b) Provided with a copy of this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280.**

Findings:

General: Based on interview and review of documentation, a copy of 922 KAR 2:280 was not presented for review at the time of the inspection. The staff in charge acknowledged that a copy of the referenced administrative regulation was not available for review.

Employee Records

Not In Compliance

400 - 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, the child care center failed to maintain employee records in accordance with regulations. Review of staff files revealed a high school diploma, GED, or Commonwealth Child Care Credential was not presented for review at the time of survey for one (1) staff member hired 05/02/2022.

405 - 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 review of documentation, the child care center failed to maintain employee records in accordance with regulations. Review of staff files revealed a statement from a health professional that the individual is free of active tuberculosis or a copy of negative tuberculin results was not presented for review at the time of survey for one (1) staff member hired 7/1/2022.

435 - 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 review of documentation, the child care center failed to maintain employee records in accordance with regulations. The following was found:

- 1.) One staff member hired on 08/10/2020, did not complete the required Pediatric Abusive Head Trauma Training. This staff member has been employed longer than one year.
- 2.) One staff member hired on 07/07/2021, did not complete the required Orientation training. This staff member has been employed longer than three months.

A review of ECE-TRIS confirmed the findings during the inspection.

Programming

Not In Compliance

480 - Waiting Period

Not In Compliance

922 KAR 2:120. Section 2. Child Care Services.

- (9) A child shall not be required to stand or sit for a prolonged period of time:**
(a) During an activity;
(b) While waiting for an activity to start; or
(c) As discipline.

Findings:

General: Based on observation, six (6) children in the Ones A classroom were placed in the bucket seat table and high chairs upon returning from the playground at 10:30AM. At 10:45Am, they were still in the seats, with no activities presented to them. The sole staff member worked to place cots throughout the room and was not engaging with the children. She stated that they were waiting for lunch. Additionally, seven (7) children in the Twos B classroom also waited a prolonged time while seated at tables and waiting for lunch, with no activity and minimal staff engagement.

Premises

In Compliance

Hygienic Practices

Not In Compliance

730 - Diaper Changing Area/Surface

Not In Compliance

922 KAR 2:120. Section 12. Toilet, Diapering, and Toiletry Requirements.

- (10) When a child is diapered, the child shall:**
(b) Be placed on a surface that is:
 1. Clean;
 2. Padded;
 3. Free of holes, rips, tears, or other damage;
 4. Nonabsorbent;
 5. Easily cleaned; and
 6. Free of any items not used for diaper changing.

Findings:

General: Based on observation, a container of baby powder and athlete's foot powder was observed on the changing table in the Ones B classroom while the changing table was in use and children were having their diapers changed. The staff members in the room claimed that the powder was not used on children and they did not know who provided the powder; however, fresh powder was observed on a child who was getting his/her diaper changed. Additionally, the diaper changing mat on the changing table in the Twos C classroom contained holes and rips, exposing the inner absorbent material.

Inspection Report

First Aid/Medication

Not In Compliance

770 - Medication Administration Record

Not In Compliance

922 KAR 2:120. Section 7. First Aid and Medicine.

- (5) The child-care center shall keep a written record of the administration of medication, including:**
- (a) Time of each dosage;**
 - (b) Date;**
 - (c) Amount;**
 - (d) Name of staff person giving the medication;**
 - (e) Name of the child; and**
 - (f) Name of the medication.**

Findings:

General: Interview with the staff in the Ones B classroom revealed diaper ointments are used on children, with written permission from the parents; however, the administration of the ointment is not documented with each use, to include, date, time, name of ointment, amount, name of child, and name of staff. A container with a collection of ointments was observed stored in the locked cabinet under the sink.

775 - 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 13(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: A tube of Aquaphor was stored on top of the changing table in the Twos B classroom. It was not in a locked container. Additionally, a container of Aquaphor was stored on a storage cart in the Threes, Fours and Fives B classroom. The items were accessible to the eleven (11) preschool children in the room. Interview with the staff member revealed the items belonged to her.

Outdoor Play Area

Not In Compliance

795 - 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, plastic landscape material was protruding from the mulch on the Twos playground, creating a tripping hazard.

800 - Protective Surface

Not In Compliance

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, there was not an adequate fall zone for the free-standing slide on the large playground. There was exposed dirt at the bottom of the slide and the structure was too close to the fence to allow a distance that is equal or greater than the height of the equipment.

Inspection Report

Equipment

Not In Compliance

865 - Indoor/Outdoor Equipment

Not In Compliance

922 KAR 2:120. Section 13. 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: Based on observation, eight (8) of eight (8) highchairs in the Ones rooms failed to have the protective mat; five (5) of the eight (8) failed to have the safety straps. Two (2) of the three (3) seats with safety straps were used; however, the straps were not buckled.

Transportation

Not Applicable

Kitchen Requirements

Not In Compliance

1065 - Bottles

Not In Compliance

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

(9) Bottles shall be:

- (a) Individually labeled;**
- (b) Promptly refrigerated;**
- (c) Covered while not in use; and**
- (d) Consumed within one (1) hour of being heated or removed from the refrigerator.**

Findings:

General: Based on observation, four (4) bottles in the refrigerator in the Ones B classroom were not covered. Additionally, two (2) bottles in the refrigerator within the Infant room were not covered.

Food Service

In Compliance

Meal Planning/Center Provides Meals

In Compliance

Meal Planning/Center Does Not Provide Meals

In Compliance

Children's Records

Not In Compliance

1245 - 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, a review of ten (10) children's files revealed one (1) file was missing an immunization certificate and the child has been enrolled for longer than thirty (30) days.

1250 - 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, a review of ten (10) children's files revealed four (4) files were missing a preferred hospital, with one (1) of those having listed "closest" as the preferred hospital. Also, one (1) children's file was missing physician's contact information.

Inspection Report

Written Documentation

Not In Compliance

1270 - 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: Review of daily attendance records and interview with the staff in charge confirmed that multiple children were signed in and out in advance, documenting times of arrival and departure for future dates; therefore, the written daily attendance records were not an accurate reflection of the time each child arrived and departed the center.

1295 - Confidentiality/Maintenance/Access

Not In Compliance

922 KAR 2:090. Section 9. Records.

(2) A child-care center shall:

- (a) Maintain the confidentiality of a child's record and information concerning a child or the child's parent;**
- (b) Maintain all records for five (5) years; and**
- (c) Provide the cabinet access and information in the completion of the investigation pursuant to KRS 620.030.**

Findings:

General: Based on observation, interview and review of documentation, a child's allergy information was posted for public inspection in the Twos C classroom. Therefore, the child's personal medical information was not maintained in a confidential manner. Interview with the staff member revealed that the child's parent gave the center verbal permission to post the information; however, there was not documented evidence of the parent's consent.

Posted Documentation

In Compliance

Animals

Not Applicable

Signature of Provider/Representative

Title

Date