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Inspection Report

Provider Name: The Learning Tree Daycare	Provider Information	CLR No: L384018
Provider Address: 2624 New Hartford Rd, Bldg C, Owensboro, KY, 42303	Provider Type: LICENSED TYPE I	Capacity: 35
Owner(s): The learning tree daycare LLC		Director(s): Bolton, Christina Danielle

Inspection Type: Renewal Application	Inspection Information	Inspection No: 306033
Date Initiated: 02/02/2021 9:00 AM	Date Concluded: 02/02/2021 12:45 PM	
	No. of Children Present: 11	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	In Compliance
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 review of documentation, two (2) caregivers hired on 10/1/19 and 12/9/19, did not have an annual performance evaluation on file.

350 - Health, Safety, Comfort **Not In Compliance**

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.
(1) A director shall:
(l) Assure the health, safety, and comfort of each child;

Findings:

General: Based on observation, two (2) car seats were stored on top of the children's cubby coat rack. The car seats were not stable on top of the cubby and one of the car seats was placed on the edge of the cubby. The cubby coat rack was approximately four (4) feet tall. A bottle warmer (in use) was positioned on top of a refrigerator in the infants' room. The refrigerator was eighteen (18) inches tall and was placed directly on the floor. The bottle warmer was accessible to the mobile infants in the infants' room.

360 - Caregiver Alone **Not In Compliance**

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.
(1) A director shall:
(n) 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, a caregiver hired on 1/26/21, was left alone and cared for six (6) children in the toddlers' room for less than one (1) minute. The caregiver did not have a processed criminal records check on file.

Inspection Report

Employee Records

Not In Compliance

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 within the first three (3) months of employment;**
- (b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment, 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 during each subsequent year of employment, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.**

Findings:

General: Based on review of documentation, a caregiver hired on 8/17/20, did not complete six (6) hours of cabinet approved orientation training within the first three (3) months of employment. The training was completed on 1/11/21.

Programming

In Compliance

Premises

In Compliance

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Outdoor Play Area

Not In Compliance

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, the center's crawl space access door was open and was accessible to children in the outdoor play area. The opening was approximately two (2) feet by two (2) feet wide.

755 - 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, a Fisher Price slide and a Little Tikes slide were placed on a thin layer of mulch and a Step 2 slide and a basketball Step 2 slide were placed on the ground in the outdoor play area.

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, a white sheet and a green sheet loosely fit on crib mattresses in the infants' room.

Inspection Report

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: Based on observation, a Safety 1st feeding booster chair did not have safety restraints in the multipurpose room. A Safety 1st feeding booster chair did not have safety restraints in the infants' room.

Transportation

Not Applicable

Food Service/Food Program

In Compliance

Food Service

Not In Compliance

1015 - Food Service Permit

Not In Compliance

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

(2) A child-care center required to have a food service permit shall be in compliance with 902 KAR 45:005 and this administrative regulation.

Findings:

General: Based on observation and interview, the center received lunch from a feeding program offered through a local school. However, the center did not have a copy of the school's Food Service Permit.

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, dried food was splattered across the inside, top wall of the microwave in the multipurpose room.

1125 - Same Food

Not In Compliance

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

(14) All children should be offered the same food items unless the child's parent or health professional documents a dietary restriction that necessitates an alternative food item for the child.

Findings:

General: Based on observation, children were served pizza and carrots for lunch. However for the fruit component, some children received mixed fruit while others received pineapple. Therefore, all the children did not receive the same fruit for lunch.

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, a child enrolled on 12/29/19, had a provisional immunization certificate on file valid until 1/20/21.

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 review of documentation, the center's evacuation plan was last updated on 9/18/19, which was not in accordance with KRS 199.895.

Inspection Report

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 observation and review of documentation, eleven (11) children were present at the center. However, only ten (10) children had a documented arrival time.

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, three (3) caregivers hired on 8/17/20, 6/29/20, 3/11/20, and two (2) caregivers hired on 10/1/19, did not have a professional development plan on file.

Table with 2 columns: Category (Posted Documentation, Animals, Emergency Regulation) and Status (In Compliance, Not Applicable, Not In Compliance)

1260 - Emergency Regulation

Not In Compliance

922 KAR 2:410E. Emergency Regulation.
Due to the current declared public health emergency caused by the Novel Coronavirus Disease (COVID-19), licensed child care centers must operate under Centers for Disease Control and Prevention and public health guidelines, as mandated by 922 KAR 2:410E, to prevent the spread of COVID-19.

Findings:

General: Based on observation and review of documentation, the center failed to assure:
1.) New staff shall undergo name-based background and shall not be left alone with children until name-based background checks have been approved and returned, in accordance with 922 KAR 2:410E Section 11. A caregiver hired on 1/26/21, did not have a processed criminal records check on file. The caregiver was left alone and cared for six (6) children in the toddlers' room for less than one (1) minute.
2.) Machine washable toys shall not be used, in accordance with 922 KAR 2:410E Section 6. A stuffed toy caterpillar was on a shelf in the preschool/school-age room.

Signature of Provider/Representative

Title

Date