



**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**  
Eastern Branch  
455 Park Place, Suite 120A  
Lexington, KY 40511  
Phone: (859) 246-2301 Fax: (859) 246-2307  
<https://chfs.ky.gov/agencies/os/oig>

**Adam Mather**  
INSPECTOR GENERAL

**Inspection Report**

<b>Provider Name:</b> Fresh Start Learning Center	<b>Provider Information</b>	<b>CLR No:</b> L384020
<b>Provider Address:</b> 317 West 2nd Street, Maysville, KY, 41056	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 20
<b>Owner(s):</b> Fresh start learning center Limited Liability Company		<b>Director(s):</b> Brady, Sherri

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 305873
<b>Date Initiated:</b> 01/08/2021 9:44 AM	<b>Date Concluded:</b> 01/08/2021 12:48 PM	
	<b>No. of Children Present:</b> 7	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	In Compliance
Director Requirements	Not In Compliance
<b>345 - Staff Evaluation</b>	<b>Not In Compliance</b>
<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 interview and review of documentation, one staff person was eligible for an annual written performance evaluation. There was no documentation on file to verify that this staff person received a written performance evaluation. The staff person in charge stated that a verbal evaluation was conducted and the information was not documented.	
<b>350 - Health, Safety, Comfort</b>	<b>Not In Compliance</b>
<b>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</b> <b>(1) A director shall:</b> <b>(l) Assure the health, safety, and comfort of each child;</b>	
<b>Findings:</b> General: Based on observation during a tour of the Pre-K Room, a box fan was observed on a small stand. The fan was plugged in an outlet but was not in use at the time of the survey. The fan did not sit steady on the stand and the cord was accessible to the children. This is a safety hazard to the children.	

Inspection Report		
Employee Records		Not In Compliance
<b>385 - Personnel File</b>		<b>Not In Compliance</b>
<p><b>922 KAR 2:090. Section 9. Records.</b></p> <p><b>(1) A child-care center shall maintain:</b></p> <p><b>(e) A current personnel file for each child-care center staff person to include:</b></p> <ol style="list-style-type: none"> <li><b>1. Name, address, date of birth, and date of employment;</b></li> <li><b>2. Proof of educational qualifications;</b></li> <li><b>3. Record of annual performance evaluation;</b></li> <li><b>4. Documentation of compliance with tuberculosis screening in accordance with Section 11(1)(b) of this administrative regulation; and</b></li> <li><b>5. The results of background checks conducted in accordance with 922 KAR 2:280;</b></li> </ol> <p><b>Findings:</b></p> <p>General: Based on interview and review of documentation, it was found that a staff person hired, 2/3/2020 did not have a copy of a high school diploma, GED or other qualifying documentation to confirm the staff person had graduated or is still enrolled in high school.</p>		
Programming		Not In Compliance
<b>420 - Program of Activities Followed</b>		<b>Not In Compliance</b>
<p><b>922 KAR 2:120. Section 2. Child Care Services.</b></p> <p><b>(4) The child-care center shall provide a daily planned program:</b></p> <p><b>(a) Posted in writing in a conspicuous location with each age group and followed;</b></p> <p><b>(b) Of activities that are individualized and developmentally appropriate for each child served;</b></p> <p><b>(c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being; and</b></p> <p><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></p> <ol style="list-style-type: none"> <li><b>1. Art or music;</b></li> <li><b>2. Math or numbers;</b></li> <li><b>3. Dramatic play;</b></li> <li><b>4. Stories and books;</b></li> <li><b>5. Science or nature;</b></li> <li><b>6. Block building or stacking;</b></li> <li><b>7. Tactile or sensory activity;</b></li> <li><b>8. Multi-cultural exposure;</b></li> <li><b>9. Indoor or outdoor play in which a child makes use of both small and large muscles;</b></li> <li><b>10. A balance of active and quiet play, including group and individual activity;</b></li> <li><b>11. An opportunity for a child to:</b> <ol style="list-style-type: none"> <li><b>a. Have some free choice of activities;</b></li> <li><b>b. If desired, play apart from the group at times;</b></li> </ol> </li> </ol> <p><b>Findings:</b></p> <p>General: Based on interview and review of documentation, the following was found:</p> <ol style="list-style-type: none"> <li>1. The posted planned program of activities in the infant room was not developmentally appropriate. One of the activities had the children dancing with scarves; however, the two infants enrolled in the room are two months old.</li> <li>2. During a tour of the Toddler Room the posted planned program was dated November 2-13 and November 16-30. There was not current plan of activities posted.</li> </ol>		
Premises		Not In Compliance
<b>580 - Floors, Walls, Ceilings</b>		<b>Not In Compliance</b>
<p><b>922 KAR 2:120. Section 4. Premises Requirements.</b></p> <p><b>(9) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.</b></p> <p><b>Findings:</b></p> <p>General: Based on observation during a tour of the facility, it was found there were several holes on the walls. The holes had been covered with duct tape. Duct tape is not an acceptable form of repair. A hole was also found in a ceiling tile located in the Pre-K Room.</p>		

**Inspection Report****Hygienic Practices****Not In Compliance****685 - Diaper Changing Area/Surface****Not In Compliance****922 KAR 2:120. Section 10. 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, the following was found.

1. During a tour of the infant room, a cloth covering had been placed over the diaper changing mat. The cloth covering is not acceptable as it is not a non-absorbent material and cannot be adequately cleaned (sanitized/disinfected) after each child is diapered.
2. A diaper changing mat located in the bathroom had areas that were torn. This does not allow for the mat to be adequately cleaned (sanitized/disinfected) after each child is diapered.

**710 - Toy Sanitation Procedure****Not In Compliance****922 KAR 2:120. Section 11. Toys and Furnishings.****(4) A toy or another item that is considered a mouth contact surface by a child not toilet trained shall be sanitized daily by:**

- (a) 1. Scrubbing in warm, soapy water using a brush to reach into crevices;**
- 2. Rinsing in clean water;**
- 3. Submerging in a sanitizing solution for at least two (2) minutes; and**
- 4. Air dried; or**
- (b) Cleaning in a dishwasher if the toy or other item is dishwasher safe.**

**Findings:**

General: Based on interview with staff in the Toddler Room it was found that toys that children put in their mouths are washed in soapy water using a rag, placed in bleach water and then rinsed off. The process described by staff for the sanitation of toys considered mouth contact surfaces by a child not toilet trained does not meet the requirement of this regulation.

**First Aid/Medication****Not In Compliance****715 - First Aid Supplies****Not In Compliance****922 KAR 2:120. Section 7. First Aid and Medicine.****(1) First aid supplies shall:**

- (a) Be available to provide prompt and proper first aid treatment;**
- (b) Be stored out of reach of a child;**
- (c) Be periodically inventoried to ensure the supplies have not expired;**
- (d) If reusable, be:**
  - 1. Sanitized; and**
  - 2. Maintained in a sanitary manner; and**
- (e) Include:**
  - 1. Liquid soap;**
  - 2. Adhesive bandages;**
  - 3. Sterile gauze;**
  - 4. Medical tape;**
  - 5. Scissors;**
  - 6. A thermometer;**
  - 7. Flashlight;**
  - 8. Cold pack;**
  - 9. First aid book;**
  - 10. Disposable gloves; and**
  - 11. A cardiopulmonary resuscitation mouthpiece protector.**

**Findings:**

General: Based on observation, a review of first aid supplies found that there was not a first aid book available. The staff person in charge showed the surveyor a posted document that contained the steps to perform CPR and what to do if someone is choking; however, there was no documentation or a book that gave information regarding steps for administering first aid.

**730 - 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 12(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: Based on observation, an inspection of the unlocked first aid kit found a bottle of Kroger brand allergy medication, a bottle of Little Remedies cough syrup and a bottle of infant pain reliever. The bottles of medication were not labeled for an individual child or adult. The medications were stored in an unlocked box in an unlocked drawer in the front entry area of the facility.

**Outdoor Play Area**

**Not In Compliance**

**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 during an inspection of the outdoor play area, a Little Tikes plastic climber that contained two swings, a slide and steps to a platform were found. A square Little Tikes plastic climber with a slide was also observed. These pieces of equipment had been placed on blacktop with a scattering of rubber mulch underneath. Large areas of blacktop could be seen under and around the equipment. The amount of mulch was not sufficient to provide adequate cushion if a child should fall.

**Equipment**

**Not In Compliance**

**815 - Toys/Furniture**

**Not In Compliance**

**922 KAR 2:120. Section 11. Toys and Furnishings.**

**(1) All toys and furniture contacted by a child shall be:**

- (a) Kept clean and in good repair; and**
- (b) Free of peeling, flaking, or chalking paint.**

**Findings:**

General: Based on observation during a tour of the facility, the following was found:

1. In the Pre-K Room there was a pink and purple toy chest that had an area along the top edge where the paint had peeled away from the surface leaving the wood beneath exposed. In this same room there was a white plastic shelf that had dirt and grime embedded on the surface.
2. In the Toddler Room, a yellow, child-sized table with a crack down the middle of the surface was observed. Black duct tape had been used to repair the edges around the table. Additionally, there was a red vinyl couch with worn edges exposing the mesh beneath the material.
3. A yellow child-sized table was observed in the outdoor play area. One end of the table was missing a portion of the plastic surface and one corner of the table was broken.

**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 interview and review of documentation, it was found that meals are provided by UMC Food Ministry. A review of the food service permit found that the permit from this organization was not current. The staff person in charge contacted the organization and found that they are aware the permit is not current and are in the process of getting the permit up to date.

**Inspection Report****1075 - Bottle Preparation by Parent****Not In Compliance****922 KAR 2:120. Section 9. Food and Meal Requirements.****(4) Formula or breast milk provided by the parent shall be prepared and labeled.****Findings:**

General: Based on observation and interview, a can of powdered formula was observed on the counter in the kitchen area. An interview with the staff person in charge found that they prepare the bottles by measuring the required amount of water and powder formula.

**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 interview and review of documentation, out of ten children's files reviewed, there was one child who did not have a current immunization certificate on file. The child has been enrolled for more than thirty days.

**Written Documentation****Not In Compliance****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 review of documentation, monthly fire drills had not been conducted and documented with the date, time and names of children who participated for the months of October, November and December of 2020. In addition, there was no documentation to verify that quarterly earthquake drills were conducted for 2020 including the date, time and names of children that participated.

**1195 - Fire Drills****Not In Compliance****922 KAR 2:120. Section 3. General Requirements.****(12) A fire drill shall be:****(a) Conducted during hours of operation at least monthly; and****(b) Documented.****(13) An earthquake drill and a tornado drill shall be:****(a) Conducted during hours of operation at least quarterly; and****(b) Documented.****Findings:**

General: Based on review of documentation, monthly fire drills had not been conducted for the months of October, November and December of 2020. In addition it was found there was no documentation to verify that quarterly earthquake drills were conducted for 2020.

**Posted Documentation****Not In Compliance****1210 - Disaster Course of Action****Not In Compliance****922 KAR 2:090. Section 9. Records.****(1) A child-care center shall maintain:****(j) A written plan and diagram outlining the course of action in the event of a natural or manmade disaster, posted in a prominent place;****Findings:**

General: Based on observation and review of documentation, it was found that a diagram of the facility was posted. A review of the posted diagram found that a written plan outlining the course of action to take in the event of a fire or natural disaster was not posted.

**1215 - Daily Activities****Not In Compliance****922 KAR 2:090. Section 10. Director Requirements and Responsibilities.****(1) A director shall:****(h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;****Findings:**

General: Based on observation and review of documentation, a daily schedule containing the daily routine and the time of day each activity would take place was observed posted in each classroom. A review of the posted daily schedule found that each classroom had the same schedule with the same times each activity would be conducted. The classrooms consisted of a Pre-K Room, an Infant Room and a Toddler Room. The posted daily schedule should be developmentally appropriate and reflect the age group identified in the room. It was also found that there were no dates of when activities would be conducted on a posted plan of activities in the Pre-K Room.

**Animals****Not Applicable**

**Inspection Report****Emergency Regulation****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 interview and review of documentation, it was found that that a staff person hired 1/7/2021, had the results of a child abuse and neglect check on file but did not have documentation that an application for the results of a criminal records check had been submitted. During an interview with the staff person in charge, it was found that the staff person was sent to the local police department to have their fingerprints taken. The document used by the National Background check system had been used as verification the staff person's fingerprints had been taken. The National Background check system is not in use at this time due to COVID19. An application for the results of a criminal records check should have been submitted through the Administrative Office of the Courts or through the Kentucky State Police. The staff person in charge stated the staff person does not work alone with the children.

Signature of Provider/Representative

Title

Date