



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

Adam Mather
INSPECTOR GENERAL

Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Inspection Report

Provider Name: KinderCare - Independence	Provider Information	CLR No: L384132
Provider Address: 5049 Madison Pike, Independence, KY, 41051	Provider Type: LICENSED TYPE I	Capacity: 160
Owner(s): KinderCare Education Llc		Director(s): Eubank, Kacilynn

Inspection Type: Renewal Application	Inspection Information	Inspection No: 319469
Date Initiated: 02/22/2022 10:10 AM	Date Concluded: 02/22/2022 12:25 PM	
	No. of Children Present: 108	

Inspection Report	
Background Checks	Not In Compliance
10 - Submit background check	Not In Compliance
<p>922 KAR 2:280 - Section 4. Procedures and Payments.</p> <p>(1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:</p> <p>(a) Request that the prospective child care staff member provide a copy of his or her driver's license or other government-issued photo identification and verify that the photograph clearly matches the prospective child care staff member;</p> <p>(b) Request that the prospective child care staff member complete and sign the:</p> <ol style="list-style-type: none"> DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and <p>(c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:</p> <ol style="list-style-type: none"> Child abuse and neglect central registry pursuant to 922 KAR 1:470; National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and Sex Offender Registry established in accordance with KRS 17.500 through 17.580. <p>Findings:</p> <p>General: Based on review of documentation, this regulatory requirement was not met. One staff person hired on 6/8/21, did not have the eligible for hire results. A review of the Kentucky National Background check service (KARES) found this staff person's current fitness determination listed as "New Application must be Submitted". Therefore, this staff person does not have the eligible for hire status. It is important to note that this staff person had a criminal records check (CRC) and a child abuse/neglect check (CAN) on file that were dated 5/2021.</p>	
15 - Submit fingerprints	Not In Compliance
<p>922 KAR 2:280. Section 4. Procedures and Payments.</p> <p>(4)(a) Upon submission of payment in accordance with subsections (2) and (3) of this section, the child care provider shall print a copy of the DCC-504, Applicant Child Care Staff Member Live Scan Fingerprinting Form, from the NBCP portal and provide the form to the child care staff member.</p> <p>(b) The child care staff member shall:</p> <ol style="list-style-type: none"> Have no more than ninety (90) calendar days from the date of payment pursuant to subsections (2) and (3) of this section to submit the child care staff member's fingerprints at an authorized collection site for NBCP; and Present the DCC-504 and driver's license or other government-issued photo identification to the designated agent at an authorized collection site prior to fingerprint submission. <p>Findings:</p> <p>General: Based on review of documentation and observation, this regulatory requirement was not met. One staff person (hire date: 11/29/21) was observed working alone with children in the Infant 2 Classroom. A review of the Kentucky National Background check service (KARES) found this staff person was entered on 11/29/21, and listed as "Pending". Her fingerprints have not yet been submitted for processing; therefore, this staff person does not have the eligible for hire status.</p>	
Supervision	In Compliance

Inspection Report

Staffing Requirements

In Compliance

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, this regulatory requirement was not met. During a tour of the Three-Year-Old Classroom, the surveyor observed an uncovered electrical outlet in the dramatic play area.

Director Requirements

Not In Compliance

370 - 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 review of documentation and observation, this regulatory requirement was not met. One staff person (hire date: 11/29/21) was observed working alone with children in the Infant 2 Classroom during the visit. A review of the Kentucky National Background check service (KARES) found this staff person was entered on 11/29/21, and listed as "Pending". Her fingerprints have not yet been submitted for processing; therefore, this staff person does not have the eligible for hire status.

Employee Records

Not In Compliance

395 - 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 review of documentation and interview, this regulatory requirement was not met. A review of staff files during the inspection found one staff person that did not have the date of employment listed in their file. The staff person in charge reviewed the date that the staff person had a TB skin test done and then verbally identified the date 3/29/21, as the hire date. However, the date of hire was not maintained in the personnel file.

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, two staff (hire dates: 11/22/21 and 2/7/22) did not have educational documentation on file.

Programming

In Compliance

Premises

Not In Compliance

565 - Inaccessible Items

Not In Compliance

922 KAR 2:120. Section 3. General Requirements.

(7) The following shall be inaccessible to a child in care:

- (a) Toxic cleaning supplies, poisons, and insecticides;**
- (b) Matches, cigarettes, lighters, and flammable liquids; and**
- (c) Personal belongings and medications of staff.**

Findings:

General: Based on observation, this regulatory requirement was not met. During a tour of the Pre-K Classroom, the surveyor observed a staff person's backpack positioned on the floor near the classroom table. The backpack was accessible to the children.

Inspection Report

570 - Items Accessible Only During Activity

Not In Compliance

922 KAR 2:120. Section 3. General Requirements.

(8) The following shall be inaccessible to a child in care unless under direct supervision and part of planned program of instruction:

- (a) Knives and sharp objects;**
- (b) Litter and rubbish;**
- (c) Bar soap; and**
- (d) Plastic bags not used for personal belongings.**

Findings:

General: Based on observation, this regulatory requirement was not met. During a tour of the Discovery Preschool 1 Classroom (two-year-old's), the surveyor observed adult scissors being stored in a drawer under the diaper changing table. The drawer contained a partial lock on the front face of the drawer and a lock on the inside of the drawer; however, neither lock was in working order and would not secure the drawer.

585 - 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 classroom door that separates the foyer on the lower level of the building from the Three-Year-Old Classroom contained a sticky substance which had collected an excessive amount of dirt, debris, and hair.
2. A section of baseboard, approximately four feet long, had been removed in the Toddler 1 Classroom which exposed an unfinished area of the wall.

610 - 35 Square Feet per Child

Not In Compliance

922 KAR 2:120. Section 4. Premises Requirements.

(6) Exclusive of the kitchen, bathroom, hallway, and storage area, there shall be a minimum of thirty-five (35) square feet of space per child.

Findings:

General: Based on review of documentation and observation, this regulatory requirement was not met. Upon review of the building diagram, it was found that the Discovery Preschool 2 Classroom was over capacity. Based on measurements obtained during the initial inspection, this classroom is only large enough to house 12 children; however, 19 children were being cared for in the room during the visit. This does not provide a minimum of 35 square feet of space per child.

625 - 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 and interview, this regulatory requirement was not met. The following was found:

1. Excessive chipped paint was observed on two walls (under window, beside exterior door, and next to the trash can) in the Toddler 2 Classroom.
2. Two ink pen size holes were observed in the wall next to the sensory table in one of the Three-Year-Old Classrooms.
3. The wall between the Transitional Kindergarten Classroom and the Three-Year Old-Classroom contained numerous crayon and marker marks on the wall.
4. The second Three-Year-Old Classroom contained excessive chipped paint on the wall next to a stack of cots.

695 - Toilet

Not In Compliance

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

(4) Each toilet shall:

- (a) Be kept in clean condition;**
- (b) Be kept in good repair;**
- (c) Be in a lighted room; and**
- (d) Have ventilation to outside air.**

Findings:

General: Based on observation, this regulatory requirement was not met. A tour of the facility found that the light in one of the restrooms in the Three-Year-Old Classroom did not work; therefore, the room was dark.

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Outdoor Play Area

In Compliance

Equipment

In Compliance

Transportation

In Compliance

Inspection Report

Kitchen Requirements

Not In Compliance

1040 - Refrigerator

Not In Compliance

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

- (4) A cold-storage facility used for storage of perishable food in a nonfrozen state shall:**
 - (a) Have an indicating thermometer or other appropriate temperature measuring device;**
 - (b) Be in a safe environment for preservation; and**
 - (c) Be forty (40) degrees Fahrenheit or below.**

Findings:

General: Based on observation, this regulatory requirement was not met. The refrigerator used for the storage of the bottles in the Infant 2 Classroom did not have an indicating thermometer.

Food Service

Not In Compliance

1070 - Bottle Feeding

Not In Compliance

922 KAR 2:120. Section 3. General Requirements.

- (11) While bottle feeding a child, the:**
 - (a) Child shall be held; and**
 - (b) Bottle or beverage container shall not be:**
 - 1. Propped;**
 - 2. Left in the mouth of a sleeping child; or**
 - 3. Heated in a microwave.**

Findings:

General: Based on observation, this regulatory requirement was not met. The surveyor toured the Infant 1 Classroom during the visit and observed a staff person sitting on the floor in front of an infant that was positioned on a Boppy pillow. The staff person was holding a bottle for the infant to drink from while she had another infant sitting in her lap.

1095 - Milk Requirements

Not In Compliance

922 KAR 2:120. Section 9. Food and Drink Requirements for All Child-Care Centers.

- (3) A serving of milk shall consist of:**
 - (a) Breast milk or iron-fortified formula for a child:**
 - 1. Age birth to twelve (12) months; or**
 - 2. Beyond twelve (12) months of age as documented by the parent or the child's physician;**
 - (b) Pasteurized unflavored whole milk for children ages twelve (12) months to twenty-four (24) months; or**
 - (c) Pasteurized unflavored low fat one (1) percent or fat-free skim milk for children ages twenty-four (24) months to school-age.**

Findings:

General: Based on observation and interview, this regulatory requirement was not met. During an inspection of the kitchen the surveyor only found whole milk available to serve to the children. 73 children in care were identified as being two-years-old and older during the visit. The kitchen staff person acknowledged the finding and stated that she was having a difficult time getting 1% milk from their supplier.

Meal Planning/Center Provides Meals

In Compliance

Meal Planning/Center Does Not Provide Meals

In Compliance

Children's Records

In Compliance

Written Documentation

In Compliance

Posted Documentation

Not In Compliance

1310 - Posting Requirements

Not In Compliance

922 KAR 2:090. Section 8. General.

- (6) In addition to the posting requirement of KRS 199.898(3), a child-care center shall post the following in a conspicuous place and make available for public inspection:**
 - (a) The provider's preliminary or regular license;**
 - (b) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year;**
 - (c) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;**
 - (d) Information on the Kentucky Consumer Product Safety Program and the program's Web site as specified in KRS 199.897;**
 - (e) A description of services provided by the child-care center, including:**
 - 1. Current rates for child care; and**
 - 2. Each service charged separately and in addition to the basic rate for child care;**
 - (f) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and**
 - (g) Daily planned program.**

Findings:

General: Based on review of documentation, this regulatory requirement was not met. Letters from the Division of Regulated Child Care stating the facility had submitted an acceptable plan of correction and would be recommended for relicensure were posted relevant to the past three inspections; however, the statement of deficiency and plan of correction from the past three inspections (12/7/21 investigation, 4/12/21 investigation, and 1/27/21 renewal inspection) were not posted.

Animals

In Compliance

Signature of Provider/Representative

Title

Date