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Inspection Report

Provider Name: YMCA Learn & Play Enrichment	Provider Information	CLR No: L384159
Provider Address: 734 Us-68, Maysville, KY, 41056	Provider Type: LICENSED TYPE I	Capacity: 110
Owner(s): Limestone Family YMCA, Inc.		Director(s): Gentry, Lola

Inspection Type: Renewal Application	Inspection Information	Inspection No: 320229
Date Initiated: 03/01/2022 9:20 AM	Date Concluded: 03/01/2022 11:52 AM	
	No. of Children Present: 56	

Inspection Report

Background Checks

Not In Compliance

10 - Submit background check

Not In Compliance

922 KAR 2:280 - Section 4. Procedures and Payments.

- (1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:**
- (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;**
 - (b) Request that the prospective child care staff member complete and sign the:**
 - 1. DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and**
 - 2. DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and**
 - (c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:**
 - 1. Child abuse and neglect central registry pursuant to 922 KAR 1:470;**
 - 2. National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and**
 - 3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580.**

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 1/19/2021, did not have written evidence of initiating the process or results for a KARES background check on file. The staff member had page two of the CAN check on file. This staff member was not working alone during the renewal survey.
- 2. A staff member hired on 2/23/2022, did not have written evidence of initiating the process or results for a KARES background check on file. There was no file on site for this staff member. This staff member was not working alone during the renewal survey.
- 3. Another staff member hired on 2/23/2022, did not have written evidence of initiating the process or results for a KARES background check on file. There was no file on site for this staff member. This staff member was observed working with another unqualified staff in the Preschool A Room with fourteen children ranging in age from three-to-four-years old. The other staff did not have an out-of-state background check on file and had an Ohio driver's license.
- 4. A staff member hired on 8/25/2020, did not have written evidence of initiating the process or results for a KARES background check on file. This staff member was not working alone during the renewal survey.

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. The following was found:

1. A staff member hired on 1/18/2021, did not have evidence of submission or results of an out-of-state background check from Ohio. The staff person had a copy of an Ohio driver's license in her file; therefore, she would need a child abuse and neglect check and a sexual abuse registry check from this state as well. This staff member was working in the Preschool A Room with another unqualified staff that did not have a file on site during the renewal survey. These staff were supervising fourteen children ranging in age from three-to-four-years-old.
2. A staff member hired on 12/30/2019, listed that she previously lived in Florida and Wyoming within the last five years. This staff member did not have a child abuse and neglect check and a sexual abuse registry check or evidence of submission on file from Florida or Wyoming. This staff member was not working alone during the renewal survey.

Supervision

In Compliance

Staffing Requirements

In Compliance

General Administration

Not In Compliance

160 - Liability Insurance

Not In Compliance

922 KAR 2:090. Section 6. License Issuance.

(8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:

(d) Provide written proof of liability insurance coverage of at least \$100,000 per occurrence;

Findings:

General: Based on review of documentation, this regulatory requirement was not met. The facility did not have a current copy of the general liability insurance on file. The copy of the insurance on file was dated 12/31/2019 to 12/31/2020.

Director Requirements

Not In Compliance

360 - 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, this regulatory requirement was not met. Six staff did not have current evaluations on file. These staff were hired on 1/11/2010, 10/16/2014, 8/12/2016, 10/04/2019, 1/15/2020, and 8/25/2020.

370 - Caregiver Alone

Not In Compliance

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.

(1) A director shall:

(m) Assume 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. A staff member hired on 1/18/2021, did not have evidence or results of an out-of-state background check from Ohio. The staff person had a copy of an Ohio driver's license in her file; therefore, she would need a child abuse and neglect check and a sexual abuse registry check from this state as well. This staff member was working in the Preschool A Room with another unqualified staff that did not have a file on site (no evidence of submission of a KARES background check) during the renewal survey. This staff member was hired on 2/23/2022. These staff members were supervising fourteen children ranging in age from three-to-four-years-old.

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, this regulatory requirement was not met. Four staff members did not have files on site. The staff in charge verbally gave the surveyor the hire dates for these staff without files on site.

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, this regulatory requirement was not met. Four staff did not have proof of education on file. These staff were hired on 9/8/2020, 1/18/2021, 7/30/2021, and 2/23/2022.

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

1. A substitute staff member hired on 10/04/2019, had a TB skin test on file that was no longer current. The TB skin test was dated 10/08/2019, and is valid for two years.
2. A staff hired on 1/15/2020, had a TB skin test on file that was no longer current. The TB skin test was dated 1/17/2020, and is valid for two years.
3. A staff hired on 1/11/2010, had a TB skin test on file that was no longer current. The TB skin test was dated 5/14/2018, and is valid for two years.
4. A staff hired on 12/30/2019, had a TB skin test on file that was no longer current. The TB skin test was dated 1/17/2020, and is valid for two years.
5. A staff hired on 10/16/2014, had a TB skin test on file that was no longer current. The TB skin test was dated 6/03/2019.
6. A staff hired on 1/18/2021, did not have negative TB documentation on file.
7. A staff hired on 9/27/2021, did not have negative TB documentation on file.
8. A staff hired on 7/30/2021, did not have negative TB documentation on file.
9. Two staff both hired on 2/23/2022, did not have negative TB documentation on file. These staff members did not have files on site.
10. A staff hired on 9/08/2020, did not have negative TB documentation on file. This staff member did not have a file on site.
11. A staff hired on 3/10/2021, did not have negative TB documentation on file. This staff member did not have a file on site.

Child-care center staff shall provide prior to employment and every two years thereafter: a statement from a health professional that the individual is free of active tuberculosis, or a copy of negative tuberculin results.

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

1. A staff hired on 9/08/2020, did not have written evidence of completing the required Orientation training. This staff member had been employed for more than three months.
 2. A staff member hired on 8/25/2020, did not complete the required Orientation. This staff member has been employed for more than three months.
- A review of ECE-TRIS was completed and confirmed these findings.

Programming	In Compliance
Premises	In Compliance
Hygienic Practices	In Compliance
First Aid/Medication	In Compliance
Outdoor Play Area	In Compliance
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, this regulatory requirement was not met. Four swings on the playground used by the older children, contained rust on the chains in the area where the children would grasp.

Transportation	Not Applicable
Kitchen Requirements	Not In Compliance

1030 - 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, this regulatory requirement was not met. The facility did not have a food service permit on site. The staff in charge indicated that they took the food service permit down to make a copy and it was located at the main YMCA site. The facility has an operational kitchen on site.

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 in the Infant Room did not contain a thermometer; therefore, the surveyor was unable to determine the temperature inside the refrigerator. The refrigerator contained breastmilk in the door.

Inspection Report

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, this regulatory requirement was not met. The Infant Room contained a bottle without a cover in the refrigerator door.

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

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, this regulatory requirement was not met. A child enrolled on 3/29/2021, did not have a physician's phone number listed in their enrollment paperwork.

Written Documentation

Not In Compliance

1280 - 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, this regulatory requirement was not met. Eight staff did not have current professional development plans on file. These staff were hired on 1/11/2010, 10/16/2014, 8/12/2016, 10/04/2019, 12/30/2019, 1/15/2020, 8/25/2020, and 9/08/2020.

1305 - 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, shelter-in-place or lockdown drill, and tornado drill shall be:
 - (a) Conducted during hours of operation at least quarterly; and
 - (b) Documented.

Findings:

General: Based on review of documentation, this regulatory requirement was not met. The facility did not have any documented lockdown/shelter-in-place drills. Lockdown/shelter-in-place drills shall be conducted quarterly and documented.

Inspection Report

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 observation, this regulatory requirement was not met. The facility did not have posted the post-preliminary inspection statement of deficiency and plan of correction from 4/06/2021. The facility did not have posted a statement of deficiency and plan of correction from an investigation conducted on 4/14/2021.

1320 - 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, this regulatory requirement was not met. The facility did not have a posted written plan of evacuation posted. The facility had a diagram of evacuation posted.

Animals

In Compliance

Signature of Provider/Representative

Title

Date