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Inspection Report

Provider Name: Butterfly Garden Academy	Provider Information	CLR No: L384293
Provider Address: 1427 Campbellsburg Road, New Castle, KY, 40050	Provider Type: LICENSED TYPE I	Capacity: 50
Owner(s): Butterfly Garden Academy, LLC		Director(s): Caudill, Jennifer

Inspection Type: Initial Application	Inspection Information	Inspection No: 321878
Date Initiated: 06/15/2022 11:02 AM	Date Concluded: 06/15/2022 2:40 PM	
	No. of Children Present:	

Inspection Report	
Background Checks	Not In Compliance
5 - Background check/left alone/dismissed/relocated	Not In Compliance
<p>922 KAR 2:280. Section 3. Implementation and Enforcement.</p> <p>(1) A person who is a child care staff member prior to January 1, 2018, shall submit to and complete background checks in accordance with this administrative regulation no later than September 30, 2018.</p> <p>(2) A child care staff member hired on or after April 1, 2018, shall:</p> <p>(a) Have completed the background checks required in accordance with this administrative regulation and been found to have no disqualifying offense prior to becoming a child care staff member; or</p> <p>(b) 1. Have submitted to the background checks required in accordance with this administrative regulation;</p> <p>2. Not be left unsupervised with a child in care pending the completion of the background checks in accordance with this administrative regulation; and</p> <p>3. Be dismissed or relocated from the residence if the person is found to have a disqualifying background check result.</p> <p>Findings:</p> <p>General: Upon request, a completed background check with an eligibility date from the National Background Check Program (NBCP) was not presented for review for a staff member with the hire date 06/15/2022. Review of the Kentucky Applicant Registry and Employment Screening (KARES) report revealed the individual was listed as being in-progress.</p>	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
160 - Liability Insurance	Not In Compliance
<p>922 KAR 2:090. Section 6. License Issuance.</p> <p>(8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:</p> <p>(d) Provide written proof of liability insurance coverage of at least \$100,000 per occurrence;</p> <p>Findings:</p> <p>General: Upon request, written proof of liability insurance coverage of at least \$100,000 per occurrence was not presented for review. A document was presented. However, the insurance was for a different address.</p>	

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: Observation of the older-toddler-room and the three-year-old room revealed there were multiple electrical outlets that were not covered. Observation of the pre-k room revealed there was a long, pointed screw on the floor.

Director Requirements

Not In Compliance

340 - Director Qualifications

Not In Compliance

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

(1) A director shall:

- (a) Be at least twenty-one (21) years of age;**
- (b) Have a high school diploma, a general equivalency diploma (GED), or qualifying documentation from a comparable educational entity;**
- (c) Not be employed in a position other than an onsite child care director, or director of multiple facilities, during the hours the child-care center is in operation;**

Findings:

General: Upon request, a high school diploma, GED; or qualifying documentation from a comparable educational entity was not presented for review for the identified director with the hire date 06/13/2022.

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: Upon request a high school diploma, GED; or qualifying documentation from a comparable educational entity; or a Commonwealth Child Care Credential was not presented for review for a staff member with the hire date 06/13/2022.

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: Upon request, current statements from a health care professional stating that three (3) staff members with the hire date, 06/15/2022, were free of active tuberculosis or a copy of negative tuberculin results were not presented for review on the day of the inspection.

410 - CPR/First Aid Coverage

Not In Compliance

922 KAR 2:090. Section 11. Staff Requirements.

(3) For a child-care center licensed for infant, toddler, or preschool-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

- (a) Infant and child cardiopulmonary resuscitation; and**
- (b) Infant and child first aid.**

(4) For a child-care center licensed for school-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

- (a) Adult cardiopulmonary resuscitation; and**
- (b) First aid.**

(5) Cardiopulmonary resuscitation (CPR) and first aid training shall be in addition to the fifteen (15) clock hours requirement in subsection (16) of this section.

Findings:

General: Review of staff files revealed there was not one (1) staff member employed at the child care center that was certified by a cabinet-approved agency for pediatric first aid and cardiopulmonary resuscitation (CPR) and adult first aid and cardiopulmonary resuscitation (CPR). In interview, the staff in-charge acknowledged the deficiency.

Inspection Report

Programming

Not In Compliance

455 - Program of Activities Followed

Not In Compliance

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

(4) The child-care center shall provide a daily planned program:

- (a) Posted in writing in a conspicuous location with each age group and followed;
- (b) Of activities that are individualized and developmentally appropriate for each child served;
- (c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being; and
- (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:

- 1. Art or music;
- 2. Math or numbers;
- 3. Dramatic play;
- 4. Stories and books;
- 5. Science or nature;
- 6. Block building or stacking;
- 7. Tactile or sensory activity;
- 8. Multi-cultural exposure;
- 9. Indoor and outdoor play in which a child makes use of both small and large muscles;
- 10. A balance of active and quiet play, including group and individual activity;
- 11. An opportunity for a child to:
 - a. Have some free choice of activities;
 - b. If desired, play apart from the group at times;

Findings:

General: Review of documentation revealed there was not a daily planned program posted in a conspicuous place in the older one-year-old room, two-year-old-room, three-year-old-room, one-year-old-room, and the pre-k room.

Premises

Not In Compliance

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: Observation of the child care center revealed the following:

- 1. The floor within the pre-k room was heavily soiled with dust, debris, and a grey substance.
- 2. The walls within the one-year-old-room and three-year-old-room were soiled with dried food and debris.
- 3. There were two (2) areas of the rubber baseboard that was missing, and the drywall was exposed within the infant room.

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: Observation of the child care center revealed the following:

- 1. There was a ceiling tile missing within the two-year-old-room. There were wires exposed.
- 2. There was a ceiling tile within the media room that was wet, indicative of water damage.
- 3. There was a hole in the wall adjacent to a light switch within the two-year-old room.
- 4. The tile flooring was peeling and lifting in several areas within the two-year-old room.
- 5. There were multiple areas of the walls within the two-year old-room and the three-year-old-room that was peeling paint and the drywall was exposed.
- 6. There was a hole in a wall adjacent to an electrical outlet within the three-year-old-room.
- 7. There were multiple ceiling tiles within the infant room that contained brown stains, indicative of water damage.

685 - Toilet Room

Not In Compliance

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

(2) A toilet room shall:

- (a) 1. Be provided for each gender; or
- 2. A plan shall be implemented to use the same toilet room at separate times;
- (b) Have a supply of toilet paper; and
- (c) Be cleaned and disinfected daily.

Findings:

General: Observation of the sinks within bathroom #1 and bathroom #2 revealed each of the sinks' faucets and the handles were soiled with a sticky substance.

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: Observation of the child care center revealed the following:
 1. The toilet within bathroom #1 contained a brown and yellow substance smeared and dried on the seat.
 2. The toilet within bathroom #2 contained a brown substance adhered to the inside of the toilet bowl.

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: Observation of the child care center revealed the following:
 1. The changing tables within the one-year-old-room, bathroom #1 and the infant room contained a build-up of dust and debris under and around the changing pads.
 2. The changing pad within the one-year-old-room was torn. The inside absorbent material was exposed.

First Aid/Medication

Not In Compliance

760 - 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: Upon request, a cardiopulmonary resuscitation mouthpiece protector was not presented for review.

Outdoor Play Area

In Compliance

Inspection Report

Equipment

Not In Compliance

835 - Crib/Mattress/Sheet

Not In Compliance

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.

(3) Rest time shall occur in an adequate space according to 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: Observation of the child care center revealed the following:

- 1. There were four (4) cribs within the infant room for which compliance with the Consumer Product Safety Commission Standards established in 16 C.F.R. 1219-1220 could not be verified. There were two (2) cribs with manufacturer dates of 06/2008, one (1) crib dated 04/2007 and one (1) crib dated 06/2009. Therefore, the cribs were not manufactured prior to 2011.
- 2. There were two (2) separate mattresses inside two (2) separate cribs that were not firm.

860 - Toys/Furniture

Not In Compliance

922 KAR 2:120. Section 13. 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: Observation of the child care center revealed the following:

- 1. There was a film of dust on four (4) cribs within the infant room.
- 2. There was a fabric chair within the infant room that was heavily soiled on the arms and in the seat area.
- 3. There was an exersaucer within the infant room that was soiled with a brown sticky substance.
- 4. There was a metal cabinet within the three-year-old-room that was heavily soiled with a sticky substance and hair.
- 5. The back of a white shelf within the three-year-old-room was partially attached.
- 6. There were child size chairs and a table within the one-year-old-room that contained a film of dust.

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: Observation of the child care center revealed the following:

- 1. There was a wooden kitchen set within the pre-k room that was missing the faucet, leaving a screw protruding from the kitchen set.
- 2. There was a red tricycle within the outdoor play area that was flaking red paint.
- 3. There were four (4) wooden child size chairs, and the backs of the chairs were loose. Further observation revealed there were screws missing from each of the chairs.
- 4. There were two (2) cribs that had multiple screws protruding from each of the cribs.

Transportation

Not Applicable

Kitchen Requirements

Not In Compliance

1025 - Kitchen Clean/Ventilated

Not In Compliance

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

(1) The kitchen shall:

- (a) Be clean;
- (b) Be equipped for proper food:
 - 1. Preservation;
 - 2. Storage;
 - 3. Preparation; and
 - 4. Service;
- (c) Be adequately ventilated to the outside air; and
- (d) Except in a Type II child-care center when a meal is not being prepared, not be used for the activity of a child.

Findings:

General: Observation of a wall within the kitchen revealed it was soiled with a dried substance.

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: Upon request, a current food permit was not presented for review.

Inspection Report

1045 - Frozen Food

Not In Compliance

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

(5) Frozen food shall be:

- (a) Kept at a temperature of zero degrees Fahrenheit or below; and
- (b) Thawed:
 - 1. At refrigerator temperatures;
 - 2. Under cool, potable running water;
 - 3. As part of the cooking process; or
 - 4. By another method in accordance with the Department for Public Health's food safety standards and permits, established in KRS Chapter 217.

Findings:

General: Observation of the refrigerator freezer within the kitchen and the refrigerator freezer within the infant room revealed the temperature could not be measured to ensure the temperature was zero degrees Fahrenheit or below.

1055 - 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: Observation of the child care center revealed the following:

- 1. The oven within the kitchen was soiled with dried and burnt food.
- 2. The inside of the microwave within the kitchen was soiled with food and was rusted.
- 3. The refrigerator freezer door within the infant room contained a black substance on the rubber seal, indicative of mold.
- 4. The refrigerator within the infant room was heavily soiled with a sticky substance, hair, and dried food particles. Further observation revealed there was a black substance on the door seal, indicative of mold.

Food Service	In Compliance
Meal Planning/Center Provides Meals	In Compliance
Meal Planning/Center Does Not Provide Meals	Not Applicable
Children's Records	Discussed
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: Review of documentation revealed information from the Kentucky Consumer Product Safety Program, and the program's Web site specified in KRS 199:897 was not posted in a prominent place.

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: Upon request, a written plan and a diagram outlining the course of action in the event of a natural or manmade disaster was not posted in a prominent place.

Animals	Not Applicable
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Signature of Provider/Representative

Title

Date