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Inspection Report

Provider Name: Noah's Ark Daycare Center	Provider Information	CLR No: L356929
Provider Address: 117 North 17th Street, Middlesboro, KY, 40965	Provider Type: LICENSED TYPE I	Capacity: 60
Owner(s): Kelly, Edith S		Director(s): Kelly, Edith S

Inspection Type: Renewal Application	Inspection Information	Inspection No: 216816
Date Initiated: 09/30/2016 9:50 AM	Date Concluded: 09/30/2016 12:40 PM	
	No. of Children Present: 22	

Inspection Report	
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	In Compliance
Director Requirements	Not In Compliance

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

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(l) Provide for the health, safety, and comfort of each child;

Findings:

General: Based on observation and interview, the surveyor found an unsecured television stored on an approximately four (4) foot high shelf in the Pre-school Classroom. The television cord was dangling within reach of the children presenting a safety hazard as the television could be pulled off the shelf by the cord. Staff reported that they had thought the television had been secured to the shelf and that the cord had been taped to the wall to prevent children from pulling on it.

300 - Background checks/left alone

Not In Compliance

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

(5) An individual described in subsection (4) of this section shall:

(a) Submit to background checks described in paragraph (b) of this subsection;

(b) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:

- 1. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;**
- 2. Criminal records check required by KRS 199.896(19);**
- 3. Criminal records check for any previous state of residence if the person resided outside the state of Kentucky in the last five (5) years; and**
- 4. An address check of the Sex Offender Registry; and**

(c) Not be left alone in the presence of a child until copies of the background checks in accordance with paragraph (b) of this subsection have been received by the licensee.

Findings:

General: Based on review of documentation and interview, the surveyor found the following:

1. One (1) staff file (DOH: 09/02/16) contained a criminal record check that was submitted on 09/15/16; therefore, the criminal record check was not submitted on or before the staff's date of hire as required.
2. One (1) staff file (DOH: 07/08/16) contained a criminal record check that was submitted on 07/19/16; therefore, the criminal record check was not submitted on or before the staff's date of hire as required.
3. One (1) staff file (DOH: 07/07/16) contained a criminal record check that was submitted on 07/19/16; therefore, the criminal record check was not submitted on or before the staff's date of hire as required.
4. One (1) staff file (DOH: 09/12/16) contained a criminal record check that was submitted on 09/15/16; therefore, the criminal record check was not submitted on or before the staff's date of hire as required.
5. One (1) staff file (DOH: 09/12/16) contained a criminal record check that was submitted on 09/15/16; therefore, the criminal record check was not submitted on or before the staff's date of hire as required.
6. One (1) volunteer file (DOH: 07/18/16) contained a criminal record check that was submitted on 07/19/16; therefore, the criminal record check was not submitted on or before the staff's date of hire as required.

Staff in charge reported that they were not aware that the criminal record check had to be submitted on or before the staff or volunteer's date of hire.

310 - Personnel File

Not In Compliance

922 KAR 2:110. Section 3. 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. Written record of training participation to include:**
 - a. The training source;**
 - b. Location;**
 - c. Date; and**
 - d. Number of clock hours completed;**
- 5. Every two (2) years, a:**
 - a. Statement from a health professional that the individual is free of active tuberculosis; or**
 - b. Copy of negative tuberculin results; and**
- 6. For a director, employee, volunteer, or any person with supervisory or disciplinary control over, or having unsupervised contact with, a child in care, the results of a:**
 - a. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;**
 - b. Criminal records check required by KRS 199.896(19);**
 - c. Criminal records check from any previous state of residence completed once if:**
 - (i) The individual resided outside the state of Kentucky in the last five (5) years; and**
 - (ii) No criminal records check has been completed for the individual's previous state of residence; and**
 - d. An address check of the Sex Offender Registry;**

Findings:

General: Based on review of documentation and interview, the following was found:

1. One (1) employee file (DOH: 08/20/2007) presented for review did not contain an up-to-date annual professional development plan. The last professional development plan in the file was dated for 09/28/2015. Upon interview, staff acknowledged that the employee's professional development plan was over due for an update.
2. One (1) staff file (DOH: 09/12/16) did not contain evidence of educational qualification as required by regulations. Staff in charge reported that they had not yet obtained record of education; however, they new that the staff member does meet the education requirements.
3. One (1) staff file (DOH: 07/08/16) contained record of a negative tuberculin skin test; however, the surveyor could not determine if the tuberculin skin test was completed within the past two (2) years or not as the record did not contain a date that the skin test was performed or interpreted. Staff in charge stated they had not realized there was not a date on the negative tuberculin skin test.

Inspection Report

315 - Educational Requirements

Not In Compliance

922 KAR 2:110. Section 5. 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 and interview, the surveyor found that one (1) staff file (DOH: 09/12/16) did not contain evidence of educational qualification as required by regulations. Staff in charge reported that they had not yet obtained record of education; however, they new that the staff member does meet the education requirements.

320 - TB Verification

Not In Compliance

922 KAR 2:110. Section 5. 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 and interview, the surveyor found that one (1) staff file (DOH: 07/08/16) contained record of a negative tuberculin skin test; however, the surveyor could not determine if the tuberculin skin test was completed within the past two (2) years or not as the record did not contain a date that the skin test was performed or interpreted. Staff in charge stated they had not realized there was not a date on the negative tuberculin skin test.

330 - Adequate Substitute(s)

Not In Compliance

922 KAR 2:110. Section 5. Staff Requirements.

(6) Child-care centers shall have available in case of need:

- (a) One (1) qualified substitute staff person for a Type II child-care center; or
- (b) Two (2) qualified substitute staff persons for a Type I child-care center.

Findings:

General: Based on review of documentation and interview, the surveyor found that one (1) person identified as a substitute does not meet the staff requirements of this administrative regulation for a Type 1 center based on lack of verification of a high school diploma, GED, or child care credential. Staff in charge stated that they had not obtained documentation of education for the substitute yet but did know that the substitute meets the educational requirement.

335 - Qualified Substitute

Not In Compliance

922 KAR 2:110. Section 5. Staff Requirements.

(7) Each qualified substitute staff person shall:

- (a) Meet the staff requirements of this administrative regulation; and
- (b) Provide the required documentation to verify compliance with this administrative regulation.

Findings:

General: Based on review of documentation and interview, the surveyor found that one (1) person identified as a substitute does not meet the staff requirements of this administrative regulation for a Type 1 center based on lack of verification of a high school diploma, GED, or child care credential. Staff in charge stated that they had not obtained documentation of education for the substitute yet but did know that the substitute meets the educational requirement.

Programming

In Compliance

Premises

Not In Compliance

520 - 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, the surveyor observed a small crack in the wall located in the Infant Classroom. The crack was located between two concrete blocks and the surveyor could see light from outside filtering through the crack to the inside. The wall was not in good repair. The owner stated that she was not aware of the crack being there.

Inspection Report

Hygienic Practices

Not In Compliance

595 - Child Personal Care/Handwashing

Not In Compliance

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

(4) A child shall:

- (a) Be helped with personal care and cleanliness based upon their developmental skills; and**
- (b) Wash his or her hands with liquid soap and warm running water:**
 - 1. a. Upon arrival at the center; or**
 - b. Within thirty (30) minutes of arrival for school-age children;**
 - 2. Before and after eating or handling food;**
 - 3. After toileting or diaper change;**
 - 4. After handling animals;**
 - 5. After wiping or blowing nose;**
 - 6. After touching items soiled with body fluids or wastes; and**
 - 7. After outdoor or indoor play time.**

Findings:

General: Based on observation, review of documentation, and interview, the surveyor observed staff in the Infant Classroom take a child directly from eating a snack to the diaper changing area to change the child's diaper without first washing the child's hands. The surveyor observed the correct handwashing procedures were posted in the classroom next to the sink. Staff reported they were aware of the proper handwashing procedures and when children's hands are supposed to be washed.

600 - Staff Hygiene/Handwashing

Not In Compliance

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

(5) Staff shall:

- (a) Maintain personal cleanliness;**
- (b) Conform to hygienic practices while on duty; and**
- (c) Wash their hands with liquid soap and running water:**
 - 1. Upon arrival at the center;**
 - 2. After toileting or assisting a child in toileting;**
 - 3. Before and after diapering each child;**
 - 4. After wiping or blowing a child's or own nose;**
 - 5. After handling animals;**
 - 6. After caring for a sick child;**
 - 7. Before and after feeding a child or eating;**
 - 8. Before dispensing medication; and**
 - 9. If possible, before administering first aid.**

Findings:

General: Based on observation, review of documentation, and interview, the surveyor observed staff in the Infant Classroom take a child directly from eating a snack to the diaper changing area to change the child's diaper without the staff first washing their hands. The surveyor observed the correct handwashing procedures were posted in the classroom next to the sink. Staff reported they were aware of the proper handwashing procedures and when their hands are supposed to be washed.

620 - Soiled Diapers/Clothing

Not In Compliance

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.

(8) Diapers or clothing shall be:

- (a) Changed when soiled or wet;**
- (b) Stored in a covered container temporarily; and**
- (c) Washed or disposed of at least once a day.**

Findings:

General: Based on observation and interview, the surveyor found two (2) soiled bibs on the floor in the Infant Classroom underneath the leg of the infant swing. The soiled bibs had not been stored temporarily in a covered container until they could be washed. Staff stated the bibs were from that morning.

First Aid/Medication

Not In Compliance

670 - 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;**
- (b) Kept in the original bottle; and**
- (c) Properly labeled.**
- (7) Medication shall not be given to a child if the expiration date on the bottle has passed.**

Findings:

General: Based on observation and interview, the following was found: 1. There were a total of four (4) Epipens stored in an unlocked lock box in the Pre-school Classroom. Staff reported that the key that was left in the lock must have been turned by accident when they retrieved the First Aid kit from the same shelf that the medication lock box is stored on.

2. The surveyor was unable to determine the expiration date for four (4) Epipens located in the Pre-school Classroom medication lock box. Three (3) Epipens were in a box with the prescription label on it and one (1) Epipen was loose inside the medication lock box. The Epipens did not have expiration dates on them and their lot numbers did not match the lot number located on the box with the prescription label. The Epipens had not been administered. Staff reported that the parent does not send in a new box with the prescription label each time that a new Epipen is brought in to the center.

Outdoor Play Area

Not Applicable

Inspection Report

Equipment

Not In Compliance

755 - Toys/Equipment/Furniture

Not In Compliance

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

(1) All toys, equipment, 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 and interview, the surveyor found one (1) bean bag chair and three (3) pillows in the Toddler Classroom that were soiled and stained. Staff explained that the bean bag cover and pillow covers are removable and have to be removed periodically to be washed as they do get dirty.

Transportation

Not Applicable

Food Service

Not In Compliance

935 - 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 and interview, the surveyor found that the thermometer located in the kitchen refrigerator was reading fifty (50) degrees fahrenheit; therefore, the temperature was not maintained at forty (40) degrees fahrenheit or less. Staff was not aware that the thermometer was reading more than it should be.

Children's Records

Not In Compliance

1075 - Enrollment Information

Not In Compliance

922 KAR 2:110. Section 3. 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 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 situation 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 and interview, the surveyor found that one (1) child's file (DOE: 01/04/15) presented for review did not contain the preferred hospital or preferred physician information. Staff reported that when the child was enrolled the family had just relocated to the area and were not yet established with health care providers; therefore, they had forgotten to obtain the information once the family had become more acclimated to the area.

Written Documentation

Not In Compliance

1105 - Professional Development

Not In Compliance

922 KAR 2:110. Section 3. 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 and interview, the surveyor found that one (1) employee file (DOH: 08/20/2007) presented for review did not contain an up-to-date annual professional development plan. The last professional development plan in the file was dated for 09/28/2015. Upon interview, staff acknowledged that the employee's professional development plan was over due for an update.

Inspection Report

Posted Documentation

Not In Compliance

1155 - Posting Requirements

Not In Compliance

922 KAR 2:110. Section 2. General.

(7) 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) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year;**
- (b) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;**
- (c) Information on the Kentucky Consumer Product Safety Program and the program's website as specified in KRS 199.897;**
- (d) 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;****
- (e) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and**
- (f) Daily schedule.**

Findings:

General: Based on observation and interview, the surveyor found that information on the Kentucky Consumer Product Safety Program and the programs website were not posted as required. Upon interview, staff reported the information had been posted in the past but they were not sure what had happened to it.

Animals

In Compliance

Signature of Provider/Representative

Title

Date