



**Andy Beshear**  
GOVERNOR

**CABINET FOR HEALTH AND FAMILY SERVICES  
OFFICE OF INSPECTOR GENERAL**

**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>

**Eric Friedlander**  
SECRETARY

**Adam Mather**  
INSPECTOR GENERAL

**Inspection Report**

<b>Provider Name:</b> Children's Choice Learning Center	<b>Provider Information</b>	<b>CLR No:</b> L357626
<b>Provider Address:</b> 717 S. Main St, Nicholasville, KY, 40356	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 64
<b>Owner(s):</b> Children's Choice Learning Center, Inc.		<b>Director(s):</b> Miller, Barbara G

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 247047
<b>Date Initiated:</b> 11/19/2018 9:35 AM	<b>Date Concluded:</b> 11/19/2018 12:30 PM	
	<b>No. of Children Present:</b> 32	

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

**345 - 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, out of eight (8) staff files reviewed seven (7) of those staff had not had an annual evaluation completed since 10/17/17. All seven (7) staff have been employed for a year or more. The hire dates for these staff are as follows: 10/5/15, 2/2/15, 5/11/16, 3/9/09 and 3/19/12.

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

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

**(1) A director shall:**

**(l) Assure the health, safety, and comfort of each child;**

**Findings:**

General: Based on observation, the following was found:

- 1) In Preschool Room # 106, a box fan was located on a low shelf. The fan was plugged into an electrical outlet located beside the shelf. The cord was observed hanging loosely. A doll house was in front of the outlet. The cord to the fan was accessible to the children.
- 2) The cord to a window air conditioner was also observed hanging loosely from the window in the same area as the doll house.
- 3) Wall mounted hooks were observed on the walls outside of each classroom. The children's back packs, coats and diaper bags were observed hanging on these hooks. There was no space between each child's belongings, allowing them to touch the items hanging on each side.
- 4) In addition car seats were observed on the floor across from the infant room. There was no space between each carseat allowing the sides to touch the car seat on each side. This method of storing the children's belongings and car seats is not sanitary and allows for cross contamination of germs.
- 5) In the bathroom located beside Room # 106, a changing table was observed in the corner of a small room connected to the area where the toilets and sinks are located. A black electrical cord was observed coming down from the ceiling. An interview with staff in the two-year-old room found that she uses this changing table for the children in her room. The cord is accessible to the children.

**Inspection Report****Employee Records****Not In Compliance****395 - 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, out of ten (10) staff files reviewed there was one (1) staff person with a T.B. test that was read on 5/17/16. The date read on the T.B. test exceeds the two (2) year time frame.

**410 - 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 within the first three (3) months of employment;**
- (b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment, 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 during each subsequent year of employment, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.**

**Findings:**

General: Based on review of documentation presented at the time of the survey and ECE-TRIS records, the following was found:

- 1) Out of ten (10) staff files reviewed, there were four (4) staff who had not completed fifteen (15) hours of annual training. Those staff hire dates are: 10/5/15, 2/5/15, 5/11/15 and 3/9/09.
- 2) There were two (2) staff who completed one and one-half (1 1/2) hours of pediatric abusive head trauma training on 7/13/13 and one (1) staff person who completed the training on 10/9/13. The training had not been completed again after five (5) years as required.
- 3) There was one (1) staff person hired 6/4/18 who had not completed six (6) hours of required orientation training within the first three (3) months of employment.

**415 - Driver Requirements****Not In Compliance****922 KAR 2:120. Section 12. Transportation.****(18) A driver of a vehicle transporting a child for a center shall:**

- (a) Be at least twenty-one (21) years old;**
- (b) Complete:**
  - 1. The background checks as described in 922 KAR 2:280; and**
  - 2. An annual check of the:**
    - a. Kentucky driver history records in accordance with KRS 186.018; or**
    - b. Driver history records through the state transportation agency that issued the driver's license;**
- (c) Hold a current driver's license which has not been suspended or revoked during the last five (5) years; and**
- (d) Not caused an accident which resulted in the death of a person.**

**Findings:**

General: Based on interview with the director, it was found they have a volunteer who drives the van for field trips during the summer. The volunteer is not counted in staff to child ratios, does not supervise children and is never left alone. A review of documents presented for review at the time of the survey found that the driver history record on file was dated 6/13/17.

**Programming****Not In Compliance****495 - Bedding/Toys in Crib****Not In Compliance****922 KAR 2:120. Section 6. Sleeping and Napping Requirements.****(3) Rest time shall include adequate space specified by the child's age as follows:**

- (a) For an infant:**
  - 3. No loose bedding, such as a bumper or a blanket; and**
  - 4. No toys or other items except the infant's pacifier;**

**Findings:**

General: Based on observation while in the infant room, a three-month-old child was observed sleeping in a crib. A blanket was up around the child's face. A four-month-old child, an eight-month-old child and a nine-month-old child were also observed sleeping with blankets up around their faces. The blankets were loose and not tucked securely away from the children's faces.

Inspection Report	
Premises	Not In Compliance
<b>520 - Inaccessible Items</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 3. General Requirements.</b> <b>(7) The following shall be inaccessible to a child in care:</b> <b>(a) Toxic cleaning supplies, poisons, and insecticides;</b> <b>(b) Matches, cigarettes, lighters, and flammable liquids; and</b> <b>(c) Personal belongings and medications of staff.</b>	
<b>Findings:</b> General: Based on observation while in the school age room, a short tan cabinet was observed against the wall. The doors to the cabinet were unlocked. Inside the cabinet on the top shelf a can of Lysol spray disinfectant and a can of Great Value brand spray disinfectant were observed. There was also a can of Windex multisurface cleaner. The labels on the containers of cleaners had warning labels indicating to keep out of the reach of children. Because these items are located in a short cabinet with no lock, they are accessible to the children.	
<b>580 - Floors, Walls, Ceilings</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 4. Premises Requirements.</b> <b>(9) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.</b>	
<b>Findings:</b> General: Based on observation in the bathroom located beside Room #106, there was an area on the wall under the window above the baseboard that had been repaired with drywall tape. The tape was discolored and water stained.	
Hygienic Practices	Not In Compliance
<b>710 - Toy Sanitation Procedure</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 11. Toys and Furnishings.</b> <b>(4) A toy or another item that is considered a mouth contact surface by a child not toilet trained shall be sanitized daily by:</b> <b>(a)1. Scrubbing in warm, soapy water using a brush to reach into crevices;</b> <b>2. Rinsing in clean water;</b> <b>3. Submerging in a sanitizing solution for at least two (2) minutes; and</b> <b>4. Air dried; or</b> <b>(b) Cleaning in a dishwasher if the toy or other item is dishwasher safe.</b>	
<b>Findings:</b> General: Based on interview with staff in the infant room, it was found that the toys and other items considered mouth contact surfaces by a child not toilet trained are sanitized daily by putting them in an antibacterial cleaning solution. They are then rinsed and left to air dry. Staff in the one-year-old room indicated that toys are cleaned in the same manner as staff in the infant room described. This method of cleaning and sanitizing toys does not meet the requirements of this regulation.	
First Aid/Medication	Not In Compliance
<b>730 - Medication</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 7. First Aid and Medicine.</b> <b>(6) Medication, including refrigerated medication, shall be:</b> <b>(a) Stored in a separate and locked place, out of the reach of a child unless the medication is:</b> <b>1. A first aid supply and is maintained in accordance with subsection (1) of this section;</b> <b>2. Diaper cream, sunscreen, or toothpaste. Diaper cream, sunscreen, or toothpaste shall be inaccessible to a child;</b> <b>3. An epinephrine auto-injector. A licensed child-care center shall comply with KRS 199.8951 and 311.646, including:</b> <b>a. An epinephrine auto-injector shall be inaccessible to a child;</b> <b>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;</b> <b>c. A child-care center shall seek emergency medical care for a child if an auto-injector is administered to the child; and</b> <b>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</b> <b>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> <b>(b) Kept in the original bottle; and</b> <b>(c) Properly labeled.</b> <b>(7) Medication shall not be given to a child if the medication's expiration date has passed.</b>	
<b>Findings:</b> General: Based on observation, in the office on a shelf located where the director's desk is located three (3) bottles of medication were observed. There was a bottle of Pepto-Bismal, Crestor and eye drops. The door to the office was open. There is a bathroom located beside the office that is used by the children. The medication was not in a locked container or area and was accessible to the children.	
Outdoor Play Area	In Compliance

Inspection Report	
Equipment	Not In Compliance
<b>815 - Toys/Furniture</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 11. Toys and Furnishings.</b> <b>(1) All toys and furniture contacted by a child shall be:</b> <b>(a) Kept clean and in good repair; and</b> <b>(b) Free of peeling, flaking, or chalking paint.</b>	
<b>Findings:</b> General: Based on observation in the school age room, a long mirror on the wall had numerous fingerprints and smudges. There were two (2) tables against the wall that had a dried brown and white substance on the surface as well as numerous crayon and marker smudges. In the corner of the room there was a navy blue circle rug that had an accumulation of dirt and debris.	
<b>820 - Indoor/Outdoor Equipment</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 11. Toys and Furnishings.</b> <b>(2) Indoor and outdoor equipment shall:</b> <b>(a) Be clean, safe, and in good repair;</b> <b>(b) Meet the physical, developmental needs, and interests of children of different age groups;</b> <b>(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</b> <b>(d) Be designed to guard against entrapment or situations that may cause strangulation.</b>	
<b>Findings:</b> General: Based on observation of the outdoor playground, a plastic Little Tikes picnic table was observed. The leg of the table was broken. The end of the plastic tunnel slide on the climbing structure had cracked at the bottom of the slide leaving sharp edges.	
Transportation	Not In Compliance
<b>845 - Requirements for Transportation Services</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 12. Transportation.</b> <b>(2) A center providing or arranging transportation service shall:</b> <b>(a) Be licensed and approved by the cabinet or its designee prior to transporting a child;</b> <b>(b) Have a written plan that details the type of transportation, staff schedule, transportation schedule, and transportation route; and</b> <b>(c) Have written policies and procedures, including emergency procedures practiced monthly by staff who transports children.</b>	
<b>Findings:</b> General: Based on review of documentation presented at the time of the visit, it was found that the facility did not have a written plan that details the type of transportation that is provided. The information provided at the time of the visit included the routes, schedule and policies and procedures including emergency procedures practiced by staff who transport children. Based on interview with the director it was found that the facility only transports children on field trips during the summer months.	
<b>880 - Vehicle Equipment</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 12. Transportation.</b> <b>(4) A vehicle used to transport children shall be equipped with:</b> <b>(a) A fire extinguisher;</b> <b>(b) First aid supplies as established in Section 7 of this administrative regulation;</b> <b>(c) Emergency reflective triangles; and</b> <b>(d) A device to cut the restraint system, if necessary.</b>	
<b>Findings:</b> General: Based on observation of the first aid kit on the vehicle used to transport children on field trips, it was found that there was no liquid soap available as part of the supplies on the vehicle. A bottle of Band-aid brand antiseptic wash was found as part of the supplies.	
Food Service/Food Program	In Compliance
Food Service	Not In Compliance
<b>1075 - Bottle Preparation by Parent</b>	<b>Not In Compliance</b>
<b>922 KAR 2:120. Section 9. Food and Meal Requirements.</b> <b>(4) Formula or breast milk provided by the parent shall be prepared and labeled.</b>	
<b>Findings:</b> General: Based on interview with staff in the infant room, it was found that she prepares bottles by measuring the water and powder formula. It was also found that the parents provide the formula. The staff person indicated during interview that two (2) of the children receive breast milk. However, the breast milk is frozen in premeasured pouches.	

Inspection Report	
Children's Records	Not In Compliance
<b>1140 - Enrollment Information</b>	<b>Not In Compliance</b>
<div style="border: 1px solid black; padding: 5px;"> <b>922 KAR 2:090. Section 9. Records.</b>  <b>(1) A child-care center shall maintain:</b>  <b>(b) A written record for each child:</b> <ol style="list-style-type: none"> <li>1. Completed and signed by the child's parent;</li> <li>2. Retained on file on the first day the child attends the child-care center; and</li> <li>3. To contain:               <ol style="list-style-type: none"> <li>a. Identifying information about the child, which includes, at a minimum, the child's name, address, and date of birth;</li> <li>b. Contact information to enable a person in charge to contact the child's:                   <ol style="list-style-type: none"> <li>(i) Parent at the parent's home or place of employment;</li> <li>(ii) Family physician; and</li> <li>(iii) Preferred hospital;</li> </ol> </li> <li>c. The name of each person who is designated in writing to pick-up the child;</li> <li>d. The child's general health status and medical history including, if applicable:                   <ol style="list-style-type: none"> <li>(i) Allergies;</li> <li>(ii) Restriction on the child's participation in activities with specific instructions from the child's parent or health professional; and</li> <li>(iii) Permission from the parent for third-party professional services in the child-care center;</li> </ol> </li> <li>e. The name and phone number of each person to be contacted in an emergency involving or impacting the child;</li> <li>f. Authorization by the parent for the child-care center to seek emergency medical care for the child in the parent's absence;</li> </ol> </li> </ol> </div>	
<b>Findings:</b> General: Based on review of documentation in ten (10) children's files, there were four (4) children's enrollment information that did not include the child's physician's phone number.	
Written Documentation	Not In Compliance
<b>1155 - Policies and Procedures</b>	<b>Not In Compliance</b>
<div style="border: 1px solid black; padding: 5px;"> <b>922 KAR 2:090. Section 8. General.</b>  <b>(4) Program policies and procedures shall:</b> <ol style="list-style-type: none"> <li>(a) Be in writing; and</li> <li>(b) Include:               <ol style="list-style-type: none"> <li>1. Staff policies;</li> <li>2. Job descriptions;</li> <li>3. An organization chart;</li> <li>4. Chain of command; and</li> <li>5. Other procedures necessary to ensure implementation of:                   <ol style="list-style-type: none"> <li>a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;</li> <li>b. 922 KAR 2:120, Child-care center health and safety standards;</li> <li>c. 922 KAR 2:280, Background checks for child care staff members, reporting requirements, and appeals; and</li> <li>d. This administrative regulation.</li> </ol> </li> </ol> </li> </ol> </div>	
<b>Findings:</b> General: Based on review of documentation presented at the time of the survey, it was found that the facility did not have a written policy for reporting suspected abuse or neglect. The document presented for review during the survey was a handout that read: Intent Statement Policy was developed to assist child care providers by providing guidelines for detecting and reporting suspected cases of child abuse and neglect. There was no other documentation presented for review to verify that the facility has its own written policy for reporting suspected abuse or neglect.	
<b>1160 - Daily Attendance Records</b>	<b>Not In Compliance</b>
<div style="border: 1px solid black; padding: 5px;"> <b>922 KAR 2:090. Section 9. Records.</b>  <b>(1) A child-care center shall maintain:</b>  <b>(c) Daily attendance records documenting the arrival and departure time of each child, including records that are required in accordance with 922 KAR 2:160, Section 13, if a child receives services from the child-care center through the Child Care Assistance Program;</b> </div>	
<b>Findings:</b> General: Based on observation at the time of the inspection, there were thirty-two (32) children present. A review of documentation used to record the time of arrival and departure of each child in attendance found only fifteen (15) children had a documented time of arrival recorded.	
<b>1170 - Professional Development</b>	<b>Not In Compliance</b>
<div style="border: 1px solid black; padding: 5px;"> <b>922 KAR 2:090. Section 9. Records.</b>  <b>(1) A child-care center shall maintain:</b>  <b>(f) A written annual plan for child-care staff professional development;</b> </div>	
<b>Findings:</b> General: Based on review of documentation, out of eight (8) staff files reviewed it was found that the last completed professional development plan was dated 10/17/17. All eight (8) staff have been employed for a year or more.	
Posted Documentation	In Compliance
Animals	Not Applicable

Signature of Provider/Representative

Title

Date