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Inspection Report

Provider Name: Kinder Care Learning Center #963	Provider Information	CLR No: L353073
Provider Address: 3199 Custer Drive, Lexington, KY, 40517	Provider Type: LICENSED TYPE I	Capacity: 157
Owner(s): Kindercare Learning Center #936		Director(s): Mapson, Holly

Inspection Type: Investigation	Inspection Information	Inspection No: 320745
Date Initiated: 03/17/2022 1:10 PM	Date Concluded: 03/17/2022 3:20 PM	
	No. of Children Present: 93	

Inspection Report

Background Checks

Not In Compliance

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 review of documentation, this regulatory requirement was not met. One staff person (hire date: 2/7/22) had a completed fingerprint-based background check in KARES with eligible for hire status; however, did not have evidence or results of an out of state background check from Illinois. The staff person had listed in her file that she previously lived in Illinois within the past five years; therefore, she would need a criminal records check, child abuse and neglect check and a sexual abuse registry check from this state. This staff person was identified as working alone with preschool children on 3/10/22.

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 review of documentation and interview, this regulatory requirement was not met. On 3/10/22, the facility reported that at approximately 12:30PM on the same day, a staff person screamed at two children that were fighting over a toy and then hit/smacked one of the children on his back and pushed him down on his cot. An administrative staff person witnessed the incident and immediately escorted the two boys out of the classroom. The staff person was placed on administrative leave a short time after the incident occurred. The administrative paperwork states that the staff person "laid hands on a child". The child did not receive injuries; however, the staff person was terminated as a result of the incident.

Inspection Report

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, this regulatory requirement was not met. The facility failed to obtain the results of a background check from a previous state of residence for one employee (hire date: 2/7/22) prior to allowing the staff person to work alone with children. The staff person had a completed fingerprint-based background check in KARES with eligible for hire status; however, did not have evidence or results of an out of state background check from Illinois. The staff person had listed in her file that she previously lived in Illinois within the past five years; therefore, she would need a criminal records check, child abuse and neglect check and a sexual abuse registry check from this state. This staff person was identified as working alone with preschool children on 3/10/22.

Employee Records

Not In Compliance

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, one staff person (hire date: 2/7/22) did not have T.B. documentation on file.

Signature of Provider/Representative

Title

Date