



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

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Inspection Report

Provider Name: Shaw's Child Care	Provider Information	CLR No: L358347
Provider Address: 2813 Snow Road, Lexington, KY, 40517	Provider Type: LICENSED TYPE I	Capacity: 66
Owner(s): Shaw's Childcare Of Learning, Structure, And Love Inc.		Director(s): Shaw, Angela Faye

Inspection Type: Investigation	Inspection Information	Inspection No: 246287
Date Initiated: 08/08/2018 7:55 AM	Date Concluded: 08/20/2018 2:00 PM	
	No. of Children Present: 28	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
Director Requirements	Not In Compliance
350 - Health, Safety, Comfort	Not In Compliance

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

(1) A director shall:

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

Findings:

General: Based on Review of Documentation, it was found that a seven-year-old has been enrolled in the facility since 6-1-18. During interview, both his teacher and the owner stated that he does not transition well and that Mondays are his worst days due to transitioning from the weekend. His teacher reported that on 8-6-18 he had sent the child to the office to calm down after an altercation with a classmate. The child complied and sat in the office reading comic books. When the owner arrived, she made him go back to the classroom because it was hot in the office. There was no transition period provided therefore the child once again became agitated.

The owner also stated during interview that when the child is upset he stands by the window and chews on his fingers to calm down. She stated that during these times, physical contact is not made with him because it causes an increase in his negative behavior. Upon returning to the classroom from the office, the child was placed in the cubby area toward the front of the room. Video surveillance shows that rather than allow the child to deescalate quietly in the cubby area, three (3) adults kept talking to him and getting very close to his face. He remained relatively calm, but became agitated when the adults argued with him about what it means to be a boy vs. being a man. The child was crying at times and gripping the hem of his shorts.

A male adult, who is not an employee of the facility, was permitted to take part in talking to the child while he was in the cubby area. This individual was observed on video surveillance to get directly in the child's face while talking. The video surveillance is not equipped with audio recording therefore, it is unknown what was being said.

During a review of the video surveillance from the facility and from the owner's cell phone, it was observed that during the time the child was in the cubby area, the child's therapist arrived at the facility unannounced. The owner does not relay this information to the child to allow for a smooth transition. The audio from the cell phone video allows the viewer to hear the owner tell the child, "Let's walk out the door." The child refuses to go with her and then is heard to say, "Don't touch me!" The owner responds with, "Let's walk out the door. Get up out of my classroom." The owner again says, "Get out of my classroom" to which the child angrily responds, "Make me! I ain't afraid of you!" The facility video shows that during this exchange the owner grabbed the seven-year-old child by the left bicep and pulled him to his feet from a sitting position.

After the child, the owner and a male adult exit the building through the side door. The male adult, who is not a facility employee, is observed on video surveillance to grab the seven-year-old child around his waist with two (2) hands and lift him off the ground. He then carries the child with one (1) arm wrapped around the child's chest while his other arm swings freely. The child is observed to be struggling. The audio recording on this video allows the viewer to hear the child screaming, "Don't touch me!" The owner stated that the child was attempting to run into the street, however, video surveillance shows that the child was standing still in the driveway after knocking the owner's cell phone out of her hand. Just prior to knocking the cell phone out of her hand, the child yelled, "Get your f-ing hands off me!" at the owner because she touched him on the back.

Upon reaching the front parking area, the male adult places the child on the ground. The child is standing on his own two (2) feet and is visibly upset. The male adult again touches him on the arm causing him to react and scream. The audio of this event allows the viewer to hear the child sobbing and screaming, "Don't touch me!"

Inspection Report**Programming****Not In Compliance****455 - Discipline****Not In Compliance****922 KAR 2:120. Section 2. Child Care Services.****(10) A child shall not be subjected to:**

- (a) Corporal physical discipline pursuant to KRS 199.896(18);**
- (b) Loud, profane, threatening, frightening, humiliating, or abusive language; or**
- (c) Discipline that is associated with:**
 - 1. Rest;**
 - 2. Toileting; or**
 - 3. Food.**

Findings:

General: Based on Review of Documentation, it was found that on 8-6-18, a seven-year-old child was agitated and reportedly having behavior problems in the classroom. A review of the video surveillance found that the owner and two (2) of her sons were talking to the child in the cubby area of the classroom. The audio of one of the videos showed that voice levels ranged from a normal speaking voice to a more elevated level in order to be heard. The cubby area is in the front area of the classroom. During this time, six (6) school age children were observed to be listening to the exchange between the child and the three (3) adults. Three (3) of the children were observed to sneak behind the cubby area in what appears to be an attempt to see what is happening. The children quickly ran back to their seats when the staff person heads their way. At no time is the child in the cubby area provided privacy from his classmates. The other children are not removed from the classroom nor is the child allowed to move to another area.

First Aid/Medication**Not In Compliance****720 - Medication Administration****Not In Compliance****922 KAR 2:120. Section 7. First Aid and Medicine.****(4) Prescription and nonprescription medication shall be administered to a child in care:**

- (a) 1. With a written request of the child's parent or the child's prescribing health professional; and**
- 2. According to the directions or instructions on the medication's label; or**
- (b) For epinephrine, in accordance with KRS 199.8951 and 311.646.**

Findings:

General: Based on Review of Documentation, it was found that on 7-3-18, a child was found to have been given 10mg of D-Amphetamine Salt at 11:00 a.m. and 2:26 p.m.; however, the parent had not signed a permission form to administer medication that day. It was also found that on 7-6-18, this same child was given 10mg of D-Amphetamine Salt at 11:26 a.m. and 2:45 p.m., however, the parent had not signed a permission form to administer medication that day.

725 - Administration Record**Not In Compliance****922 KAR 2:120. Section 7. First Aid and Medicine.****(5) The child-care center shall keep a written record of the administration of medication, including:**

- (a) Time of each dosage;**
- (b) Date;**
- (c) Amount;**
- (d) Name of staff person giving the medication;**
- (e) Name of the child; and**
- (f) Name of the medication.**

Findings:

General: Based on Review of Documentation, it was found that on 6-28-18, a child was signed into the facility at 7:30 a.m. and signed out at 4:30 p.m. The medication permission form stated that he was to be given 10mg of D-Amphetamine Salt at 11:00 a.m. and 2:00 p.m. The medication administration log noted that the first dose was given at 11:33 a.m. There was no record of the 2:00 p.m. dose being given. In addition, on 8-6-18, a child was not signed into the facility and he was signed out at 3:00 p.m. The medication administration form stated that he was to be given 10mg of D-Amphetamine Salt at 11:00 a.m. and 2:00 p.m. There was no record of the child being given his medication at 2:00 p.m.

Written Documentation**Not In Compliance****1160 - Daily Attendance Records****Not In Compliance****922 KAR 2:090. Section 9. Records.****(1) A child-care center shall maintain:**

- (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;**

Findings:

General: Based on Review of Documentation, it was found that on 6-12-18 and 7-6-18, a school age child was not signed into or out of the facility. On 8-6-18, this same child was not signed into the facility, but he was signed out at 3:00 p.m.

Signature of
Provider/Representative

Title

Date