



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

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**Eric C. Friedlander**  
Secretary

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Inspector General

**Inspection Report**

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

<b>Inspection Type:</b> Investigation	<b>Inspection Information</b>	<b>Inspection No:</b> 247275
<b>Date Initiated:</b> 10/12/2018 3:00 PM	<b>Date Concluded:</b> 10/26/2018 1:35 PM	
	<b>No. of Children Present:</b> 39	

<b>Inspection Report</b>		
<b>Background Checks</b>		<b>Not In Compliance</b>
<b>5 - Background check/left alone/dismissed/relocated</b>		<b>Not In Compliance</b>
<p><b>922 KAR 2:280. Section 3. Implementation and Enforcement.</b></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><b>Findings:</b></p> <p>General: Based on Review of Documentation, observation and interview, this regulatory requirement was not met. On 10/12/18 the surveyor arrived at the facility at 3:00PM and toured the outdoor playground areas. The surveyor observed one (1) staff person (hire date: 10/12/18) caring for a group of five (5) children (one (1) year olds) on the toddler playground. The surveyor requested to review this staff person's employee file during the visit. The staff person in charge stated, "Today is her first day. She works for Fayette County Public Schools so I assumed it would be easy to obtain a copy of her criminal records check in the new KARES program. I called her at 7:43AM this morning to request her to come work for me today and she arrived at 2:15PM this afternoon. A review of the Kentucky National Background Check service (KARES) found that the facility had not yet initiated the process to obtain a fingerprint-based background check and therefore does not have the eligible for hire status. Later in the day on 10/12/18 the director forwarded the surveyor a copy of the KARES form for this staff person via email. A review of the documentation found that it was submitted in KARES on 10/12/18 at 4:19PM.</p>		
<b>Supervision</b>		<b>In Compliance</b>
<b>Staffing Requirements</b>		<b>In Compliance</b>

Inspection Report	
General Administration	Not In Compliance
<b>205 - Reports to Cabinet</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:090. Section 12. Reports.</b></p> <p><b>(1) The following shall be reported to the cabinet or designee and other agencies specified in this section within twenty-four (24) hours from the time of discovery:</b></p> <p><b>(a) Communicable disease, which shall also be reported to the local health department pursuant to KRS 214.010;</b></p> <p><b>(b) An accident or injury to a child that requires medical care initiated by the child-care center or the child's parent;</b></p> <p><b>(c) An incident that results in legal action by or against the child-care center that:</b></p> <p><b>1. Affects a child or staff person; or</b></p> <p><b>2. Includes the center's discontinuation or disqualification from a governmental assistance program due to fraud, abuse, or criminal conviction related to that program;</b></p> <p><b>(d) An incident involving fire or other emergency, including a vehicular accident when the center is transporting a child receiving child care services;</b></p> <p><b>(e) A report of child abuse or neglect that:</b></p> <p><b>1. Has been accepted by the cabinet in accordance with 922 KAR 1:330; and</b></p> <p><b>2. Names a director, employee, volunteer, or person with supervisory or disciplinary control over, or having unsupervised contact with a child in care as the alleged perpetrator; or</b></p> <p><b>(f) An individual specified in Section 6(4) of this administrative regulation meeting a disqualifying criterion or background check result pursuant to 922 KAR 2:280.</b></p> <p><b>Findings:</b></p> <p>General: Based on Review of Documentation, and interview, this regulatory requirement was not met. Record review of the child-care center's file at the local Division of Regulated Child Care (DRCC) office revealed the center had not submitted a report of having contacted the local fire department on 10/10/18 due to a small fire in the bathroom exhaust fan. Interviews with four (4) staff members confirmed the local fire department had been contacted to come to the center due to a small fire in the exhaust fan. The staff person in charge acknowledged the findings during interview and stated she was unaware a report needed to be made to the local DRCC office concerning the local fire department coming to the center. The staff person in charge presented a facility incident/accident report to the surveyor during the investigation that stated, "Fuse blew in a bathroom fan and started an electrical fire".</p>	
Director Requirements	Not In Compliance
<b>360 - Caregiver Alone</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</b></p> <p><b>(1) A director shall:</b></p> <p><b>(n) Assume 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;</b></p> <p><b>Findings:</b></p> <p>General: Based on Review of Documentation, observation and interview, this regulatory requirement was not met. On 10/12/18 the surveyor arrived at the facility at 3:00PM and toured the outdoor playground areas. The surveyor observed one (1) staff person (hire date: 10/12/18) caring for a group of five (5) children (one (1) year olds) on the toddler playground. The surveyor requested to review this staff person's employee file during the visit. The staff person in charge stated, "Today is her first day. She works for Fayette County Public Schools so I assumed it would be easy to obtain a copy of her criminal records check in the new KARES program. I called her at 7:43AM this morning to request her to come work for me today and she arrived at 2:15PM this afternoon. A review of the Kentucky National Background Check service (KARES) found that the facility had not yet initiated the process to obtain a fingerprint-based background check and therefore does not have the eligible for hire status. Later in the day on 10/12/18 the director forwarded the surveyor a copy of the KARES form for this staff person via email. A review of the documentation found that it was submitted in KARES on 10/12/18 at 4:19PM.</p>	
Employee Records	Not In Compliance
<b>395 - TB Verification</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:090. Section 11. Staff Requirements.</b></p> <p><b>(1) Child-care center staff:</b></p> <p><b>(b) Shall provide, prior to employment and every two (2) years thereafter:</b></p> <p><b>1. A statement from a health professional that the individual is free of active tuberculosis; or</b></p> <p><b>2. A copy of negative tuberculin results.</b></p> <p><b>Findings:</b></p> <p>General: Based on Review of Documentation, this regulatory requirement was not met. One (1) staff person did not have evidence of a negative TB skin test or physician's statement documenting he/she was free from tuberculosis prior to employment. The staff person was hired on 10/12/18; however, did not have a TB skin test until 10/17/18.</p>	
Premises	Not In Compliance
<b>540 - Premises Requirements</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:120. Section 4. Premises Requirements.</b></p> <p><b>(1) The premises shall be:</b></p> <p><b>(a) Suitable for the purpose intended;</b></p> <p><b>(b) Kept clean and in good repair;</b></p> <p><b>Findings:</b></p> <p>General: Based on Observation, and interview, this regulatory requirement was not met. The surveyor toured the facility kitchen on 10/12/18 and observed a water leak under the kitchen sink. A bucket had been positioned under the garbage disposal and it was half full of discolored water. The bottom of the garbage disposal contained rusty areas which appeared to be the cause of the leak. The director acknowledged the leak during the visit and stated that she was in process of getting it replaced. The surveyor conducted a second tour of the kitchen on 10/26/18 and found that a new garbage disposal had been installed and the bucket had been removed from the area.</p>	

570 - Pest Control

Not In Compliance

- 922 KAR 2:120. Section 4. Premises Requirements.
- (7) Measures shall be utilized to control the presence of:
- (a) Rodents;

(b) Flies;

(c) Roaches; and

(d) Other vermin.

Findings:

General: Based on Observation, and interview, this regulatory requirement was not met. On 10/26/18 the surveyor observed a live roach crawl across the top of a filing cabinet in the facility office. The staff person in charge presented several bottles of roach spray being stored under her desk and stated that the facility would be treated over the weekend.

Signature of  
Provider/Representative

Title

Date