



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

Andy Beshear
Governor

Melissa A. Moore, Director
Division of Regulated Child Care
Eastern Branch
1055 Wellington Way
Lexington, KY 40513
Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Eric C. Friedlander
Secretary

Adam Mather
Inspector General

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: Renewal Application	Inspection Information	Inspection No: 290062
Date Initiated: 06/17/2019 9:35 AM	Date Concluded: 06/17/2019 1:10 PM	
	No. of Children Present: 24	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
180 - Plan of Correction/15 days	Not In Compliance

922 KAR 2:090. Section 14. Statement of Deficiency and Corrective Action Plans.

(2) Except for a violation posing an immediate threat as handled in accordance with KRS 199.896(5)(c), a child-care center shall submit a written corrective action plan to the cabinet or its designee within fifteen (15) calendar days of the date of the statement of deficiency to eliminate or correct the regulatory violation.

Findings:

A PLAN OF CORRECTION WAS DUE ON 07/16/2019 AND AS OF 08/12/2019, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.

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 observation, this regulatory requirement was not met.

1) During a tour of the School Age room the surveyor observed a window air conditioning unit sitting on top of the sensory table. A piece of plywood was observed sitting on the table behind the unit. The unit was plugged into the outlet on the wall behind the table and had been turned on. Cold air was observed coming from the vents of the unit. The fan could be seen turning in side the unit through the vent in the top. There were ten (10) children ages five to twelve (12) years old in the room at the time. The children had access to the air conditioner.

2) During a tour of the Preschool room a staff person had a spray bottle of Odo-Ban cleaner hanging from a pocket located at the bottom of her shirt. The surveyor observed the staff person remove the bottle of Odo-Ban Multipurpose cleaner and stand at a distance and spray the surface of a red table. The solution from the bottle could be seen in the air as it hit the table. The scent of the cleaner could also be smelled from a distance. Children were in close proximity of the table when the staff sprayed the cleaning solution. It should be noted that on the front of the bottle the label contained a caution to keep out of the reach of children. Further warnings on the label indicate that the solution should not be inhaled.

3) In the infant room an electric swing with a pink cushion was observed sitting against the wall by the door that leads into Class - B. The cord to the swing was wrapped around the two (2) metal support poles at back near the wall. The remainder of the cord was plugged in the electrical outlet on the wall over the bookshelf. The cord was accessible to children.

Inspection Report**Employee Records****Not In Compliance****385 - Personnel File****Not In Compliance****922 KAR 2:090. Section 9. 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. Documentation of compliance with tuberculosis screening in accordance with Section 11(1)(b) of this administrative regulation; and**
- 5. The results of background checks conducted in accordance with 922 KAR 2:280;**

Findings:

General: Based on review of documentation, this regulatory requirement was not met. A review of nine (9) staff files found three (3) staff did not have a documented date of hire.

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, and ECE-Tris records this regulatory requirement was not met. A review of nine (9) staff files found a staff person with a hire date of 8/2/12 and a staff person with a hire date of 11/1/06 that did not have evidence in the ECE-Tris system to verify completion of fifteen (15) hours of cabinet approved training. Although there were some training certificates on file at the facility these documents were not listed in the ECE-Tris system.

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 review of documentation, this regulatory requirement was not met. A review of records found that the driver history records of both drivers who transport children had been completed on 3/23/18. There was no other documentation available to verify that these staff have a current driver history record from the transportation agency that issued their driver's license.

Programming**In Compliance****Premises****Not In Compliance****580 - 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, this regulatory requirement was not met. During a tour of the facility the following was found:

- 1) The wall by the water fountain in School Age room had an accumulation of dirt and grime. In this same room there was an exit door located near the back of the room. On the back of the door on the inside there was a large area at the bottom that was rusted.
- 2) In the bathroom located in Class - C there was a large hole in the shape of a square cut in the ceiling. Two (2) pieces of wood were nailed to the ceiling on two (2) sides of the square. A flat silver piece of material had been placed in the area to cover the opening. However, the piece of material did not fit leaving gaps on two (2) sides of the opening.
- 3) In the bathroom located in Classroom B there were numerous areas where the paint had peeled away from the surface. Also, the ceiling vent in the ceiling in the bathroom did not fit flush to the ceiling leaving gaps around the edges.

640 - Toilet Room

Not In Compliance

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

(2) A toilet room shall:

- (a) 1. Be provided for each gender; or**
- 2. A plan shall be implemented to use the same toilet room at separate times;**
- (b) Have a supply of toilet paper; and**
- (c) Be cleaned and disinfected daily.**

Findings:

General: Based on observation, this regulatory requirement was not met. In the bathroom located in the Preschool room a toilet plunger was observed sitting on the floor by the toilet. This is an unsanitary method of storing the plunger. The plunger was also accessible to the children.

645 - Sink

Not In Compliance

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

(3) A sink shall be:

- (a) Located in or immediately adjacent to toilet rooms;**
- (b) Equipped with hot and cold running water that allows for hand washing;**
- (c) Equipped with hot water at a minimum temperature of ninety (90) degrees Fahrenheit and a maximum of 120 degrees Fahrenheit;**
- (d) Equipped with liquid soap;**
- (e) Equipped with hand-drying blower or single use disposable hand drying material;**
- (f) Equipped with an easily cleanable waste receptacle; and**
- (g) Immediately adjacent to a changing area used for infants and toddlers.**

Findings:

General: Based on observation, this regulatory requirement was not met. In the bathroom located in the School Age room there was not a knob to turn on the cold water at the sink used for handwashing. This does not allow access to both hot and cold water for handwashing as required by this regulation.

Hygienic Practices

Not In Compliance

655 - 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 his or her developmental skills;**
- (b) Except as established in paragraph (c) of this subsection, 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 touching an item or an area of the body soiled with body fluids or wastes; and**
 - 6. After outdoor or indoor play time; and**
- (c) Use hand sanitizer or hand-sanitizing wipes if liquid soap and warm running water are not available in accordance with paragraph (b) of this subsection. The child shall wash the child's hands as soon as practicable once liquid soap and warm running water are available.**

Findings:

General: Based on observation, this regulatory requirement was not met. During a tour of the room labeled Class C a staff person was observed changing a child's diaper. Once the staff person finished changing the child's diaper she removed the child from the changing table and stood him on the floor. The staff person did not have the child wash his hands after having his diaper changed. This children in the classroom were ages one to two (1-2) years old.

710 - Toy Sanitation Procedure

Not In Compliance

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

(4) A toy or another item that is considered a mouth contact surface by a child not toilet trained shall be sanitized daily by:

- (a) 1. Scrubbing in warm, soapy water using a brush to reach into crevices;**
- 2. Rinsing in clean water;**
- 3. Submerging in a sanitizing solution for at least two (2) minutes; and**
- 4. Air dried; or**
- (b) Cleaning in a dishwasher if the toy or other item is dishwasher safe.**

Findings:

General: Based on interview, this regulatory requirement was not met. An interview with staff in the room labeled Class - C found that toys that are mouthed by children not toilet trained are washed daily by washing them with a rag in soap and water and then placing them in bleach water. This process describe for the sanitation of toys mouthed by children not yet toilet trained does not meet the requirement as described in this regulation.

First Aid/Medication

In Compliance

Outdoor Play Area

In Compliance

Inspection Report	
Equipment	Not In Compliance
790 - Crib/Mattress/Sheet	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: 1. An individual non-tiered crib that meets Consumer Product Safety Commission standards established in 16 C.F.R. 1219-1220; 2. A firm crib mattress in good repair with a clean tight-fitted sheet that shall be changed: a. Weekly; or b. Immediately if it is soiled or wet;	
Findings: General: Based on observation, tis regulatory requirement was not met. In the infant room there were two (2) cribs that had sheets that did not fit tightly over the mattress.	
815 - Toys/Furniture	Not In Compliance
922 KAR 2:120. Section 11. Toys and Furnishings. (1) All toys 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 interview, this regulatory requirement was not met. An interview with staff in the room labeled Class - C found that toys that are mouthed by children not toilet trained are washed daily by washing them with a rag in soap and water and then placing them in bleach water. This process describe for the sanitation of toys mouthed by children not yet toilet trained does not meet the requirement as described in this regulation. General: Based on observation, tis regulatory requirement was not met. In the infant room there were two (2) cribs that had sheets that did not fit tightly over the mattress. General: Based on observation, this regulatory requirement was not met. 1) In the School Age room there was a large tan pillow in the book area and a large yellow pillow laying on the floor on the other side of the book area that had areas that were soiled and stained. In this same room there was a round vinyl cushion designed to look like a stump of wood. The stitching around the top of the cushion had unraveled leaving an opening that exposed the foam filler inside. 2) In the classroom labeled as Class - C there was a dried white substance on the lid of the sensory table. 3) An adult glider/rocker was observed in the infant room and in the classroom labeled Class - B. The cloth arm covers of both of these chairs were found to numerous dark stains and were soiled with dirt.	
820 - Indoor/Outdoor Equipment	Not In Compliance
922 KAR 2:120. Section 11. Toys and Furnishings. (2) Indoor and outdoor equipment shall: (a) Be clean, safe, and in good repair; (b) Meet the physical, developmental needs, and interests of children of different age groups; (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 (d) Be designed to guard against entrapment or situations that may cause strangulation.	
Findings: General: Based on observation, this regulatory requirement was not met. 1) A water fountain was observed mounted to the wall by the bathroom in the School Age room. The front cover on the water fountain was secured in the middle either side with one (1) screw. The cover was not secured the rest of the way down the front and was bent outward at the bottom. 2) In the infant room there is a sink with a cabinet located beside the children's cubbies. The entire front of the cabinet was not secure and was hanging at an angle. A large hole was observed on the side of the cabinet at the back near the wall.	
Transportation	Not In Compliance
880 - Vehicle Equipment	Not In Compliance
922 KAR 2:120. Section 12. Transportation. (4) A vehicle used to transport children shall be equipped with: (a) A fire extinguisher; (b) First aid supplies as established in Section 7 of this administrative regulation; (c) Emergency reflective triangles; and (d) A device to cut the restraint system, if necessary.	
Findings: General: Based on observation, this regulatory requirement was not met. An inspection of the 2014 Ford van used to transport children found that there was not a working flashlight or a thermometer available on the vehicle as part of required first aid supplies. The vehicle had been used to transport children in May 2019. It should be noted that during the survey the director had extra working flashlights inside the facility and thermometer and placed them on the vehicle.	
Food Service/Food Program	In Compliance
Food Service	In Compliance

Inspection Report		
Children's Records		Not In Compliance
1140 - Enrollment Information		Not In Compliance
<div>922 KAR 2:090. Section 9. 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 a 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 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;</div>		
Findings: General: Based on observation, this regulatory requirement was not met. Upon arrival at the facility the surveyor entered the door with a female adult. This same adult was observed sitting a table with a female child in the preschool room. The female was asking the child questions and instructing the child to repeat specific words. An interview with the staff person in charge found that the adult is a speech therapist that comes to the facility to work with the child once a week. A review of the child's enrollment information found that there was no written permission from the child's parent to allow for third-party professional services be at the facility to work with the child. The only documentation on file was from the agency that conducted the screening for the child and verified the child qualified for speech services. There was a handwritten note on the back of the document that indicated the child would receive services once a week from someone from the facility.		
Written Documentation		In Compliance
Posted Documentation		In Compliance
Animals		Not Applicable

Signature of
Provider/Representative

Title

Date