



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

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Inspection Report

Provider Name: Our Little Miracles	Provider Information	CLR No: L358487
Provider Address: 108 West Mill Street, Cynthiana, KY, 41031	Provider Type: LICENSED TYPE I	Capacity: 40
Owner(s): Our Little Miracles, Llc		Director(s): Mills, Vernie

Inspection Type: Investigation	Inspection Information	Inspection No: 220496
Date Initiated: 06/07/2017 10:50 AM	Date Concluded: 06/07/2017 12:55 PM	
	No. of Children Present: 31	

Inspection Report	
Supervision	In Compliance
Staffing Requirements	In Compliance
Director Requirements	Not In Compliance
275 - Caregiver Alone	Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

(1) Effective with the adoption of this administrative regulation, a director shall:

(n) 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 Section 3(1)(e)6 of this administrative regulation;

Findings:

General: Based on Review of Documentation, observation and interview during a complaint investigation, this regulatory requirement was not met. The following was found:

1. Upon arrival (10:50AM) a staff person with a 5/9/17 hire date and a staff person with a 5/23/17 hire date were observed working together in the two (2) year old classroom with three (3) children. A review of the staff person's file with a 5/9/17 hire date found no evidence or results of a child abuse/neglect check (CAN) and no evidence or results of a criminal records check (CRC). A review of the staff person's file with a 5/23/17 hire date found that a CAN check had been submitted on 5/24/17; however, the results had not yet been obtained. The staff person had a completed CRC in her file; however, it was not submitted for processing until 5/26/17. These two (2) staff stated during interview that they work together in the two (2) year old classroom daily and indicated that they each work alone with the children while the other is on break.
2. A review of a staff person's file with a 5/10/17 hire date found that a CAN check had been submitted for processing on 5/23/17; however, the results had not yet been obtained. This staff person had a completed CRC on file that was not submitted for processing until 5/26/17. This staff person was not observed working alone with children during the visit; however, she stated during interview, "Typically I work with another staff person, but our numbers were low last week so I worked alone in the infant/toddler classroom with a couple of children". Other staff stated during interview that this staff person "sometimes works alone with the children".
3. It was revealed during the investigation that a staff person that was employed at the facility 4/10/17 - 5/10/17 worked alone with children in the two (2) year old classroom during this time frame. A review of this staff person's employee file found that a CAN check had been submitted; however, the results had not been obtained. The CRC on file was dated 4/17/17. There was no evidence on file that it was submitted for processing within the regulatory time frame.

Inspection Report**Employee Records****Not In Compliance****300 - Background checks/left alone****Not In Compliance****922 KAR 2:090. Section 6. License Issuance.****(5) An individual described in subsection (4) of this section shall:****(a) Submit to background checks described in paragraph (b) of this subsection;****(b) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:**

- 1. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;**
- 2. Criminal records check required by KRS 199.896(19);**
- 3. Criminal records check for any previous state of residence if the person resided outside the state of Kentucky in the last five (5) years; and**
- 4. An address check of the Sex Offender Registry; and**

(c) Not be left alone in the presence of a child until copies of the background checks in accordance with paragraph (b) of this subsection have been received by the licensee.

Findings:

General: Based on Review of Documentation, observation and interview during a complaint investigation, this regulatory requirement was not met. The following was found:

1. Upon arrival (10:50AM) a staff person with a 5/9/17 hire date and a staff person with a 5/23/17 hire date were observed working together in the two (2) year old classroom with three (3) children. A review of the staff person's file with a 5/9/17 hire date found no evidence or results of a child abuse/neglect check (CAN) and no evidence or results of a criminal records check (CRC). A review of the staff person's file with a 5/23/17 hire date found that a CAN check had been submitted on 5/24/17; however, the results had not yet been obtained. The staff person had a completed CRC in her file; however, it was not submitted for processing until 5/26/17. These two (2) staff stated during interview that they work together in the two (2) year old classroom daily and indicated that they each work alone with the children while the other is on break. 2. A review of a staff person's file with a 5/10/17 hire date found that a CAN check had been submitted for processing on 5/23/17; however, the results had not yet been obtained. This staff person had a completed CRC on file that was not submitted for processing until 5/26/17. This staff person was not observed working alone with children during the visit; however, she stated during interview, "Typically I work with another staff person, but our numbers were low last week so I worked alone in the infant/toddler classroom with a couple of children". Other staff stated during interview that this staff person "sometimes works alone with the children". 3. A review of a staff person's file with a 6/5/17 re-hire date found that her CAN check and her CRC were both processed in 2014. The staff person stated that she was not aware that new background checks needed to be submitted for processing. It is important to note that not having evidence for submitting a new CRC is the only regulatory violation in this situation because the timeframe had not yet passed for submitting a new CAN check for this staff person. 4. It was revealed during the investigation that a staff person that was employed at the facility 4/10/17 - 5/10/17 worked alone with children in the two (2) year old classroom during this time frame. A review of this staff person's employee file found that a CAN check had been submitted; however, the results had not been obtained. The CRC on file was dated 4/17/17. There was no evidence on file that it was submitted for processing within the regulatory time frame.

320 - TB Verification**Not In Compliance****922 KAR 2:110. Section 5. 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, this regulatory requirement was not met. Three (3) staff (hire dates: 5/9/17, 5/10/17 and 5/23/17) did not have T.B. documentation on file.

Programming**Not In Compliance****350 - Program of Activities Followed****Not In Compliance****922 KAR 2:120. Section 2. Child Care Services.****(4) The child-care center shall provide a daily planned program:**

- (a) Posted in writing in a conspicuous location with each age group and followed;**
- (b) Of activities that are individualized and developmentally appropriate for each child served;**
- (c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being; and**
- (d) That offers a variety of creative activities including the following:**
 - 1. Art;**
 - 2. Music;**
 - 3. Dramatic play;**
 - 4. Stories and books;**
 - 5. Science;**
 - 6. Block building;**
 - 7. Tactile activity;**
 - 8. Culture;**
 - 9. Indoor or outdoor play in which a child makes use of both small and large muscles;**
 - 10. A balance of active and quiet play, including group and individual activity;**
 - 11. An opportunity for a child to:**
 - a. Have some free choice of activities;**
 - b. If desired, play apart from the group at times;**

Findings:

General: Based on Review of Documentation and interview, this regulatory requirement was not met. An interview with staff during the investigation and a review of the "Outside Times" schedule posted in the facility revealed that children (two (2) years old - school age) are spending large blocks of time outside doing free play activities instead of following the planned program of activities posted in each classroom. The "Outside Times" schedule listed the following outside times: Babies on the side 9:00AM - 10:30AM and 1:30PM - 3:30PM, 2's and 3's out front 9:00AM - 10:30AM, 2's out from 3:30PM - 5:30PM, 3's on the side 3:30PM - 5:30PM and School age on the side 3:30PM - 5:30PM. A staff person stated during interview, "Today we were outside from 9:30AM - 10:30AM. We will go back outside again at 2:30PM and stay out there until around 4:00PM". The staff person in charge stated during interview, "I have noticed that they have been spending too much time outside. I told them yesterday that they were going to have to stay in and get out books or something".

415 - Toddler Combined with Preschool**Not In Compliance****922 KAR 2:120. Section 5. Infant and Toddler Play Requirements.****(3) A toddler may participate in an activity with an older child for more than one (1) hour per day if:**

- (a) The toddler is in transition to the pre-school age group;**
- (b) The toddler is twenty-one (21) months or older;**
- (c) Space for the toddler is available in the preschool-age group;**
- (d) The staff-to-child ratios and group sizes are maintained based the age of the youngest child;**
- (e) The center has a procedure for listing a transitioning toddler on attendance records, including a specific day and time the toddler is with either age group; and**
- (f) The child care center has obtained the signature and approval of the toddler's parent on the toddler's transition plan.**

Findings:

General: Based on Observation and interview, this regulatory requirement was not met. An interview with staff during the investigation revealed that a twenty-three (23) month old child has recently been transitioning from the infant/toddler classroom to the two (2) year old classroom. Staff stated that the child spends large blocks of time being cared for in the two (2) year old classroom with other two (2) year old children. Staff specifically stated that the child was cared for in the two (2) year old room from 8:30AM - 11:00AM on 6/6/17, 8:30AM - 10:30AM on 6/7/17 and "all day" on 6/5/17. The staff person in charge stated that she did not obtain the signature and approval of the toddler's parent prior to placing the child with older children for more than one (1) hour a day.

435 - 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; and**
 - 4. No toys or other items except the infant's pacifier;**

Findings:

General: Based on Observation, this regulatory requirement was not met. At the time of the investigation a tour of the facility was conducted. Observation in the infant room found that there was an eight (8) month old child sleeping in a Bouncy seat with a fluffy pink blanket lying loosely on top of her. Another eight (8) month old child was observed asleep in a crib with a loose fleece blanket on top of her and a six (6) week old child was observed asleep in a Bouncy seat with a loose fluffy blanket on top of her.

Outdoor Play Area**Not In Compliance****700 - Fences****Not In Compliance****922 KAR 2:120. Section 4. Premises Requirements.****(23) Fences shall be:**

- (a) Constructed of safe material;**
- (b) Stable; and**
- (c) In good condition.**

Findings:

General: Based on Observation, this regulatory requirement was not met. The surveyor toured the outdoor play area during the visit and found six (6) wooden fence planks that were broken and/or missing.

Written Documentation**Not In Compliance****1130 - Confidentiality/Maintenance/Access****Not In Compliance****922 KAR 2:110. Section 3. Records.****(2) A child-care center shall:**

- (a) Maintain the confidentiality of a child's record;**
- (b) Maintain all records for five (5) years; and**
- (c) Provide the cabinet access and information in the completion of the investigation pursuant to KRS 620.030(4).**

Findings:

General: Based on Review of Documentation and interview, the facility failed to maintain all records for five (5) years. The surveyor requested the file for a specific staff person during the investigation. The staff person in charge stated that this staff person was no longer employed at the facility and identified her last day as 5/10/17. The only documentation on file at the facility for this staff person was her completed criminal records check (CRC) and a money order as evidence that a child abuse/neglect check (CAN) had been mailed for processing; therefore, she did not have a complete file at the facility.

Signature of
Provider/Representative

Title

Date