



**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): Strunk, Pamela Dee

Inspection Type: Investigation	Inspection Information	Inspection No: 246828
Date Initiated: 09/17/2018 12:15 PM	Date Concluded: 09/17/2018 1:40 PM	
	No. of Children Present: 18	

Inspection Report	
Background Checks	Not In Compliance
5 - Background check/left alone/dismissed/relocated	Not In Compliance
<p>922 KAR 2:280. Section 3. Implementation and Enforcement.</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>Findings:</p> <p>General: Based on Review of Documentation, observation and interview, this regulatory requirement was not met. On the day of the investigation (9/17/18) the surveyor entered the facility at 12:15PM and conducted a tour of the classrooms. As the surveyor exited the toddler classroom and proceeded down the hallway towards the other two (2) classrooms, a staff person (hire date: 5/9/17) was observed walking out of the facility kitchen with several sippy cups and bottles. The surveyor followed the staff person into the infant classroom. The surveyor observed seven (7) children in the infant classroom and one (1) other staff person. The staff person with the 5/9/17 hire date identified the name of other staff person in the classroom and stated that it was her first day working at the facility. Therefore, the staff person with a 9/17/18 hire date was left alone with seven (7) children while the other staff person was in the kitchen. The surveyor exited the infant classroom and completed the facility tour by touring the preschool classroom. When the surveyor exited the preschool classroom, the staff person with a 5/9/17 hire date was observed walking across the hall a second time from the kitchen to the infant classroom carrying supplies; therefore, the staff person with a 9/17/18 hire date was left alone a second time with seven (7) children. A review of staff files during the visit revealed that the staff person with a 9/17/18 hire date did not have any documentation on file; therefore, required forms for the NBCP had not yet been filled out. A phone interview was conducted with the director during the visit because she was not present at the facility. The director stated, "She was just coming in today to see if she liked it and wanted to work here. She's not officially been hired yet". The surveyor then asked the staff person in charge at the time of the visit about the employment status of the person observed working alone with the children during the visit. The staff person in charge stated, "She's been hired. The director was supposed to do her background checks today, but couldn't come in because her brother is sick".</p>	
Supervision	In Compliance

Inspection Report**Staffing Requirements****Not In Compliance****125 - Ratios and Group Size****Not In Compliance****922 KAR 2:120. Section 2. Child Care Services.**

(2) For an operating child-care center, minimum staff-to-child ratios and group size shall be maintained as established in the table established in this subsection.

Age of Children Ratio Maximum Group Size***Infant****1 staff for 5 children 10****Toddler 12 to 24 months****1 staff for 6 children 12****Toddler 24 to 36 months****1 staff for 10 children 20****Preschool-age 3 to 4 years****1 staff for 12 children 24****Preschool-age 4 to 5 years****1 staff for 14 children 28****School-age 5 to 7 years****1 staff for 15 children 30****School-age 7 and older****1 staff for 25 children****(for before and after school) 30****1 staff for 20 children****(full day of care) 30**

***Maximum Group Size shall be applicable only to Type I child-care centers.**

(b) The age of the youngest child in the group shall determine the:

- 1. Staff-to-child ratio; and**
- 2. Maximum group size.**

Findings:

General: Based on Observation, and interview, this regulatory requirement was not met. On the day of the investigation (9/17/18) the surveyor entered the facility at 12:15PM and conducted a tour of the classrooms. As the surveyor exited the toddler classroom (first classroom on the left) and proceeded down the hallway towards the other two (2) classrooms, a staff person (hire date: 5/9/17) was observed walking out of the facility kitchen with several sippy cups and bottles. The surveyor followed the staff person into the infant classroom; which is positioned across the hall from the kitchen. The surveyor observed seven (7) children (infants and toddlers) in the infant classroom and one (1) other staff person. The staff person with the 5/9/17 hire date identified the name of other staff person in the classroom and stated that it was her first day working at the facility. Therefore, the staff person with a 9/17/18 hire date was left alone with seven (7) children while the other staff person was in the kitchen. Since the youngest child in the group was an infant, the minimum staff to child ratio would need to be one (1) staff person for five (5) children. The facility exceeded the staff/child ratio by two (2) children. The surveyor exited the infant classroom and completed the facility tour by touring the preschool classroom. When the surveyor exited the preschool classroom, the staff person with a 5/9/17 hire date was observed walking across the hall a second time from the kitchen to the infant classroom carrying supplies; therefore, the staff person with a 9/17/18 hire date was left alone a second time with seven (7) children.

General Administration**Not In Compliance****165 - Cooperate with state agency****Not In Compliance****922 KAR 2:090. Section 6. License Issuance.**

(8) To qualify for a preliminary license, or maintain a regular license, a child-care center shall:

(f) Cooperate with the cabinet, the cabinet's designee, or another agency with regulatory authority during:

- 1. An investigation of an alleged complaint, including an allegation of child abuse or neglect pursuant to KRS 620.030(4); and**
- 2. Unannounced inspections;**

Findings:

General: Based on Review of Documentation, observation and interview, the facility failed to cooperate during an unannounced cabinet inspection. During this investigation a review of the staff files and an interview with the director revealed that the staff person in charge during the 3/8/18 relicensure inspection, which was identified as the director, did not present all the staff files to the surveyor during the visit to be reviewed. The director identified one (1) staff person (hire date: 5/9/17) during the investigation that was hired prior to 3/8/18 that was not reviewed during the 3/8/18 relicensure inspection and stated, "This person was on maternity leave during the March 2018 inspection. I didn't know if she was coming back or not so I didn't give the surveyor her file". The surveyor observed this staff person working in the infant classroom during the visit.

Inspection Report

250 - Child Abuse/Neglect Report

Not In Compliance

922 KAR 2:090. Section 12. Reports.

(2) An incident of child abuse or neglect shall be reported to the cabinet pursuant to KRS 620.030.

Findings:

General: Based on Review of Documentation, and interview, this regulatory requirement was not met. On 9/11/18 allegations regarding the facility not reporting possible child abuse/neglect were reported to the DRCC office. The allegations involved a "head abuse trauma/near fatality report" involving a seven (7) month old child that was investigated by the Department for Community Based Services (DCBS) in February 2016. The child was enrolled at the facility from October 2015 - 2/17/16. A copy of the DCBS investigation was obtained for review. The DCBS Worker involved made several visits to the facility to interview staff and obtain written statements during the investigation. The DCBS Worker identified three (3) staff at the facility that were directly involved in the child's care. One (1) staff person identified was the director, one (1) staff person was the main teacher in the infant classroom and the other staff person was the preschool teacher; however, she was also the child's great-aunt. The DCBS Worker included the following statements in her report, "The daycare reported that the child was coming in frequently with black eyes, various bruises and busted lips (top and bottom) inside the mouth. They also reported that his development seemed to decline after he sustained two (2) black eyes. He was unable to support his head and was not able to focus (they believe) because he no longer imitated facial expressions, such as a smile". And, "The daycare warned the child's mom many times and threatened to call social services. They also told mom that the child seemed to come to school harmed after he had been in the care of her boyfriend. They also stated that on one occasion, the child had a blown blood vessel in one eye". The surveyor made a visit to the facility on 9/17/18 to investigate the reported allegations. The staff person (hire date: 12/1/15) identified as the child's teacher was the staff person in charge during the visit. The director (re-hire date: 5/15/17) was not present; however, a phone interview was conducted with her during the visit. Both staff made similar statements during interview about "having suspicions about the child being hit/abused by the child's live-in boyfriend" during interview and both staff made statements about talking to the child's mom about their concerns. Although the facility had conversations with the child's mom and warned/threatened her that they would call social services; they never followed through and reported their concerns to the cabinet. On 2/17/16 the mother dropped off her three (3) year old child at the facility for care; however, left the seven (7) month old child at home alone with her live-in boyfriend. The director stated during interview, "I demanded her to go back home, get that child and bring him to the daycare because we all knew what was going on and it wasn't a half hour later when the incident happened". The DCBS Worker's report provided the following description of the injuries the child on 2/17/16, "His injuries are consistent with abusive head trauma (formerly known as shaken baby syndrome)". The director stated during the 9/17/18 phone interview, "We have not had a lot of luck with DCBS doing anything so we didn't report to them".

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. On 9/17/18 the surveyor entered the facility at 12:15PM and opened the door to the first classroom on the left (toddler room). The surveyor observed one (1) staff person present with five (5) children that were asleep on cots. The room was so dark, the surveyor had to use the flashlight on her phone to count the number of children present in the classroom. The surveyor also toured the preschool classroom during the visit and found it to be the same. When the surveyor opened the preschool classroom door to enter, the only light in the room was the light coming off the staff person's cell phone. The surveyor again used the flashlight on her phone to count the number of children present in the room. Classrooms being this dark, even during nap time, creates a safety hazard for the children and staff.

360 - Caregiver Alone

Not In Compliance

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

(1) 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 922 KAR 2:280;

Findings:

General: Based on Review of Documentation, observation and interview, this regulatory requirement was not met. On the day of the investigation (9/17/18) the surveyor entered the facility at 12:15PM and conducted a tour of the classrooms. As the surveyor exited the toddler classroom and proceeded down the hallway towards the other two (2) classrooms, a staff person (hire date: 5/9/17) was observed walking out of the facility kitchen with several sippy cups and bottles. The surveyor followed the staff person into the infant classroom. The surveyor observed seven (7) children in the infant classroom and one (1) other staff person. The staff person with the 5/9/17 hire date identified the name of other staff person in the classroom and stated that it was her first day working at the facility. Therefore, the staff person with a 9/17/18 hire date was left alone with seven (7) children while the other staff person was in the kitchen. The surveyor exited the infant classroom and completed the facility tour by touring the preschool classroom. When the surveyor exited the preschool classroom, the staff person with a 5/9/17 hire date was observed walking across the hall a second time from the kitchen to the infant classroom carrying supplies; therefore, the staff person with a 9/17/18 hire date was left alone a second time with seven (7) children. A review of staff files during the visit revealed that the staff person with a 9/17/18 hire date did not have any documentation on file; therefore, required forms for the NBCP had not yet been filled out. A phone interview was conducted with the director during the visit because she was not present at the facility. The director stated, "She was just coming in today to see if she liked it and wanted to work here. She's not officially been hired yet". The surveyor then asked the staff person in charge at the time of the visit about the employment status of the person observed working alone with the children during the visit. The staff person in charge stated, "She's been hired. The director was supposed to do her background checks today, but couldn't come in because her brother is sick".

Employee Records

Not In Compliance

390 - Educational Requirements

Not In Compliance

922 KAR 2:090. Section 11. Staff Requirements.

(1) Child-care center staff:

(a) Hired after January 1, 2009, who have supervisory power over a minor and are not enrolled in secondary education, shall have a:

1. High school diploma;
2. GED or qualifying documentation from a comparable educational entity; or
3. Commonwealth Child Care Credential as described in 922 KAR 2:250;

Findings:

General: Based on Review of Documentation, one (1) staff person (hire date: 9/17/18) did not have educational documentation on file.

Inspection Report

395 - 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, two (2) staff (hire dates: 5/9/17 and 9/17/18) did not have T.B. documentation on file.

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 the Training Records Information System (TRIS), the following was found:

1. One (1) staff file (hire date: 3/26/18) did not contain evidence of the six (6) hours of cabinet-approved training being completed within the first three (3) months of employment.
2. One (1) staff file (hire date: 5/9/17) did not contain evidence of the pediatric abusive head trauma training class being completed within the required time frame and also no evidence of completing any of the required fifteen (15) hours of training.

Programming

Not In Compliance

485 - Infant Sleep Position

Not In Compliance

922 KAR 2:120. Section 6. Sleeping and Napping Requirements.

- (1) An infant shall sleep or nap on the infant's back unless the infant's health professional signs a waiver that states the infant requires an alternate sleeping position.

Findings:

General: Based on Observation, and interview, this regulatory requirement was not met. At approximately 12:20PM the surveyor toured the infant classroom and observed four (4) infants asleep in Bouncy seats. The lights were off in all the classrooms and staff indicated it was nap time. The facility did not have documentation on file from the infant's health professional stating that the infants require an alternate sleeping position.

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, and observation, this regulatory requirement was not met. A tour of the facility and a review of the 9/17/18 attendance records during the visit found that eighteen (18) children were present; however, only fourteen (14) children had an arrival time documented.

Signature of
Provider/Representative

Title

Date