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Inspection Report

Provider Name: Ashland's Creative Activities Program (A-CAP)	Provider Information Provider Type: LICENSED TYPE I	CLR No: L358993
Provider Address: 195 North Ashland Ave, Lexington, KY, 40502		Capacity: 99
Owner(s): Fayette County Public Schools		Director(s): Mundy, Monica

Inspection Type: Renewal Application	Inspection Information	Inspection No: 293527
Date Initiated: 03/04/2021 3:00 PM	Date Concluded: 03/04/2021 4:10 PM	
	No. of Children Present: 17	

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 15. 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 04/02/2021 AND AS OF 04/07/2021, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.	
Director Requirements	Not In Compliance
360 - Caregiver Alone	Not In Compliance
922 KAR 2:090. Section 10. Director Requirements and Responsibilities. (1) A director shall: (m) 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:	
Based on observation, interview and review of documentation, this regulatory requirement was not met. One staff person did not have evidence or results of background checks on file. The staff person in charge stated that this documentation was probably at their central office. The facility did not have a hire date documented for this staff person; however, the staff person in charge stated that the staff person was hired approximately 8/26/20. This staff person was observed working alone with a group of children on the playground throughout the entire survey.	

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 and interview, this regulatory requirement was not met. A review of staff files during the inspection found one staff person that did not have the date of employment listed in their file. After speaking to the staff person in question, the staff person in charge stated that she did not know the exact date; however, indicated that the staff person was hired approximately 8/26/20.

405 - Adequate Substitute(s)

Not In Compliance

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

(6) Child-care centers shall have available in case of need:

- (a) One (1) qualified substitute staff person for a Type II child-care center; or**
- (b) Two (2) qualified substitute staff persons for a Type I child-care center.**

(7) Each qualified substitute staff person shall:

- (a) Meet the staff requirements of this administrative regulation; and**
- (b) Provide the required documentation to verify compliance with this administrative regulation.**

Findings:

General: Based on review of documentation and interview, this regulatory requirement was not met. The staff person in charge stated during interview that they do not have any substitutes in case of need; however, indicated that they are in process of hiring someone.

Programming

In Compliance

Premises

In Compliance

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Outdoor Play Area

In Compliance

Equipment

In Compliance

Transportation

Not Applicable

Food Service/Food Program

Not In Compliance

990 - Snack Requirements

Not In Compliance

922 KAR 2:120. Section 9. Food and Meal Requirements.

(18) A snack shall include two (2) of the following:

- (a) Milk;**
- (b) Protein;**
- (c) Bread; or**
- (d) 1. Fruit;**
- 2. Vegetable; or**
- 3. 100 percent juice.**

Findings:

General: Based on observation, this regulatory requirement was not met. A review of the facility menu that was posted found two days that the required food components were not listed for snack. Pretzels and water were listed on the day of the inspection (3/4/21). Cereal bar and water were listed on 3/3/21.

Food Service

In Compliance

Inspection Report

Children's Records

Not In Compliance

1140 - Enrollment Information

Not In Compliance

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;

Findings:

General: Based on review of documentation, observation and interview, this regulatory requirement was not met. The following was found:

1. One child that was present at the facility on the day of the inspection did not have any paperwork on file; therefore, none of the required information had been obtained. The staff person in charge identified the child as a younger sibling of another child enrolled at the facility.

2. Four children that were present at the facility on the day of the inspection had enrollment paperwork on file; however, the forms did not include the child's date of birth. The staff person in charge acknowledged the finding and stated that the form was a newer version that had been filled out by the parents electronically. The staff person in charge further stated that she did not have any documentation on file at the facility with these birthdates listed.

Written Documentation

Not In Compliance

1150 - Evacuation Plan

Not In Compliance

922 KAR 2:090. Section 5. Evacuation Plan.

(1) A licensed child-care center shall have a written evacuation plan in the event of a fire, natural disaster, or other threatening situation that may pose a health or safety hazard for a child in care in accordance with KRS 199.895 and 42 U.S.C. 9858c(c)(2)(U).

Findings:

General: Based on review of documentation and interview, this regulatory requirement was not met. The facility did not have an emergency preparedness plan on file for the surveyor to review.

Posted Documentation

Not In Compliance

1200 - Posting Requirements

Not In Compliance

922 KAR 2:090. Section 8. General.

(6) In addition to the posting requirement of KRS 199.898(3), a child-care center shall post the following in a conspicuous place and make available for public inspection:

(a) The provider's preliminary or regular license;

(b) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year;

(c) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year;

(d) Information on the Kentucky Consumer Product Safety Program and the program's Web site as specified in KRS 199.897;

(e) A description of services provided by the child-care center, including:

1. Current rates for child care; and

2. Each service charged separately and in addition to the basic rate for child care;

(f) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and

(g) Daily planned program.

Findings:

General: Based on review of documentation, this regulatory requirement was not met. Information on the Kentucky Consumer Product Safety Program and the program's website was not posted.

Animals

Not Applicable

1260 - Emergency Regulation

Not In Compliance

922 KAR 2:410E. Emergency Regulation.

Due to the current declared public health emergency caused by the Novel Coronavirus Disease (COVID-19), licensed child care centers must operate under Centers for Disease Control and Prevention and public health guidelines, as mandated by 922 KAR 2:410E, to prevent the spread of COVID-19.

Findings:

General: Based on review of documentation and the Training Records Information System (TRIS), the following was found:

1. One staff person (hire date: 8/22/15) did not have evidence of completing the required ECE 202 training class (Requirements for Reopening Child Care in Kentucky).
2. One staff person did not have evidence or results of background checks on file. The staff person in charge stated that this documentation was probably at their central office. The facility did not have a hire date documented for this staff person; however, the staff person in charge stated that the staff person was hired approximately 8/26/20. It is important to note that this staff person was observed working alone with a group of children on the playground throughout the entire survey.

Signature of Provider/Representative

Title

Date