



Andy Beshear
GOVERNOR

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

Eric Friedlander
SECRETARY

Melissa A. Moore, Director
Division of Regulated Child Care

Eastern Branch
455 Park Place, Suite 120A
Lexington, KY 40511
Phone: (859) 246-2301 Fax: (859) 246-2307
<https://chfs.ky.gov/agencies/os/oig>

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Our Magic Years Childcare Center	Provider Information	License No: L359348
Provider Address: 866 Georgetown Street, Lexington, KY, 40511	Provider Type: LICENSED TYPE I	Capacity: 38
Owner(s): Our Magic Years Childcare Center LLC		Director(s): Brown, Marva

Inspection Type: Investigation	Inspection Information	Inspection No: 214284
Visit Start Date: 03/04/2016 8:36 AM	Visit End Date: 03/04/2016 9:10 AM	
	No. of Children Present: 17	

Inspection Report

Supervision

5 - Children Supervised

Not In Compliance

922 KAR 2:120. Section 2. Child Care Services.

- (3)(a) Each center shall maintain a child-care program that assures each child will be:**
- 1. Provided with adequate supervision at all times by a qualified staff person who:**
 - a. Ensures the child is within scope of vision and range of voice; or**
 - b. For a school-age child, within scope of vision or range of voice;**

Findings:

Based on observation and interview, the facility failed to provide adequate supervision. On 3/7/16 at 2:48PM the surveyor observed eight (8) school age children enter the front door of the facility with a male staff person. The surveyor entered the facility at 2:50PM, walked through the preschool classroom and into the hallway where the girls' and boys' restrooms are located. The male staff person was observed caring for six (6) school age children that were putting their personal belongings away, using the restroom and washing their hands. The surveyor proceeded down the hallway, walked through the infant/toddler classroom and into a small room used as an eating area that is adjacent to the infant/toddler classroom and the kitchen. The surveyor observed two (2) boys sitting at a table with no staff person present. This HSS looked in the kitchen for a staff person; however, did not see anyone. This HSS alerted the staff person working in a nearby two (2) year old classroom to the situation. The staff person identified the two (2) boys as school age children and stated that they were supposed to be with the male staff person. The two (2) boys got up at that time, ran through the empty infant/toddler classroom and down the hallway to re-join their group. The staff person in charge stated that the boys must have ran into the eating area after they finished going to the bathroom instead of staying with their group. The boys were separated from their group and unsupervised approximately one (1) - two (2) minutes.

Staffing Requirements

40 - Ratios and Group Size

Not In Compliance

922 KAR 2:120. Section 2. Child Care Services.

(2) Minimum staff-to-child ratios and group size for an operating child-care center shall be maintained as follows:

Age of Children Ratio Maximum Group Size*

Infant

1 staff for 5 children 10

Toddler

1 staff for 6 children 12

Preschool-age 2 to 3 years

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.

Findings:

Based on observation and interview, the facility failed to maintain staff-to-child ratios. On 3/7/16 at 2:50PM the surveyor toured the facility and observed one (1) staff person caring for eight (8) children in the two (2) year old classroom. The staff person identified the youngest child in her group as a five (5) month old; therefore, was not in compliance. The staff person stated that an infant and a one (1) year old child was added to her group "about an hour ago". The director arrived at the facility during the visit and stated that the understaffing occurred because one (1) staff person left at 1:00PM on her lunch break and did not return to the facility or call.

Employee Records

310 - Personnel File

Not In Compliance

922 KAR 2:110. Section 3. 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. Written record of training participation to include:

a. The training source;

b. Location;

c. Date; and

d. Number of clock hours completed;

5. Every two (2) years, a:

a. Statement from a health professional that the individual is free of active tuberculosis; or

b. Copy of negative tuberculin results; and

6. For a director, employee, volunteer, or any person with supervisory or disciplinary control over, or having unsupervised contact with, a child in care, the results of a:

a. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;

b. Criminal records check required by KRS 199.896(19);

c. Criminal records check from any previous state of residence completed once if:

(i) The individual resided outside the state of Kentucky in the last five (5) years; and

(ii) No criminal records check has been completed for the individual's previous state of residence; and

d. An address check of the Sex Offender Registry;

Findings:

General: Based on Review of Documentation and interview, this regulatory requirement was not met. The hire date for one (1) staff person was not available in her employee file. The staff person in charge looked at a calendar during the visit and then stated, "She started sometime in November 2015, but I don't know the exact date".

315 - Educational Requirements

In Compliance

922 KAR 2:110. Section 5. 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;

Inspection Report

Written Documentation

1100 - Staff Schedule

Not In Compliance

922 KAR 2:110. Section 3. Records.

(1) A child-care center shall maintain:

(d) A written schedule of staff working hours;

Findings:

General: Based on Review of Documentation and interview, this regulatory requirement was not met. During the visit, the surveyor requested written staff schedules for the current week (2/29/16 - 3/4/16) and the previous week (2/22/16 - 2/26/16) due to the allegations listed in the complaint. The staff person in charge was not able to provide this information to the surveyor during the visit and stated, "My staff do not clock-in and out. I just know what hours they work and key it in for them when it's time to do payroll".

Signature of
Provider/Representative

Title

Date