



Andy Beshear
GOVERNOR

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

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>

Eric Friedlander
SECRETARY

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Our Magic Years Childcare Center	Provider Information	CLR No: L359348
Provider Address: 1016 & 1020 N. Limestone, Lexington, KY, 40505	Provider Type: LICENSED TYPE I	Capacity: 98(Bldg 1: 49;Bldg 2: 49)
Owner(s): Our Magic Years Childcare Center Llc		Director(s): Brown, Marva

Inspection Type: Investigation	Inspection Information	Inspection No: 244454
Date Initiated: 04/10/2018 9:07 AM	Date Concluded: 04/10/2018 10:00 AM	
	No. of Children Present: 37	

Inspection Report		
	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) 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 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 Review of Documentation and interview, this regulatory requirement was not met. On 4/10/18 the surveyor arrived at the facility at 9:00AM to investigate allegations regarding understaffing at the facility on 3/5/18. Staff-to-child ratios were found to be in compliance during the investigation; however, an interview with the staff person in charge revealed that there were a couple of incidents on 3/5/18 which caused brief non-compliance with regulatory requirements. The staff person in charge stated that two (2) staff and nine (9) children were present in the toddler classroom on 3/5/18. Sometime between 9:00AM - 12:00PM, one (1) of the teachers exited the classroom to get a roll of paper towels, which left one (1) staff person with all nine (9) children. The youngest child in the group was a one (1) year old, making the minimum staff to child ratio one staff person for six (6) children. The facility exceeded the staff/child ratio by three (3) children while the second staff person was out of the classroom. The staff person in charge explained the second incident by stating, "Two (2) staff and six (6) infants were present in the infant classroom on 3/5/18. I was told that one (1) of the staff left the room to get supplies but I don't know specifics. I was in the kitchen cooking that day and everybody was just so nervous, it threw me off. Staff know not to leave their rooms; I don't know why they did that". The youngest child in the group was a one (1) year old, making the minimum staff to child ratio one staff person for five (5) children. The facility exceeded the staff/child ratio by one (1) child while the second staff person was out of the classroom.

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 and interview, this regulatory requirement was not met. The surveyor observed the rolls of paper towels that the staff and children use in the two (2) - three (3) year old classroom and the toddler classroom areas were stored in an unsanitary manner, sitting on the side of the sink. This method of storage promotes germs due to each person handling the roll to obtain a paper towel. The staff person in charge stated during interview that these two (2) rooms had paper towel holders at one time; however, indicated that they were broken.

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, this regulatory requirement was not met. One (1) staff person (hire date: 4/2/18) did not have educational documentation on file.

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, this regulatory requirement was not met. One (1) staff person (hire date: 4/2/18) did not have T.B. documentation on file.

Inspection Report**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, this regulatory requirement was not met. A review of the 4/10/18 attendance records during the visit found thirty-seven (37) children were present in the facility; however, only thirty-three (33) of them had an arrival time documented.

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 website 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. During the relicensure survey it was found that the facility license, the statement of deficiencies/plan of correction from the 8/31/17 relicensure inspection, information on the Kentucky Consumer Product Safety Program and the staff-to-child ratios were posted in a room labeled "Teacher's Break Room". There was an additional sign posted that stated, "Teachers Only Beyond This Point" and a curtain was hanging in the doorway which blocked access to the area. Therefore, these documents were not posted in a conspicuous place for public inspection.

1215 - Daily Activities**Not In Compliance****922 KAR 2:090. Section 10. Director Requirements and Responsibilities.****(1) A director shall:**

- (h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;**

Findings:

General: Based on Review of Documentation, the following was found: 1. The one (1) year old classroom and the preschool classroom did not have a schedule of daily activities posted. 3. The Pre-K Classroom and the infant classroom had a schedule of daily activities posted that was dated March 5 - 9, 2018; therefore, they were no longer current.

Signature of Provider/Representative

Title

Date