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GOVERNOR

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

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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: Renewal Application	Inspection Information	Inspection No: 290832
Date Initiated: 10/03/2019 8:50 AM	Date Concluded: 10/03/2019 10:45 AM	
	No. of Children Present: 45	

Inspection Report	
Background Checks	In Compliance
Supervision	In Compliance
Staffing Requirements	In Compliance
General Administration	Not In Compliance
255 - Notification of Changes	Not In Compliance

922 KAR 2:090. Section 12. Reports.

(4)(a) Written notification of the following shall be:

- 1. Made to the cabinet, in writing, to allow for approval before implementation:**
 - a. Change of ownership;**
 - b. Change of location;**
 - c. Increase in capacity;**
 - d. Change in hours of operation;**
 - e. Change of services in the following categories:**
 - (i) Infant;**
 - (ii) Toddler;**
 - (iii) Preschool-age;**
 - (iv) School-age;**
 - (v) Nontraditional hours; or**
 - (vi) Transportation; or**
 - f. Addition to or reduction of the square footage of a child-care center's premises;**

Findings:

General: Based on observation, there is a large open grass space between the back of the facility and where the fenced-in playground starts. This open green space is not completely fenced-in and the back of an existing house sits partially in that space. The part of the green space that is not fenced in leads out to a street. DRCC surveyor noted that in that open green space was a basketball goal attached to the side of the facility building. The staff person in charge stated that the children do use the grass space to play basketball and to run around. This open space has not been approved by the cabinet.

Inspection Report	
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: (l) Assure the health, safety, and comfort of each child;	
Findings: General: Based on observation, a bottle of conditioning shampoo was found in an unlocked sink cabinet in the two-year-old classroom. This bottle was accessible to the children.	
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, staff hired on 07/23/18, did not have education documentation on file.	
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, staff hired on 09/17/19, did not have education 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, staff hired on 02/04/19, has not completed Orientation I and II. This information was verified through ECE-TRIS.	
Programming	In Compliance
Premises	Not In Compliance
540 - Premises Requirements	Not In Compliance
922 KAR 2:120. Section 4. Premises Requirements. (1) The premises shall be: (a) Suitable for the purpose intended; (b) Kept clean and in good repair;	
Findings: General: Based on observation, the following was found: 1) The bottom section of the screen door leading into the school age building was coming loose and was partially covered with gray duct tape. 2) A smoke detector was beeping in the school age building indicating a low battery. 3) An outlet plate cover was broken in the school age building near the dramatic play area.	
580 - Floors, Walls, Ceilings	Not In Compliance
922 KAR 2:120. Section 4. Premises Requirements. (9) Floors, walls, and ceilings shall be smooth, in good repair, and constructed to be easily cleaned.	
Findings: General: Based on observation, there was a great deal of duct tape covering frayed carpet edges throughout both buildings.	
Hygienic Practices	In Compliance
First Aid/Medication	In Compliance

Inspection Report	
Outdoor Play Area	Not In Compliance
745 - Playground Clean	Not In Compliance
<p>922 KAR 2:120. Section 4. Premises Requirements. (20) An outdoor play area shall be: (c) Free from: 1. Litter; 2. Glass; 3. Rubbish; and 4. Flammable materials;</p> <p>Findings: General: Based on observation, there was a plastic bottle and several pieces of paper found on the playground.</p>	
750 - Playground Conditions	Not In Compliance
<p>922 KAR 2:120. Section 4. Premises Requirements. (20) An outdoor play area shall be: (d) Safe from foreseeable hazard; (e) Well drained; (f) Well maintained; (g) In good repair; and (h) Visible to staff at all times.</p> <p>Findings: General: Based on observation, a house was located on the open grass space the children have been using to play basketball and run around. Staff person in charge stated that no one is currently living in the home. It was noted that at the back of the house there were overgrown weeds, a wood pallette on the ground, an HVAC system, a metal bar, sections of carpet, broken pieces of wood and a set of stairs leading up to the house all accessible to the children. This grass space had not been approved by the Cabinet.</p>	
Equipment	Not In Compliance
815 - Toys/Furniture	Not In Compliance
<p>922 KAR 2:120. Section 11. Toys and Furnishings. (1) All toys and furniture contacted by a child shall be: (a) Kept clean and in good repair; and (b) Free of peeling, flaking, or chalking paint.</p> <p>Findings: General: Based on observation, there was a strip of gray duct tape covering a sink cabinet door in the two-year-old classroom.</p>	
Transportation	Not In Compliance
845 - Requirements for Transportation Services	Not In Compliance
<p>922 KAR 2:120. Section 12. Transportation. (2) A center providing or arranging transportation service shall: (a) Be licensed and approved by the cabinet or its designee prior to transporting a child; (b) Have a written plan that details the type of transportation, staff schedule, transportation schedule, and transportation route; and (c) Have written policies and procedures, including emergency procedures practiced monthly by staff who transports children.</p> <p>Findings: General: Based on observation and review of documentation, there was no written documentation showing that an emergency procedure drill had been conducted for the month of September 2019.</p>	
850 - Transportation Notification/Type and Vehicle	Not In Compliance
<p>922 KAR 2:120. Section 12. Transportation. (3) Prior to transporting a child, a center providing transportation services of a child shall notify the cabinet or its designee in writing of the: (a) Type of transportation offered; (b) Type of vehicle used for transportation;</p> <p>Findings: General: Based on observation and interview, the staff person in charge stated that the facility bought a new van a few months ago for transporting the children. The DRCC surveyor asked the staff person in charge if she had notified the Cabinet of that change and she stated that no notification was given to the Cabinet.</p>	
Food Service/Food Program	In Compliance
Food Service	In Compliance

Inspection Report		
Children's Records		Not In Compliance
1140 - Enrollment Information		Not In Compliance
<p>922 KAR 2:090. Section 9. Records.</p> <p>(1) A child-care center shall maintain:</p> <p>(b) A written record for each child:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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: <ol style="list-style-type: none"> (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; 		
<p>Findings:</p> <p>General: Based on review of documentation, child enrolled on 03/06/17, did not have a hospital preference documented on file.</p>		
Written Documentation		Not In Compliance
1185 - Confidentiality/Maintenance/Access		Not In Compliance
<p>922 KAR 2:090. Section 9. Records.</p> <p>(2) A child-care center shall:</p> <ol style="list-style-type: none"> (a) Maintain the confidentiality of a child's record and information concerning a child or the child's parent; (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) and (5). 		
<p>Findings:</p> <p>General: Based on observation, there was an observation sheet posted in each classroom which stated, "Morning Health Checks". Each sheet had an area to list a child's name and next to the name were the words, "Eyes, ears, nose, mouth, skin, swelling/bruises, coughing/sneezing, breathing difficulty, sores/spots/rashes, itchy head, unusual behavior and low activity level". The observation sheet also stated to put an X in the box indicating the areas of concern, then notify parent and document. It also stated to put a check mark in the box indicating the areas without visible concerns. This information was accessible to any person who entered the classroom.</p>		
Posted Documentation		In Compliance
Animals		In Compliance

Signature of Provider/Representative

Title

Date