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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 |

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| Inspection Type: Renewal Application | Inspection Information | Inspection No: 322547 |
| Date Initiated: 08/04/2022 9:33 AM | Date Concluded: 08/04/2022 2:20 PM | |
| | No. of Children Present: 41 | |

| 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: Upon the Division of Regulated Child Care (DRCC) representatives' arrival, one (1) staff member was the sole caregiver with sixteen (16) school age children. The youngest child was five (5)-years-old. The staff member's date of hire was 07/20/2022. Review of the center's Kentucky Applicant Registry and Employment Screening (KARES) report revealed the staff member's background check was initiated on 07/29/2022, and still in process. Therefore, the staff member did not have a determination of eligibility documented on the report and the staff member's employment began prior to the center obtaining the final results of the background check.</p> | |
| 85 - Employment Status | Not In Compliance |
| <p>922 KAR 2:280. Section 11. Status of Employment.</p> <p>(1) A child care provider shall maintain the employment or residential status of each child care staff member who has submitted to a fingerprint-based criminal background check by reporting the status using the NBCP Web-based system.</p> <p>Findings:</p> <p>General: Based on interview and review of documentation, two (2) staff members who are no longer employed with the center were listed on the center's KARES report as current employees. Therefore, the staff roster in KARES was not updated to reflect an accurate list of current staff members.</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: Upon the DRCC representatives' arrival, one (1) unqualified staff member was the sole caregiver of sixteen (16) children, ranging in age from five (5)-years-old to ten (10)-years-old. Therefore, the minimum staff to child ratio was exceeded by one (1) child.

General Administration**Not In Compliance****225 - Licensee Responsibility****Not In Compliance****922 KAR 2:090. Section 8. General.**

(1) A licensee shall:

(a) Be responsible for the operation of the child-care center pursuant to this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280; and

(b) Protect and assure the health, safety, and comfort of each child.

Findings:

General: Based on observation, interview, and review of documentation, the health, safety, and comfort of children were jeopardized in the following occurrences:

1. The staff member in the afterschool classroom was unaware of the number of children in her care. She verbally stated that there were twelve (12) children in her care; however, sixteen (16) children were observed present in the room.

2. The carpet in the Toddler room was raveled, creating a tripping hazard to the children in the classroom.

3. A television was sitting on a low shelf, propped against a wall in the Preschool room. The television was not anchored or secured.

4. In the Infant room, a nine-month-old infant was sitting in a bouncer seat without being secured with the seat's safety restraint straps and buckles.

5. In the Infant room, a child safety gate was used to block the entrance of room; the gate was not secured and was leaning and unstable.

Director Requirements**Not In Compliance****370 - Caregiver Alone****Not In Compliance****922 KAR 2:090. Section 10. Director Requirements and Responsibilities.**

(1) A director shall:

(m) Assume 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: Upon the Division of Regulated Child Care (DRCC) representatives' arrival, one (1) staff member was the sole caregiver with sixteen (16) school age children. The youngest child was five (5)-years-old. The staff member's date of hire was 07/20/2022. Review of the center's Kentucky Applicant Registry and Employment Screening (KARES) report revealed the staff member's background check was initiated on 07/29/2022, and still in process. Therefore, the staff member did not have a determination of eligibility documented on the report and the staff member's employment began prior to the center obtaining the final results of the background check.

Inspection Report**Employee Records****Not In Compliance****405 - 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: Upon request, current documentation from a medical professional verifying that a staff member hired on 06/22/2014, was free of active tuberculosis was not presented for review. The documentation presented was from 2019.

Programming**Not In Compliance****530 - 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, a nine-month-old, sleeping infant was moved from a bouncer seat to a crib and placed on his/her stomach. Therefore, the infant was not placed on his/her back to sleep.

540 - Bedding/Toys in Crib**Not In Compliance****922 KAR 2:120. Section 6. Sleeping and Napping Requirements.****(3) Rest time shall occur in an adequate space according to the child's age as follows:****(a) For an infant:**

- 3. No bedding other than a clean tight-fitted sheet; and**
- 4. No toys or other items except the infant's pacifier;**

Findings:

General: Based on observation, a nine-month-old infant was sleeping in a crib with a bib around his/her neck, a pacifier clipped to his/her clothing, and a blanket draped over him/her.

Premises**Not In Compliance****565 - Inaccessible Items****Not In Compliance****922 KAR 2:120. Section 3. General Requirements.****(7) The following shall be inaccessible to a child in care:**

- (a) Toxic cleaning supplies, poisons, and insecticides;**
- (b) Matches, cigarettes, lighters, and flammable liquids; and**
- (c) Personal belongings and medications of staff.**

Findings:

General: Based on observation, the following items were accessible to the school age children as the items were located in the storage room that was between the school age classroom and the restroom:

1. Miracle Grow;
2. Resolve Carpet cleaner;
3. Clorox Wipes;
4. Fabuloso cleaner; and
5. Kilz interior primer.

The items were near the entrance door of the storage area, causing them to be in very close proximity to the children who entered the area to access the restroom.

585 - 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 integrity of the large picture window located in the Afterschool room was jeopardized as it contained a break that was covered with duct tape on both sides of the window. The director acknowledged the condition of the window and verbally referenced the building manager's responsibility for fixing it. Additionally, the intake vent in the Pre-K room was heavily covered with dust and the ceiling vent/light fixture in two (2) bathrooms within building two were covered with dust.

625 - 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, the following was found:

1. There were small holes in the wall near the bucket table in the One's room that consisted of peeling paint.
2. The carpeted baseboard cover in the Pre-K room was pulling away from the wall, exposing a gap between the floor and the wall.
3. The walls in Afterschool classroom's restroom were soiled.

695 - Toilet

Not In Compliance

922 KAR 2:120. Section 12. Toilet, Diapering, and Toiletry Requirements.

(4) Each toilet shall:

- (a) Be kept in clean condition;**
- (b) Be kept in good repair;**
- (c) Be in a lighted room; and**
- (d) Have ventilation to outside air.**

Findings:

General: Based on observation, the urinal in Afterschool classroom's restroom was not functioning properly. Attempts to flush the urinal resulted in loud noises from the pipes and the urinal did not sufficiently flush.

Hygienic Practices

Not In Compliance

730 - Diaper Changing Area/Surface

Not In Compliance

922 KAR 2:120. Section 12. Toilet, Diapering, and Toiletry Requirements.

(10) When a child is diapered, the child shall:

- (b) Be placed on a surface that is:**
 - 1. Clean;**
 - 2. Padded;**
 - 3. Free of holes, rips, tears, or other damage;**
 - 4. Nonabsorbent;**
 - 5. Easily cleaned; and**
 - 6. Free of any items not used for diaper changing.**

Findings:

General: Based on observation, the mat on the changing table in the One's room contained a small hole; exposing the inner absorbent material. Therefore, the mat was no longer non-absorbent and could not be properly cleaned/sanitized.

First Aid/Medication

In Compliance

Outdoor Play Area

Not In Compliance

795 - Playground Conditions

Not In Compliance

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.**

Findings:

General: Based on observation, the outdoor play area was not free from foreseeable hazards. There were hand-size pieces of broken glass lying inconspicuously in the grass near the wooden fence line of the outdoor play area, on the outside of the enclosed area.

800 - Protective Surface

Not In Compliance

922 KAR 2:120. Section 4. Premises Requirements.

(21) A protective surface shall:

- (a) Be provided for outdoor play equipment used to:**
 - 1. Climb;**
 - 2. Swing; and**
 - 3. Slide; and**
- (b) Have a fall zone equal to the height of the equipment.**

Findings:

General: Based on observation, the arched climber and the slide failed to have fall zones that were equal to the height of the equipment. Both pieces of play equipment were sitting in close proximity to the fence and play area border, failing to allow a distance between the equipment and the fence that was equal or greater than the height of the equipment.

Inspection Report

805 - Fence Construction

Not In Compliance

922 KAR 2:120. Section 4. Premises Requirements.

(24) Fences shall be:

- (a) Constructed of safe material;
- (b) Stable; and
- (c) In good condition.

Findings:

General: Based on observation, a large nail was protruding from the fence on the side facing the child care center.

Equipment

Not In Compliance

865 - Indoor/Outdoor Equipment

Not In Compliance

922 KAR 2:120. Section 13. Toys and Furnishings.

(2) Indoor and outdoor equipment shall:

- (a) Be clean, safe, and in good repair;
- (b) Meet the physical, developmental needs, and interests of children of different age groups;
- (c) Be free from sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous small parts, lead-based paint, poisonous material, and flaking or chalking paint; and
- (d) Be designed to guard against entrapment or situations that may cause strangulation.

Findings:

General: Based on observation, the following equipment was not clean, safe, or in good repair:

1. The throw rug in the Toddler room was soiled.
2. Multiple highchairs throughout the center failed to have the protective mat on the seat or the safety restraint straps.
3. One (1) of three (3) bucket seats in the bucket seat table in the One's room failed to have the safety restraint straps. In addition, all three (3) of the bucket seats in the bucket seat table in the Infant room failed to have the safety straps.
4. A wooden shelf in the Pre-K room was missing a section of pressboard near a screw on the top shelf.
5. The smoke detector in the Afterschool room was not functioning properly, evidenced by continual beeping that indicated a low battery.

Transportation

Not In Compliance

1005 - Children's Transportation Records

Not In Compliance

922 KAR 2:120. Section 14. Transportation.

(17) Transportation services provided shall:

- (a) Be recorded in writing and include:
 1. The first and last name of the child transported; and
 2. The time each child gets on and the time each child gets off;
- (b) Be completed by a staff member other than the driver; and
- (c) Be kept for five (5) years.

Findings:

General: Based on interview and review of documentation, the transportation records included times children loaded and unloaded the vehicle; however, the names of the children were not documented. Interview with the staff in charge confirmed the names of children who were transported were not documented as the children entered or exited the vehicle.

Kitchen Requirements

In Compliance

Food Service

In Compliance

Meal Planning/Center Provides Meals

In Compliance

Meal Planning/Center Does Not Provide Meals

In Compliance

Children's Records

Not In Compliance

1245 - Immunization

Not In Compliance

922 KAR 2:090. Section 9. Records.

(1) A child-care center shall maintain:

- (a) A current immunization certificate for each child in care within thirty (30) days of the child's enrollment, unless an attending physician or the child's parent objects to the immunization of the child pursuant to KRS 214.036;

Findings:

General: Review of ten (10) children's files revealed one (1) file contained an expired immunization certificate. The immunization certificate presented for review expired on 05/01/2022.

1250 - 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: Review of ten (10) children's files, found that two (2) files did not contain a preferred hospital.

Written Documentation

Not In Compliance

1270 - 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 observation and review of documentation, the center failed to maintain current and accurate attendance records to reflect the time of arrival of each child who was present. Forty-one (41) children were observed at the child care center; however, the time of arrival for only twenty-two (22) children was documented.

1285 - Earthquake/Tornado/Fire Drills

Not In Compliance

922 KAR 2:090. Section 9. Records.

(1) A child-care center shall maintain:

- (h) A written record of quarterly practiced earthquake drills and tornado drills detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;**
- (i) A written record of practiced fire drills conducted monthly detailing the date, time, and children who participated in accordance with 922 KAR 2:120, Section 3;**

Findings:

General: Based on review of documentation, the documentation of conducted fire drills, earthquake drills, tornado drills, and lockdown drills that was submitted for review for the past year failed to include the names of the children who participated.

Posted Documentation

Not In Compliance

1310 - 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: Upon the DRCC representatives' arrival, a written plan of daily activities (lesson plan) was not posted in a conspicuous place in the Toddler room, One's room, Preschool room, and Afterschool room. The posted plan of activities in the Pre-K room was dated for May 23-May 27; therefore, it was no longer current.

Animals

Not Applicable

Signature of Provider/Representative

Title

Date