



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

Andy Beshear
Governor

Melissa A. Moore, Director
Division of Regulated Child Care
Northern Branch
908 W. Broadway, 10-W
Louisville, KY 40203
Phone: (502) 595-5781 Fax: (502) 595-5773
<https://chfs.ky.gov/agencies/os/oig>

Eric C. Friedlander
Secretary

Adam Mather
Inspector General

Inspection Report

Provider Name: Prospect Preschool Academy	Provider Information	CLR No: L359345
Provider Address: 13001 West Us 42, Prospect, KY, 40059	Provider Type: LICENSED TYPE I	Capacity: 101
Owner(s): Prospect Preschool Academy, LLC		Director(s): Gauri, Shishir

Inspection Type: Renewal Application	Inspection Information	Inspection No: 290759
Date Initiated: 09/24/2019 10:09 AM	Date Concluded: 09/24/2019 1:22 PM	
	No. of Children Present: 101	

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: Based on observation, interview and review of documentation, the child care center failed to comply with regulations for background checks. Upon review of presented staff files and the KARES surveyor report, it was revealed the files for two (2) staff members with the hire dates of 09/04/2019 and 12/01/2011 did not contain a determination of clearance from the Kentucky National Background Check Program, (NBCP).</p> <p>Interview with the director revealed the requested documentation was unavailable at the time of survey.</p>	

Inspection Report

10 - Submit background check

Not In Compliance

922 KAR 2:280 - Section 4. Procedures and Payments.

- (1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:**
- (a) Request that the prospective child care staff member provide a copy of his or her driver's license or other government-issued photo identification and verify that the photograph clearly matches the prospective child care staff member;**
 - (b) Request that the prospective child care staff member complete and sign the:**
 - 1. DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and**
 - 2. DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and**
 - (c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:**
 - 1. Child abuse and neglect central registry pursuant to 922 KAR 1:470;**
 - 2. National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and**
 - 3. Sex Offender Registry established in accordance with KRS 17.500 through 17.580.**

Findings:

General: Based on interview and review of documentation, the child care center failed to comply with regulations for background checks. Upon review of presented staff files and the KARES surveyor report, it was revealed that the files of two (2) staff members with the hire dates of 09/04/2019 and 12/01/2011 did not contain a determination of clearance from the Kentucky National Background Check Program, (NBCP).

Interview with the director revealed the Kentucky National Background Check Program, (NBCP) had not been initiated for a request of determination; therefore, the requested documentation was unavailable at the time of survey.

20 - Out of state background checks

Not In Compliance

922 KAR 2:280. Section 5. Checks of Other States.

- (1) In accordance with 45 C.F.R. 98.43(b)(3), a prospective child care staff member who resides in or has resided in another state within the last five (5) years shall:**
- (a) Request from each state of current or prior residency, in accordance with the state's laws, policies, and procedures, with a courtesy notice to the cabinet:**
 - 1. An in-state criminal records check by:**
 - a. Means of fingerprints for the state of residence; or**
 - b. Any means accepted by a state of prior residency;**
 - 2. A check of the state's sex offender registry or repository; and**
 - 3. A check of the state-based child abuse and neglect registry and database; and**
 - (b) Direct results of the checks required in paragraph (a) of this subsection to the Department for Community Based Services, Division of Child Care, 275 East Main Street, 3C-F, Frankfort, Kentucky 40601.**

Findings:

General: Based on interview and review of documentation, the child care center failed to comply with regulations for employee records. Upon review of the presented staff files, it was revealed that the staff member with the hire date of 08/12/2019 lived in the state of Georgia according to written documentation obtained from the high school diploma: however the file did not contain an out of state sex offender check or a child abuse neglect check for the aforementioned staff member.

Interview with the director revealed the requested documentation was unavailable at the time of survey.

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 14. 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 11/06/2019 AND AS OF 11/25/2019, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.

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, the child care center failed to comply with regulations regarding director requirements. In the Older One's bathroom, there was a plunger located next to the toilet.

Inspection Report

Employee Records

Not In Compliance

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 interview and review of documentation, the child care center failed to maintain employee records in accordance with regulations. Review of staff files revealed that a staff member with the hire date of 09/04/2019, failed to have record of a tuberculin results or a statement from a health professional that the individual is free of active tuberculosis on file.

Interview with the director revealed this information was unavailable at the time of survey.

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 interview and review of documentation, the child care center failed to maintain employee records in accordance with regulations.

1) Review of staff files and ECE-TRIS report revealed that fifteen (15) hours of cabinet approved training was not presented for review at the time of survey for two (2) staff members with the hire dates of 08/18/2015 and 11/01/2010.

2) Review of staff files revealed four (4) staff members with the hire dates of 08/18/2015, 11/01/2010, 12/01/2011, and 11/01/2010 had not completed Pediatric Abusive Head Trauma, PAHT.

Interview with the director revealed this information was unavailable at the time of survey.

Programming

In Compliance

Premises

Not In Compliance

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, the child care center failed to comply with regulations regarding premises.

1) Observation in the One's room revealed there was a hole in the wall exposing drywall near the red table accessible to children.

2) In the Older One's room and the Pre-K II room there were several areas of paint chipping away from the wall.

650 - Toilet

Not In Compliance

922 KAR 2:120. Section 10. 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 child care center failed to comply with regulations regarding premises. Observation in the following bathrooms revealed the ventilation to outside air was not operable: Jungle room bathroom, Pre-K bathroom, and downstairs bathroom.

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Outdoor Play Area

In Compliance

Equipment

In Compliance

Transportation

In Compliance

Food Service/Food Program

In Compliance

Inspection Report

Food Service

Not In Compliance

1120 - Sufficient Room/Eating Utensils Supplied

Not In Compliance

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

(13) Meals shall be:

(b) Served to a child:

- 1. Seated with sufficient room to manage food and tableware; and**
- 2. Supplied with individual eating utensils designed for use by a child.**

Findings:

General: Based on observation, the child care center failed to comply with regulations regarding food service. Observation in the Older One's room revealed two (2) children sitting on the carpet eating Graham crackers.

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 interview and review of documentation, the child care center failed to maintain children's records in accordance with regulatory requirements. Records for three (3) children with the enrollment dates of 06/16/2016, 03/02/2018, and 08/01/2016 did not contain a preferred hospital or a named physician.

Interview with the director revealed the requested documentation was unavailable at the time of survey.

Written Documentation

Not In Compliance

1155 - Policies and Procedures

Not In Compliance

922 KAR 2:090. Section 8. General.

(4) Program policies and procedures shall:

(a) Be in writing; and

(b) Include:

- 1. Staff policies;**
- 2. Job descriptions;**
- 3. An organization chart;**
- 4. Chain of command; and**
- 5. Other procedures necessary to ensure implementation of:**
 - a. KRS 199.898, Rights for children in child-care programs and their parents, custodians, or guardians - posting and distribution requirements;**
 - b. 922 KAR 2:120, Child-care center health and safety standards;**
 - c. 922 KAR 2:280, Background checks for child care staff members, reporting requirements, and appeals; and**
 - d. This administrative regulation.**

Findings:

General: Based on interview and review of documentation, the child care center failed to comply with regulations regarding written documentation. The Child and Parent Rights were not posted or readily available in the child-care center.

The director acknowledged, he has no knowledge of what the rights of children and parents are in the child-care are and it is not available for review at the time of survey.

Posted Documentation

In Compliance

Animals

In Compliance

Signature of
Provider/Representative

Title

Date