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GOVERNOR

**CABINET FOR HEALTH AND FAMILY SERVICES
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Inspection Report

Provider Name: D & J's Learn & Play	Provider Information	License No: L359356
Provider Address: 868 Gerardi Road, Lexington, KY, 40509	Provider Type: LICENSED TYPE II	Capacity: 12
Owner(s): D & J's Learn & Play, Inc.		Director(s): Gibson, Dianne Suter

Inspection Type: Investigation	Inspection Information	Inspection No: 216198
Visit Start Date: 07/20/2016 12:50 PM	Visit End Date: 07/20/2016 1:30 PM	
	No. of Children Present: 3	

Inspection Report

Supervision

5 - Children Supervised

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;

Staffing Requirements

40 - Ratios and Group Size

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.

Inspection Report

General Administration

115 - Reports to Cabinet

Not In Compliance

922 KAR 2:110. Section 6. Reports.

- (1) The following shall be reported to the cabinet or designee and other agencies specified in this section within twenty-four (24) hours from the time of discovery:
- (a) Communicable disease, which shall also be reported to the local health department pursuant to KRS 214.010;
 - (b) An accident or injury to a child that requires medical care;
 - (c) An incident that results in legal action by or against the child-care center that:
 - 1. Affects a child or staff person; or
 - 2. Includes the center's discontinuation or disqualification from a governmental assistance program due to fraud or abuse;
 - (d) An incident involving fire or other emergency, including a vehicular accident when the center is transporting a child receiving child care services; or
 - (e) A report of child abuse or neglect that:
 - 1. Has been accepted by the cabinet in accordance with 922 KAR 1:330; and
 - 2. Names a director, employee, volunteer, or person with supervisory or disciplinary control over, or having unsupervised contact with a child in care as the alleged perpetrator.

Findings:

General: Based on Review of Documentation and interview, the facility failed to report an injury to a child that required medical care to the Cabinet within twenty-four (24) hours of the time of discovery. Interviews and record review during the investigation revealed that on 6/13/16 at approximately 2:30PM children were playing with magnetic blocks on the floor when a seven (7) year old child was accidentally hit in the eye by another child. The director/owner stated during interview that she asked the child if she was okay after the incident and looked at the child's eye to see if there was an injury. The director/owner stated, "The child rubbed her eye a couple times, but told me that she was all right. She was with me a couple more hours before I took her home. Her eye never appeared red or irritated, so I didn't fill out an incident report or tell her mom about it". The child's mother stated during interview that while at home later that evening the child informed her of the incident and stated that her eye was hurting. The mother stated that she looked at the child's eye and did not observe any signs of injury; however, encouraged the child to lay down for awhile in an attempt to make her feel better. The mother stated that at approximately 8:00PM that evening the child came to her complaining that her eye was still hurting and at this time the child was having difficulty opening her eye because of the pain. The mother stated that she contacted the director/owner via phone call at this time to find out details about the incident and then transported the child to the emergency room for treatment. Documentation from the emergency room visit states that the child was diagnosed with a corneal abrasion. The child was sent home with Erythromycin Ophthalmic eye ointment to use on her injury. The mother and the director/owner stated that the child returned to the facility the next day (6/14/16). The mother and the director/owner stated that they did not have a conversation about the emergency room visit; however, both stated during interview that the child informed the director/owner that she went to the emergency room for treatment on her eye. This incident was not reported to the DRCC office by the director/owner.

Director Requirements

265 - Health, Safety, Comfort

In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

- (1) Effective with the adoption of this administrative regulation, a director shall:
- (I) Provide for the health, safety, and comfort of each child;

Transportation

785 - Requirements for Transportation Services

Not In Compliance

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.

Findings:

General: Based on Review of Documentation and interview, this regulatory requirement was not met. During a complaint investigation, the surveyor requested to review the facility's transportation documentation for June 2016. The director/owner stated that this documentation had been misplaced. The director/owner stated that transportation routes for the daily trips to and from the home of two (2) children enrolled at the facility (seven (7) year old and four (4) year old) and transportation routes for numerous field trips identified on parental permission slips were included in this documentation; therefore, not available for the surveyor to review. Furthermore, a review of the binder that is kept on the vehicle found that the last documented transportation emergency drill was 12/2015; therefore, these drills are not conducted monthly.

855 - Pre-trip Inspection

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

- (8) A daily inspection of the vehicle shall be performed and documented for the following:
- (a) Tires;
 - (b) Lights, signals, mirrors, gauges, and wiper blades;
 - (c) Safety restraints;
 - (d) Fuel; and
 - (e) Free of debris.

Findings:

General: Based on Review of Documentation and interview, this regulatory requirement was not met. During a complaint investigation, the surveyor requested to review the facility's transportation documentation for June 2016. The director/owner stated that this documentation had been misplaced. The director/owner stated that daily inspections for the facility's vehicle were included in this documentation; therefore, not available for the surveyor to review.

875 - Pre-arranged Plan

Not In Compliance

922 KAR 2:120. Section 12. Transportation.

(12) If the parent or designee is unavailable, a prearranged written plan shall be completed to designate where the child can be picked up.

Findings:

General: Based on Review of Documentation and interview, this regulatory requirement was not met. A review of transportation documentation on file for two (2) children enrolled at the facility during June 2016 revealed that the facility did not have a written alternate plan in place to use if the designee was not available to receive the child from the center. The director/owner stated during interview that she had a verbal agreement with the mother that it was acceptable to drop off the two (2) children at home with an older sibling (twelve (12) year old) if the mother was not home; however, nothing in writing.

900 - Children's Transportation Records

Not In Compliance

922 KAR 2:120. Section 12. 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:

Based on Review of Documentation and interview, this regulatory requirement was not met. During a complaint investigation, the surveyor requested to review the facility's transportation documentation for June 2016. The director/owner stated that this documentation had been misplaced. The director/owner stated that the names of the children transported and the times each child got on and off the vehicle were included in this documentation; therefore, not available for the surveyor to review.

Signature of
Provider/Representative

Title

Date