Andy Beshear

GOVERNOR



# KID013A v2.0

# 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 Information**

Provider Name: Mini Movers Learning Center Provider Type: LICENSED TYPE I
Provider Address: 338 Blackburn Ave, Lexington, KY, 40508
Owner(s): Mini Movers, LLC

CLR No: L359424 Capacity: 30 Director(s): Gardner, Brenda

Inspection Type: Renewal Application Date Initiated: 04/23/2021 9:00 AM **Inspection Information** 

No. of Children Present: 4

Inspection No: 306499

Inspection Report

**Background Checks** 

Date Concluded: 04/23/2021 11:31 AM

Supervision

In Compliance Not In Compliance

Not In Compliance

90 - Children Supervised

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 ensures the child is:

a. Within scope of vision and range of voice; or

b. For a school-age child, within scope of vision or range of voice;

### Findings:

General: Based on observation and interview, this regulatory requirement was not met. The following was found:

1. The surveyor arrived at the facility at 9:00 AM and observed one staff person caring for three children who were eating breakfast. There were no other staff or children present in the building at the time. The surveyor asked the staff person how breakfast was prepared for the children. The staff person responded that she cooked the eggs and sausage in a skillet on the stove in the kitchen and further stated that the three children she had present at the time waited in the front entry way while she was cooking. The front entry way where the children were identified as being is not visible from the stove area in the kitchen; therefore, the staff person was not able to adequately supervise the children.

2. At 9:29 AM, the surveyor observed the only staff person present in the facility escort three children down the hallway from the preschool classroom to the infant classroom. The staff person stated that she was taking the children down the hall to wipe their face from breakfast. One child (five-year-old) remained sitting at the classroom table in the preschool classroom during this time. The distance from the preschool classroom to the infant classroom down the hall was approximately 20 feet. The five-year-old child was not visible from the infant classroom; therefore, adequate supervision was not provided.

3. At 9:33 AM, the surveyor observed the staff person escort the three children from the infant classroom, back through the front entry way, through a door that enters a hallway on the opposite side of the building and into the children's bathroom area. The door that leads into the hallway was closed while the staff person and the children were in the children's bathroom area; therefore, the five-year-old child was not visible from the children's bathroom area and adequate supervision was not provided. The staff person and the three children were in the children's bathroom area approximately four minutes.



#### **Inspection Report**

**Staffing Requirements** 

#### 115 - Cooking/Cleaning Staffing

### 922 KAR 2:090. Section 10. Director Requirements and Responsibilities.

(1) A director shall:

(k) Assure that additional staff are available during cooking and cleaning hours, if necessary, to maintain staff-to-child ratios pursuant to 922 KAR 2:120;

#### Findings:

General: Based on observation and interview, this regulatory requirement was not met. The surveyor arrived at the facility at 9:00 AM and observed one staff person caring for three children who were eating breakfast. There were no other staff or children present in the building at the time. The surveyor asked the staff person how breakfast was prepared for the children. The staff person responded that she cooked the eggs and sausage in a skillet on the stove in the kitchen and further stated that the three children she had present at the time waited in the front entry way while she was cooking.

**General Administration** 

#### 180 - Plan of Correction/15 days

#### 922 KAR 2:090. Section 15. 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 05/27/2021 AND AS OF 05/28/2021, THE PLAN OF CORRECTION HAS NOT BEEN RECEIVED.

#### 210 - Licensee Responsibility

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, this regulatory requirement was not met. The following was found:

1. During a tour of the children's bathrooms, the surveyor observed a toilet cleaning brush and a plunger positioned beside the toilet in both the girls' and the boys' bathrooms and they were accessible to the children. This manner of storage is not sanitary and promotes the spread of germs.

2. At 9:29 AM, the surveyor observed a two-year-old child drinking from a sippy cup while walking down the hallway with her group. The child dropped the sippy cup on the hallway floor and a one-year-old child walking behind her picked up the cup and starting drinking from it. The staff person then took the cup from the child and told her that it was not hers. Children drinking from the same cup is considered a health hazard.

**Director Requirements** 

#### 320 - Operation instruction/Regulation copy

#### 922 KAR 2:090. Section 8. General.

(2) Child-care center staff shall be:

(a) Instructed by the child-care center's director regarding requirements for operation; and

(b) Provided with a copy of this administrative regulation, 922 KAR 2:120, and 922 KAR 2:280.

#### Findings:

General: Based on review of documentation, this regulatory requirement was not met. A review of the facility's licensing binder with the staff person in charge found that the facility did not have a copy of the most recent regulations made available to staff.

### 340 - Staff Meeting

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.
(1) A director shall:
(i) Conduct, manage, and document in writing recurring staff meetings;
Findings:

General: Based on review of documentation, this regulatory requirement was not met. A review of the staff meeting documentation revealed that the last documented staff meeting was in 2019.

#### 360 - Caregiver Alone

922 KAR 2:090. Section 10. Director Requirements and Responsibilities.

#### (1) A director shall:

(m) Assure 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: Based on review of documentation and observation, this regulatory requirement was not met. One staff person (hire date: 4/5/21) had a copy of a child abuse and neglect check (CAN) that had been submitted for processing; however, the results had not yet been obtained. This staff person was observed working alone with children when the surveyor arrived at the facility at 9:00 AM and continued to work alone until the staff person in charge arrived at approximately 9:40 AM. The staff person stated that she had worked alone the entire morning (7:00 AM - 9:40 AM)





Not In Compliance

#### Inspection Report

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Er	nn	ovee	Reco	ords

Not In Compliance

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:

385 - Personnel File

General: Based on review of documentation and interview, this regulatory requirement was not met. A review of staff files during the inspection found two staff that did not have the date of employment listed in their file. After speaking with the two staff in question and an administrative staff person, the staff person in charge verbally identified the dates 4/19/21 and 4/5/21 as the hire dates.

#### **390 - Educational Requirements**

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, one staff person (hire date: 4/5/21) did not have educational documentation on file.

# 400 - CPR/First Aid Coverage

Not In Compliance

Not In Compliance

Not In Compliance

922 KAR 2:090. Section 11. Staff Requirements.

(3) For a child-care center licensed for infant, toddler, or preschool-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

(a) Infant and child cardiopulmonary resuscitation; and

(b) Infant and child first aid.

(4) For a child-care center licensed for school-age children, at least one (1) person on duty and present with the children shall be currently certified by a cabinet-approved training agency in the following skills:

(a) Adult cardiopulmonary resuscitation; and

(b) First aid.

(5) Cardiopulmonary resuscitation (CPR) and first aid training shall be in addition to the fifteen (15) clock hours requirement in subsection (16) of this section.

#### Findings:

General: Based on review of documentation, observation, and interview, this regulatory requirement was not met. At the time of the survey, it was found that only one staff out of six was certified in infant/child CPR and infant/child first aid. This staff person (hire date: 5/1/19) is currently on medical leave; therefore, no one was on duty at the facility on 4/23/21, who was certified in CPR or First Aid. The staff person in charge stated that the staff person started medical leave approximately two weeks prior. The staff person in charge stated that ste/herself was certified; however, a review of the certification card in her file found that it was no longer valid as of 3/2021. It is also important to note that the staff person in charge stated that the staff person in charge state state staff person in charge state staff person in charge state state staff person in charge staff person in cha

#### 410 - Training

#### 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 completed within the first three (3) months of employment in a child care program;

(b) Nine (9) hours of cabinet-approved early care and education training within the first year of employment in a child care program, 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 completed between July 1 and the following June 30 of each subsequent year of employment in a child care program, including one and one-half (1 ½) hours of cabinet-approved pediatric abusive head trauma training completed once every five (5) years.

(17) A staff person's compliance with training requirements of this section shall be verified through the cabinet-designated database maintained pursuant to 922 KAR 2:240.

#### Findings:

General: Based on review of documentation and the Training Records Information System (TRIS), a staff member hired 3/10/20, did not complete the required Orientation I and II courses and did not complete the required PAHT training. This staff member has been employed for more than one year.

Programming

In Compliance



### **Inspection Report**

Premises

### 540 - Premises Requirements

### 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, this regulatory requirement was not met. The surveyor observed two window screens that were in disrepair. The screen in the preschool classroom window contained a large hole and the screen in the kitchen was torn all the way across the bottom and no longer attached to the frame.

······································	Hygienic Practices	Not In Compliance
655 - Child Personal Care/Handwashing		Not In Compliance
<ul> <li>(b) Except as established in paragraph (c) of the 1. a. Upon arrival at the center; or</li> <li>b. Within thirty (30) minutes of arrival for schuld 2. Before and after eating or handling food;</li> <li>3. After toileting or diaper change;</li> <li>4. After handling animals;</li> <li>5. After touching an item or an area of the box 6. After outdoor or indoor play time; and</li> <li>(c) Use hand sanitizer or hand-sanitizing wipes</li> </ul>	ess based upon his or her developmental skills; his subsection, wash his or her hands with liquid soap and warm running v ool-age children;	ith paragraph (b) of this
Findings:		
General: Based on observation, this regulatory requirem water prior to being allowed to play with the other childre	nent was not met. A child who arrived at the facility at 9:18 AM did not have their hands was en.	hed with soap and warm running
	First Aid/Medication	Not In Compliance
730 - Medication		Not In Compliance
<ol> <li>A first aid supply and is maintained in accord.</li> <li>Diaper cream, sunscreen, or toothpaste. Diaget cream, sunscreen, or toothpaste. Diaget creater and the subscript of the</li></ol>	on, shall be: of the reach of a child unless the medication is: rdance with subsection (1) of this section; aper cream, sunscreen, or toothpaste shall be inaccessible to a child; ild-care center shall comply with KRS 199.8951 and 311.646, including: cessible to a child; (1) person onsite who has received training on the administration of an e auto-injector; medical care for a child if an auto-injector is administered to the child; an d's parent and the cabinet in accordance with 922 KAR 2:090, Section 12( hild in care, such as medication to respond to diabetic or asthmatic cond tion shall be inaccessible to a child in care;	d 1)(b) if an epinephrine
Findings:		
General: Based on observation, this regulatory requirem	nent was not met. The following was found:	
1 An inspection of the facility's first aid kit found that it (	contained medication (Neosnorin + Pain Relief cream, Repadryl itch stopping cream and tw	o small packets of Tylepol) The

1. An inspection of the facility's first aid kit found that it contained medication (Neosporin + Pain Relief cream, Benadryl itch stopping cream and two small packets of Tylenol). The first aid kit was unlocked; therefore, medication was not properly stored.

2. The surveyor observed a tube of Boudreaux Butt Paste and a tube of sunscreen positioned on top of plastic storage containers in the preschool classroom throughout the entire inspection. These tubes of medication were accessible to the children and they were not labeled with a child's name.



Not In Compliance

**Not In Compliance** 

**Outdoor Play Area** 

#### 750 - Playground Conditions

#### 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 and interview, this regulatory requirement was not met. During a tour of the playground, the following was found:

1. A long metal pipe (approximately three - four feet long) was observed lying on the ground in the grassy area. The end of the pipe was broken and contained rusty sharp edges. The staff person in charge stated that she was not aware of the metal pipe being on the playground and further stated that it must belong to the church.

2. A concrete step containing green indoor/outdoor carpet was found in disrepair. The carpet was split open down the middle and was curling up which created a trip hazard. All staff and children use this step to enter and exit the playground area.

#### 755 - Protective Surface

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 and interview, the facility failed to provide prote surveyor observed a plastic climber/slide structure (approximately two feet tall). therefore, this did not provide sufficient fall zone cushioning for the children.		
The staff person in charge stated during interview that she was in process of pu	ourchasing new mulch for the playground.	
	Equipment	In Compliance
	Transportation	Not Applicable
Food	d Service/Food Program	Not In Compliance
85 - Breakfast Requirements		Not In Compliance

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

(17) Breakfast shall include:

(a) Milk;

(b) Bread; and

(c)1. Fruit;

2. Vegetable; or

#### 3. 100 percent juice.

#### Findings:

General: Based on observation, this regulatory requirement was not met. The surveyor arrived at 9:00 AM and observed one staff person sitting at the table with three children that were eating breakfast. The surveyor observed two bowls of scrambled eggs, one bowl of sausage and one sippy cup with milk sitting on the table throughout the entire mealtime. The staff person identified the ages of the children as a one-year-old and two-year-old twins. One of the twins was observed drinking from the sippy cup of milk. The additional two children were not provided with a drink during the meal; therefore, the food requirements for breakfast were not met.

**Food Service** 

# 1055 - Food Clean/Free From Spoilage

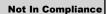
# Not In Compliance

Not In Compliance 922 KAR 2:120. Section 9. Food and Meal Requirements. (1) Food shall be: (a) Clean; (b) Free from: 1. Spoilage; 2. Adulteration; and 3. Misbranding; (c) Safe for human consumption; (d) Withheld from service or discarded if the food is hermetically sealed, nonacidic, or low-acidic food that has been processed in a place other than a commercial food-processing establishment;

# Findings:

General: Based on observation and interview, this regulatory requirement was not met. During a tour of the facility, the surveyor observed two sippy cups containing milk lying inside of two cribs in the infant classroom. No children were observed present in the classroom at the time of the visit. Staff stated during interview that the infant classroom had not been used to care for children since the previous day (4/22/21) during naptime; therefore the cups of milk were spoiled and unsafe for human consumption.





**Not In Compliance** 

Not In Compliance

# **1070 - Food Protected From Contamination**

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

# (1) Food shall be:

- (h) Protected against contamination from:
- 1. Dust;
- 2. Flies;
- 3. Rodents and other vermin;
- 4. Unclean utensils and work surfaces;
- 5. Unnecessary handling;
- 6. Coughs and sneezes;
- 7. Cuts in skin;
- 8. Communicable disease;
- 9. Flooding;
- 10. Drainage; and
- 11. Overhead leakage.

# Findings:

General: Based on observation, this regulatory requirement was not met. The surveyor observed one staff person sitting at the table with three children that were eating breakfast. The surveyor observed the staff person feed scrambled eggs to the children and herself repeatedly with the same plastic spoon and out of the same bowl during the mealtime. Furthermore, the staff person used her fingers to place bites of sausage in the children's mouth. This type of meal service did not protect the food from contamination.

# 1120 - Sufficient Room/Eating Utensils Supplied

Not In Compliance

**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, this regulatory requirement was not met. The surveyor arrived at 9:00 AM and observed one staff person sitting at the table with three children that were eating breakfast. The surveyor observed two bowls of scrambled eggs, one bowl of sausage and one sippy cup with milk sitting on the table throughout the entire mealtime. Individual utensils and plates were not provided to the children present and an individual serving of food was not prepared for them.

### 1130 - Menu

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

- (16) A weekly menu shall be:
- (a) Prepared;
- (b) Dated;
- (c) Posted in advance in a conspicuous place;
- (d) Kept on file for thirty (30) days; and
- (e) Amended in writing with any substitutions on the day the meal is served.

# Findings:

General: Based on review of documentation, this regulatory requirement was not met. The facility's posted menu was a four week rotation; however, the weeks were not dated.



Inspection Report	
Children's Records	
Children's Records	Not In Compliance
922 KAR 2:090. Section 9. Records.	Not In Compliance
(1) A child-care center shall maintain:	
(b) A written record for each child:	
<ol> <li>Completed and signed by the child's parent;</li> <li>Retained on file on the first day the child attends the child-care center; and</li> </ol>	
3. To contain:	
<ul> <li>a. Identifying information about the child, which includes, at a minimum, the child's name, address, and date of birth;</li> <li>b. Contact information to enable a person in charge to contact the child's:</li> </ul>	
(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 review of documentation, this regulatory requirement was not met. The following was found:	
1. Two of the children's files did not contain the child's medical history. The staff person in charge reviewed the files and stated that the "medical form" was m files.	issing from these two
2. One child had an enrollment packet on file; however, it was not signed by the child's parent. Authorization for emergency medical care had not been obtain with physician contact information and information for the family's preferred hospital.	ned for this child, along
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;
<ul> <li>b. 922 KAR 2:120, Child-care center health and safety standards;</li> <li>c. 922 KAR 2:280, Background checks for child care staff members, reporting requirements, and appeals; and</li> </ul>	
d. This administrative regulation.	
Findings:	
General: Based on review of documentation, this regulatory requirement was not met. A review of the policies and procedures found that the facility did not had command. The chain of command had two staff names listed that are no longer employed at the facility.	ave a current chain of
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 a available for public inspection:	and make
(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.	
(g) Dany pranneu program.	

# Findings:

General: Based on review of documentation, this regulatory requirement was not met. The Statement of Deficiency/Plan of Correction from the 2017 renewal inspection was posted; however, the Statement of Deficiency/Plan of Correction from the most recent renewal inspection (7/1/20) was not posted.



	Inspection Report	
210 - Disaster Course of Action		Not In Complianc
922 KAR 2:090. Section 9. Records. (1) A child-care center shall maintain: (i) A written plan and diagram outlining the course	e of action in the event of a natural or manmade disaster,	nosted in a prominent place.
Findings:		posteu in a prominent place,
General: Based on review of documentation, this regulatory	requirement was not met. The facility had a diagram posted; however,	it did not include a written emergency plan.
	Animals	Not Applicabl
	Emergency Regulation	Not In Compliance
265 - Emergency Regulation		Not In Complianc
operate under Centers for Disease Control and Pre COVID-19.	ency caused by the Novel Coronavirus Disease (COVID-19 evention and public health guidelines, as mandated by 922	
Findings:		
General: Based on review of documentation, observation, a	and interview, this regulatory requirement was not met. The following wa	is found:
1. One staff person (hire date: 3/10/20) did not have eviden TRIS system was reviewed.	ce of completing the required ECE 202 training class (Requirements for	Reopening Child Care in Kentucky). The ECE-
2. One staff person (hire date: 4/19/21) did not have evider	nce or results on file of a criminal records check (CRC).	

3. One staff person (hire date: 4/5/21) had a copy of a child abuse and neglect check (CAN) that had been submitted for processing on 4/2/21; however, the results had not yet been obtained. This staff person was observed working alone with children when the surveyor arrived at the facility at 9:00 AM and continued to work alone until the staff person in charge arrived at approximately 9:40 AM. The staff person stated that she had worked alone the entire morning (7:00 AM - 9:40 AM).

4. Upon arrival (9:00 AM), the surveyor noted that the staff person working in the preschool classroom was not wearing a mask or any type of face covering. The staff person did not put on a face mask until the staff person in charge arrived at approximately 9:40 AM.

5. The surveyor did not observe children and adults being screened for fever and/or contagious symptoms upon entry into the child-care program during the inspection. The staff person in charge stated that she stopped conducting temperature checks when Fayette County Public Schools announced that they were no longer doing this.

