



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL

Eric Friedlander
SECRETARY

Melissa A. Moore, Director
Division of Regulated Child Care
Northern Branch
908 W. Broadway, 10-W
Louisville, KY 40203

Adam Mather
INSPECTOR GENERAL

Phone: (502) 595-5781 Fax: (502) 595-5773
<https://chfs.ky.gov/agencies/os/oig>

Inspection Report

Provider Name: Holy Trinity After School Program	Provider Information	CLR No: L359494
Provider Address: 423 Cherrywood Road, Louisville, KY, 40207	Provider Type: LICENSED TYPE I	Capacity: 64
Owner(s): The Young Mens Christian Association Of Greater Louisville		Director(s): Slaten, Valerie Rae

Inspection Type: Renewal Application	Inspection Information	Inspection No: 290018
Date Initiated: 07/16/2019 3:00 PM	Date Concluded: 10/16/2019 3:40 PM	
	No. of Children Present: 48	

Inspection Report	
Background Checks	Not In Compliance
10 - Submit background check	Not In Compliance
<p>922 KAR 2:280 - Section 4. Procedures and Payments.</p> <p>(1) To initiate the process for obtaining background checks on a prospective child care staff member, the child care provider shall:</p> <p>(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;</p> <p>(b) Request that the prospective child care staff member complete and sign the:</p> <ol style="list-style-type: none"> DCC-500, Applicant Child Care Staff Member Waiver Agreement and Statement; and DCC-501, Disclosures to Be Provided to and Signed by the Applicant Child Care Staff Member; and <p>(c) Log on to the NBCP portal and enter the prospective child care staff member's demographic information for a check of the:</p> <ol style="list-style-type: none"> Child abuse and neglect central registry pursuant to 922 KAR 1:470; National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and Sex Offender Registry established in accordance with KRS 17.500 through 17.580. <p>Findings:</p> <p>General: Based on interview and review of documentation, the child care center failed to comply with regulatory requirements regarding background checks. A review of documentation including a KARES report, failed to reveal submission of required fingerprint documents for an employee with a start date of 10/09/19. Interview with the staff in charge revealed the staff member did not have documents available for review at the time of the visit. Observation revealed the staff member was present at the time of the survey.</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 observation, interview and review of documentation, the child care center failed to comply with regulatory requirements regarding background checks. A review of documentation failed to reveal NBCP results for a staff with an unknown hire date and a staff member with a hire date of 10/09/19. Interview with the staff in charge revealed the documents had not been received from the central office. Observation revealed the staff members in supervisory roles at the time of the survey.</p>	
Supervision	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: Based on observation and interview, the child care center failed to maintain regulatory staffing requirements. Observation on 10/09/19 revealed fifty (50) children in attendance. Interview with staff revealed fourteen (14) children ages 8 years to 11 years were supervised by a staff member. Further interview revealed 36 children ages 4 years through 7 years were supervised by a sole staff member. Interview with staff in charge revealed there were 50 children in attendance at the time of the survey. An additional staff member, under 18 years of age, arrived at approximately 3:00 P.M.; however, the individual had no required documentation at the time. The individual was not observed to be alone with the children during the survey. Continued interview with the staff in charge revealed the center is frequently out of ratio since the beginning of the 2019 school year due to the lack of staff. The staff member was over ratio by 22 children. The documentation further revealed the staff in charge with a hire date of 6/27/16 was the only staff member documented on the posted Staff Schedule and Chain of Command.

General Administration

In Compliance

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:

- (i) Assure the health, safety, and comfort of each child;**

Findings:

General: Based on observation, the child care center director failed to assure compliance with regulatory requirements. Observation revealed a sole staff member supervising 36 children between the ages of 4 years and 7 years. The staff member was out of ratio by 22 children, jeopardizing the safety of the children in her care. Additionally, the staff member stated she is frequently out of ratio due to lack of staffing since the beginning of the 2019 school year.

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 observation, interview and review of documentation, the child care center failed to maintain employee records in accordance with regulatory requirements. A review of documentation failed to reveal a current personnel file for each staff person including the name, address, date of birth and date of employment, proof of educational qualifications, record of annual performance evaluation, documentation of compliance with tuberculosis screening, and the results of background checks in accordance with 922 KAR 2:280. Interview with the staff in charge revealed the documentation was not available for a staff member with an unknown hire date, and for a staff member with a hire date of 10/09/19. Observation revealed the aforementioned staff members in attendance at the time of the survey.

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 observation, interview and review of documentation, the child care center failed to maintain employee records in accordance with regulatory requirements. A review of documentation failed to reveal educational requirements for staff members with an unknown hire date and a hire date of 10/09/19. Interview with the staff in charge revealed the documentation was not available at the time of the survey. Observation revealed the aforementioned staff members were present and supervising children at the time of the survey.

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 observation, interview and review of documentation, the child care center failed to maintain employee records in accordance with regulatory requirements. A review of documentation failed to reveal negative results from a tuberculin test or a written statement from a health care professional stating the individual is free of tuberculosis for staff members with an unknown hire date and a hire date of 10/09/19. Interview with the staff in charge revealed the documentation was not available at the time of the survey. Observation revealed both staff members in supervisory roles at the time of the survey.

405 - Adequate Substitute(s)

Not In Compliance

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

(6) Child-care centers shall have available in case of need:

- (a) One (1) qualified substitute staff person for a Type II child-care center; or**
- (b) Two (2) qualified substitute staff persons for a Type I child-care center.**

(7) Each qualified substitute staff person shall:

- (a) Meet the staff requirements of this administrative regulation; and**
- (b) Provide the required documentation to verify compliance with this administrative regulation.**

Findings:

General: Based on observation and interview and review of documentation, the child care center failed to maintain regulatory staffing requirements. A review of documentation failed to reveal two (2) qualified substitute staff members. Interview with the staff in charge revealed documentation for two (2) substitute staff members at the time of the survey was not available.

Programming	In Compliance
Premises	In Compliance
Hygienic Practices	In Compliance
First Aid/Medication	In Compliance
Outdoor Play Area	In Compliance
Equipment	In Compliance
Transportation	Not Applicable
Food Service/Food Program	In Compliance
Food Service	In Compliance
Children's Records	In Compliance
Written Documentation	In Compliance

Inspection Report

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 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 Website 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: Based on interview and review of documentation, the child care center failed to maintain regulatory posting requirements. A review of postings failed to reveal the most recent statement of deficiencies issued by the cabinet and the most recent plan of corrections submitted by the provider to the cabinet. The SOD posted was dated 07/19/17. Interview with the staff in charge revealed the most recent SOD and POC were not available at the time of the survey.

Animals

In Compliance

Signature of Provider/Representative

Title

Date