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Inspection Report

Provider Information

Provider Name: Creative Minds Learning Center
Provider Type: LICENSED TYPE I
CLR No: L359499
Provider Address: 23211 Hwy 421, Hyden, KY, 41749
Capacity: 20
Owner(s): Creative Minds Learning Center, LLC
Director(s): Smith, Amy Sheree

Inspection Information

Inspection Type: Renewal Application
Inspection No: 220419
Date Initiated: 07/07/2017 9:30 AM
Date Concluded: 07/07/2017 11:25 AM
No. of Children Present: 7

Inspection Report

Supervision	**In Compliance**
Staffing Requirements	**Not In Compliance**
40 - Ratios and Group Size	**Not 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.**

Findings:

General: Based on observation, review of documentation, and interview, the surveyor found that there was one (1) staff person working alone in the preschool classroom while supervising seven (7) children between four-months-old and nine-years-old. Staff reported that she had been the only staff member working at the center that morning. Staff stated that the youngest two (2) children were four-months-old (DOE: 6/15/17) and one-year-old (DOE: 4/20/17). Review of the sign in and out sheet for 7/7/17 revealed that the four-month-old child was signed in at 8:10 a.m., the fifth (5th) child to arrive at the center and the one-year-old child was signed in at 8:35 a.m., the sixth (6th) child to arrive at the center. The Director arrived at the center at approximately 9:45 a.m.; therefore, the center was over staff-to-child ratio for a period of approximately one (1) hour and ten (10) minutes. Upon interview, the Director reported that she is usually at the center in the mornings; however, she had a meeting to attend on the morning of 7/7/17.

General Administration	**In Compliance**

Director Requirements — Not In Compliance

260 - Staff Evaluation — Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;

Findings:

General: Based on review of documentation and interview, one (1) employee file (DOH: 5/30/14) did not contain an up-to-date annual performance evaluation. The last annual performance evaluation completed was dated May 2016. Upon interview, the Director confirmed that an updated annual performance evaluation had not been completed.

265 - Health, Safety, Comfort — Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.
(1) Effective with the adoption of this administrative regulation, a director shall:
(l) Provide for the health, safety, and comfort of each child;

Findings:

General: Based on observation and interview, the surveyor found that one (1) electrical outlet next to the radio in the preschool classroom was missing a protective covering. The Director stated that the radio is usually plugged into the outlet.

Employee Records — Not In Compliance

300 - Background checks/left alone — Not In Compliance

922 KAR 2:090. Section 6. License Issuance.
(5) An individual described in subsection (4) of this section shall:
(a) Submit to background checks described in paragraph (b) of this subsection;
(b) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:
1. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;
2. Criminal records check required by KRS 199.896(19);
3. Criminal records check for any previous state of residence if the person resided outside the state of Kentucky in the last five (5) years; and
4. An address check of the Sex Offender Registry; and
(c) Not be left alone in the presence of a child until copies of the background checks in accordance with paragraph (b) of this subsection have been received by the licensee.

Findings:

General: Based on review of documentation, and interview, the surveyor found that one (1) employee file (DOH: 2/3/17) contained a criminal records check (CRC) that was submitted on 2/10/17; therefore, the CRC was not submitted timely, on or before the employee's date of hire. Upon interview, the Director acknowledged that she was aware that the CRC was not submitted timely but stated that the employee did not work with the children at all until the results had been returned.

320 - TB Verification — Not In Compliance

922 KAR 2:110. Section 5. 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 review of documentation and interview, the surveyor found that one (1) employee file (DOH: 10/25/11) contained documentation of a negative turberculin skin test dated for 8/6/14; therefore, a tuberculin skin test was not completed every two (2) years as required. Upon interview, the Director stated that she thought that the employee's tuberculin skin test had been completed and filed; however, she did not locate the documentation at time of the survey.

Programming — Not In Compliance

350 - Program of Activities Followed — Not In Compliance

922 KAR 2:120. Section 2. Child Care Services.
(4) The child-care center shall provide a daily planned program:
(a) Posted in writing in a conspicuous location with each age group and followed;
(b) Of activities that are individualized and developmentally appropriate for each child served;
(c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being; and
(d) That offers a variety of creative activities including the following:
1. Art;
2. Music;
3. Dramatic play;
4. Stories and books;
5. Science;
6. Block building;
7. Tactile activity;
8. Culture;
9. Indoor or outdoor play in which a child makes use of both small and large muscles;
10. A balance of active and quiet play, including group and individual activity;
11. An opportunity for a child to:
a. Have some free choice of activities;
b. If desired, play apart from the group at times;

Findings:

General: Based on observation and interview, the surveyor found the following:

1. The lesson plan posted in the preschool classroom was dated 8/29/16 - 9/2/16.

2. The lesson plan posted in the nursery classroom was dated 8/29/16 - 9/2/16.

3. The lesson plan posted in the toddler classroom was dated 8/29/16 - 9/2/16.

The Director and staff reported that the lesson plans are re-used. The Director also stated that she is in the process of updating all of the lesson plans.

410 - Infant/Toddler Combined with Older Children — Not In Compliance

922 KAR 2:120. Section 5. Infant and Toddler Play Requirements.
(2) Except in accordance with subsection (3) of this section, an infant or toddler shall participate in an activity with an older child for no more than one (1) hour per day.

Findings:

General: Based on observation, review of documentation, and interview, the surveyor found that there was one (1) staff person working alone in the preschool classroom supervising seven (7) children between four-months-old and nine-years-old. Staff stated that the youngest two (2) children were four-months-old (DOE: 6/15/17) and one-year-old (DOE: 4/20/17). Review of the sign in and out sheet for 7/7/17 revealed that the four-month-old child was signed in at 8:10 a.m. At approximately 9:45 a.m., the director arrived at the center and the infant child was taken to the nursery. Therefore, the infant was combined with older children for a period of approximately one (1) hour and thirty-five (35) minutes. Upon interview, the Director reported that she is usually at the center in the mornings; however, she had a meeting to attend on the morning of 7/7/17.

Premises — Not In Compliance

585 - Sink — Not In Compliance

922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.
(3) A sink shall be:
(a) Located in or immediately adjacent to toilet rooms;
(b) Equipped with hot and cold running water that allows for hand washing;
(c) Equipped with hot water at a minimum temperature of ninety (90) degrees Fahrenheit and a maximum of 120 degrees Fahrenheit;
(d) Equipped with liquid soap;
(e) Equipped with hand-drying blower or single use disposable hand drying material;
(f) Equipped with an easily cleanable waste receptacle; and
(g) Immediately adjacent to a changing area used for infants and toddlers.

Findings:

General: Based on observation and interview, the surveyor found that the child care center restroom was not equipped with a hand-drying blower or single use disposable hand drying material. The Director reported that the center had just ran out of paper towels and that she had paper towels ordered which were due to arrive on 7/7/17.

590 - 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 and interview, the surveyor found that the toilet had not been flushed and it appeared to contain urine. The Director reported that staff attempt to check the restroom after each time it is used; however, due to the staff member being alone that morning she may not have had the opportunity to do so.

Hygienic Practices	**In Compliance**
First Aid/Medication	**In Compliance**
Outdoor Play Area	**Not In Compliance**

690 - 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 and interview, the surveyor found that the playground had not been maintained as it contained tall grass and weeds. The Director related that the playground is moved every two (2) weeks; however, it had not been mowed on schedule recently due to rain and storms.

695 - 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 and interview, the surveyor found that a swing was hanging from the bottom of the deck on the playground. There was not a protective surface under the swing. The Director acknowledged she was aware that there was not a protective surface under the swing.

Equipment	**Not In Compliance**

755 - Toys/Equipment/Furniture **Not In Compliance**

922 KAR 2:120. Section 11. Toys and Furnishings.
(1) All toys, equipment, and furniture contacted by a child shall be:
(a) Kept clean and in good repair; and
(b) Free of peeling, flaking, or chalking paint.

Findings:

General: Based on observation and interview, the surveyor found a rocking chair with a broken arm that was located in the nursery. The arm had been broken completely off of the chair leaving some splintered wood where the arm had connected to the seat. The Director stated that she was aware of the broken arm on the rocking chair.

Transportation	**Not Applicable**
Food Service	**In Compliance**
Children's Records	**Not In Compliance**

1070 - Immunization **Not In Compliance**

922 KAR 2:110. Section 3. 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: Based on review of documentation, and interview, the following were found:

1. A child's file (DOE: 6/15/17) presented for review contained an immunization certificate that was no longer current as of 6/27/17. There was documentation in the file, from the child's physician, documenting that the child has an appointment to have the immunizations updated on 08/10/17. The Director stated that the child's guardian scheduled the appointment as soon as she requested an updated copy of the immunization certificate for the child's file.

2. A child's file (DOE: 4/20/17) presented for review did not contain an immunization certificate. The Director reported that the immunization certificate has been requested.

1075 - Enrollment Information **Not In Compliance**

922 KAR 2:110. Section 3. 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 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 situation 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 and interview, the surveyor found that one (1) child's file (DOE: 5/31/16) did not contain the preferred physician's name or contact information. Upon interview, the Director was not aware that the information was missing.

Written Documentation **Not In Compliance**

1085 - Evacuation Plan **Not In Compliance**

922 KAR 2:090. Section 5. Evacuation Plan.
(1) A licensed child-care center shall have a written evacuation plan in the event of a fire, natural disaster, or other threatening situation that may pose a health or safety hazard for a child in care in accordance with KRS 199.895.

Findings:

General: Based on review of documentation and interview, the surveyor found that the emergency preparedness plan was not signed and updated by 12/31/16. Upon interview, the Director reported that no changes had been made to the plan; however, she had failed to sign and date it the day that she reviewed it.

1090 - Policies and Procedures **Not In Compliance**

922 KAR 2:110. Section 2. General.
(5) 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 2:090, Child-care center licensure;
c. 922 KAR 2:120, Child-care center health and safety standards; and
d. This administrative regulation.

Findings:

General: Based on review of documentation and interview, the surveyor was not presented with an organizational chart/chain of command. Upon interview, the Director stated that she had taken the organizational chart/chain of command documentation down from the wall recently to have it updated; however, she did not locate the documentation for the surveyor to review at time of the survey.

1120 - Fire Drills **Not In Compliance**

922 KAR 2:110. Section 3. Records.
(1) A child-care center shall maintain:
(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 and interview, the surveyor was not presented with a written record of practiced fire drills conducted in May or June of 2017. Upon interview, the director stated that the drills may not have been practiced those months.

1140 - Fire Drills **Not In Compliance**

922 KAR 2:120. Section 3. General Requirements.
(12) A fire drill shall be conducted during hours of operation:
(a) At least monthly; and
(b) Documented.

Findings:

General: Based on review of documentation and interview, the surveyor found that there was not written record of a monthly fire drill being conducted in May or June of 2017. Upon interview, the director stated that the drills may not have been conducted those months.

Posted Documentation	**In Compliance**
Animals	**In Compliance**

Signature of Provider/Representative Title Date