



CABINET FOR HEALTH
AND FAMILY SERVICES

ADVERSE ACTIONS
DIVISION OF REGULATED CHILD
CARE

Civil Penalties-922 KAR 2:190

Type A Violations:

- Violations that create harm, an imminent threat, or an imminent danger to the health, safety, and welfare of a child in the center's care. Examples include:
- Failure that results in injury to the child, hospitalization, or death
- Background check issues
- Discipline
- Falsifying records
- Operating contrary to approved services

Type B Violations:

- Violations that present a concern or risk to the health, safety, or welfare of a child in care but does not create harm, an imminent threat, or an imminent danger to the child. Examples include:
- Failure to respond to first aid and medical needs
- No staff with current First Aid/CPR
- Children alone with underage caregiver
- Staff to child ratios (by 50% or more)

Civil Penalties-KRS 199.896

- **Criteria for determining monetary penalty:**
- (8) In assessing the civil penalty to be levied against a child-care center for a violation contained in a statement of deficiency issued under this section, the inspector general or the inspector general's designee shall take into consideration the following factors:
 - (a) The gravity of the threat to the health, safety, or welfare of children posed by the violation;
 - (b) The number and type of previous violations of the child-care center;
 - (c) The reasonable diligence exercised by the child-care center and efforts to correct the violation; and
 - (d) The amount of assessment necessary to assure immediate and continued compliance.

Civil Penalties



Funds collected from civil penalties go to a special KHEAA fund dedicated to the Early Childhood Scholarship Program.

2025: \$263,628.50 was collected



Trebled penalties are monetary penalties which are tripled and shall be assessed for two (2) or more violations within twelve (12) months.

Civil Penalties Data

- **2023** – 290 civil penalties issued
 - 242 Type A's & 68 Type B's
 - 9 were trebled due to repeat violations
- **2024** – 360 civil penalties issued
 - 296 Type A's & 100 Type B's
 - 17 were trebled due to repeat violations
- **2025** – 191 civil penalties issued as of 7/14/25

Targeted Technical Support (TTS)

Pilot Project

- Short-term (30-day time-limited) procedure to assist providers to enact their plan of correction; recommended for use when there is a violation that has the potential to prompt a Directed Plan of Correction or adverse action if not resolved appropriately.
- Voluntary participation from provider.
- Provider meets with Division of Regulated Child Care/Regional Program Manager to discuss violation(s) and Targeted Technical Support agreement. Additional, weekly meetings will follow for period of one month.
- Provider will participate in two (2) hours of collaboration/training with Child Care Aware or The Family Child Care Network, within four-week period.
- At least one unannounced follow up inspection will be conducted.

Directed Plan of Correction (DPOC)

922 KAR 2:090 Section 16

- In some situations, the cabinet may determine that a violation warrants a Directed Plan of Correction. In this case, Division of Regulated Child Care will meet with the provider and enter into an agreement. The agreement (Directed Plan of Correction) details what must be done to remedy the violation and achieve compliance.

Parents/Guardians of the child or children who were affected by the situation that prompted the Directed Plan of Correction must be notified.

The cabinet will monitor more frequently.

The provider/staff may be required to participate in additional training.

The agreement may be amended if additional violations are identified during the Directed Plan of Correction monitoring.

Directed Plan of Correction (DPOC)

Most common violations leading to a Directed Plan of Correction:

Abandonment or Elopement (Supervision)

Individual(s) alone with children without background check

Severe violation of health, safety, and comfort

Directed Plan of Correction (DPOC)

Requires three successful monitoring inspections prior to lifting.

Directed Plans of Correction will be implemented when lifting an Emergency Suspension.

Directed Plans of Correction may be utilized in cases wherein staff person is under investigation as an alleged perpetrator.

Denial

- Denial of license or certification can be issued under the following condition, or in relation to other types of adverse actions:
 - An application is received from an applicant who has had a previous ownership interest in a child-care program that has had a prior certification, license, or registration denied, revoked, or voluntarily relinquished as a result of an investigation or pending adverse action; and seven years has not passed.
- Data on Denial Actions:
 - 2023-2
 - 2024-1
 - 2025-3

Emergency Suspension

Regulations & Statute-922 KAR 2:090; KRS 199.896

- 922 KAR 2:090, Section 17

- (1)(a) The cabinet shall **deny, suspend, or revoke a preliminary or regular license** in accordance with KRS 199.896 if the applicant for licensure, director, employee, or a person who has supervisory authority over, or unsupervised contact with, a child fails to meet the requirements of this administrative regulation, 922 KAR 2:120, 922 KAR 2:280, or 922 KAR 2:190.

- (5) The cabinet or its designee shall suspend the license if:

- (a) A regulatory violation is found to pose an immediate threat to the health, safety, and welfare of the children in care as described in KRS 199.896(4); or

- (b)The child care-center fails to comply with the approved plan of correction.

199.896 (4)

....If, however, the cabinet has probable cause to believe that an immediate threat to the public health, safety, or welfare exists, the cabinet may take emergency action pursuant to KRS 13B.125. All administrative hearings conducted under authority of KRS 199.892 to 199.896 shall be conducted in accordance with KRS Chapter 13B.

Emergency Suspension

- Emergency suspensions are intended to be a temporary process that results in immediate closure. The suspension may be lifted when an acceptable Plan of Correction has been received by the cabinet. Providers may seek additional coaching to complete a Plan of Correction to help move through the process quickly.
- Providers may not operate while the suspension is in effect.
- When the Plan of Correction is received, Division of Regulated Child Care will follow-up to verify implementation and then monitor through the Directed Plan of Correction process.

Emergency Suspension Common Reasons

- Inadequate Supervision
- Background Checks/Qualified Staff
- Providing unapproved service or operating in unapproved space
- Conditions that cause harm to children in care (inappropriate discipline or action that causes injury)

Revocation

922 KAR 2:090, Section 17

- A revocation is an action against a license that results in permanent closure.
- Providers may continue to operate during the appeals process.
- **Issues that might lead to revocation (in addition to Directed Plans of Correction and Emergency Suspension examples):**
 - The provider interferes with the cabinet's ability to perform an official duty.
 - The cabinet or a parent is denied access during the hours of operation.
 - The licensee is discontinued or disqualified from Child Care Assistance Program or another program due to fraud, abuse, or criminal conviction.
 - Failure to meet the requirements of a Directed Plan of Correction.
 - Provider knowingly misrepresents or submits false information on a form required by the cabinet.
 - More than two Directed Plans of Correction in a three-year period.
 - Failure to pay civil penalties.

Appeal Options

922 KAR 2:090, Section 19 & 20

Civil Penalties, Emergency Suspensions, and Revocations all have the right of appeal.

- **Informal Dispute Resolution (IDR)**

- Provider and DRCC staff meet.
- Provider has opportunity to dispute violation that prompted the action.

- **Administrative Hearings**

- Provider may request appeal before an administrative hearing officer.
- Requires legal representation.

- **Circuit Court**

All Adverse Actions

- Status changes showing Directed Plan of Correction, Emergency Suspensions, and Revocations all appear on the public portal once issued.
- A provider may have multiple actions against the license/certification depending on the severity of the violation.
 - Example: A severe supervision incident may result in both an emergency suspension and revocation. The provider could reopen if the emergency suspension were lifted and continue to operate until completion of the revocation appeals process.

Adverse Actions 2023-2025

- **2023**
 - Revocations-**10**
 - Denials-**2**
 - Emergency Suspensions-**10**
- **2024**
 - Revocations-**5**
 - Denials-**1**
 - Emergency Suspensions-**8**
- **2025 YTD**
 - Revocations-**10**
 - Denials-**3**
 - Emergency Suspensions-**7**

Data Breakdown of Reason for Adverse Action Licensed/Certified Programs 2023

Revocations		Emergency Suspensions	
Licensed	Certified	Licensed	Certified
Supervision (4)	Supervision (1)	Supervision (4)	Supervision (1)
Health, Safety, Comfort (4)	Health, Safety, Comfort (1)	Health, Safety, Comfort (4)	Health, Safety, Comfort (3)
Access to Building (1)	Over Capacity (2)	Notification of Change (1)	Background Checks (1)
Falsified Documentation (1)	Falsified Documentation (1)		Substantiated Ab/Neg. (1)
Failure to Report to the Cabinet (1)			Supervision (1)
Fraud (1)			Falsified Documentation (1)
Failure to Report (1)			Total Capacity (3)
Over Capacity (2)			

Data Breakdown of Reason for Adverse Action Licensed/Certified Programs 2024

Revocations		Emergency Suspensions	
Licensed	Certified	Licensed	Certified
Supervision (4)	Over Capacity (1)	Supervision (4)	Total Capacity (3)
Health, Safety, Comfort (4)		Health, Safety, Comfort (4)	Health, Safety, Comfort (3)
Total Capacity (1)		Notification of Change (1)	Background Checks (1)
		Substantiated Ab/Neg. (1)	

Data Breakdown of Reason for Adverse Action Licensed Programs 2025

Revocations	Emergency Suspensions
Supervision (2)	Supervision (7)
Health, Safety, Comfort (3)	Health, Safety, & Comfort (5)
Cooperation with CHFS Agency (1)	Background Checks (2)
Falsified Documentation (1)	Notification of Change (1)
Child Abuse, Neglect Check (1)	Cooperation with CHFS Agency (1)
	Total Capacity (1)
	Child Abuse, Neglect Check (1)

There have been no adverse actions for Certified Homes from January 1, 2025, to present.

Federal Requirements

- Child Care Development Fund lead agencies must post the total number of serious injuries, deaths, and instances of substantiated abuse that occurred in Child Care Development Fund-eligible child care provider settings. Child Care Development Fund-eligible providers include all programs regulated by the Child Care Development Fund lead agency as well as those that participate in the state's subsidy program.
- Child Care Development Fund lead agencies must post the total number of instances of substantiated child abuse that occurred in Child Care Development Fund-eligible child care programs each year.

Total Number of Capacity, Serious Injuries, and Deaths, by Provider Type

	2022			2023			2024		
Provider Type & Licensing Status	Total Capacity	# of Serious Injuries	# of Deaths	Total Capacity	# of Serious Injuries	# of Deaths	Total Capacity	# of Serious Injuries	# of Deaths
Licensed Type I	158,846	466	0	162,207	620	0	164,273	764	0
Licensed Type II	455	1	0	458	0	0	434	1	0
Certified Family Child Care Home	1,212	4	0	1,262	3	0	1,306	1	0
Registered Provider	126	0	0	134	0	0	192	0	0

Total Instances of Substantiated Child Abuse/Neglect, by Year, for Providers Eligible to Serve Child Care Development Fund Children

	2022	2023	2024
All Licensed Child Care Centers (Type I and Type II), Certified Family Child Care Homes, and Registered Providers	37	47	64