

South Dakota Department of Social Services
CERTIFICATE OF LICENSE
as a
CHILD WELFARE AGENCY

This is to certify that Lutheran Social Services is hereby granted
this license to conduct and maintain a Residential Treatment Center (Summit Oaks Center)
located at 621 East Presentation Street in Sioux Falls, SD 57104 to provide care for a maximum of
34 children ages 10 to 17 years, for the period from March 1, 2019 to February 29, 2020.

This facility satisfactorily complies with requirements of the South Dakota Compiled Laws of 1967,
Sections 26-6-1 through 26-6-27 and the Child Care Standards as established by the
South Dakota Department of Social Services. This license is subject to revocation for
reasonable cause as cited in SDCL 1967; Section 26-6-23.
Issued this 20th day of March, 2019.



License Number R 49

Virginia Wieseler

CPS Division Director

Department of Social Services
Child Protection Services
700 Governors Drive
Pierre, S.D. 57501-2291
605-773-3227

**INVESTIGATION REPORT AND LICENSING STUDY
RESIDENTIAL TREATMENT CENTERS
ARSD 67:42:01, 67:42:08**

AGENCY NAME: LSS Summit Oaks Center (R49)
 DIRECTOR: Amy Witt, LSS Vice President of Children and Youth Services

1. Licensing Requirements – 67:42:07:11.01, 67:42:08:01.01, SDCL 26-6-11, 42 CFR 441 Subpart D

A. The following have been submitted to the Department:	<u>YES</u>	<u>NO</u>
1. Application materials for license.	✓	_____
2. Documentation of need as per SDCL 26-6-11.	NA	_____
3. A copy of the building plans (approved by the Fire Marshal and Department of Health).	✓	_____
4. Documentation to verify the agency/facility is currently accredited by CARF, COA or Joint Commission or making progress in pursuit of accreditation.	✓	_____
5. The facility has completed an annual attestation statement and/or been surveyed by DOH to verify they meet the requirements as a Psychiatric Residential Treatment Facility.	✓	_____
B. A statement of compliance with the Civil Rights Act of 1964 is included in the agency's policies or is a part of the purchase of service contract with the Department.	✓	_____

Comments:

An application for license renewal dated February 22, 2019 is on file in the licensing record. It contains a signed statement of compliance with the Civil Rights Act of 1964, which is also a part of the agency agreement with the Department of Social Services. A copy of the certificate attesting that Lutheran Social Services is accredited for Residential Treatment Services by the council of Accreditation through June 30, 2022 was submitted with the application for license renewal and is on file in the licensing record. A copy of an Attestation statement to the DSS Division of Medical Services, signed by Sheila Weber, LSS Vice President of Children and Youth Services, and dated June 1, 2018 was submitted with the application and is on file in the licensing record.

2. <u>Agency Responsibilities</u> – SDCL 26-6-11	<u>YES</u>	<u>NO</u>
A. The building and equipment needs of the organization are adequately met.	✓	_____
B. The agency has sufficient funds to meet the needs of the community.	✓	_____

Comments:

The reviewers found Summit Oaks to be adequately furnished and maintained to provide for the needs of the residents. Financial reports provided indicate the availability of sufficient funds to provide for the needs of the program.

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|---|------------|-----------|
| 3. <u>Insurance</u> - 67:42:01:35 | <u>YES</u> | <u>NO</u> |
| A. Vehicles used to transport clients have appropriate passenger liability insurance. | ✓ | _____ |
| B. The agency carries public liability insurance. | ✓ | _____ |

Comments:

Auto Liability (Policy Number PHPK1844795), Commercial General Liability (Policy Number PHPK184495), and Umbrella Liability coverage (Policy Number PHUB36768) is purchased from Philadelphia Indemnity Insurance Company. A copy of the Certificate of Insurance verifying coverage through July 1, 2019 is on file in the licensing record.

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|--|------------|-----------|
| 4. <u>Accounting Systems</u> - 67:42:01:34 | <u>YES</u> | <u>NO</u> |
| A. An audit of the accounts has been done in the last year by a CPA. | ✓ | _____ |

Comments:

An audit of Lutheran Social Services financial statements for the period ending June 30, 2018 and 2017 was completed by Eide Bailly LLP, CPA's on December 14, 2018. A copy of the audit report, including a summary of significant accounting policies is on file in the licensing record.

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|---|------------|-----------|
| 5. <u>Staff Qualifications</u> - 67:42:08:02, 67:42:07:07 | | |
| A. Program Director | <u>YES</u> | <u>NO</u> |
| 1. Masters Degree in an accredited behavioral or social science area plus two years relevant alternative child care experience; or | ✓ | _____ |
| 2. Bachelor of Arts/Bachelor of Science in an accredited behavioral or social science area plus four year's relevant alternative child care experience. | ✓ | _____ |

Comments:

Kim Wagley was hired as the Program Director for Summit Oaks Center in April of 2016. Kim has a bachelor's degree in Social Work and over thirty years of experience in the field. Kim had previously been working in the same role for Volunteers of America-Dakotas Group Care Program. Kim Wagley is supervised by Amy Witt, Vice President of Children and Youth Services.

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|---|------------|-----------|
| B. Other Staff | <u>YES</u> | <u>NO</u> |
| 1. At least eighteen years of age. | ✓ | _____ |
| 2. If under age twenty-one, is under direct supervision of an experienced child care staff; and 3 years older than any children supervised. | ✓ | _____ |

Comments:

A list of staff, including their qualifications at the time of application for license renewal was submitted with the application. All staff for whom a personnel record was reviewed were over the age of twenty-one.

6. <u>Staff/Child Ratio</u> - 67:42:08:03	<u>YES</u>	<u>NO</u>
A. 1:6 during waking hours.	✓	_____
B. 1:12 in the building during sleeping hours.	✓	_____
C. One staff member present in each separate sleeping unit during sleeping hours.	✓	_____
D. Arrangements made for substitute staff during vacations, illness, or off-duty time of regular staff.	✓	_____
E. Certified special ed teachers are employed (when appropriate).	✓	_____
F. Provisions are made for auxiliary staff members, i.e., mental health professionals, physical therapist, and/or occupational therapist (when appropriate).	✓	_____
G. A minimum of two adults are on the grounds at all times when children are present.	✓	_____
H. The facility has a written plan to ensure that staff, law enforcement, or appropriate emergency responders are available at the center within a reasonable time in the event of an emergency.	✓	_____

Comments:

Summit Oaks Center is licensed to provide care for thirty-four youth. A staff schedule submitted with the application for license renewal indicates the agency is within staff ratio requirements in the facility at all times during waking and sleeping hours. Interviews with staff and residents verified the staff schedule is being followed.

7. <u>Personnel Records</u> - 67:42:07:07, 67:42:07:08, 67:42:07:09; SDCL 26-6-14.11	<u>YES</u>	<u>NO</u>
A. Personnel records are maintained and contain the following:		
1. Resume or application that includes educational background, personal, and employment history.	✓	_____
2. Job description.	✓	_____
3. Annual performance appraisal.	✓	_____
4. Verification of contact with at least three former employers or professional references if former employers not available.	✓	_____
5. Verification of screening for substantiated reports of child abuse or neglect.	✓	_____
6. Verification of submission of fingerprints to the DCI.	✓	_____
7. Verification of sex offender registry checks.	✓	_____
8. Verification of current certification in basic 1 st aid and CPR.	✓	_____
9. At least one official onsite designated to authorize the Reasonable and Prudent Parent Standard.	✓	_____

	<u>YES</u>	<u>NO</u>
8. <u>In-service Training</u> – 67:42:07:04, 67:42:08:04, 42 CFR 483.376		
A. There is a written plan for orientation and training for staff and volunteers.	✓	
B. Each employee has a documented record of an initial orientation to the center during their first month of employment that includes the facility's functions, services, community resources and specific job functions.	✓	
C. Each employee has a documented record of a minimum of forty hours annual in-service training.	✓	
D. Each employee receives in-service training during the first year of employment that includes all of the areas required in 67:42:07:04.	✓	
E. Training for all employees after the first year of employment is determined by an annual evaluation and is competency based.	✓	

Comments:

Summit Oaks Center has a written plan for orientation of new staff to the facility and utilizes a checklist to document completion of the orientation by new staff. Documentation to verify compliance with the above requirements was found in each of the records reviewed.

	<u>YES</u>	<u>NO</u>
9. <u>Reporting Suspected Child Abuse or Neglect, Changes in Circumstances and Serious Occurrences</u> - 67:42:01:12, 67:42:07:15, 67:42:07:16, 42 CFR 483.374		
A. The facility has a written procedure for handling and reporting suspected in-house CA/N. It includes:		
1. A definition of what constitutes CA/N;	✓	
2. Immediate reporting to DSS or law enforcement;	✓	
3. A procedure for assuring the incident will not recur pending the investigation;	✓	
4. A procedure for evaluating the continued employability of any staff member involved in an incident of CA/N.	See	Comments
B. Each employee has signed a statement acknowledging and understanding the reporting procedure.	✓	
C. The facility is aware of its need to report any changes of circumstances that may affect its licensed status.	✓	
D. The facility has written procedures for reporting serious occurrences to CPS and SD Advocacy Services and to the parent or legal guardian within 24 hours after the serious occurrence.	✓	
1. The death of a resident is reported to CMS by the close of business the day after the death.	NA	
2. A copy of the report of a serious occurrence is retained in the resident's record.	✓	

Comments:

Documentation to verify compliance with the above requirements was found in each of the records. LSS has written procedures for serious occurrences and identification/reporting of child abuse and neglect that address the above requirements and appear to be in compliance with licensing rules, except the "Child Abuse and Neglect Policy/Procedure" is unclear as to who evaluates the continued employability of any staff member involved in an incident of child abuse or neglect.

Please update your policy within 30 days to be in compliance with ARSD 67:42:07:16.

10. Treatment - 67:42:01:01(7), 67:42:08:01, 67:42:08:01.01, 67:42:08:05, 67:42:08:07, 67:42:07:10, 67:42:01:21, 42 CFR 441 Subpart D

A. There are written procedures relating to:	<u>YES</u>	<u>NO</u>
1. Intake.	✓	_____
2. Treatment.	✓	_____
3. Discharge.	✓	_____
4. Discipline.	✓	_____
5. Confidentiality.	✓	_____
6. Health care of children.	✓	_____
7. Emergency procedures in case a child is injured.	✓	_____
8. The child's parent or guardian has signed and dated a statement that lists the specific policies covered as verification that the facility provided the required information.	✓	_____
9. Reasonable and prudent parent standard	✓	_____
B. Children attend an on grounds school.	✓	_____

Comments:

Residents unable to attend the public schools attend the Summit Oaks School located in the LSS Center for Children and Youth that is staffed by the Sioux Falls School District.

C. Case records are maintained and include the following:		
1. Face sheet/application form with identifying information.	✓	_____
2. Documentation to verify the child meets PRTF eligibility.	✓	_____
3. Treatment plans developed and signed by the treatment team that includes the child, parent or guardian if appropriate, facility staff working with the child, placing agency staff and those required by 42 CFR 441.156.	✓	_____
4. Treatment plans are established within fourteen days of placement.	✓	_____
5. Treatment plans are based on assessment of the child's medical, psychological, social, behavioral and developmental needs and strengths, projected length of stay, conditions for discharge with discharge plans to ensure continuity of care and reflect the need for care at the PRTF level.	✓	_____

6.	Treatment plans contain treatment goals and objectives for the child and their family with an integrated program of therapies, activities and experiences designed to meet the goals.	✓	
7.	Treatment plans include conditions for discharge, and discharge plan that includes:		
a.	Projected date of discharge;	✓	
b.	Responsibilities of provider, child, family and placing agency.	✓	
c.	Transitional services to be provided and by whom;	✓	
d.	Crisis and emergency plans.	✓	
e.	Links with resources and preparation to navigate adult system if 16 or older.	✓	
f.	Aftercare services	✓	
g.	List of responsible persons; and	✓	
h.	Involvement of Tribe in aftercare planning if Native American.	✓	
8.	Treatment plan is reviewed at least every 30 days and a progress report sent to placement agency.	✓	
9.	Treatment plan is updated every three months to include progress toward achieving goals and amendments to the plan and sent to the placement agency (meets requirement for progress report).	✓	
10.	Evidence of application of the Reasonable and Prudent Parent Standard.	✓	
11.	Physical exam (twelve months prior to or thirty days following admission).	✓	
12.	Current immunization record.	✓	
13.	A signed authorization for medical care at the time of placement.	✓	
14.	On-going records of medical/dental/eye/hearing care.	✓	
D.	Records are kept in a locked file.	✓	
E.	The interstate compact administrator has been contacted before acceptance of an out-of-state child.	NA	

Comments:

Nine records were reviewed of youth in care and documentation was found in each to verify compliance with the above requirements. The reviewers found evidence of activities that each resident had participated in under a Reasonable and Prudent Parent Standard section in the file.

11. Medications - 67:42:07:19, 67:42:07:20, 67:42:07:22, 67:42:07:23

	<u>YES</u>	<u>NO</u>
A. The facility has written procedures relating to the storage and administration of medication which include:		
1. Conditions under which medications may be given.	✓	
2. Procedures for documenting the administration of medication.	✓	
3. Procedures for immediately notifying the facility's nurse in cases of medication errors or drug reactions. The nurse assesses the situation and determines whether there is a need to report the incident to the attending physician.	✓	
4. Procedures for evaluating and recording each child's reactions to prescribed medication.	✓	
B. A licensed nurse is responsible for administration of medications.	✓	
C. Psychotropic drugs are prescribed by a MD, CNP or PA with ongoing quarterly follow-up.	✓	
D. Medicine is kept in a locked cabinet.	✓	
E. A medication record is kept on each child.	✓	

Comments:

Summit Oaks Center's written procedures for storage and administration of medications are in compliance with licensing rules. All of the records reviewed were for a youth prescribed a psychotropic medication and each contained documentation to verify at least quarterly review by the prescribing practitioner of the continued need for the medication.

12. Emergency Safety Interventions (ESI) - 67:42:07:24, 67:42:07:25, 67:42:07:26, 67:42:08:05, 67:42:08:10, 42 CFR 483 Subpart G

	<u>YES</u>	<u>NO</u>
A. The facility has a written procedure relating to the use of ESI's that allows for use only to ensure safety of the child or others and by order of a physician or other licensed practitioner.	✓	
B. Use of ESI's is incorporated into the treatment plan.	✓	
C. Placement agency/parent/guardian are informed of policies, give written approval for use of ESI's at the time of admission and are notified of use of ESI's as soon as possible.	✓	
D. Only qualified staff give and receive orders and monitor and provide assessments following ESI's.	✓	
E. The facility conducts a review on a random sampling of orders to ensure that each licensed social worker associate providing an order meets the requirements of 67:42:08:10.		
	See	Comments
F. Trained clinical staff continually monitors children while involved in ESI's.	✓	
G. ESI's do not exceed times allowed in orders.	✓	
H. Required reports are completed following ESI's.	✓	
I. Staff involved in an ESI meets with the child involved to discuss		

the ESI, and with administrative staff, within 24 hours after use of the ESI.

✓

J. Medical treatment is provided for a resident injured during an ESI.

NA

K. Seclusion rooms meet the physical specifications of 67:42:07:25.

✓

Comments:

Summit Oaks Center's written procedures for use of ESI's are in compliance with licensing requirements. Four incidents of the use of ESI were reviewed. Documentation was found to verify compliance with the above requirements, except it is unclear the facility conducts a review on a random sampling of orders to ensure that each licensed social worker associate providing an order meets the requirements of 67:42:08:10. The Program Director utilizes a checklist to review every restraint, but the checklist doesn't include evidence to support 67:42:08:10. **Please update the facility checklist with 30 days to include verification the person providing the order meets the requirements of 67:42:08:10.**

13. Volunteers - 67:42:07:14

YES

NO

A. Have a written job description with specific responsibilities.

✓

B. Supervised and evaluated by an experienced staff member.

✓

C. Three documented unrelated references.

✓

D. Documented orientation.

✓

E. Documented in-service training as per 67:42:07:04 if volunteer works thirty plus hours per week.

✓

F. Informed of obligation to report suspected CA/N.

✓

G. Verification of screening for substantiated reports of child abuse or neglect.

✓

H. Verification of submission of fingerprints to the DCI.

✓

I. Verification of sex offender registry checks.

✓

Comments:

No volunteer records were pulled for review.

14. Physical Facility - 67:42:07:11, 67:42:07:12

YES

NO

A. There is a current fire inspection.

01/09/19

B. There is a current health inspection.

01/09/19

C. A fire escape plan is posted.

✓

D. A minimum of four fire drills are held annually.

✓

E. Children of opposite genders over the age of six have separate sleeping facilities.

✓

F. Sleeping children are monitored.

✓

G. Each child has his own bed with linens, blankets and pillows.

✓

Comments:

A copy of the current fire/health inspection report is on file in the licensing record as well as a compliance plan which noted deficiencies and dates of corrections. Notation of the most recent four fire drills is also included in the inspection.

15. <u>Nutrition</u> - 67:42:07:13	<u>YES</u>	<u>NO</u>
A. Meals are of sufficient quantity to meet children's nutritional needs.	<u>✓</u>	<u> </u>
B. Arrangements are made for children with a special prescribed diet.	<u>✓</u>	<u> </u>

Comments:

The agency develops a three week menu. During interviews, staff and residents shared the meals are of sufficient quantity.

16. Recommendations

Summits Oaks Center is found to be in substantial compliance with licensing rules for Residential Treatment Centers. Please refer to the body of this licensing study for comments relating to Reporting Suspected Child Abuse and Neglect and Emergency Safety Interventions.

It is recommended that a satisfactory license be issued to Lutheran Social Services to operate Summit Oaks Center as a Residential Treatment Center at 621 Presentation Street, Sioux Falls, South Dakota to provide care for a maximum of thirty-four youth age ten to seventeen years.

Completed By: Kevin Kanta 3/15/19
Kevin Kanta, Program Specialist Date

Date of On-Site Visit: 2/27/19