



The Department of Social Services, Office of Licensing & Accreditation is requiring the implementation of a Corrective Action Plan (CAP). The CAP is established to ensure changes are made to achieve and maintain compliance with the identified Administrative Rule(s) of South Dakota (ARSD).

**Agency:** OST Emergency Shelter

**ARSD – Out of Compliance**

was found to be out of compliance with the underlined portion of the following Administrative Rules of South Dakota:

**67:42:07:11. Fire and health inspections.** The facility must meet the applicable environmental health standards in chapter 67:42:11. The Department of Public Safety, the city fire inspection authority, or the city health inspection authority must inspect the physical condition of the facility before initial licensing and each year thereafter for renewal of the license. Based on the results of the inspection, the department may require the facility to either submit a plan of correction or comply with the inspector's recommendation. Failure to submit or follow a plan of correction or comply with the inspector's recommendation shall result in revocation of an existing license, denial of a request for a new license, or denial of a request to renew an existing license. The facility must have a written, posted fire escape plan and must conduct a minimum of four fire drills a year.

Source: SL 1975, ch 16, § 1; transferred from §§ 67:14:22:29 to 67:14:22:31, inclusive, 4 SDR 10, effective August 28, 1977; transferred from §§ 67:41:05:19 to 67:41:05:21, inclusive, 7 SDR 66, 7 SDR 89, effective July 1, 1981; transferred from § 67:42:06:11, 12 SDR 4, effective July 25, 1985; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 24 SDR 76, effective December 11, 1997; 27 SDR 121, effective May 28, 2001; 34 SDR 200, effective January 30, 2008.

General Authority: SDCL 26-6-16(2).

Law Implemented: SDCL 26-6-16(2).

**67:42:11:02. Playground area** – Group care centers, residential treatment centers, day care programs, and intensive residential treatment centers. The playground area for group care centers, residential treatment centers, day care programs, and intensive residential treatment centers must have at least 50 square feet of play area for each child each scheduled recess time. Day care programs shall enclose playground areas with a fence. All other facilities shall enclose the playground if it is within 25 feet of a high volume traffic area or located near any hazardous area. The fence must be at least four feet high. The playground must be kept free of litter, trash, and weeds.

Swimming pools located on the premises and not emptied after each use must be secured on all sides with a fence that is at least five feet high and constructed to discourage climbing. A wall of the facility or home may not be considered as one side of the fence if that area of the facility or home has access to the pool area. Exits from and entrances to the pool must have self-closing, latching gates that must be latched and locked at all times when children are present.

Playground equipment must be properly installed and maintained in good repair.  
Sandboxes must be kept free from animal excrement and must permit drainage.

When there are children on the playground, the staff-child ratio required in §§ 67:42:07:03, 67:42:08:03, 67:42:10:07, and 67:42:15:14 must be maintained on the playground.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 27 SDR 63, effective December 31, 2000; 31 SDR 40, effective September 29, 2004; 32 SDR 33, effective August 31, 2005; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

Cross-Reference: Physical standards for facility, § 67:42:10:19.

**67:42:11:12. Heating, ventilating, and cooling systems.** Each facility must have a working heating and cooling system.

Heating, ventilating, and cooling systems must be inspected at least once a year by a person qualified through experience in heating and ventilation maintenance. Verification of the inspection must be a written statement made by the person making the inspection and must include the date of inspection and the person's signature. This written verification must be kept on file in the facility.

Electric fans, if used, must be guarded to limit the size of the opening in the blade guard to less than one-quarter inch.

Source: 13 SDR 197, effective July 1, 1987; 14 SDR 20, effective August 13, 1987; 15 SDR 94, effective January 1, 1989; 21 SDR 206, effective June 4, 1995; 39 SDR 220, effective June 27, 2013.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

**67:42:11:44. Pets.** If a pet is present, indoors or outdoors, the provider must ensure that the following requirements are met:

(1) The pet must be in good health, show no evidence of carrying any disease, and be a friendly companion to the children and parents;

(2) Wild or dangerous animals such as ferrets, lizards, or other reptiles must be kept in a covered glass container or tank that is inaccessible to children;

(3) Potentially aggressive animals such as pit bulls and rottweilers and parrots and other exotic birds must be confined and kept away from the children;

(4) Dogs or cats must be immunized for any disease that can be transmitted to humans and must be maintained on a flea, tick, and worm control program;

(5) The provider must have documentation, signed by a veterinarian, that the pet has had the required immunizations and that the immunizations are current;

(6) The pet's living quarters must be kept clean;

(7) Litter boxes must be covered and kept clean in order to eliminate odor; and

(8) The pet's food supply may not be accessible to the children.

Source: 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

**Non-Compliance Finding:**

The following non-compliances were found during an inspection by the Department of Public Safety on July 19, 2021:

- No records of fire drills
- Fire alarm panel in panic mode
- Emergency lighting not working
- Fire extinguishers are not recharged
- Trampoline net is not installed
- Propane heating system has not been inspected
- Cat on premises without proof of vaccinations
- No cover on cat's litterbox

**Action Needed:**

Please provide pictures of items when corrected.

**Submit plan by:** August 30, 2021

**Corrective Action Plan (Attach documents if needed):**

EMERGENCY YOUTH SHELTER  
Response to Facility Compliance Plan

- 1-2 We have completed a schedule to officially record fire drills.
- 1-5 There are smoke detectors in all bedrooms and kitchen. They are interconnected with the building electrical wiring and are not battery operated.
- 1-13 We purchased replacement batteries for 5 emergency lights which are located in both boys and girls wings, one in dining room, one in kitchen and one in living room.
- 1-3 All 4 fire extinguishers have been charged and are in place.
- 11-E4 Front door sweep has been purchased and put on door sweep.
- 11-B-2 Trampoline net has been put back on.
- 11-C-4 We have informed OST Property and Supply of this violation. We asked them to schedule an annual heating and cooling inspection every spring. However, we are requesting one this fall for 2021.
- 11-D-2 We put in a work order with OST Property and Supply to repair baseboard in boys bathroom which has peeled away from wall. UPDATE. P/S completed job 7/30/21
- 11-G-8 The building cat, our resident therapist and pest control, did get shots in late June. I cannot find the paper work, it was probably disposed of. When I asked to have her revaccinated I was told they could not while she is nursing. We did give her away once but she was brought back when it was discovered she was going to have kittens. We also had a green tag that we put on the cat with a collar to prove she had her shots. The cat pulled it off her neck and lost it somewhere outside. We continue to search for it. UPDATE – Cat has an appointment for reinvaccination on 9/07/21, if she passes physical.
- 11-G-7 We purchased a covered litter box.

**Date Corrective Action Plan Implemented:** Click or tap here to enter text.

**Date of Expected Completion:** Click or tap here to enter text.

Your signature below certifies you have read and understand the non-compliance findings and submitted a plan to comply with the identified portions of ARSD to the Department of Social Services, Office of Licensing and Accreditation.

  
\_\_\_\_\_  
Signature of Agency Director

  
\_\_\_\_\_  
Date

**The Department of Social Services, Office of Licensing and Accreditation has reviewed and accepted the above plan.**

  
\_\_\_\_\_  
Signature of Licensing Staff

08/30/21  
\_\_\_\_\_  
Date