

DEPARTMENT OF SOCIAL SERVICES

DIVISION OF CHILD PROTECTION SERVICES

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Strong Families - South Dakota's Foundation and Our Future

May 20, 2019

Lutheran Social Services – Canyon Hills Center
Amy Witt, Executive Director
705 East 41st Street
Sioux Falls SD 57105

Dear Amy:

Enclosed is the current certificate of license that allows Lutheran Social Services to operate Canyon Hills Center as a Residential Treatment Center located at 2519 Windmill Drive in Spearfish, South Dakota 57783. The license is effective from May 1, 2019 through April 30, 2020 and is issued on a satisfactory basis. It allows for the care of a maximum of 32 children (Male or Female) ages 10 years to 17 years of age. South Dakota law requires the license to be posted in a conspicuous place in the facility.

A copy of the licensing study is enclosed. Please read it carefully and refer to it for details relating to compliance with each of the applicable licensing standards. Continued non-compliance with licensing rules or failure to submit any requested information may result in negative licensing action such as suspension or revocation of the license. Should you have any questions, feel free to contact Kevin Kanta at the telephone number above.

Thank you for the care Lutheran Social Services – Canyon Hills Center provides to South Dakota's children and families.

Sincerely,

Virgena Wieseler
Division Director

VW/kk

Enclosures

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

This is to certify that Lutheran Social Services—Canyon Hills Center is hereby granted this license to conduct and maintain a Residential Treatment Center located at 2519 Windmill Drive, Spearfish, SD 57783 to provide care for a maximum of 32 children (Male or Female) ages 10 to 17 years, for the period from May 1, 2019 to April 30, 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 17th day of May, 2019.



License Number R 100

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: Canyon Hills Center (R100)

DIRECTOR: Daman Heitz

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).	NA	_____
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 April 17, 2019 was submitted with the application materials. 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 a certificate of accreditation verifying that Lutheran Social Services is accredited by the Council on Accreditation for Residential Treatment Services through June 30, 2019, and a copy of an Attestation Psych Under 21 Rule statement signed by LSS Vice President of Children & Youth Services Amy Witt on June 1, 2018, were submitted with the application and are 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 the facility to be adequately furnished and maintained to provide for the needs of the residents. Financial reports provided by Lutheran Social Services indicate the availability of sufficient funds to provide for the needs of the program.

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(#PHPK1844795), Commercial General liability (#PHPK1844795), and Umbrella Liability (#PHUB636768) insurance coverage are purchased from Philadelphia Insurance Company. Copies of Certificates of Liability Insurance verifying coverage through July 1, 2019 were submitted with the application for license renewal.

4. Accounting Systems - 67:42:01:34 YES NO

A. An audit of the accounts has been done in the last year by a CPA. ✓

Comments:

An audit of Lutheran Social Services of South Dakota, Inc. and Consolidated Affiliates 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 was submitted with the application materials.

5. Staff Qualifications - 67:42:08:02, 67:42:07:07

A. Program Director YES NO

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:

Daman Heitz, MA Education with emphasis in Mental Health Counseling, is the Director of Canyon Hills Center. He has twenty-two years of experience in child welfare, counseling and mental health services and was appointed to his current position in March 2010.

Michelle Williamson, MS, LPC serves as the Associate Director. Michelle has been employed since December 31, 2007 and has fifteen years of experience.

B. Other Staff YES NO

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, employed at the time of application for license renewal was submitted with the application and is on file in the licensing record. The staff list included notation if they were qualified to receive orders for restraints and/or seclusion and if they were qualified to order restraints and/or seclusions. All staff for whom records were reviewed were over the age of twenty-one and the reviewers were informed that individuals under the age of twenty-one are not employed by the facility. The staff listing submitted indicates Canyon Hills Center employs

forty three individuals in various roles. In addition to Residential Workers Canyon Hills employs three master's level clinical therapists, and three Residential Supervisors.

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:

Canyon Hills Center is licensed to provide care for thirty two youth. Staff schedules submitted with the application for license renewal indicates a staff rotation that meets the minimal staff to child ratio during waking and sleeping hours. Comments from staff and residents interviewed indicated staff/child ratio requirements are adhered to at all times.

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.	SEE COMMENTS	
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.

✓

Comments:

Canyon Hills Center employs thirty-nine staff and nine personnel records were reviewed at the time of the license review. Documentation was found in each record reviewed to verify compliance with the above requirements except in one of the records the employee's Sex Offender Registry screening was completed several months after the hire date and there was no indication in the record when first contact with children occurred. **Please assure all files contain a Sex Offender Registry screening prior to contact with children to comply with SDCL 26-6-14.11.**

8. <u>In-service Training</u> – 67:42:07:04, 67:42:08:04, 42 CFR 483.376	<u>YES</u>	<u>NO</u>
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:

Canyon Hills Center has a written plan for orientation of new staff and utilizes a checklist to document completion of the orientation. All records reviewed contained documentation to verify the employee completed the agency orientation that included all required areas during their first month of employment. A Canyon Hills Center 2019-2020 In-Service Training Schedule was submitted that provides for 64.5 hours of in-service training and relates to all areas required by ARSD 67:42:07:04. Personnel records reviewed for staff contained documentation of at least forty hours in-service training during the past year. It was the impression of the reviewer that the performance appraisal used by Lutheran Social Services is well suited with minor modification for use to assess staff competency in carrying out their job duties. A majority of the training completed by staff is completed and documented on the LSS Essential Learning system that includes components that assure the training provided is competency based.

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	<u>YES</u>	<u>NO</u>
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.	✓	_____
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.	NA	_____

Comments:

Canyon Hills Center has written procedures that relate to the above requirements. Each record reviewed contained documentation to verify the staff member read agency reporting procedures. Staff interviewed was able to identify and provide examples or indicators of the types of child abuse and neglect and adequately outlined agency reporting procedures.

10. <u>Treatment</u> - 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	<u>YES</u>	<u>NO</u>
A. There are written procedures relating to:		
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

✓

Comments:

Canyon Hills Center has written procedures relating to the above required areas that are in compliance with licensing rules. Records of youth in care contained a statement signed by the parent or guardian that lists required agency policies and states they have been informed of the policies and had the opportunity to receive a copy of the policies.

B. Children attend an on grounds school.

✓

Comments:

Canyon Hills Center has classroom space to allow residents who are unable to attend the public schools to attend classes conducted on-site by staff from Black Hills Special Services Cooperative.

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.

SEE COMMENTS

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 a 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;

✓

8. On-going records of medical/dental/eye/hearing care.

✓

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.	✓	_____
9.	Treatment plan is reviewed at least every 30 days and a progress report sent to placement agency.	✓	_____
10.	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).	✓	_____
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:

Seven records were reviewed for youth in care and documentation was found in each to verify compliance with the above requirements, except that three of the records contained treatment plans that were not completed within fourteen days of placement. **Please assure all initial treatment plans are completed with fourteen days of placement to comply with 67:42:08:05.**

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

A.	The facility has written procedures relating to the storage and administration of medication which include:	<u>YES</u>	<u>NO</u>
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:

Canyon Hills Center written procedures for storage and administration of medications are in compliance with licensing rules. Seven records reviewed were for a youth prescribed a psychotropic medication and each of them contained documentation to verify at least quarterly review by the prescribing practitioner of the continued need for the medication. Canyon Hills Center has a fulltime Registered Nurse on staff.

12. <u>Emergency Safety Interventions (ESI)</u> - 67:42:07:24, 67:42:07:25, 67:42:07:26, 67:42:08:05, 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. Trained clinical staff continually monitors children while involved in ESI's.	✓	_____
F. ESI's do not exceed times allowed in orders.	✓	_____
G. Required reports are completed following ESI's.	✓	_____
H. 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.	✓	_____
I. Medical treatment is provided for a resident injured during an ESI.	NA	_____
J. Seclusion rooms meet the physical specifications of 67:42:07:25.	NA	_____

Comments:

Canyon Hills Center written procedures for use of ESI's are in compliance with licensing rules. Three incidents of the use of an ESI (restraint), was reviewed and documentation was found to verify the agency complied with the requirements for use of an ESI. All staff interviewed indicated they are familiar with the circumstances under which it is appropriate to use an ESI and that use of restraint and seclusion is part of the facility's in-service training. Staff interviewed was able to provide a general understanding of the process for use of ESI's as well as all agency policy and procedures for use of ESI's. Staff interviewed indicated the facility uses restraint as a last resort. The staff listing

submitted with the application materials indicates there are seven employees who are qualified to orders for restraint and/or seclusion.

13. <u>Volunteers</u> - 67:42:07:14	<u>YES</u>	<u>NO</u>
A. Have a written job description with specific responsibilities.	NA	_____
B. Supervised and evaluated by an experienced staff member.	NA	_____
C. Three documented unrelated references.	NA	_____
D. Documented orientation.	NA	_____
E. Documented in-service training as per 67:42:07:04 if volunteer works thirty plus hours per week.	NA	_____
F. Informed of obligation to report suspected CA/N.	NA	_____
G. Verification of screening for substantiated reports of child abuse or neglect.	NA	_____
H. Verification of submission of fingerprints to the DCI.	NA	_____
I. Verification of sex offender registry checks.	NA	_____

Comments:

Lutheran Social Services has previously submitted written procedures for use of volunteers that are in compliance with licensing rules. Volunteers were not used by Canyon Hills Center during the past year.

14. <u>Physical Facility</u> - 67:42:07:11, 67:42:07:12	<u>YES</u>	<u>NO</u>
A. There is a current fire inspection.	03/15/18	_____
B. There is a current health inspection.	03/15/18	_____
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 along with a copy of the report Compliance Plan with notation of corrections made and dates.

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.	✓	_____
B. Arrangements are made for children with a special prescribed diet.	✓	_____

Comments:

Interviews with staff and youth supported compliance with the items above.

16. Recommendations

Canyon Hills 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 and recommendations relating to Personnel Records and Treatment.

It is recommended that a satisfactory license be issued to Lutheran Social Services to operate Canyon Hills Center as a Residential Treatment Center at 2519 Windmill Drive, Spearfish, South Dakota to provide care for a maximum of thirty-two youth age ten to seventeen years.

Completed By: Kevin Kanta 05/17/19
Kevin Kanta, Program Specialist Date
Date of On-Site Visit: 05/7/2019