

Date Issued August 13, 2025 Status Closed

Provider Name BURKE DAYCARE INC.

Provider ID 010611327

Provider Address 701 Main St, Burke, SD 57523, USA

Provider Contact Laurie Pistulka

The items listed below are those that the provider was not in compliance with at the time of the inspection.

Compliance Plan Action #1

Administrative Rule:

67:42:17:15

A child care provider shall maintain a record for each employee that includes:

- (1) The employee's name and date of birth;
- (2) The dates on which the employee began and ended employment;
- (3) Documentation of orientation and ongoing annual training, if the employee provides direct care and supervision of children;
- (4) A statement that:
 - (a) Defines child abuse and neglect;
 - (b) Sets forth the employee's responsibility to report all incidents of child abuse or neglect in accordance with SDCL 26-8A-3 and 26-8A-8; and
 - (c) Is signed by the employee; and
- (5) The results of the background check.

All records required by this section must be reviewed and updated at least annually by the provider, made available to the department for verification of the contents, and retained by the provider for six months after the employee leaves the program.

Summary of Non-Compliance Finding:

There were two employee records that did not have all the required information outlined in ARSD 67:42:17:15.

Corrections to be Made:

Provider employee records should include all required information outlined in ARSD 67:42:17:15.

Corrections Made:

The missing staff information was received.

Anticipated Completion Date:

Date Completed:

Compliance Plan Action #2

Administrative Rule:

67:42:17:42

A provider shall maintain a record for each child that includes:

- (1) The child's name and date of birth;
- (2) The parent or guardian's name and telephone number;
- (3) An emergency contact name and telephone number;
- (4) Parental permission for emergency medical treatment;
- (5) The names of individuals authorized to pick up the child;
- (6) Health information, including any allergies or special needs;
- (7) A current immunization record or, for a school-age program, the name of the child's school;
- (8) Parental permission for medication;
- (9) The child's attendance records;
- (10) The date of the child's enrollment; and
- (11) The date on which the child's enrollment ends.

The provider shall annually review and update each record required under this section, and make the child's record available to the department, upon request.

Summary of Non-Compliance Finding:

Not all children records include the required information outlined in ARSD 67:42:17:42.

Corrections to be Made:

All children records need to include the required information outlined in 67:42:17:42.

Corrections Made:

All missing child record information has been received.

Anticipated Completion Date:

September 02, 2025

Date Completed:

August 27, 2025

Compliance Plan Action #3

Administrative Rule:

67:42:17:13

All child care providers, program employees age fourteen and older, and family day care household members age eighteen and older, shall meet federal background check requirements. An individual may not provide care, or work in a child care setting, if the individual's background check reveals:

- (1) A crime that indicates harmful behavior towards children;
- (2) A crime of violence, as defined in SDCL 22-1-2, or in a similar statute from another state;
- (3) A sex crime pursuant to SDCL chapters 22-22 or 22-24A, SDCL 22-22A-3, or similar statutes from another state;
- (4) A felony conviction for domestic abuse, physical assault, battery, kidnapping, or arson;

- (5) Any other felony conviction, within the preceding five years; or
- (6) A substantiated report of child abuse or neglect.

A family day care provider may not provide care in the provider's home, if any household member's background check reveals any item listed in this section.

A background check is required at least once every five years.

Summary of Non-Compliance Finding:

A provider was working that did not have a completed background check.

Corrections to be Made:

All child care providers need to have a completed background check on file prior to providing care, or work in a child care setting,

Corrections Made:

Verification has been received.

Anticipated Completion Date:

August 22, 2025

Date Completed:

August 27, 2025

Compliance Plan Action #4

Administrative Rule:

67:42:17:21

A center or school-age program must maintain the following ratios:

- (1) Five children to one staff for children up to three years of age;
- (2) Ten children to one staff for children three through four years; and
- (3) Fifteen children to one staff for children five years and over.

Children of program employees must be included in determining the children to staff ratio.

Summary of Non-Compliance Finding:

The staff to child ratio was not maintained as there was 1 provider with 9 one and two year old children.

Corrections to be Made:

The staff to child ratio needs to be maintained at all times.

Corrections Made:

The staff to child ratio was corrected immediately.

Anticipated Completion Date:

August 12, 2025

Date Completed:

August 12, 2025

Compliance Plan Action #5

Administrative Rule:

67:42:17:26

A nap mat, blanket, or other sleep surface, other than the floor, for children over one year of age must be available for each child during nap time.

A sleep surface must be maintained in good repair.

A provider shall follow the safe sleep practices contained in **Caring for Our Children: National Health and Safety Performance Standards, 4th Edition**, for infants under the age of one.

Summary of Non-Compliance Finding:

At the time of the inspection, there were two infants sleeping in swings, three infants sleeping with blankets in a crib, and an infant sleeping with a bib and pacifier clip.

Corrections to be Made:

A provider shall follow the safe sleep practices contained in **Caring for Our Children: National Health and Safety Performance Standards, 4th Edition**, for infants under the age of one.

Corrections Made:

The two infants sleeping in swings were immediately moved to a crib. The blankets, pacifier clip, and bib was immediately removed from the sleeping infants' sleep environment.

Anticipated Completion Date:

August 25, 2025

Date Completed:

August 12, 2025

Compliance Plan Action #6

Administrative Rule:

67:42:17:27

Before any medication is administered to a child, permission of the parent or guardian must be documented and must include the name of the child, the name of the medication, and the dates, times, and dosage of the medication.

The medication must be provided by the parent and kept in the original container, with the original label. The label for a prescription medication must contain the child's name, the amount and frequency of dosage, the expiration date, the physician or other licensed practitioner's name, and instructions for storage. The medication must be returned to the parent when no longer needed or expired.

The provider shall document, in the child's record, any medication administered to a child and shall include the dose, the name of the child, the time and date administered, and the name of the person administering the medication. The documentation must be retained for at least six months and be made available to the child's parent upon request.

Summary of Non-Compliance Finding:

There were three extra medications at the program that did not have a medication authorization form obtained from

the parents.

Corrections to be Made:

Before any medication is administered to a child, permission from the parent must be documented. Children's medication must be returned to the parent when no longer needed or expired.

Corrections Made:

Verification of medication permissions has been received.

Anticipated Completion Date:

August 15, 2025

Date Completed:

August 19, 2025

Your signature below certifies you have read and understand the non-compliance findings and agree to make corrections to be compliant with the identified administrative rules.

Laurie Pistulka

Printed Name of Provider/Agency Contact



Signature of Provider/Agency Contact

August 13, 2025

Date

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

Brooke Flemmer

Printed Name of DSS Staff



Signature of DSS Staff:

August 12, 2025

Date

8/12/2025, 7:20:44 PM