

Date Issued	September 29, 2025	Status	Closed
Provider Name	GILBERY, BREEANNA		
Provider ID	018043107		
Provider Address	408 Spruce St, Yankton, SD 57078, USA		
Provider Contact	BREEANNA GILBERY		

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:

67:42:17:23

A family day care provider may care for up to twelve children in the provider's home. A family day care provider shall, at all times, supervise children by hearing or seeing children and be close enough to intervene.

If only one provider is present, no more than four of the children may be under the age of two years, and no more than three of those children may be under the age of one.

If a family day care assistant is present, no more than eight children may be under the age of two.

A family day care provider's own children, if under the age of six, must be included in the total capacity and ratio.

Summary of Non-Compliance Finding:

The provider was caring for five children under the age of two years old at the time of the inspection.

Corrections to be Made:

Without a family day care assistant present, a family day care provider may care for a maximum of four children under the age of two years old. This requirement must be communicated to all families receiving care.

Corrections Made:

The regulation requirements were reviewed with the provider to assure understanding and compliance going forward. Verification was received that families of enrolled children were notified of the ratio requirements.

Anticipated Completion Date:
October 03, 2025

Date Completed:
September 25, 2025

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:

Information was needed for 9 child files.

Corrections to be Made:

Required information must be obtained for the files.

Corrections Made:

Verification was received that needed child record information was obtained.

Anticipated Completion Date:
September 30, 2025

Date Completed:
October 24, 2025

Compliance Plan Action #3

Administrative Rule:

67:42:17:24

Before a child may be admitted to a registered or licensed day care provider, the provider must require the child's parent or guardian to submit a statement, signed by a licensed physician, physician's assistant, certified nurse practitioner, or community health nurse, or an immunization record from the South Dakota Immunization Information System, showing that the child meets the minimum immunization requirements according to 45 C.F.R. § 98.41(a)(1)(i)(A), in effect on September 30, 2016.

The provider shall ensure that immunizations of all children are current.

For children who begin the series late or are more than one month behind in immunizations, the documentation must show progress toward achieving immunization requirements, as determined by a licensed physician, or other licensed practitioner. A grace period may be approved by the department for a child experiencing homelessness or a child in foster care.

A child is exempt from meeting the minimum age-specific immunization levels if:

- (1) The child's parent or guardian has certification from a licensed physician, or other licensed practitioner, stating that the physical condition of the child is such that an immunization would endanger the child's life or health; or
- (2) The child's parent or guardian has signed a written statement that the child is an adherent to a religious doctrine whose teachings are opposed to such immunizations.

If a child becomes ill while at a day care, the provider must separate the child from other children and notify the child's parents. If any child in the program contracts a communicable disease, the provider must notify the Department of Health. The program provider shall follow the Department of Health's recommendations for addressing a situation involving a communicable disease.

To prevent the spread of an infestation or infectious disease, a program shall provide an individual storage unit or container for each child's personal articles.

Summary of Non-Compliance Finding:

An updated immunization record was needed for two of the provider's children; immunization information was not on file for one of the provider's children.

Corrections to be Made:

Immunization information must be obtained.

Corrections Made:

Verification that current immunization records were on file for the provider's children was received.

Anticipated Completion Date:
September 30, 2025

Date Completed:
October 24, 2025

Compliance Plan Action #4

Administrative Rule:

67:42:17:46

A provider shall complete pediatric first aid training every five years and maintain documentation of the training. A provider must be certified in pediatric cardiopulmonary resuscitation. The certification must include a hands-on skills test.

A provider shall work under supervision until the provider has completed the training required by this section. The supervisor shall have completed their pediatric first aid training and be certified in pediatric cardiopulmonary resuscitation.

Summary of Non-Compliance Finding:

Verification of current CPR certification was not on file for the provider and assistant.

Corrections to be Made:

Verification of current CPR certification is needed.

Corrections Made:

Verification of current CPR certification for the provider and assistant was received.

Anticipated Completion Date:
September 30, 2025

Date Completed:
October 30, 2025

Compliance Plan Action #5

Administrative Rule:

67:42:17:43

A provider shall have:

- (1) A written emergency preparedness and response plan for emergencies resulting from a natural disaster or a man-caused event;
- (2) A written plan for evacuation, relocation, shelter-in-place, or a lock-down, that includes accommodations for infants, toddlers, and children with disabilities or medical conditions;
- (3) A written procedure for communication and reunification with parents; and
- (4) A written procedure for the continuity of operations.

A provider shall practice the evacuation, shelter-in-place, and lock down procedures, outlined in the emergency preparedness and response plan, at least twice each calendar year. The provider shall document the dates on which the procedures are practiced. A provider shall communicate the emergency preparedness and response plan to each individual at the time the individual begins employment.

Except for family day care, all child care providers shall have liability insurance. Proof of current liability insurance shall be made available to the department, upon request.

Summary of Non-Compliance Finding:

The dates of drills completed in the past year was not available at the time of inspection.

Corrections to be Made:

Documentation of two fire, two tornado and two lockdown drills completed in the past year is needed.

Corrections Made:

Verification of completed drills was received.

Anticipated Completion Date:
September 30, 2025

Date Completed:
September 17, 2025

Compliance Plan Action #6

Administrative Rule:

67:42:17:30

Providers shall post a weekly menu that indicates meals and snacks to be served that week.

Summary of Non-Compliance Finding:

The weekly menu did not include snacks to be served.

Corrections to be Made:

Snack information needs to be added to the posted menu.

Corrections Made:

It was verified that snack information was added to the posted menu.

Anticipated Completion Date:
September 29, 2025

Date Completed:
October 23, 2025

Compliance Plan Action #7

Administrative Rule:

67:42:17:37

Center and school-age programs operating outside of a school building shall follow applicable construction and fire safety requirements, as outlined in chapters 61:15:05 and 61:15:06. School-age programs operating in a school building shall follow applicable construction and fire safety requirements, as outlined in chapters 61:15:01, 61:15:02, and 61:15:07.

A family day care home must have the following fire safety measures in place:

- (1) A working smoke detector must be located on each level of the home;
- (2) A fully charged, portable fire extinguisher, with a minimum 2A rating, as identified on the extinguisher label, must be kept in or within fifteen feet of the kitchen or food preparation area;
- (3) A carbon monoxide detector must be installed, according to the manufacturer’s instructions, if a fuel burning appliance is present in the home;
- (4) Each level of the home must have at least two remote exits that shall remain clear of obstructions. One of these exits must be a standard-sized door, and the other may be either a standard-sized door or an unobstructed, operable window, having at least five square feet of openable space, with a minimum width of twenty inches and a minimum height of twenty-four inches; and
- (5) Whenever a portable space heater, a wood burning stove, or a fireplace is in use, the heater, stove, or fireplace must be inaccessible to children.

Summary of Non-Compliance Finding:

The main level smoke detector was not operational at the time of inspection.

Corrections to be Made:

An operating smoke detector is required on each level of the home.

Corrections Made:

Verification was received of an operational smoke detector on the main level.

Anticipated Completion Date:
September 29, 2025

Date Completed:
October 22, 2025

Compliance Plan Action #8

Administrative Rule:

67:42:17:33

A provider shall meet the following requirements regarding bathrooms:

- (1) Bathroom facilities must be easily accessible by children and providers;
- (2) Hot water for faucets normally used by children in care may not exceed one hundred twenty degrees Fahrenheit;
- (3) Toilets and hand sinks must be kept clean and in good repair; and
- (4) For child care centers and school-age programs:
 - (a) All bathrooms must have natural or mechanical ventilation;
 - (b) Separate bathrooms must be available for males and females;
 - (c) Ratios for toilet and hand sinks must align with the minimum standards for plumbing and plumbing systems published by the plumbing commission.

Except in a family day care, hand sinks must be in the same room, or an unobstructed room adjacent to the diaper changing area. A handwashing sink used after diapering and toileting may not be used for food preparation.

Summary of Non-Compliance Finding:

The hot water temperature was measured at 126 degrees F. The toilet was in need of cleaning.

Corrections to be Made:

The hot water temperature must be maintained at 120 degrees F or cooler. The toilet must be kept clean.

Corrections Made:

Verification was received that the hot water temperature was adjusted and measured to assure it is maintained at 120 degrees F or cooler; verification was received that the toilet was cleaned.

Anticipated Completion Date:
September 30, 2025

Date Completed:
October 22, 2025

Compliance Plan Action #9

Administrative Rule:

67:42:17:44

All toxic or hazardous substances must be:

- (1) Inaccessible to children;
- (2) Used according to manufacturer's instructions;
- (3) Stored in the original or other labeled container; and
- (4) Disposed of according to manufacturer recommendations.

Bio-contaminants must be handled and disposed of properly.

Soiled diapers must be changed promptly, in a designated area, on a non-porous surface. The diaper changing area must be clean and disinfected with a sanitizing solution approved by the department. Soiled diapers must be kept in a leakproof, nonabsorbent container that is covered with a tight-fitting lid.

Summary of Non-Compliance Finding:

Cleaning supplies under the bathroom sink were accessible to children. The diaper pail does not have a lid.

Corrections to be Made:

Cleaning supplies under the bathroom sink need to be inaccessible to children. A tight fitting lid is needed for the diaper pail.

Corrections Made:

Verification was received that the cleaning supplies were removed and the provider obtained a diaper pail with a lid.

Anticipated Completion Date:

September 29, 2025

Date Completed:

October 27, 2025

Compliance Plan Action #10

Administrative Rule:

67:42:17:39

For family day care providers, unused electrical outlets must have an outlet plug cover, have a tamper-resistant cover, or be made inaccessible to a child.

For center and school-age programs, unused electrical outlets must have a self-closing outlet cover or tamper-resistant cover.

Summary of Non-Compliance Finding:

All unused wall sockets were not covered with outlet plug covers.

Corrections to be Made:

All unused sockets need to be covered.

Corrections Made:

Verification was received that unused outlets were covered.

Anticipated Completion Date:

September 30, 2025

Date Completed:

September 17, 2025

Compliance Plan Action #11

Administrative Rule:

67:42:17:40

A pet, while permitted in the presence of children receiving care, must be current with its vaccinations, and have clean and sanitary living areas, at all times.

A pet with a history of aggressive behavior, which poses a risk to the safety of children, must be confined and kept away from children.

Summary of Non-Compliance Finding:

A current vaccination record was not available for pets.

Corrections to be Made:

Vaccinations need to be completed and a record obtained.

Corrections Made:

Verification of completed vaccinations was received.

Anticipated Completion Date:

September 30, 2025

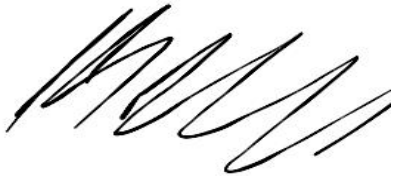
Date Completed:

November 04, 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.

Breeanna R Gilbery

Printed Name of Provider/Agency Contact



Signature of Provider/Agency Contact

September 17, 2025

Date

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

Deb Bigge

Printed Name of DSS Staff



Signature of DSS Staff:

September 17, 2025

Date

9/17/2025, 12:08:35 PM