

**LICENSING RENEWAL STUDY  
RESIDENTIAL TREATMENT CENTERS  
ARSD 67:42:01, 67:42:08**

AGENCY NAME: Black Hills Children’s Home (R51)  
 DIRECTOR: Michelle Lavallee

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.	N/A	_____
3. A copy of the building plans (approved by the Fire Marshal and Department of Health).	N/A	_____
4. Documentation to verify the agency/facility is currently accredited by CARF, COA or Joint Commission or making progress in pursuit of accreditation.	✓	_____
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 August 26, 2024 is on file in the licensing record. It contains a signed statement of compliance with the Civil Rights Act of 1964. A copy of a letter from the Joint Commission verifying accreditation in the area of Behavioral Health Care, is on file in the licensing record. The certificate states the accreditation is effective April 15, 2022 and is customarily valid for up to thirty-six months.

2. Agency Responsibilities – SDCL 26-6-11

A. The building and equipment needs of the organization are adequately met.	<u>YES</u>	<u>NO</u>
B. The agency has sufficient funds to meet the needs of the community.	✓	_____

Comments:

The reviewers found the Black Hills Children’s Home facilities to be adequately furnished and maintained to provide for the needs of the residents it serves. Children’s Home Society of South Dakota financial reports that include Black Hills Children’s Home are submitted with the Sioux Falls Children’s Home application for license renewal. The records indicate the availability of sufficient funds to meet the needs of the program.

3. Insurance - 67:42:01:35

A. Vehicles used to transport clients have appropriate passenger liability insurance.	<u>YES</u>	<u>NO</u>
B. The agency carries public liability insurance.	✓	_____

Comments:

Auto liability, professional liability, and commercial general liability insurance is purchased from Marsh and McLennan Agency LLC. A copy of the Certification of Liability Insurance verifying coverage through February 1,

2025 was submitted with the application materials.

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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 Children’s Home Society of South Dakota’s financial reports for the period ending June 30<sup>th</sup>, 2023 and 2022 was completed by Eide Bailly LLP, CPA’s on November 15, 2023 was submitted with the agency’s application.

- |   |            |           |
|---|------------|-----------|
| 5. <u>Staff Qualifications</u> - 67:42:08:02, 67:42:07:07   | <u>YES</u> | <u>NO</u> |
| 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. | N/A        | _____     |

Comments:

Freddy Maseman, BS in Wellness Management and MS Counseling and Human Resource Development, is the Program Director for Black Hills Children’s Home. He has been employed by Children’s Home Society since October 2002 and assumed his present position as Program Director in February of 2020.

- |   |            |           |
|---|------------|-----------|
| 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, employed at the time of application for license renewal was submitted with the application for license renewal. All personnel records reviewed were for staff twenty-one years of age or older.

- |  |            |           |
|--|------------|-----------|
| 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:

A school, day and overnight shift staffing schedule was submitted with the license renewal application indicated the facility is within staff to child ratio at all times. Staff interviewed were aware of the staff to child ratio requirement.

7. Personnel Records - 67:42:07:07, 67:42:07:08, 67:42:07:09; SDCL 26-6-14.11

A. Personnel records are maintained and contain the following:	<u>YES</u>	<u>NO</u>
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 <sup>st</sup> aid and CPR.	✓	
9. At least one official onsite designated to authorize the Reasonable and Prudent Parent Standard.	✓	

Comments:

Each personnel record reviewed contained documentation to verify compliance with the above requirements.

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:

Black Hills Children’s Home uses an orientation checklist as an orientation plan and to document completion of the orientation to the facility by new staff. The orientation plan includes competency assessments in the areas of supervision, behavior management, safe crisis management and emergency procedures. The orientation plan appears to meet all of the requirements of licensing rule.

9. Reporting Suspected Child Abuse or Neglect, Changes in Circumstances -  
67:42:01:12, 67:42:07:15, 67:42:07:16

YES

NO

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 and unusual incidents defined by ARSD 67:42:01:12.

✓  
\_\_\_\_\_

Comments:

Black Hills Children’s Home written procedures for reporting suspected incidents of child abuse and neglect relate to the above requirements.

10. Treatment – 67:42:01:06, 67:42:01:01(7), 67:42:07:04:01, 67:42:07:29, 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 CRF 441 Subpart D

A. There are written procedures relating to:

YES

NO

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. Public Law 113-183 (Reasonable and Prudent Parents Standard).

✓

Comments:

Black Hills Children's Home written procedures relate to all of the above required areas that are in compliance with licensing rules.

B. Children attend an on grounds school.

✓

Comments:

Black Hills Children's Home has an on-grounds school staffed as noted in Section 6 to meet the education needs of children in care.

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. Physical exam (twelve months prior to or thirty days following admission).	✓	
11. Current immunization record.	✓	
12. A signed authorization for medical care at the time of placement.	✓	
13. 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.	N/A	
F. Documentation of utilization of the Reasonable and Prudent Parent Standard in the treatment plan which is reviewed by facilities designee authorized to apply the standard.	✓	

Comments:

Records reviewed for children in care contained documentation to verify compliance with above licensing rules.

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:

Black Hills Children's Home written procedures for storage and administration of medications relate to the above requirements and are in compliance with licensing rules. Records reviewed for residents prescribed psychotropic medication contained documentation to verify at least quarterly review by the prescribing practitioner of the continued need for the medication.

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.	✓	
J. Seclusion rooms meet the physical specifications of 67:42:07:25.	N/A	

Comments:

Black Hills Children's Home written procedures for use of Emergency Safety Interventions (ESI) are in compliance with licensing rules and federal requirements. ESI were reviewed involving the use of restraint and documentation was found in each record to verify compliance with the above requirements.

13. <u>Volunteers</u> - 67:42:07:14	<u>YES</u>	<u>NO</u>
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.	N/A	
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:

Black Hills Children's Home did not use volunteers in the last 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.	✓	_____
B. There is a current health inspection.	✓	_____
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:

The fire/health inspection dated April 11, 2024 is on file in the licensing record. No corrections were necessary.

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:

Comments from staff and residents interviewed regarding meals served were generally favorable.

16. Recommendations

Black Hills Children’s Home is found to be in substantial compliance with licensing rules for Residential Treatment Centers.

It is recommended that a satisfactory license be issued to operate Black Hills Children’s Home as a Residential Treatment Center at 24100 S Rockerville Road, Rapid City, South Dakota to provide care for a maximum of fifty-three youth ages four to fourteen.

Completed By: Kevin Kanta 10/23/24  
 Kevin Kanta, Program Specialist Date:

Date of on-site visit: 10/16/24

Program Manager: Muriel J Nelson