



State of Utah

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## DEPARTMENT OF HUMAN SERVICES

ANN SILVERBERG WILLIAMSON  
*Executive Director*

### OFFICE OF LICENSING

DIANE MOORE  
*Director*

March 31, 2016

Red Rock Canyon School's  
Mt. Pleasant Academy  
Brian Pace, Executive Director  
747 E. St. George Blvd  
Saint George, UT 84770

Site Address:  
PO Box 415  
1170 South 70 West  
Mount Pleasant, UT 84647

RE: NOTICE OF AGENCY ACTION  
LICENSE ON CONDITIONAL STATUS  
LICENSE NO: 13821

Dear Mr. Pace:

This letter is your notice that the Office of Licensing (OL) of the Utah Department of Human Services has placed the Red Rock Canyon School (RRCS), Mt. Pleasant Academy license to provide Residential Treatment Care at the Mt. Pleasant, Utah location on Conditional Status. This action is taken pursuant to the Department of Human Services' legal authority and jurisdiction, and in accordance with the Utah Administrative Procedures Act (Utah Code Ann. 63G-4-101 et. seq.); Utah Human Services Code (Utah Code Ann. 62A-2-111 and 112); and Utah Department of Human Services Administrative Rules (Title 501). The Conditional Status will become final 10 working days after receipt of this notice unless you request an adjudicative proceeding as described below.

This action is based on the following:

**The Office of Licensing has noted violation of Administrative Rule R501-2-6.E.8.d.1. and 2.**

Administrative Rule R501-2-6.E.8.d. states, "when an incident involves abuse, neglect, serious illness, violations of the Provider Code of Conduct or death of a consumer, a program shall:

1. notify the Office of Licensing, legally responsible person and any applicable agency which may include law enforcement.

2. a preliminary written report shall be submitted to the Office of Licensing within 24 hours of the incident.”

**Violation #1:**

The governing body of RRCS and the Director of Mt. Pleasant Academy (Matt Keifer) did not report incidents dated 12/15/2015 and 1/3/2016 of child abuse to the appropriate agencies and law enforcement.

RRCS did not report or submit a written report to the Office of Licensing within 24 hours of the incidents.

**The Office of Licensing has noted violation of Administrative Rule R501-2-2.G**

Administrative Rule R501-2-2.G. states, “All programs which serve minors or vulnerable adults shall submit identifying information for background screening of all adult persons associated with the licensee and board members who have access to children and vulnerable adults in accordance with R501-14 and R501-18.”

**Violation #2:**

On January 26, 2016, Mt. Pleasant academy had 18 of the 34 employees without a current Criminal Background Screening.

**The Office of Licensing has noted violation of Administrative Rule R501-16-4.D**

Administrative Rule R501-16-4.D states, “Programs shall comply with R501-14, BCI/MIS clearance requirements.” See also **R501-2-2.G**

**Violation #3:**

Background screenings through the Department of Human Services were not submitted prior to employees beginning to work in positions with access to clients or client information.

**The Office of Licensing has noted violation of Administrative Rule R501-2-3.A.**

Administrative Rule R501-2-3.A .states, “The program shall have a governing body which is responsible for and has authority over the policies, training and monitoring of staff and consumer activities for all phases of the program. The governing body's responsibilities shall include the following:

1. to ensure program policy and procedures compliance,

**Violation #4**

RRCS violated their own policy which states: *A number of behaviors are deemed particularly serious and dangerous, and for safety, may warrant a clinical assessment, increased supervision or the implementation of a restrictive intervention, development of a behavioral stabilization plan or an off-privilege restriction of one week. The specific unsafe behaviors are: 1. Communication a threat to physically harm self (suicide precaution) 2. Communication a threat to physically harm others 3. Assaultive behavior or fighting 4. Self-injury or self-mutilation 5. Out of*

*control behavior 6. Runaway or attempted Runaway 7. Sexual Misconduct 8. Major destruction of facility property or the property of others 9. Possession or use of drugs, weapons or dangerous contraband item 10. Failure to follow staff direction in a potentially dangerous situation.*

RRCS/MPA accepted a student into the program who had previously had problems with sexual misconduct in another facility. Recommendations that RRCS/MPA had from the previous residential treatment center indicated that: "It is recommended that (student) enter a more restrictive environment given his continual sexual acting out in two different sex-specific residential treatment facilities. At this time it does not appear that supervision and monitoring is enough to keep him and others safe."

### **The office of licensing has noted violation of Administrative Rule R501-2-8 (3)**

Administrative Rule R501-2-8 (3) The program shall have a written policy for consumer rights to include the following:

3. Freedom from potential harm or acts of violence to consumer of others.

Despite that clear documentation and RRCS/MPA's own policies that recognized such behavior as "serious and dangerous" possibly warranting a "restrictive intervention", the facility failed to adequately put safeguards in place to prevent harm from occurring. This circumstance resulted in Matt Kiefer, the Director, being supported for multiple "Failure to Protect" neglect allegations by the Division of Child and Family Services. Clients did not enjoy freedom from potential harm or acts of violence as a result of how this situation was handled.

### **Conditions Being Placed on License**

To have your license removed from Conditional Status, the following conditions will be placed on the license until resolved according to the Office of Licensing's satisfaction, and no sooner than 180 days:

1. All Red Rock Canyon School (RRCS) employees including management staff, therapists, nurses, teachers, and line staff will be retrained specifically on Utah Abuse and Neglect Reporting Law, Behavior Management, Incident Reporting and Background Check policies and procedures. Documentation of the training will include the name of the trainer, the date and time the training took place, and signatures of all staff stating that they have received, understand, and agree to comply with the policy presented. Training will be completed no later than May 1<sup>st</sup>, 2016, and documentation verifying compliance will be submitted to the Office of Licensing no later than May 15, 2016.
2. RRCS will complete incident reports of any and all incidents that occur. RRCS will compile weekly reports regarding these incidents. These reports will include the incident packet, all documentation regarding the incident, and any video of the incident. RRCS will make these reports available to the Office of Licensing if requested. If an incident involves abuse, neglect, or physical injury to a client, in which case the report will be provided to the Office of Licensing within 24 hours (Referring to rule R501-2-6.E.8 Incident Reports).
3. Every RRCS employee file will be audited by RRCS for expired or missing background screenings, Code of Conduct forms, First Aid and CPR training and professional License requirements. Any missing forms or documentation will be noted, addressed and updated. Any

deficient staff will have their current background screening application submitted to the Office of Licensing within one week of receipt of this notice. Any staff who has not submitted an application for background screening to OL may not have any contact with clients, even if supervised, in accordance with Utah Administrative Code 62A-2-120(9). Once an application is submitted to OL, staff may have supervised access to clients. RRCS will assign a staff member who has a current background check to directly supervise, at all times, each staff who is working on campus whose background check has been submitted to OL but has not yet been approved. The name and title of supervising staff will be recorded for each shift. Staff may not have access to client files, or unsupervised access to clients, until their background screening applications are cleared by DHS OL.

4. RRCS will revise and update their policy and procedure to introduce safeguards for the compliance monitoring of employee background screenings. This policy should specifically address how RRCS will ensure there are no gaps between approved background screenings. The policy will describe detailed timeframes for submitting initial and renewal background screenings. This policy will also describe how Red Rock Canyon School will ensure that employees do not have “direct access” to clients prior to the approval of background screenings and if there ever is a gap in background screenings. RRCS will identify the specific person by name/role who will be responsible for overseeing background screening compliance. This policy shall be submitted to the Office of Licensing by May 1<sup>st</sup>, 2016, and immediately implemented.
5. Effective 10 days after receipt of this Notice of Agency Action and pursuant to Utah Code 62A-2-112(2), RRCS will not be allowed to admit any new clients to the Mt. Pleasant Academy site at the Mt. Pleasant, Utah location for a minimum of 30 days and until there is written approval from the Office of Licensing. In addition, the Office of Licensing may take further action upon completion of the pending law enforcement investigation.
6. RRCS will supply a copy of this Notice of Agency Action to every current or prospective child consumer’s parent/guardian, every state that they contract with, including Medicaid contracts, and notify them that your license is on Conditional Status within 10 days of receipt of this notice. You are required to post this letter prominently on your website and in a public location at the facility where it may be read by prospective or current clients and the parents or guardians of prospective or current clients at Red Rock Canyon School’s Mt. Pleasant Academy within 10 days of receipt of this notice.
7. RRCS will provide a copy of this NAA to all of the administration in direct supervision of RRCS clients or other applicable RRCS administration. RRCS will send documentation to the Office of Licensing no later than May 1, 2016 that a copy of the NAA was received.

When the above conditions are met to the satisfaction of the Office of Licensing, the Conditional Status will be lifted; however, not prior to October 1, 2016. If the program does not comply within the above stated time frames, then additional sanctions may be imposed.

The Office of Licensing reserves the right to amend this Notice of Agency Action.

In accordance with the Department of Human Services Administrative Hearing Procedures (Title 497), you may request an administrative hearing if there is a disputed issue of fact. Administrative Rule 497-100-5 explains that there is no issue of fact if you present facts that on their face establish the right of the Office of Licensing to take the action, or if the facts do not conflict with the facts relied upon by the Office of Licensing in taking its action. This adjudicative proceeding, if requested and granted, shall be conducted informally.

If you choose to request an administrative hearing regarding a disputed issue of fact, you must submit your request of appeal to the Office of Licensing in writing within 10 working days of the receipt of this letter pursuant to Rule 497-100. Pursuant to Rule 501-1-8, a licensee shall not accept any new clients while an appeal is pending.

All correspondence concerning this action should be addressed to:

Lisa Carter, Licensing Specialist  
ldcarter@utah.gov  
Utah Department of Human Services  
Office of Licensing  
1409 South Main Street  
Nephi, Utah 84648

Please include reference to licenses 13821 on all correspondence.

Sincerely,

Jim Jennings  
Licensing Specialist

Cc: Debbie Kurzban, Assistant Attorney General  
195 North 1950 West  
Salt Lake City, Utah 84116

Diane Moore, Director  
Department of Human Services  
Office of Licensing  
195 North 1950 West, Suite 1101  
Salt Lake City, Utah 84116