



State of Utah

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November 7, 2024

Oakgrove School/Waterfall Canyon Residential Treatment YA-RT
655 25th Street
Ogden, Utah 84401

ATTN: Richard Dimick, Director; Karen Nickel, Director; Kathy Dimick, Director; Heidi Perry, Director; Gina White, Quality Assurance Human Resources.

RE: NOTICE OF AGENCY ACTION -

LICENSE PLACED ON CONDITIONAL STATUS

Oakgrove School/Waterfall Canyon Academy dba Residential Treatment YA - RT
(F22-95041)

Dear Licensee,

This letter serves as notice that the Utah Department of Health and Human Services, Office of Licensing ("Department") is issuing a license with conditions to Oakgrove School/Waterfall Canyon Academy dba Residential Treatment YA ("Licensee") License Number F22-95041. These conditions are effective immediately and will expire on February 07, 2025.

In accordance with Utah Code § 26B-2-703 and Utah Admin. Code R380-600-8, the Department is issuing this conditional license F22-95041 because of the Licensee's failure to comply with state administrative rules for significant non-compliance during the

licensing period. The issuance of this conditional license does not preclude the Department from taking additional agency actions, including issuing sanctions.

The Department finds the Licensee was out of compliance with the following state administrative rules. This action is taken based on the noncompliances listed in the inspection report provided on October 31, 2024.

October 16, 2024 inspection

On October 16, 2024 the Department conducted an inspection. Licensee was cited with non-compliance of the following rules:

1. Rule R501-19-3(3) Each residential treatment provider serving a child shall:

(f) only allow direct care staff to perform direct supervision with line of sight check-ins every 15 minutes;

(h) only utilize on-site video surveillance to directly supervise a client in time out or seclusion or as an enhancement to minimum supervision ratio requirements; and

(i) conduct and document physical check-ins every 15-minutes when a client is being monitored by video.

The Licensee was out of compliance with this rule by failing to conduct and document physical line of sight check-ins every 15 minutes. During night checks, staff members checked video surveillance rather than performing in person line of sight checks.

2. Rule R501-19-3(7) Each residential treatment provider serving adults may admit a 17-year-old if the provider:

(a) obtains written permission from the individual's parent or legal guardian; and

(b) provides clinical justification.

The Licensee was out of compliance with this rule by failing to obtain written permission from parents and for failing to provide clinical justification for a minor to be in an adult program. During the investigation, the Licensee was unable to provide documentation of parent/guardian approval and clinical justification for the 17-year-old client to reside with adults.

3. Rule R380-80-6(1) The provider shall ensure that each client has the right to:

(c) be free from potential harm or acts of violence;

The Licensee was out of compliance with this rule by failing to ensure the client was free from potential harm. During the incident, the Licensee failed to conduct physical in person 15 minute checks on the client. During the 33 minutes the client did not receive in person checks, the client self harmed.

CONDITIONS OF LICENSE

The following conditions are immediately in effect:

1. Licensee will receive increased monitoring and pay \$393.37 charge for each Department monitoring inspection;
2. Licensee must immediately notify clients and their legal guardians and state agencies that have clients placed in the program of this conditional license. Licensee must submit proof of compliance with this requirement to the Department no later than 5 business days from receipt of the conditional license;
3. Licensee may not accept new clients while this conditional license is in effect or until the Department has expressed in writing that admissions may resume;
4. Licensee must provide training to appropriate staff on documentation and approvals related to minors and adults residing together. The Licensee must provide clinical justification and signed parent/guardian acknowledgement for each of Licensee's current clients within 15 days of this notice;
5. Licensee must provide in-person training to all staff on supervision. This training is required to cover all elements of R501-19-3(3) and must be completed within 15 days of this notice;
6. Licensee must provide proof of compliance with listed training to include type of training, training date, training agenda, a list of staff in attendance, and an individual training document with each staff's name, signature and date acknowledging they understand and agree to comply with Utah Administrative rule and statute; and
7. Licensee must ensure all Licensee staff comply with applicable Utah Administrative Rules and Utah statutes.

Pursuant to DHHS Administrative Hearing Procedures set out in Administrative Rule R497, you may request an administrative hearing if there is a disputed issue of fact. There is no issue of fact if you present facts that on their face establish the right of the Department to

take the action or if the facts do not conflict with the facts relied upon by the Department in taking its action.

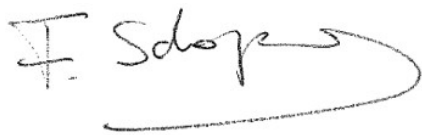
If you choose to request an administrative hearing, you must submit your request to the Department in writing, **within 15 calendar days** of receipt of this letter. You can complete a "Request for Agency Action, Administrative Review" form found on our website at <https://dlbc.utah.gov/wp-content/uploads/RequestforAdministrativeReview-1.pdf> and include any additional documentation. The administrative proceeding shall be conducted as an informal adjudicative proceeding in accordance with Utah Code § 63G-4-203 and Utah Administrative Code Rule R497.

All correspondence concerning this action should be addressed to:

Kimberly Jessop
Utah Department of Health and Human Services
Office of Licensing
195 North 1950 West
Salt Lake City, Ut. 84116

Please reference the program and site name on all correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Schapira", with a long, sweeping horizontal line extending to the right.

Florencia Schapira De Grout
Director, Office of Licensing (OL)
Department of Health and Human Services
195 North 1950 West
Salt Lake City, UT 84116
ffschapira@utah.gov
801-803-4618

Cc:

Shannon Thoman-Black, Director, Division of Licensing and Background Checks
Travis Broderick, Assistant Director
Jenilee Davidson, Licensing Manager

Dustin Penman, Human Service Administrator

Kacee Arrington, Program Manager

Marlene Arpero, Process Specialist