



State of Utah

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April 05, 2024

Three Points Center, LLC
1500 E 2700 S
Hurricane, UT, 84737

RE: NOTICE OF AGENCY ACTION

LICENSE PLACED ON CONDITIONAL STATUS

Three Points Center LLC, Congregate Care Residential Treatment, ID F22-93690

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 Three Points Center, LLC ("Licensee") License Number F22-93690. These conditions are effective immediately and will expire on May 31, 2024.

In accordance with Utah Code §§ 26B-2-206 and -208 and Utah Admin. Code R380-600-3, the Department is issuing this conditional license F22-93690 because of the Licensee's failure to comply with state administrative rules and state statutes 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 reports provided on March 19, 2024, March 20, 2024 and March 29, 2024 and on the Licensee's repeated noncompliance with the following administrative rules over the current licensing period:

COUNT ONE: March 29, 2024 inspection

On March 29, 2024 the Department conducted an inspection. Licensee was cited with non-compliance of the following rules:

1. 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 a staff member engaging in potentially harmful behavior with a client. During an inspection, the Department found that Licensee's staff member placed a cooperative client in a physical restraint that caused the client pain.

2. Rule R501-1-4(5)(a)-(l): "In addition to complying with Section 26B-2-123, a congregate care program licensee shall ensure that the congregate care behavior management policy and practices reflect the following: (g) passive physical restraint is used only as an emergency, temporary means of physical containment to protect the consumer, other persons, or property from immediate harm."

The Licensee was out of compliance with this rule by a staff member conducting a physical restraint on a client that was unnecessary and not an immediate harm to themselves or others. During an inspection, the Department found that Licensee's staff acted outside of the scope of their training and unnecessarily restrained a client using an unapproved physical hold.

COUNT TWO: March 20, 2024 inspection

On March 20, 2024 the Department conducted an inspection. Licensee was cited with non-compliance of the following rule:

Rule R380-600-7(16): "When a critical incident occurs under the direct responsibility and supervision of the program or facility, the licensee or certificate holder shall:

(a) submit a report of the critical incident to the office in format required by the office within one business day of the critical incident occurrence."

The Licensee was out of compliance with this rule by failing to report a critical incident by the next business day. During a review of critical incidents, three

incidents which occurred on March 17, 2024 were not reported until March 19, 2024.

COUNT THREE: March 19, 2024 inspection

On March 19, 2024 the Department conducted an inspection. Licensee was cited with non-compliance of the following rules:

1. Rule R380-80-5(4): “Each provider shall protect clients from abuse, neglect, harm, exploitation, mistreatment, fraud, and any action that may compromise the health and safety of clients through acts or omissions and shall instruct and encourage others to do the same.”

The Licensee was out of compliance with this rule for staff compromising the health and safety of a client. During an inspection, the Department found that Licensee’s staff placed excessive pressure on a client’s torso during a physical restraint.

2. Rule R501-1-4(5): “In addition to complying with Section 26B-2-123, a congregate care program licensee shall ensure that the congregate care behavior management policy and practices reflect the following: (b) a congregate care program licensee only uses behavior management techniques that emphasize de-escalation and promote self-control, self-esteem, and independence; (e) restraint is only used if it does not cause undue physical discomfort, harm, or pain to the client; (g) passive physical restraint is used only as an emergency, temporary means of physical containment to protect the consumer, other persons, or property from immediate harm; (h) restraint only continues as long as the client presents an immediate danger to self or others; (l) staff are trained to ensure the following safe practices: (vi) how to intervene if another staff member fails to follow correct procedures when using a restraint.”

The Licensee was out of compliance with this rule for staff compromising the health and safety of a client. During an inspection, the Department found that Licensee’s staff conducted unnecessary physical restraints on a client that caused undue harm to the client.

COUNT FOUR: REPEATED VIOLATION OF UTAH ADMINISTRATIVE RULE R380-80-5(4).

Rule R380-80-5(4): “Each provider shall protect clients from abuse, neglect, harm, exploitation, mistreatment, fraud, and any action that may compromise the health and safety of clients through acts or omissions and shall instruct and encourage others to do the same.”

In addition to the finding of non-compliance of this rule during the inspection on March 19, 2024, the Licensee was not compliant with this rule during two other inspections conducted on February 16, 2024 and March 13, 2024.

COUNT FIVE: REPEATED VIOLATION OF UTAH ADMINISTRATIVE RULE R501-1-4(5).

Rule R501-1-4(5): "In addition to complying with Section 26B-2-123, a congregate care program licensee shall ensure that the congregate care behavior management policy and practices reflect the following: (b) a congregate care program licensee only uses behavior management techniques that emphasize de-escalation and promote self-control, self-esteem, and independence; (e) restraint is only used if it does not cause undue physical discomfort, harm, or pain to the client; (g) passive physical restraint is used only as an emergency, temporary means of physical containment to protect the consumer, other persons, or property from immediate harm; (h) restraint only continues as long as the client presents an immediate danger to self or others; (l) staff are trained to ensure the following safe practices: (vi) how to intervene if another staff member fails to follow correct procedures when using a restraint."

In addition to the findings of non-compliance of this rule during the inspections on March 19, 2024 and March 29, 2024, the Licensee was not compliant with this rule during three other inspections conducted on January 18, 2024, February 16, 2024 and February 22, 2024.

COUNT SIX: REPEATED VIOLATION OF UTAH ADMINISTRATIVE RULE R380-600-7(16).

Rule R380-600-7(16): "When a critical incident occurs under the direct responsibility and supervision of the program or facility, the licensee or certificate holder shall: (a) submit a report of the critical incident to the office in format required by the office within one business day of the critical incident occurrence."

In addition to the finding of non-compliance of this rule during the inspection on March 20, 2024, the Licensee was not compliant with this rule during two other inspections conducted on February 16, 2024 and March 06, 2024.

COUNT SEVEN: REPEATED VIOLATION OF UTAH ADMINISTRATIVE RULE R380-80-6(1).

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."

In addition to the finding of non-compliance of this rule during the inspection on March 29, 2024, the Licensee was not compliant with this rule during two other

inspections conducted on February 16, 2024 and February 22, 2024.

CONDITIONS OF LICENSE

Based on license history, the following conditions are effective immediately:

1. Licensee will receive increased monitoring and pay \$275 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 in-person training on the R380-80 Utah Administrative Rules and require all staff to read, review, and sign the Provider Code of Conduct. This training must clearly indicate that the Provider Code of Conduct is not only a licensee policy, but the Provider Code of Conduct is a law that staff must comprehend and are required to comply with at all times. This training must be completed within 15 days of this notice;
5. Licensee must provide in-person training to all staff on behavior management and physical restraints. This training is required to cover all elements of R501-1-4(5)(a-l) and must be completed within 15 days of this notice;
6. Licensee must provide in-person training to all staff on R380-600 critical incident reporting requirements within 15 days of this notice;
7. 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
8. 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:

Kimberlee Jessop
Utah Department of Health and Human Services
Office of Licensing
kljessop@utah.gov
195 North 1950 West
Salt Lake City, Ut. 84116

Please reference the program and site name on all correspondence.

Sincerely,



Carmen Richins
Director, Division of Licensing and Background Checks
Department of Health and Human Services
195 North 1950 West
Salt Lake City, UT. 84116
carmenrichins@utah.gov
385.242.6354

Cc:

Simon Bolivar Director, Office of Licensing
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