



State of Utah

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July 21, 2022

Cinnamon Hills Youth Crisis Center
Buff Williams, Owner/Program Director
770 E. St. George Blvd.
St. George, UT 84770

RE: NOTICE OF AGENCY ACTION

LICENSE(S) PLACED ON CONDITIONAL STATUS

Cinnamon Hills Youth Crisis Center, Residential Treatment License Number
51719.

This letter serves as notice that the Utah Department of Human Services, Office of Licensing (the "Office") is placing Cinnamon Hills Youth Crisis Center's ("Licensee") license on Conditional Status effective immediately.

This action is taken pursuant to Title 63G, Chapter 4, the Administrative Procedures Act; Utah Code Section 62A-2-112; and Utah Administrative Rule R501-1-12(10).

The following conditions are immediately in effect, and must be resolved to the satisfaction of the Office before your program will be removed from conditional

status:

1. Licensee must immediately notify clients and their legal guardians and state agencies that have clients placed in the program of this Notice of Agency Action ("NAA") and submit proof of compliance with this requirement to the Office no later than 5 business days from receipt of this letter.
2. Licensee must post the NAA on-site, and on the homepage of each of its websites, where it can be easily reviewed by all clients, guardians of clients, and visitors within five business days, and shall remain posted until the resolution of the penalty, unless otherwise instructed by the Office.
3. Licensee may not accept new clients while this NAA is in effect or until the Office has expressed in writing that admissions may resume.
4. Licensee must require all staff to read, review, and sign the Office Code of Conduct and Licensee's policy and procedure manual.
5. Licensee must take immediate action to retrain staff on the behavior management system, with a focus on de-escalation practices and justified restraints.
6. Licensee must take immediate action to retrain staff on seclusion and time-out statute and rules including alternative interventions and detailed documentation when seclusion is justified.
7. Licensee must provide proof of compliance with listed training to include type of training, training date, training agenda, names of staff in attendance, and a training document with staff signature and date acknowledging they understand and agree to comply with Utah Administrative rule, statute, and Cinnamon Hills Policy and Procedure.
8. Licensee must ensure that submission of any documentation such as critical incident reports, staff statements-of-facts, and seclusion/time-out is accurate and truthful.

License Number 51719 will remain on conditional status for a minimum of 90 days or until the Office approves, in writing, removal from conditional status. Failure to meet the terms of the conditions of this NAA may result in a further penalty action of license suspension or revocation per R501-1-12(11). The Office is taking this action because the Licensee has failed to comply with licensing rules noted below.

The Office of Licensing has noted violation of the following Administrative Rules:

62A-2-123 (1) A congregate care program may not use a cruel, severe, unusual, or unnecessary practice on a child, including:

- (c) inducing pain to obtain compliance
- (d) hyperextending joints

&

62A-2-123 (1) A congregate care program may not use a cruel, severe, unusual, or unnecessary practice on a child, including:

- (i) spanking, hitting, shaking, or otherwise engaging in aggressive physical contact;

&

R501-1-26. Congregate Care Program Additional Policy and Procedure Requirement

(1) A Congregate Care Program may not utilize any behavior management technique, restraint, seclusion or curriculum unless it has been approved by the office.

&

R501-1-27. Client Rights.

(1) Clients have the right to:

- (a) be treated with dignity;
- (b) be free from potential harm or acts of violence;
- (d) be free from abuse, neglect, mistreatment, exploitation, unusual or unnecessary consequences, and fraud;

&

R495-876-6. Client Rights.

(1) Clients have the right to:

- (a) be treated with dignity;
- (b) be free from potential harm or acts of violence;
- (d) be free from abuse, neglect, mistreatment, exploitation, and fraud;

R501-1 Definitions

(28) "Physical mistreatment" means conduct that results in pain, injury, or death. For a notation violation involving physical mistreatment, there must be culpability on the part of the program or its staff. Ie: staff acting outside policy or training and causing pain, injury or death

1. **Violation Description:** Multiple client interviews, throughout multiple investigations, disclosed that during physical interventions staff acted outside the scope of their training, the licensee's policy and procedure, and Utah Administrative rule and statute. Staff hyperextended and twisted clients' arms resulting in pain; one of these incidents resulted in a fractured elbow.
2. **Violation Description:** On 02-09-22, staff 1 acted outside the scope of their training, the licensee's policy and procedure, and Utah Administrative rule and statute. The staff initiated an unjustified restraint on a client that was not a danger to themselves or others. During this restraint, staff 1 conducted a gooseneck on the client's right wrist (hyperextension of a joint) which caused pain and injury to the client.
3. **Violation Description:** Multiple client interviews disclosed that, on 03-16-22, a night shift staff acted outside the scope of their training, the licensee's policy and procedure, and Utah Administrative rule and statute and engaged in aggressive physical contact when a client was not a danger to themselves or others.
4. **Violation Description:** On 05-07-22, staff 2 acted outside the scope of their training, the licensee's policy and procedure, and Utah Administrative rule and statute and initiated a physical intervention for control rather than for safety. The client sustained an injury and this case was supported by Child Protective Services for physical abuse.
5. **Violation Description:** On 06-16-22, staff 3 acted outside the scope of his training and Utah Administrative rule and statute when he initiated an unjustified restraint with a client that was not an immediate danger to themselves or others. This violation was supported by multiple client interviews.
6. **Violation Description:** On 06-26-22, staff 3 acted outside the scope of their training, the licensee's policy and procedure, and Utah Administrative rule and statute when he slapped a student in the face and shoved that student to the ground. This violation was supported by multiple client interviews. This incident was supported by Child Protective Services for physical abuse.
7. **Violation Description:** On 06-29-22, Staff 3 and 4 acted outside the scope of their training, the licensee's policy and procedure, and Utah Administrative rule and statute. Video coverage documented that staff 3 initiated and engaged in a verbal

altercation with a client which led to an unjustified restraint conducted by staff 3 and staff 4. In observing the video coverage, it was noted that staff 3 and 4 escorted the client out of video coverage range to a dorm with no video coverage. The client disclosed he was physically mistreated by staff once moved to the dorm.

R501-1-27. Client Rights.

(1) Clients have the right to:

(a) be treated with dignity;

&

R495-876-6. Client Rights.

(1) Clients have the right to:

(a) be treated with dignity;

8. **Violation Description:** On 01-29-22, in response to a client's negative behavior, staff 5 made the following comment towards that client in front of his peer group, "Don't be a dumbass. I know you're only acting like this because of your mom's passing."

62A-2-123. Congregate care program regulation. Effective 05/05/2021

(1) A congregate care program may not use a cruel, severe, unusual, or unnecessary practice on a child, including:

(m) withholding personal interaction, emotional response, or stimulation;

9. **Violation Description:** Video coverage review and multiple client interviews disclosed inconsistent practices between dorms in which some clients are not permitted to talk during classroom breaks, during meal times in the cafeteria, when walking in line from one area to another, and/or during shower time.

62A-2-123. Congregate care program regulation.

(1) A congregate care program may not use cruel, severe, unusual, or unnecessary practice on a child, including:

(k) depriving the child of a meal, water, rest, or opportunity for toileting;

10. **Violation Description:** Multiple client interviews disclosed that staff will not allow them to use the restroom during certain times of the day.

62A-2-123 (4)(a) A congregate care program

(i) may use seclusion if:

- (A) The purpose for the seclusion is to ensure the immediate safety of the child or others; and
- (B) No less restrictive intervention is likely to ensure the safety of the child or others; and

(ii) may not use seclusion:

- (A) For coercion, retaliation, or humiliation; or
- (B) Due to inadequate staffing or for the staff's convenience

11. **Violation Description:** On 02-09-22, two clients were placed in seclusion. The clients were not an immediate safety risk to themselves or others and the staff failed to attempt less restrictive interventions that were likely to ensure the safety of the child or others.

12. **Violation Description:** On 02-18-22, a client was making noises in his sleep. He was woken up and required to move to a seclusion room to sleep for the remainder of the night. The client was not an immediate safety risk to himself or others. The licensee's incident report and video coverage support this violation.

13. **Violation Description:** On 02-22-22, video coverage and a seclusion document support that a client remained in seclusion for approximately 50 minutes after their behavior was regulated.

14. **Violation Description:** On 04-05-22, a client that was not an immediate safety risk to himself or others was taken to a seclusion room. Video coverage documented that the client was released from a restraint across the campus and walked to a seclusion room the remainder of the way. The staff failed to demonstrate that a less restrictive intervention was attempted.

R501-1-16. Residential Program Additional Facilities and Safety Requirements.

(12) Each residential program shall ensure that each bed is solidly constructed and non-portable.

15. Violation Description: During an incident on 02-18-22, the licensee required a client to sleep on a portable rollaway style bed after being placed in an unnecessary seclusion.

R501-1-10. Monitoring.

(5) A licensee and licensee's staff may not compromise the integrity of the office's information gathering process by withholding or manipulating information or influencing any specific response of staff or clients.

16. Violation Description: On 02-09-22, a physical intervention was conducted by staff 1 on client AB. Staff 1's statement-of-fact failed to document that the client's right wrist was hyperextended and pain compliance was used to gain control of the client. A video coverage review documented and client interview disclosed that staff 1 used an unnecessary pain compliance hold on a client. During the same incident, two timeout records were created for seclusion incidents involving clients DE and AB. Each record provided false information and at least one record did not provide the required detailed documentation.

17. Violation Description: On 06-29-22, a physical intervention was conducted by staff 3 and staff 4. Staff 3's and staff 4's statements-of-fact indicated that the client walked towards staff 3 and "became aggressive". Video coverage documented that staff 3 engaged in aggressive verbal contact and initiated aggressive physical contact with the client which resulted in an unjustified physical intervention.

R501-1-11. Investigations of Alleged Violations.

(2) Licensed Program Complaints and Critical Incidents

(d) A critical incident that involves a client or on-duty staff that occurs in a licensed setting or under the direct responsibility and supervision of the program shall be reported by the licensee as follows:

(i) a report shall be made to the office within one business day;

&

R501-1-22. Residential Additional Program Intake and Discharge Requirements.

(6) Each congregate care program shall report each critical and non-critical restraint or seclusion to the office within one business day.

18. **Violation Description:** The licensee failed to report at least two critical incidents to the Office of Licensing within the required timeframe.

R501-1-13. Program Administrative and Direct Service Requirements.

(6) Program administration shall ensure:

- (h) the program provides trainings and monitors staff to ensure compliance regarding program policy and procedures including:
- (ii) licensing rule;

19. **Violation Description:** On 03-20-22, multiple staff acted outside the scope of their training, the licensee's policy and procedure, and Utah Administrative rule and statute. A seclusion incident was documented as a voluntary time out and was not reported accurately or in detail per R501-1-26(6)(h).

R501-14-5. General Background Screening Procedure.

(2) Except as permitted by Subsection 62A-2-120(9), an application for an initial background screening shall be submitted no later than two weeks from the applicant becoming associated with the licensee. The applicant shall be directly supervised prior to receiving conditional or full clearance approval from the Office.

Effective 5/5/2021

62A-2-101. Definitions.

(14) "Directly supervised" means that individual is being supervised under the uninterrupted visual and auditory surveillance of another individual who has a current background screening approval issued by the office.

R501-14-2. Definitions.

(12) "Directly Supervised" is defined in Section 62A-2-101. The agency is responsible to document and provide upon request how the individual remains supervised for the entirety of their supervised employment term prior to full clearance.

20. Violation Description: DACS checks conducted on 05-19-22 documented at least two staff members that had not completed the application process within the required two week timeframe.

The Office 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. There is no issue of fact if you present facts that on their face establish the right of the Office to take the action, or if the facts do not conflict with the facts relied upon by the Office in taking its action.

Pursuant to Rule 497-100, if you choose to request an administrative hearing to appeal a disputed issue of fact, you must submit your request of appeal to the Office, in writing, within 10 business days of receipt of this letter. This adjudicative proceeding, if requested and granted, shall be conducted informally.

Pursuant to Rule 501-1-12(20) "If an appeal of a revocation, suspension or conditional license that restricts admission is pending, a licensee shall not accept any new client as outlined on the notice of agency action without prior written authorization from the office."

You can access the 'Request for an Administrative Hearing' form in the Facility Forms section of our website: www.hslic.utah.gov.

All correspondence concerning this action should be addressed to:

Elisabeth Kitchens,
Administrative Secretary

Please reference the program and site name on all correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Simon B", with a stylized flourish at the end.

Simon Bolivar,
Director, Office of Licensing

Cc:

Travis Broderick
Program Manager

Nicole Laub
Investigator

Jen Hinton
Licensor

John Ortiz
Program Manager

Carmen Richins
Division Director