

Department of Health & Human Services

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Deputy Director

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DAVID LITVACK Deputy Director

NATE WINTERS
Deputy Director

July 11, 2023

Diamond Ranch Academy 433 S. Diamond Ranch Parkway Hurricane, UT 84737

ATTN:

RE: NOTICE OF DENIAL OF NEW LICENSE APPLICATION

Diamond Ranch Academy, application request for Day Treatment and Outpatient Treatment licenses.

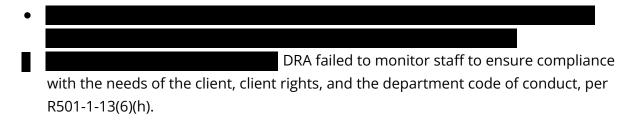
Dear Provider:

This letter serves as notice that the Utah Department of Health and Human Services, Office of Licensing ("Office") is denying your request for a Day Treatment and an Outpatient Treatment license.

The Office is authorized by Utah Code 26B-2-112(2)(c) to deny an application for a human services license, if it finds, related to the human services program "evidence of conduct adverse to the standards required to provide services and promote public trust, including aiding, abetting, or permitting the commission of abuse, neglect, exploitation, harm, mistreatment, or fraud." Upon receipt of DRA's license applications for Day Treatment and an Outpatient Treatment license the Office has found such evidence.

According to Utah Admin. Rule R501-1-4(3)(a) the office may **deny the initial application** if the program failed to achieve or maintain compliance with each statute, rule, or ordinance related to the program.

The Office has noted the following:



In making the determination of whether to deny an application for a new license, the office must consider rule violation history when determining whether a program is likely to comply with any statute, rule, or ordinance. Utah Admin. Rule R501-1-4(4). In addition, according to Utah Admin. Rule R501-1-12(2), "the office may consider the chronicity, severity, and pervasiveness of a violation" when determining whether to issue a license. The history of DRA's license that the Office reviewed includes, but is not limited to:

- In the past year, the Office has placed DRA on a conditional license two times.
- DRA has been on at least two corrective action plans since 2013.
- There have been two additional client deaths at DRA in prior years in addition to the most recent client death on December 20, 2022.
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- The Office has denied renewal of the current facility licenses.

According 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 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.

Pursuant to Rule 497-100-6, if you choose to request an administrative hearing, you must submit your request of appeal to the Office of Licensing, in writing, within 15 calendar days of receipt of this letter. Any administrative proceeding shall be conducted informally.

You can access the 'Request for an Administrative Hearing' form in the *Facility Forms* section of our website: Office of Licensing

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,

Simon Bolivar

Director, Office of Licensing

Department of Human Services

801-803-4618

sbolivar@utah.gov

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195 North 1950 West

Salt Lake City, Ut 84116

CC:

Carmen Richins, Division of Licensing and Background Checks Director Dustin Penman, OL Program Manager McCabe Peterson, OL Licensing Specialist Tonya Myrup, DCFS Division Director

Angella Pinna, DSPD Division Director

Jamie Wuthrich, DSPD Assistant Division Director