



State of Utah

SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

Department of Health & Human Services

TRACY S. GRUBER
Executive Director

NATE CHECKETTS
Deputy Director

DR. MICHELLE HOFMANN
Executive Medical Director

DAVID LITVACK
Deputy Director

NATE WINTERS
Deputy Director

July 11, 2023

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

ATTN: [REDACTED]

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:

- [REDACTED]
[REDACTED]
- [REDACTED] DRA failed to monitor staff to ensure compliance with the needs of the client, client rights, and the department code of conduct, per R501-1-13(6)(h).

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.
- [REDACTED]
[REDACTED]
- 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,

A handwritten signature in black ink that reads "Simon Bolivar". The signature is written in a cursive style with a long, sweeping underline.

Simon Bolivar
Director, Office of Licensing
Department of Human Services
801-803-4618
sbolivar@utah.gov
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