



State of Utah

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Lieutenant Governor

Department of Human Services

TRACY S. GRUBER
Executive Director

Office of Licensing
AMANDA SLATER
Director

May 18, 2021

North Star Center, LLC
Joe AhQuin, Owner/Executive Director
254 South State Street, Building A, La Verkin, UT 84745

RE: NOTICE OF AGENCY ACTION
LICENSE(S) PLACED ON CONDITIONAL STATUS
North Star Center, LLC (NSC), Residential Treatment License number 39297

This letter serves as notice that the Utah Department of Human Services Office of Licensing (the "Office") is placing North Star Center, LLC. ("NSC" or "Licensee") licenses on Conditional Status effective immediately.

This action is taken pursuant to the Administrative Procedures Act, Title 63G Chapter 4, Utah Code 62A-2-112, and Utah Administrative Rule R501-1-10(2)(a). The Office is authorized to deny, place conditions on, suspend, or revoke a license, and restrict or prohibit new admission in a program, if the program fails to comply with the licensing rules, is involved with commission of any illegal act, or fails to meet standards required to provide services and promote public trust, including by enabling the commission of abuse, neglect, exploitation, harm, mistreatment or fraud.

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. 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 shall 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 shall accept no new clients while this NAA is in effect or until the Office has expressed in writing that admissions may resume.
4. Licensee shall adhere to Utah Administrative Rule 501-14 for background screenings and an

application for an initial background screening shall be submitted no later than two weeks from an applicant becoming associated with the licensee.

5. Licensee shall ensure that staff without a cleared background screening shall be directly supervised prior to receiving conditional or full clearance approval from the Office. Documentation of this supervision will be clearly recorded on the staff schedule.
6. Licensee shall provide weekly staff schedules, with daily client counts, to the Office at least three days before each work week begins in order to demonstrate compliance with staffing requirements. Should any changes in the schedule occur due to sick calls, call offs or staff resignation/termination the licensee will notify the Office in real time.
7. Licensee shall provide monthly proof of compliance with Licensee's Quality Assurance Plan throughout the NAA process.
8. Licensee shall document and report all critical incidents to the Office within one business day of occurrence.
9. Licensee shall ensure that any licensee or staff member who is aware of or suspects staff misuse of force, client's rights violations, abuse, neglect, mistreatment, fraud, or exploitation shall ensure that a report is made to the Office and applicable investigative agencies.
10. Licensee shall require all staff to read, review, and sign the Office of Licensing Code of Conduct and the licensee's Policy & Procedure manual.
11. Licensee shall ensure that there is detailed documentation of all clients being placed in time-out or seclusion and that the practices of time-out or seclusion conform to [S.B. 127](#), which is effective as of May 5, 2021.
12. Licensee shall not accept clients outside the approved age range or deviate from other rules without a pre-approved variance.
13. Licensee will cooperate with any investigative agency and retain any and all documentation that may aid in investigations.

Conditional status on this license will be removed no sooner than 90 days unless approved in writing by the Office. Failure to comply with the terms of this Notice in the specified time frames may result in a further penalty action of license suspension or revocation per R501-1-10(2)(A). The Office is taking this action because Licensee has failed to comply with licensing rules noted below.

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

- **R501-2-2. Program Administration.**

G. All programs which serve minors or vulnerable adults shall submit identifying information for background screening of all adult persons associated with the licensee and board members who have access to children and vulnerable adults in accordance with R501-14[.]
- **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.

- **R501-14-11. Background Screening Approval Transfer or Concurrent Use.**

(3) An applicant shall be directly supervised until the applicant's status in the online system reflects "eligible", "eligible for hire" and has been "permanently hired" by a screening agent.

Violation(s):

1. Licensee failed to submit identifying information for background screenings of at least two staff who had access to the clients at the North Star residential treatment program.
2. An unscheduled site visit documented five staff that do not have a cleared background screening and require direct supervision who were not being directly supervised by a staff with a cleared background screening.

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

- **R501-14-12. Post-Approval Responsibilities.**

(5) The background screening agent shall notify the Office of the termination of each employee for whom fingerprints have been retained under Section 62A-2-120. The Office shall report the termination to BCI within 90 days if the individual has not transferred the clearance to a transfer-eligible program within that time frame.

Violation(s):

3. Licensee failed to notify the Office of the termination of an employee for whom fingerprints had been retained under Section 62A-2-12-0.

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

- **R501-2-9. Personnel Administration.**

C. The program shall have a personnel file for each employee to include the following:

1. application for employment,
2. applicable credentials and certifications,
3. initial medical history if directed by the governing body,
4. tuberculin test if directed by the governing body,
5. food handler permit, where required by local health authority,
6. training record,
7. annual performance evaluations,
8. I-9 Form completed as applicable,
9. comply with the provisions of R501-14 and R501-18 for background screening, and
10. a signed copy of the current Department of Human Services Provider Code of Conduct.

Violation(s):

4. An audit of 20 employee files indicated that numerous required documents were missing from at least 18 employee files. The Office provided Licensee with a detailed list of what is missing in each employee file.

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

- **R501-2-9. Personnel Administration.**

M. Staff Training

2. Staff shall have completed and remain current in a certified first aid and CPR, such as or comparable to American Red Cross.

Violation(s):

5. An audit of 20 employee files indicated that of the 20 employee files reviewed, 16 do not appear to have a current First Aid/CPR certification.

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

- **501-2-7 Core Rules. Behavior Management.**

B. The [behavior management] policy shall be provided to all staff, and staff shall receive training relative to behavior management at least annually.

Violation(s):

6. An audit of 20 employee files indicated that of the 20 employee files reviewed, 13 do not appear to have proof of current training in their behavior management program.
7. An audit of internal incident reports indicated that an employee - whose file does not contain current certification in Licensee's behavior management program - conducted numerous restraints.

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

- **R501-1-11. Licensing Code of Conduct and Client Rights.**

(4) Licensees shall train all staff annually on agency policies and procedures, Licensing rules, and the Licensing Code of Conduct.

- (i) verification of this training shall be dated and acknowledged by each staff member.

Violation(s):

8. An audit of the licensee's employee files indicated two North Star staff that have been employed for more than a year and do not have documented annual training on agency policies and procedures, Licensing rules, and the Licensing Code of Conduct.

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

- **501-2-2 Core Rules. Program Administration.**

C. The program shall have a written quality assurance plan. Implementation of the plan shall be documented.

Violation(s):

9. North Star did not follow their Quality Assurance Plan, which requires documentation of background screenings, staffing, staff training, and record keeping. Notice of Agency Action violations 1, 4, 5, 6, 7, 8 and 11 are violations of North Star's Quality Assurance Plan.

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

- **R501-2-9. Personnel Administration.**

D. The program shall follow a written staff to consumer ratio, which shall meet specific consumer and program needs. The staff to consumer ratio shall meet or exceed the requirements set forth in the applicable categorical rules[.]

- **R501-19-5. Staffing.**

3. Children and Youth

- f. A minimum of two staff on duty and a staff ratio of no less than one staff to every four consumers shall exist at all times, except nighttime sleeping hours when staff may be reduced.

Violation(s):

10. The staff to consumer ratio requirements are not being met where, on a few occasions two staff were actively supervising nine students, as documented in Licensee documents and as discovered by an Office employee in an unscheduled site visit.

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

- **R501-19-5. Staffing.**

B. The program shall have a staff person trained, by a certified instructor, in standard first aid and CPR on duty with the consumers at all times.

Violation(s):

11. The licensee was unable to provide documentation that at least one staff trained in standard first aid and CPR was on duty with consumers at all times.

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

- **R501-19-7. Physical Facilities.**

B.2. The program shall take reasonable measures to ensure a safe physical environment for consumers and staff.

Violation(s):

12. A site visit was conducted in which wires were protruding from the wall of a client's bedroom. The unsafe physical environment was fixed within 24 hours after the Office informed Licensee of the rule violation.

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

- **R501-2-8. Rights of Consumers.**

B. The consumer shall be informed of this policy to his or her understanding verbally and in writing. A signed copy shall be maintained in the consumer record.

Violation(s):

13. A copy of each client's signed and dated client's rights form was requested from and provided by the licensee. Three of the nine clients did not have signed clients rights forms. The licensee had the three clients sign a clients rights form that same day.

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

- **R501-2-7. Behavior Management.¹**

F. Programs using time out or seclusion methods shall comply with the following:

1. The program will have a written policy and procedure which has been approved by the Office of Licensing to include:

a. Time-out or seclusion is only used when a child's behavior is disruptive to the child's ability to learn to participate appropriately, or to function appropriately with other children or the activity. It shall not be used for punishment or as a substitute for other developmentally appropriate positive methods of behavior management.

b. Time-out or seclusion shall be documented in detail and provide a clear understanding of the incident which resulted in the child being placed in that time-out or seclusion.

Violation(s):

14. During an unscheduled site visit a client was observed seated in the hallway outside of the classroom. The client appeared to be behaviorally regulated throughout the two

¹ It is important to note that, as referenced in the conditions above, S.B.127 is effective as of May 5, 2021. Agency rule is currently being updated to include the requirements of S.B.127. Where state statute is more restrictive than agency rule, state statute governs. Although Licensee is being cited for rule violations that occurred before S.B.127 was effective, Licensee is now required to conform to the requirements of S.B. 127.

hours the investigator observed the program. The client was not returned to the milieu during this time.

15. During the same unscheduled site visit, Licensee was unable to provide the required documentation of the incident which resulted in the child being placed in that seclusion.

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

- **R501-1-4. Licensing Determinations.**

(1) The Office may place individualized parameters on a program license in order to promote the health, safety, and welfare of clients. Such parameters may include, but are not limited to:

- (a) Age restrictions;
- (b) Admission or placement restrictions; or
- (c) Other parameters specific to individual sites and programs.

- **R501-1-7. Variances.**

(1) A licensee shall not deviate from any administrative rule without first receiving written approval of a specific variance request signed by the Director of the Office, or the director's designee.

Violation(s):

16. Licensee's license allows for clients ages 12-17. In an unscheduled site visit, the Office discovered Licensee accepted an 11-year-old client without first requesting a variance and receiving Office approval.

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

- **R501-2-7. Behavior Management.²**

D. No management person shall authorize or use, and no staff member shall use nor permit the use of physical restraint with the exception of passive physical restraint. Passive physical restraint shall be used only as a temporary means of physical containment to protect the consumer, other persons, or property from harm. Passive physical restraint shall not be associated with punishment in any way.

- **R501-1-2. Definitions.**

(33) "Restraint" means the involuntary method of physically restricting a person's freedom of movement, physical activity, or normal access to their body. Restraint is only allowed to prevent harm to the client or in protection of others and is only to be completed by an

² As noted above, S.B.127 is effective as of May 5, 2021. Agency rule is currently being updated to include the requirements of S.B.127. Where state statute is more restrictive than agency rule, state statute governs. Although Licensee is being cited for rule violations that occurred before S.B. 127 was effective, Licensee is required to conform to the requirement of S.B. 127.

individual with documented training in non-violent crisis intervention or de-escalation techniques.

Violation(s):

17. An audit of internal incident reports documented the use of physical restraints in at least two instances where Licensee did not provide sufficient explanation for why the restraint was used to temporarily physically contain the client, other persons, or property from harm.

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

- **R501-1-9. Investigations of Alleged Violations.**

(2) Licensed Program Complaints and Critical Incidents.

(d) Critical incidents that involve one or more clients and/or on-duty staff in a licensed setting or under the direct responsibility and supervision of the program shall be reported by the licensee as follows: (i) report shall be made to DHS and legal guardians of involved clients within one business day;

Violation(s):

18. An audit of the licensee's internal incident reports dated from 04-01-21 to 05-05-21 documented at least three critical incidents that were not reported to the Office.

The Office of Licensing 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 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, 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 of Licensing, 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 501-1-10 (I) "Pending an appeal of a revocation, suspension or conditional license that restricts admissions, licensee shall not accept any new clients as outlined on the Notice of Agency Action, or while an appeal of a Notice of Agency Action penalty is pending 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:

Gayle Luciano
Utah Department of Human Services
Office of Licensing
195 North 1950 West
Salt Lake City, Utah 84116

Please reference the program and site name on all correspondence.

Sincerely,



Amanda Slater
Director

Cc: Blaine Thomas
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