



State of Utah

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July 11, 2023

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

ATTN: Ricky Dias

RE: **NOTICE OF DENIAL OF LICENSE RENEWAL**

Diamond Ranch Academy, License Number F22-93407, for Therapeutic School and Residential Treatment.

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 license renewal for the Diamond Ranch Academy (DRA) License Number F22-93407 for their Therapeutic Boarding School and Residential Treatment licenses.

The above listed licenses are currently in effect until July 31, 2023 and will expire on that date. The office will allow DRA to operate until August 14, 2023 to facilitate compliance with the following immediately conditions:

1. DRA must discharge all of its clients on or before August 14, 2023;

2. DRA must maintain required program staffing;
3. DRA must maintain the required health and safety needs of each client until each client is safely and properly discharged; and
4. DRA must ensure all licensee staff comply with applicable Utah Administrative Rule and statute with an emphasis on client health, safety, and rights during the time DRA's license is effective.

The Office is authorized by Utah Code 26B-2-112(2)(a) and (c) to “deny, place conditions on, suspend, or revoke a human services license, if it finds, related to the human services program a) that there has been a failure to comply with the rules established under this part; or c) 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 renewal request and review of their compliance history, the Office has found such evidence.

According to Utah Admin. Rule R501-1-4(3)(a), “the office may deny the initial application or place a penalty on a renewal license 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:

- DRA's assistant medical director, Brooks Wiley, has a supported finding of severe physical neglect issued against him by Child Protective Services (CPS);
- This supporting finding shows that 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 a license renewal, “the office shall 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 2 corrective action plans since 2013.
- There have been 2 additional client deaths at DRA in prior years in addition to the most recent client death on December 20, 2022.

- Recently, CPS supported a severe finding of physical neglect of a client by a DRA employee which is a violation of licensing rules.

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
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195 North 1950 West
Salt Lake City, Ut 84116

CC:

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