

**Effective 5/8/2018**

**Chapter 53**  
**Residential, Vocational and Life Skills Program Act**

**13-53-101 Title.**

This chapter is known as the "Residential, Vocational and Life Skills Program Act."

Enacted by Chapter 252, 2018 General Session

**13-53-102 Definitions.**

As used in this chapter:

- (1) "Division" means the Division of Consumer Protection.
- (2) "Human services program" means the same as that term is defined in Section 26B-2-101.
- (3) "Participant" means an individual who:
  - (a) resides at a residential, vocational and life skills program facility;
  - (b) receives from the residential, vocational and life skills program:
    - (i) vocational training; or
    - (ii) life skills training; and
  - (c) does not receive monetary compensation from the residential, vocational and life skills program.
- (4) "Postsecondary school" means the same as that term is defined in Section 13-34-101.
- (5) "Residential, vocational and life skills program" means a program that:
  - (a) is operated by a nonprofit corporation, as defined in Section 16-6a-102;
  - (b) does not accept local, state, or federal government funding, government grant money, or any other form of government assistance to operate or provide services or training;
  - (c) operates on a mutually voluntary basis with each participant;
  - (d) houses at a program facility in this state participants who are unrelated to an owner or a manager of the program facility without charging money for lodging, food, clothing, or training;
  - (e) may house transitional graduates for a fee;
  - (f) provides vocational training to participants;
  - (g) provides life skills training to participants;
  - (h) maintains a director or senior staff member at a program facility at all times when the facility is in use;
  - (i) does not provide mental health services;
  - (j) does not provide substance use disorder treatment;
  - (k) does not accept payment from an insurance provider for a participant;
  - (l) does not award a degree, diploma, or other educational credential commensurate with a degree or diploma;
  - (m) does not hold itself out as a human services program; and
  - (n) does not hold itself out as a postsecondary school.
- (6) "Transitional graduate" means an individual who:
  - (a) graduated from a residential, vocational and life skills program;
  - (b) continues to reside at the residential, vocational and life skills program facility; and
  - (c) is employed by an entity not directly affiliated with the residential, vocational and life skills program.
- (7) "Vocational training entity" is a commercial entity where a participant receives vocational training.

Amended by Chapter 458, 2023 General Session

**13-53-103 Registration of a residential, vocational and life skills program.**

- (1) An owner or a manager of a residential, vocational and life skills program shall annually register the residential, vocational and life skills program with the division.
- (2) An application for registration shall be on a form approved by the division and shall require:
  - (a) the name, address, telephone number, email address, website, and facsimile number, if any, of the nonprofit corporation operating the residential, vocational and life skills program;
  - (b) the name and address of the registered agent of the corporation operating the residential, vocational and life skills program;
  - (c) the name, address, telephone number, email address, website, and facsimile number, if any, of the residential, vocational and life skills program;
  - (d) the name and address of any entity that controls, is controlled by, or is affiliated with the residential, vocational and life skills program;
  - (e) the name and residential address of any officer, director, manager, or administrator of the residential, vocational and life skills program;
  - (f) the name, address, telephone number, email address, website, and facsimile number, if any, of any vocational training entity affiliated with the residential, vocational and life skills program;
  - (g) a disclosure indicating whether any officer, director, or administrator of the residential, vocational and life skills program has been the subject of an administrative action by the division;
  - (h) a disclosure indicating whether any officer, director, or administrator of the residential, vocational and life skills program has been convicted of a felony or a crime of moral turpitude within the previous 10 years;
  - (i) if the organization is a charitable organization, as defined by Section 13-22-2, a copy of the charitable organization's registration or exemption;
  - (j) financial information described in Subsection 13-53-108(1);
  - (k) proof of a commercial general liability and umbrella insurance policy providing at least a \$1,000,000 per occurrence limit of liability;
  - (l) a copy of the disclosure required under Section 13-53-106;
  - (m) evidence that the applicant meets the description of a residential, vocational and life skills program under Subsection 13-53-102(5); and
  - (n) additional information that the division requires, as provided in administrative rule.
- (3) A residential, vocational and life skills program is registered on the day that the division issues the registration.
- (4) The division's issuance of a registration for a residential, vocational and life skills program does not constitute the state's or the division's endorsement or approval of the residential, vocational and life skills program.
- (5) An applicant for the registration of a residential, vocational and life skills program shall file a separate application and pay a separate application fee for each residential, vocational and life skills program location.
- (6) The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the registration application process.
- (7) The division may set fees in accordance with Section 63J-1-504 for a residential, vocational and life skills program registration application.

Enacted by Chapter 252, 2018 General Session

**13-53-104 Registration denial, suspension, or revocation.**

- (1) In accordance with Chapter 2, Division of Consumer Protection, and Title 63G, Chapter 4, Administrative Procedures Act, the division may initiate proceedings to deny, suspend, or revoke the registration of a residential, vocational and life skills program, if:
  - (a) the entity holding the registration fails to meet the description of a residential, vocational and life skills program under Subsection 13-53-102(5);
  - (b) the operation of the residential, vocational and life skills program creates a serious risk to public safety or welfare;
  - (c) the registration application or any supplemental information required by the division is incomplete, false, misleading, or filed in an untimely manner;
  - (d) the residential, vocational and life skills program or an individual described in Subsection 13-53-103(2)(e) causes or allows to occur a violation of any provision of municipal, state, or federal law, including an administrative rule made under this chapter;
  - (e)
    - (i) an individual described in Subsection 13-53-103(2)(e) is convicted of a felony or a crime of moral turpitude within the previous 10 years; and
    - (ii) the residential, vocational and life skills program does not have adequate controls to minimize associated risks to the participants of the residential, vocational and life skills program and to the public; or
  - (f) the residential, vocational and life skills program fails to pay an administrative fine that the division lawfully imposes on the residential, vocational and life skills program.
- (2) The division may place reasonable limits upon a residential, vocational and life skills program's operations, if:
  - (a) the division has reasonable concerns about the residential, vocational and life skills program's ability to comply with this chapter; and
  - (b) the limitation is reasonably calculated to protect the interests of the public or the participants of the residential, vocational and life skills program.
- (3) When the demands of public safety permit, the division shall allow a residential, vocational and life skills program a reasonable amount of time to remedy a violation under this chapter before the division suspends or revokes a registration.
- (4) The division may require an individual described in Subsection 13-53-103(2)(e) to submit to a criminal background check, at the individual's expense or the expense of the residential, vocational and life skills program.

Enacted by Chapter 252, 2018 General Session

**13-53-105 Prohibited acts.**

- A residential, vocational and life skills program may not:
- (1) operate without a registration issued under Section 13-53-103;
  - (2) utilize any behavioral intervention that is not peer-led or that uses the services of any professional or any person purporting to be a professional;
  - (3) accept a participant before providing to the participant the disclosure described in Section 13-53-106; or
  - (4) use physical force or permit the use of physical force.

Enacted by Chapter 252, 2018 General Session

**13-53-106 Disclosure to participants.**

- (1) Before accepting a participant, a residential, vocational and life skills program shall provide to the prospective participant a written disclosure.
- (2) The written disclosure shall include:
  - (a) a statement that the program is a registered residential, vocational and life skills program, but that the residential, vocational and life skills program is not endorsed by the state or the division;
  - (b) a statement that the prospective participant's continuation in the program is voluntary and that a participant may leave at any time;
  - (c) the conditions under which a participant is removed from the residential, vocational and life skills program or required to leave a program facility;
  - (d) a statement that the residential, vocational and life skills program will contact Adult Probation and Parole, if required by law; and
  - (e) a description of:
    - (i) the lodging, food, clothing, and other resources that are available to a participant;
    - (ii) the nature and scope of the residential, vocational and life skills program, including any activities or work that a participant is required to perform;
    - (iii) the scope and substance of peer-led activities;
    - (iv) the types of vocational training available to a participant, including the limitations on availability;
    - (v) the nature and extent of possible exposure to profanity, accusation, confrontation, nonphysical threats, or nonphysical corrective interaction;
    - (vi) the terms of any prohibition from contact with a participant's family, friends, or associates; and
    - (vii) any crimes committed within the previous two years at the residential, vocational and life skills program facility or at a vocational training entity affiliated with the residential, vocational and life skills program.

Enacted by Chapter 252, 2018 General Session

**13-53-107 Participant screening.**

- (1) A residential, vocational and life skills program shall interview and screen all prospective participants for medical prescriptions, physical and mental health history, and recent alcohol or drug use.
- (2) Unless an individual obtains a medical clearance from a physician or physician assistant, a residential, vocational and life skills program may not have as a participant an individual who:
  - (a) has a recent diagnosis of a mental, social, psychiatric, or psychological illness; or
  - (b) has an active prescription for medication for a mental, social, psychiatric, or psychological illness.
- (3) A residential, vocational and life skills program may not admit a minor.

Amended by Chapter 349, 2019 General Session

**13-53-108 Financial requirements.**

- (1) When applying for registration under Subsection 13-53-103(2), an applicant shall demonstrate fiscal responsibility by providing evidence to the division that the residential, vocational and life skills program:

- (a) is financially sound; and
  - (b) reasonably has the fiscal ability to fulfill commitments and obligations to the participants of the residential, vocational and life skills program.
- (2) Evidence acceptable to satisfy the requirement described in Subsection (1) includes:
- (a) for a residential, vocational and life skills program that has been in operation less than one fiscal year:
    - (i) pro forma financial statements until further information described in Subsection (2)(b) is available; and
    - (ii) a commercial credit report for the residential, vocational and life skills program; or
  - (b) for a residential, vocational and life skills program that has completed a fiscal year, and as soon as the residential, vocational and life skills program completes its first fiscal year:
    - (i) a current financial statement, with all applicable footnotes, for the most recent fiscal year, including a balance sheet, a statement of income, a statement of retained earnings, and a statement of cash flow; and
    - (ii) a certified fiscal audit of the residential, vocational and life skills program's financial statement, performed by a certified or licensed public accountant.
- (3) In evaluating a residential, vocational and life skills program's fiscal responsibility, the division may consider:
- (a) any judgment, tax lien, collection action, bankruptcy schedule, or history of late payments to creditors;
  - (b) documentation showing the resolution of a matter described in Subsection (3)(a);
  - (c) the residential, vocational and life skills program's explanation for a matter described in Subsection (3)(a);
  - (d) a guarantee agreement provided for the residential, vocational and life skills program; and
  - (e) history of a prior entity that:
    - (i) is owned or operated by any individual who is an officer, a director, or an administrator of the residential, vocational and life skills program; and
    - (ii) has failed to maintain fiscal responsibility.
- (4) The division may require evidence of financial status at other times when it is in the best interest of the program participants to require the information.
- (5) The division may perform a fiscal audit of a residential, vocational and life skills program.
- (6) A residential, vocational and life skills program shall develop and maintain adequate internal controls for receipt, management, and disbursement of money that are reasonable in light of the residential, vocational and life skills program's organizational complexity.

Enacted by Chapter 252, 2018 General Session

**13-53-109 Discontinuance of operations.**

- (1) A residential, vocational and life skills program that is closing shall adopt a plan for the provision of food, shelter, and clothing for at least 30 days from the date of closure to participants displaced by the closure.
- (2) At least 30 days before the day on which the residential, vocational and life skills program will close, the residential, vocational and life skills program shall provide written notice to the division of:
  - (a) the intended date of closure; and
  - (b) the plan described in Subsection (1).

Enacted by Chapter 252, 2018 General Session

**13-53-110 Enforcement.**

- (1) The division may investigate facilities and enforce this chapter under the authority described in Chapter 2, Division of Consumer Protection.
- (2) To monitor the welfare of participants and transitional graduates, if any, and to monitor the safe operation of a residential, vocational and life skills program, the division shall:
  - (a) annually perform an on-site inspection of a registered residential, vocational and life skills program;
  - (b) refer each concern that the division identifies during the on-site inspection to the state or municipal entity responsible for the area of concern; and
  - (c) coordinate with each relevant state and municipal entity to monitor the residential, vocational and life skills program's compliance with the entity's relevant health and safety regulations.
- (3) In addition to penalties established by this chapter and in addition to the enforcement authority described in Chapter 2, Division of Consumer Protection, the division may:
  - (a) issue a cease and desist order;
  - (b) impose an administrative fine of up to \$2,500 for each violation of this chapter; and
  - (c) seek injunctive relief in a court of competent jurisdiction.
- (4) All money received from fines imposed under this section shall be deposited into the Consumer Protection Education and Training Fund, created in Section 13-2-8.

Enacted by Chapter 252, 2018 General Session

**13-53-111 Recidivism reporting requirements.**

- (1) On or before August 31 of each year, a residential, vocational and life skills program shall collect and report data on recidivism of participants to the State Commission on Criminal and Juvenile Justice.
- (2) The report described in Subsection (1) shall include the metrics and requirements described in Section 63M-7-102.
- (3) The State Commission on Criminal and Juvenile Justice shall include the information provided under this section in the report described in Subsection 63M-7-204(1)(x).

Amended by Chapter 177, 2023 General Session