

2nd Sub. S.B. 140

HUMAN SERVICES LICENSING AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 5

MARCH 3, 2004 12:41 PM

Representative **David Clark** proposes the following amendments:

1. *Page 4, Lines 115 through 117a*
Senate 3rd Reading Amendments
2-12-2004:

115 [[~~(2)~~ "**Boarding school**" means a 24-hour group living environment for four or more
116 **individuals unrelated to the owner or provider that offers room, board, and educational**
117 **services, but** § ~~[does not provide]~~ **ALSO PROVIDES** § **treatment, § BEHAVIOR MODIFICATION, §**
117a **rehabilitation, or habilitation services.**]]

2. *Page 4, Line 118*
Senate 3rd Reading Amendments
2-12-2004:

118 [[~~(3)~~]] (2) "**Business hours**" means those hours in which any client services are provided.

3. *Page 6, Line 119 through Page 8, Line 218:*

119 [~~(2)~~] [[~~(4)~~]] (3) "Child" means a person under 18 years of age.
120 [~~(3)~~] [[~~(5)~~]] (4) "Child placing" means receiving, accepting, or providing custody or care for
121 any child [~~under 18 years of age~~], temporarily or permanently, for the purpose of:
122 (a) finding a person to adopt the child;
123 (b) placing the child [~~temporarily or permanently~~] in a home for adoption; or
124 (c) foster home placement.
125 [~~(4)~~] [[~~(6)~~]] (5) "Client" means an individual who receives or has received services from a
126 human services licensee [~~under this chapter~~].
127 [~~(5)~~] [[~~(7)~~]] (6) "Day treatment" means specialized nonresidential treatment for less than 24
128 hours a day for four or more persons who are unrelated to the owner or provider and who have
129 emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or
130 chemical dependencies. [~~Day treatment is provided in lieu of, or in coordination with, a more~~
131 ~~restrictive residential or inpatient environment or service.~~]
132 [~~(6)~~] [[~~(8)~~]] (7) "Department" means the Department of Human Services.
133 [~~(7)~~] [[~~(9)~~]] (8) "Direct access" means that an individual has, or likely will have, contact with
134 or access to a child or vulnerable adult that provides the individual with an opportunity for
135 personal communication or touch.

136 ~~[(8)]~~ ~~[[~~(10)~~]]~~ (9) "Director" means the director of the Office of Licensing.

137 ~~[[~~(11)~~]]~~ (10) "Domestic violence" means the same term as defined in Section 77-36-1.

138 ~~[(9)]~~ ~~[[~~(12)~~]]~~ (11) "Domestic violence treatment program" means a nonresidential program
139 designed to provide psychological treatment and educational services to perpetrators and
140 victims of domestic violence.

141 ~~[(10)]~~ ~~[[~~(13)~~]]~~ (12) "Elder adult" means a person 65 years of age or older.

142 ~~[(11)]~~ ~~[[~~(14)~~]]~~ (13) "Executive director" means the executive director of the department.

143 (15) "Foster home" means a temporary residential living environment for the care of
144 fewer than four foster children in the home of a licensed or certified foster parent.

145 ~~[(12)]~~ ~~[[~~(16)~~]]~~ (15) "Human services [~~licensee~~ or "~~licensee~~"] facility" means a ~~[[~~boarding~~~~
~~school,]]~~
146 foster home, youth program, resource family home, or a facility or program~~[, licensed by the~~
147 ~~department,]~~ that provides [~~care,~~] secure treatment, inpatient treatment, residential treatment,
148 residential support, adult day care, day treatment, outpatient treatment, domestic violence
149 treatment, child placing services, ~~[or]~~ social detoxification~~[-]~~, or any other human services
150 program or person when licensing is required by their contract with the department.

151 ~~[(13)]~~ ~~[[~~(17)~~]]~~ (16) "Licensing board" means the Human Services Licensing Board.

152 ~~[(14)]~~ ~~[[~~(18)~~]]~~ (17) "Minor" has the same meaning as "child."

153 ~~[(15)]~~ ~~[[~~(19)~~]]~~ (18) "Office" means the Office of Licensing within the Department of Human
154 Services.

155 ~~[(16)]~~ ~~[[~~(20)~~]]~~ (19) "Outpatient treatment" means individual, family, or group therapy or
156 counseling designed to improve and enhance social or psychological functioning for those
157 whose physical and emotional status allows them to continue functioning in their usual living
158 environment.

159 ~~[(17)]~~ ~~[[~~(21)~~]]~~ (20) (a) "Person associated with the licensee" means an owner, director, member
160 of the governing body, employee, provider of care, ~~[or]~~ volunteer of a human services licensee
161 or of an applicant to become a licensee, or any other person that human services licensee
162 allows to have unsupervised direct access to children or vulnerable adults.

163 (b) Notwithstanding Subsection ~~[(17)]~~ ~~[[~~(21)~~]]~~ (20) (a), "person associated with the licensee"
164 does not include an individual serving on either of the following bodies unless that individual
165 has direct access to children or vulnerable adults:

166 (i) a local mental health authority under Section 17-43-301 or a local substance abuse
167 authority under Section 17-43-201; or

168 (ii) a board of an organization operating under a contract to provide [~~comprehensive~~]
169 mental health or substance abuse programs or services for the local mental health authority or
170 substance abuse authority.

171 (c) A "person associated with the licensee" does not include a guest or visitor whose
172 access to children or vulnerable adults is directly supervised by the licensee at all times.

173 ~~[(18)]~~ ~~[[~~(22)~~]]~~ (21) (a) "Residential support" means arranging for or providing the necessities of

174 life as a protective service to individuals or families who are disabled or who are experiencing
175 a dislocation or emergency which prevents them from providing these services for themselves
176 or their families. [~~Treatment is not a necessary component of residential support.~~]

177 (b) "Residential support" includes providing a supervised living environment for
178 persons with emotional, psychological, developmental, or behavioral dysfunctions,
179 impairments, or chemical dependencies who do not need a more restrictive setting.

180 (c) Treatment is not a necessary component of residential support.

181 [(19)] [~~(23)~~] (22) "Residential treatment" means a 24-hour group living environment for four
182 or more individuals unrelated to the owner or provider that offers room or board and
183 specialized treatment, [~~behavior modification,~~] rehabilitation, [~~discipline, or emotional growth~~]
or

184 habilitation services for persons with emotional, psychological, developmental, or behavioral
185 dysfunctions, impairments, or chemical dependencies. [~~In residential treatment, individuals are~~
186 ~~assisted in acquiring the social and behavioral skills necessary for living independently in the~~
187 ~~community.~~]

188 [(20)] [~~(24)~~] (23) "Resource family home" means a home licensed to provide services to a
189 child in the custody of the state [~~and includes a foster care home and a legal risk home~~].

190 [(21)] [~~(25)~~] (24) "Secure treatment" means 24-hour specialized residential treatment or care
191 for persons whose current functioning is such that they cannot live independently or in a less
192 restrictive environment. Secure treatment differs from residential treatment to the extent that it
193 requires intensive supervision, locked doors, and other security measures which are imposed on
194 residents with neither their consent nor control.

195 [(22)] [~~(26)~~] (25) "Social detoxification" means short-term residential services for persons
196 who are [~~intoxicated~~] experiencing or have recently experienced drug or alcohol intoxication,
197 that are provided outside of a health care facility licensed under Title 26, Chapter 21, Health
198 Care Facility [~~Licensure~~] Licensing and Inspection Act, and that include:

199 (a) room and board for persons who are unrelated to the owner or manager of the
200 facility;

201 (b) specialized rehabilitation to acquire sobriety; and

202 (c) aftercare services.

203 [~~(27)~~] (26) "Substance abuse treatment program" means a program designed to provide
204 specialized drug or alcohol treatment, rehabilitation, or habilitation services for persons with a
205 diagnosed substance abuse or chemical dependency disorder.

206 [(23)] [~~(28)~~] (27) "Unrelated persons" means persons other than parents, legal guardians,
207 grandparents, brothers, sisters, uncles, or aunts.

208 [(24)] [~~(29)~~] (28) "Vulnerable adult" means an elder adult or an adult who has a temporary or
209 permanent mental or physical impairment that substantially affects the person's ability to:

210 (a) provide personal protection;

211 (b) provide necessities such as food, shelter, clothing, or mental or other health care;

212 (c) obtain services necessary for health, safety, or welfare;
213 (d) carry out the activities of daily living;
214 (e) manage the adult's own resources; or
215 (f) comprehend the nature and consequences of remaining in a situation of abuse,
216 neglect, or exploitation.
217 ~~[(25)]~~ ~~[[~~(30)~~]]~~ (29) (a) "Youth program" means a ~~[nonresidential]~~ program[;] designed to
218 provide behavioral, substance abuse or mental health services to minors that:

4. *Page 8, Lines 233 through 234:*

233 (a) basic health and safety standards for licensees, which ~~[[+]]~~ **shall be limited to** ~~[[+]]~~ ~~[[~~may~~~~
234 **include**]] the following:

5. *Page 9, Lines 247 through 248a*

a. Senate 3rd Reading Amendments

b. 2-12-2004:

247 (xii) staff to client ratios; § ~~[[+]]~~ **and** ~~[[+]]~~ **§**
248 ~~[[~~(xiii) segregation of children from adults; § AND~~]]~~
248a **(xiv) ACCESS TO FIREARMS. §**