

**S.B. 107**

**LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES**

Representative **Bradley G. Last** proposes the following amendments:

1. *Page 4, Line 111*

*Senate 2nd Reading Amendments*

*2-1-2005:*

111 (II) have a primary purpose of providing the services described in Subsection (27)(a).

**(c) "Boarding school" does not include a therapeutic school.**

2. *Page 5, Line 147 through Page 6, Line 152:*

147 [~~(12)~~] (17) (a) "Human services [~~licensee~~" or "~~licensee~~"] program" means a:

148 (i) foster home;

**(ii) therapeutic school;**

149 ~~{(ii)}~~ **(iii)** youth program[;];

150 ~~{(iii)}~~ **(iv)** resource family home[;]; or [a]

151 ~~{(iv)}~~ **(v)** facility or program[, licensed by the department,] that provides [care,];

152 (A) secure treatment[;];

3. *Page 9, Lines 247 through 250:*

247 (ii) chemical dependency disorder.

**(32) "Therapeutic school" means a residential group living facility:**

**(a) for four or more individuals that are not related to:**

**(i) the owner of the facility; or**

**(ii) the primary service provider of the facility;**

**(b) that serves students who have a history of failing to function:**

**(i) at home;**

**(ii) in a public school; or**

**(iii) in a nonresidential private school; and**

**(c) that offers:**

**(i) room and board; and**

**(ii) an academic education integrated with:**

**(A) specialized structure and supervision; or**

**(B) services or treatment related to:**

**(I) a disability;**

**(II) emotional development;**

(III) behavioral development;

(IV) familial development; or

(V) social development.

248 [(23)] {~~(32)~~} (33) "Unrelated persons" means persons other than parents, legal guardians,  
249 grandparents, brothers, sisters, uncles, or aunts.

250 [(24)] {~~(33)~~} (34) "Vulnerable adult" means an elder adult or an adult who has a temporary or

4. Page 9, Line 259:

259 [(25)] {~~(34)~~} (35) (a) "Youth program" means a nonresidential program[;] designed to provide

5. Page 10, Lines 298 through 299:

298 [(a)] (i) except as provided in Subsection (1)(a)(ii), basic health and safety standards for licensees,  
{~~which~~} that shall be limited to {~~the~~

299 ~~following~~} :

6. Page 11, Lines 313 through 316:

313 (K) staff qualifications and training , including standards for permitting experience to be  
substituted for education, unless prohibited by law ;

314 (L) staff to client ratios; and

315 (M) access to firearms;

(ii) basic health and safety standards for therapeutic schools, that shall be limited to:

(A) fire safety, except that the standards are limited to those required by law or rule  
under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;

(B) food safety;

(C) sanitation;

(D) infectious disease control, except that the standards are limited to:

(I) those required by law or rule under Title 26, Utah Health Code or Title 26a,

Local Health Authorities; and

(II) requiring a separate room for clients who are sick;

(E) safety of the physical facility and grounds, except that the standards are limited to  
those required by law or rule under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;

(F) transportation safety;

(G) emergency preparedness and response;

(H) access to appropriate medical care, including:

(I) subject to the requirements of law, designation of a person who is authorized to  
dispense medication; and

(II) storing, tracking, and securing medication;

(I) staff and client safety and protection that permits the school to provide for the direct

supervision of clients at all times;

(J) the administration and maintenance of client and service records;

(K) staff qualifications and training, including standards for permitting experience to be substituted for education, unless prohibited by law;

(L) staff to client ratios; and

(M) access to firearms;

316            ~~(ii)~~    (iii)    procedures and standards for permitting a licensee to:

7. *Page 11, Line 321 through Page 12, Line 322:*

321            (II) has resided at the licensee's residential treatment facility continuously since the  
322 time described in Subsection (1)(a) ~~(ii)~~    (iii) (A)(I);

8. *Page 12, Lines 325 through 326:*

325            (IV) voluntarily consents to complete the course of treatment described in Subsection  
326 (1)(a) ~~(ii)~~    (iii) (A)(III); or

9. *Page 12, Lines 330 through 336:*

330            (II) provide, in the same facility as a child described in Subsection (1)(a) ~~(ii)~~    (iii) (B)(I),  
331 residential treatment services to a person who is:  
332            (Aa) at least 18 years old, but younger than 21 years old; and  
333            (Bb) under the custody of the Division of Juvenile Justice Services;  
334            ~~(b)~~    ~~(iii)~~    (iv)    minimum administration and financial requirements for licensees; and  
335            ~~(c)~~    ~~(iv)~~    (v)    guidelines for variances from rules established under this Subsection (1);  
336            ~~(2)~~    (b)    enforce rules~~(a)~~ approved by the licensing board;

10. *Page 12, Lines 366 through 368:*

366            (2) In establishing rules under Subsection (1)(a)(i)(G) **or (1)(a)(ii)(G)** , the office shall require a  
367 licensee to establish and comply with an emergency response plan that requires clients and staff  
368 to: