

S.B. 107

LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES

Senator **Thomas V. Hatch** proposes the following amendments:

1. *Page 4, Lines 93 through 105:*

- 93 (2) (a) "Boarding school" means a ~~{regionally accredited}~~ private school that:
 (i) uses a regionally accredited education program;
94 ~~{(i)}~~ (ii) provides a residence to the school's students:
95 (A) for the purpose of enabling the school's students to attend classes at the school; and
96 (B) as an ancillary service to educating the students at the school;
97 ~~{(ii)}~~ (iii) has the primary purpose of providing the school's students with an education, as
98 defined in Subsection (2)(b)(i); and
99 ~~{(iii)}~~ (iv) (A) does not provide the treatment or services described in Subsection (27)(a); or
100 (B) provides the treatment or services described in Subsection (27)(a) on a limited
101 basis, as described in Subsection (2)(b)(ii).
102 (b) (i) For purposes of Subsection (2)(a) ~~{(ii)}~~ (iii), "education" means a course of study for
103 one or more of grades kindergarten through 12th grade.
104 (ii) For purposes of Subsection (2)(a) ~~{(iii)}~~ (iv) (B), a private school provides the treatment or
105 services described in Subsection (27)(a) on a limited basis if:

2. *Page 7, Line 209:*

- 209 (c) Treatment is not a necessary component of residential support.
 (d) "Residential support" does not include residential services that are performed:
 (i) exclusively under contract with the Division of Services for People with Disabilities; and
 (ii) in a facility that serves less than four individuals.

3. *Page 12, Line 366 through Page 13, Line 378:*

- 366 (2) In establishing rules under Subsection (1)(a)(i)(G), the office shall require a
367 licensee to establish and comply with an emergency response plan that requires clients and staff
368 to:
369 (a) immediately report to law enforcement any significant criminal activity , as defined by
 rule, committed:
370 (i) on the premises where the licensee operates its human services program;
371 (ii) by or against its clients; or
372 (iii) by or against a staff member while the staff member is on duty;

373 (b) immediately report to emergency medical services any medical emergency ,as defined by rule ;
374 (i) on the premises where the licensee operates its human services program;
375 (ii) involving its clients; or
376 (iii) involving a staff member while the staff member is on duty; and
377 (c) immediately report other emergencies that occur on the premises where the licensee
378 operates its human services program to the appropriate emergency services agency.

4. Page 15, Lines 444 through 447:

444 ~~[(1)]~~ (2) ~~[A]~~ Subject to Subsection (8) or (9) , a human services program may not be licensed
445 to serve ~~[children subject to compulsory education under Section 53A-11-101 or entitled to~~
446 ~~educational services under Section 53A-15-301]~~ education entitled children unless the human
447 services program presents an educational service plan that includes evidence;

5. Page 15, Lines 456 through 459:

456 ~~[(2)]~~ (3) ~~[If the]~~ Subject to Subsection (8) or (9) , if a human services program ~~[is to be~~
457 ~~permitted to serve any children]~~ serves any education entitled children whose custodial parents
458 or legal guardians reside outside the state, then the program shall also provide an educational
459 funding plan that includes evidence;

6. Page 16, Lines 466 through 468:

466 (b) that all costs for educational services to be provided to ~~[those students]~~ the
467 education entitled children, including tuition . and school fees approved by the local school
468 board, shall be borne by the human services program.

7. Page 16, Lines 476 through 477:

476 (4) Subject to Subsection (8) or (9). and in accordance with Subsection (2), the human
477 services program shall obtain and provide the office with a letter;

8. Page 17, Line 516 through Page 18, Line 526:

516 (8) A human services program that is an accredited private school:
517 (a) for purposes of Subsection (2):
518 (i) is only required to submit ~~{an educational service plan for approval by the office}~~ proof
to the office that the accreditation of the private school is current ; and
519 (ii) is not required to submit an educational service plan for approval by an entity
520 described in Subsection (2)(a)(ii);
521 (b) for purposes of Subsection (3):
522 (i) is only required to submit ~~{an educational funding plan for approval by the office}~~ proof
to the office that all costs for educational services provided to education entitled children will be borne

by the human services program ;

523 and

524 (ii) is not required to submit an educational funding plan for approval by an entity

525 described in Subsection (3)(a)(ii); and

526 (c) is not required to comply with Subsections (4) and (5).

(9) Except for Subsection (7), the provisions of this section do not apply to a human services program that is:

(i) a foster home; and

(ii) required to be licensed by the office.

9. Page 31, Lines 937 through 938:

937 (b) A licensee may not permit any person to have direct access to a child or a

938 vulnerable adult unless , subject to Subsection (5)(c), that person is:

10. Page 31, Lines 946 through 951:

946 (III) that person is directly supervised by a person associated with the licensee who is

947 approved by the office to have direct access to children or vulnerable adults under this section;

948 {~~or~~}

949 (ii) (A) not associated with the licensee; and

950 (B) directly supervised by a person associated with the licensee who is approved by the

951 office to have direct access to children or vulnerable adults under this section {~~-~~} :

(iii) the parent or guardian of the child or vulnerable adult; or

(iv) a person approved by the parent or guardian of the child or vulnerable adult to have direct access to the child or vulnerable adult.

(c) Notwithstanding Subsection (5)(b), a person may not have direct access to a child or a vulnerable adult if that person is prohibited by court order from having that access.