

1                   **RESIDENTIAL VOCATIONAL AND LIFE SKILLS**

2                                   **PROGRAM AMENDMENTS**

3   2018 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Paul Ray**

6                                   Senate Sponsor: Evan J. Vickers

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8   **LONG TITLE**

9   **General Description:**

10           This bill creates a registration process for a residential, vocational and life skills  
11 program.

12   **Highlighted Provisions:**

13           This bill:

- 14           ▶ defines terms;
- 15           ▶ creates a registration process within the Department of Commerce for a residential,  
16 vocational and life skills program;
- 17           ▶ regulates the operations of a residential, vocational and life skills program; and
- 18           ▶ makes technical corrections.

19   **Money Appropriated in this Bill:**

20           None

21   **Other Special Clauses:**

22           None

23   **Utah Code Sections Affected:**

24   AMENDS:

25           **13-2-1**, as last amended by Laws of Utah 2017, Chapter 98

26           **62A-2-101**, as last amended by Laws of Utah 2017, Chapters 29, 148, and 209

27   ENACTS:



- 28 [13-53-101](#), Utah Code Annotated 1953
  - 29 [13-53-102](#), Utah Code Annotated 1953
  - 30 [13-53-103](#), Utah Code Annotated 1953
  - 31 [13-53-104](#), Utah Code Annotated 1953
  - 32 [13-53-105](#), Utah Code Annotated 1953
  - 33 [13-53-106](#), Utah Code Annotated 1953
  - 34 [13-53-107](#), Utah Code Annotated 1953
  - 35 [13-53-108](#), Utah Code Annotated 1953
  - 36 [13-53-109](#), Utah Code Annotated 1953
  - 37 [13-53-110](#), Utah Code Annotated 1953
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39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **13-2-1** is amended to read:

41 **13-2-1. Consumer protection division established -- Functions.**

42 (1) There is established within the Department of Commerce the Division of Consumer  
43 Protection.

44 (2) The division shall administer and enforce the following:

- 45 (a) Chapter 5, Unfair Practices Act;
- 46 (b) Chapter 10a, Music Licensing Practices Act;
- 47 (c) Chapter 11, Utah Consumer Sales Practices Act;
- 48 (d) Chapter 15, Business Opportunity Disclosure Act;
- 49 (e) Chapter 20, New Motor Vehicle Warranties Act;
- 50 (f) Chapter 21, Credit Services Organizations Act;
- 51 (g) Chapter 22, Charitable Solicitations Act;
- 52 (h) Chapter 23, Health Spa Services Protection Act;
- 53 (i) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 54 (j) Chapter 26, Telephone Fraud Prevention Act;
- 55 (k) Chapter 28, Prize Notices Regulation Act;
- 56 (l) Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;
- 57 (m) Chapter 34, Utah Postsecondary Proprietary School Act;
- 58 (n) Chapter 34a, Utah Postsecondary School State Authorization Act;

- 59 (o) Chapter 39, Child Protection Registry;
- 60 (p) Chapter 41, Price Controls During Emergencies Act;
- 61 (q) Chapter 42, Uniform Debt-Management Services Act;
- 62 (r) Chapter 49, Immigration Consultants Registration Act; ~~and~~
- 63 (s) Chapter 51, Transportation Network Company Registration Act[-]; and
- 64 (t) Chapter 53, Residential, Vocational and Life Skills Program Act.

65 Section 2. Section 13-53-101 is enacted to read:

66 **CHAPTER 53. RESIDENTIAL, VOCATIONAL AND LIFE SKILLS PROGRAM ACT**

67 **13-53-101. Title.**

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

69 Section 3. Section 13-53-102 is enacted to read:

70 **13-53-102. Definitions.**

71 As used in this chapter:

- 72 (1) "Division" means the Division of Consumer Protection.
- 73 (2) "Human services program" means the same as that term is defined in Section

74 [62A-2-101.](#)

75 (3) "Participant" means an individual who:

76 (a) resides at a residential, vocational and life skills program facility;

77 (b) receives from the residential, vocational and life skills program:

78 (i) vocational training; or

79 (ii) life skills training; and

80 (c) does not receive monetary compensation from the residential, vocational and life  
81 skills program.

82 (4) "Proprietary school" means the same as that term is defined in Section [13-34-102.](#)

83 (5) "Residential, vocational and life skills program" means a program that:

84 (a) is operated by a nonprofit corporation, as defined in Section [16-6a-102;](#)

85 (b) does not accept local, state, or federal government funding, government grant  
86 money, or any other form of government assistance to operate or provide services or training;

87 (c) operates on a mutually voluntary basis with each participant;

88 (d) houses at a program facility in this state participants who are unrelated to an owner  
89 or a manager of the program facility without charging money for lodging, food, clothing, or

90 training;

91 (e) may house transitional graduates for a fee;

92 (f) provides vocational training to participants;

93 (g) provides life skills training to participants;

94 (h) maintains a director or senior staff member at a program facility at all times when  
95 the facility is in use;

96 (i) does not provide mental health services;

97 (j) does not provide substance use disorder treatment;

98 (k) does not accept payment from an insurance provider for a participant;

99 (l) does not award a degree, diploma, or other educational credential commensurate  
100 with a degree or diploma;

101 (m) does not hold itself out as a human services program; and

102 (n) does not hold itself out as a proprietary school.

103 (6) "Transitional graduate" means an individual who:

104 (a) graduated from a residential, vocational and life skills program;

105 (b) continues to reside at the residential, vocational and life skills program facility; and

106 (c) is employed by an entity not directly affiliated with the residential, vocational and  
107 life skills program.

108 (7) "Vocational training entity" is a commercial entity where a participant receives  
109 vocational training.

110 Section 4. Section **13-53-103** is enacted to read:

111 **13-53-103. Registration of a residential, vocational and life skills program.**

112 (1) An owner or a manager of a residential, vocational and life skills program shall  
113 annually register the residential, vocational and life skills program with the division.

114 (2) An application for registration shall be on a form approved by the division and shall  
115 require:

116 (a) the name, address, telephone number, email address, website, and facsimile  
117 number, if any, of the nonprofit corporation operating the residential, vocational and life skills  
118 program;

119 (b) the name and address of the registered agent of the corporation operating the  
120 residential, vocational and life skills program;

121 (c) the name, address, telephone number, email address, website, and facsimile  
 122 number, if any, of the residential, vocational and life skills program;

123 (d) the name and address of any entity that controls, is controlled by, or is affiliated  
 124 with the residential, vocational and life skills program;

125 (e) the name and residential address of any officer, director, ~~H~~→ [owner,] ←~~H~~ manager, or  
 126 administrator of the residential, vocational and life skills program;

127 (f) the name, address, telephone number, email address, website, and facsimile number,  
 128 if any, of any vocational training entity affiliated with the residential, vocational and life skills  
 129 program;

130 (g) a disclosure indicating whether any officer, director, ~~H~~→ [owner,] ←~~H~~ or  
 130a administrator of the  
 131 residential, vocational and life skills program has been the subject of an administrative action  
 132 by the division;

133 (h) a disclosure indicating whether any officer, director, ~~H~~→ [owner,] ←~~H~~ or  
 133a administrator of the  
 134 residential, vocational and life skills program has been convicted of a felony or a crime of  
 135 moral turpitude within the previous 10 years;

136 (i) if the organization is a charitable organization, as defined by Section [13-22-2](#), a  
 137 copy of the charitable organization's registration or exemption;

138 (j) financial information described in Subsection [13-53-108\(1\)](#);

139 (k) proof of a commercial general liability and umbrella insurance policy providing at  
 140 least a \$1,000,000 per occurrence limit of liability;

141 (l) a copy of the disclosure required under Section [13-53-106](#);

142 (m) evidence that the applicant meets the description of a residential, vocational and  
 143 life skills program under Subsection [13-53-102\(5\)](#); and

144 (n) additional information that the division requires, as provided in administrative rule.

145 (3) A residential, vocational and life skills program is registered on the day that the  
 146 division issues the registration.

147 (4) The division's issuance of a registration for a residential, vocational and life skills  
 148 program does not constitute the state's or the division's endorsement or approval of the  
 149 residential, vocational and life skills program.

150 (5) An applicant for the registration of a residential, vocational and life skills program  
 151 shall file a separate application and pay a separate application fee for each residential,

152 vocational and life skills program location.

153 ~~Ĥ→ [(6) A residential, vocational and life skills program that is registered under this section~~  
 154 ~~is not required to obtain a license as a human services program, even if the residential;~~  
 155 ~~vocational and life skills program also meets the description of a human services program.]~~

156 ~~[(7)] (6) ←Ĥ~~ The division may make rules in accordance with Title 63G, Chapter 3, Utah  
 157 Administrative Rulemaking Act, to implement the registration application process.

158 ~~Ĥ→ [(8)] (7) ←Ĥ~~ The division may set fees in accordance with Section [63J-1-504](#) for  
 158a a residential,  
 159 vocational and life skills program registration application.

160 Section 5. Section **13-53-104** is enacted to read:

161 **13-53-104. Registration denial, suspension, or revocation.**

162 (1) In accordance with Chapter 2, Division of Consumer Protection, and Title 63G,  
 163 Chapter 4, Administrative Procedures Act, the division may initiate proceedings to deny,  
 164 suspend, or revoke the registration of a residential, vocational and life skills program, if:

165 (a) the entity holding the registration fails to meet the description of a residential,  
 166 vocational and life skills program under Subsection [13-53-102\(5\)](#);

167 (b) the operation of the residential, vocational and life skills program creates a serious  
 168 risk to public safety or welfare;

169 (c) the registration application or any supplemental information required by the  
 170 division is incomplete, false, misleading, or filed in an untimely manner;

171 (d) the residential, vocational and life skills program or an individual described in  
 172 Subsection [13-53-103\(2\)\(e\)](#) causes or allows to occur a violation of any provision of state or  
 173 federal law, including an administrative rule made under this chapter;

174 (e) (i) an individual described in Subsection [13-53-103\(2\)\(e\)](#) is convicted of a felony or  
 175 a crime of moral turpitude within the previous 10 years; and

176 (ii) the residential, vocational and life skills program does not have adequate controls  
 177 to minimize associated risks to the participants of the residential, vocational and life skills  
 178 program and to the public; or

179 (f) the residential, vocational and life skills program fails to pay an administrative fine  
 180 that the division lawfully imposes on the residential, vocational and life skills program.

181 (2) The division may place reasonable limits upon a residential, vocational and life  
 182 skills program's operations, if:

183 (a) the division has reasonable concerns about the residential, vocational and life skills  
184 program's ability to comply with this chapter; and

185 (b) the limitation is reasonably calculated to protect the interests of the public or the  
186 participants of the residential, vocational and life skills program.

187 (3) When the demands of public safety permit, the division shall allow a residential,  
188 vocational and life skills program a reasonable amount of time to remedy a violation under this  
189 chapter before the division suspends or revokes a registration.

190 (4) The division may require an individual described in Subsection [13-53-103](#)(2)(e) to  
191 submit to a criminal background check, at the individual's expense or the expense of the  
192 residential, vocational and life skills program.

193 Section 6. Section **13-53-105** is enacted to read:

194 **13-53-105. Prohibited acts.**

195 A residential, vocational and life skills program may not:

196 (1) operate without a registration issued under Section [13-53-103](#);

197 (2) utilize any behavioral intervention that is not peer-led or that uses the services of  
198 any professional or any person purporting to be a professional;

199 (3) accept a participant before providing to the participant the disclosure described in  
200 Section [13-53-106](#); or

201 (4) use physical force or permit the use of physical force.

202 Section 7. Section **13-53-106** is enacted to read:

203 **13-53-106. Disclosure to participants.**

204 (1) Before accepting a participant, a residential, vocational and life skills program shall  
205 provide to the prospective participant a written disclosure.

206 (2) The written disclosure shall include:

207 (a) a statement that the program is a registered residential, vocational and life skills  
208 program, but that the residential, vocational and life skills program is not endorsed by the state  
209 or the division;

210 (b) a statement that the prospective participant's continuation in the program is  
211 voluntary and that a participant may leave at any time;

212 (c) the conditions under which a participant is removed from the residential, vocational  
213 and life skills program or required to leave a program facility;

- 214 (d) a statement that the residential, vocational and life skills program will contact Adult  
215 Probation and Parole, if required by law; and
- 216 (e) a description of:
- 217 (i) the lodging, food, clothing, and other resources that are available to a participant;  
218 (ii) the nature and scope of the residential, vocational and life skills program, including  
219 any activities or work that a participant is required to perform;
- 220 (iii) the scope and substance of peer-led activities;  
221 (iv) the types of vocational training available to a participant, including the limitations  
222 on availability;
- 223 (v) the nature and extent of possible exposure to profanity, accusation, confrontation,  
224 nonphysical threats, or nonphysical corrective interaction;
- 225 (vi) the terms of any prohibition from contact with a participant's family, friends, or  
226 associates; and
- 227 (vii) any crimes committed within the previous two years at the residential, vocational  
228 and life skills program facility or at a vocational training entity affiliated with the residential,  
229 vocational and life skills program.

230 Section 8. Section **13-53-107** is enacted to read:

231 **13-53-107. Participant screening.**

232 (1) A residential, vocational and life skills program shall interview and screen all  
233 prospective participants for medical prescriptions, physical and mental health history, and  
234 recent alcohol or drug use.

235 (2) Unless an individual obtains a medical clearance from a physician, a residential,  
236 vocational and life skills program may not have as a participant an individual who:

237 (a) has a recent diagnosis of a mental, social, psychiatric, or psychological illness; or

238 (b) has an active prescription for medication for a mental, social, psychiatric, or  
239 psychological illness.

240 (3) A residential, vocational and life skills program may not admit a minor.

241 Section 9. Section **13-53-108** is enacted to read:

242 **13-53-108. Financial requirements.**

243 (1) When applying for registration under Subsection [13-53-103\(2\)](#), an applicant shall  
244 demonstrate fiscal responsibility by providing evidence to the division that the residential,



245 vocational and life skills program:

246 (a) is financially sound; and

247 (b) reasonably has the fiscal ability to fulfill commitments and obligations to the  
 248 participants of the residential, vocational and life skills program.

249 (2) Evidence acceptable to satisfy the requirement described in Subsection (1)  
 250 includes:

251 (a) for a residential, vocational and life skills program that has been in operation less  
 252 than one fiscal year:

253 (i) pro forma financial statements until further information described in Subsection  
 254 (2)(b) is available; ~~and~~ and

255 (ii) a commercial credit report for the residential, vocational and life skills program;  
 256 ~~and~~ or

257 ~~[(iii) a consumer credit report for each individual with an ownership interest in the~~  
 258 ~~residential, vocational and life skills program; or]~~ ~~and~~

259 (b) for a residential, vocational and life skills program that has completed a fiscal year,  
 260 and as soon as the residential, vocational and life skills program completes its first fiscal year:

261 (i) a current financial statement, with all applicable footnotes, for the most recent fiscal  
 262 year, including a balance sheet, a statement of income, a statement of retained earnings, and a  
 263 statement of cash flow; ~~and~~ and

264 (ii) a certified fiscal audit of the residential, vocational and life skills program's  
 265 financial statement, performed by a certified or licensed public accountant ~~and~~ [s] .

266 ~~[(iii) a commercial credit report for the residential, vocational and life skills program;~~  
 267 ~~and~~

268 ~~[(iv) a consumer credit report for each individual with an ownership interest in the~~  
 269 ~~residential, vocational and life skills program.]~~ ~~and~~

270 (3) In evaluating a residential, vocational and life skills program's fiscal responsibility,  
 271 the division may consider:

272 (a) any judgment, tax lien, collection action, bankruptcy schedule, or history of late  
 273 payments to creditors;

274 (b) documentation showing the resolution of a matter described in Subsection (3)(a);

275 (c) the residential, vocational and life skills program's explanation for a matter

276 described in Subsection (3)(a);

277 (d) a guarantee agreement provided for the residential, vocational and life skills  
278 program; and

279 (e) history of a prior entity that:

280 (i) is owned or operated by any individual ~~H~~→ ~~[with an ownership interest in]~~ **who is an**  
280a **officer, a director, or an administrator of** ~~←H~~ the residential,  
281 vocational and life skills program; and

282 (ii) has failed to maintain fiscal responsibility.

283 (4) The division may require evidence of financial status at other times when it is in the  
284 best interest of the program participants to require the information.

285 (5) The division may perform a fiscal audit of a residential, vocational and life skills  
286 program.

287 (6) A residential, vocational and life skills program shall develop and maintain  
288 adequate internal controls for receipt, management, and disbursement of money that are  
289 reasonable in light of the residential, vocational and life skills program's organizational  
290 complexity.

291 Section 10. Section **13-53-109** is enacted to read:

292 **13-53-109. Discontinuance of operations.**

293 (1) A residential, vocational and life skills program that is closing shall adopt a plan for  
294 the provision of food, shelter, and clothing for at least 30 days from the date of closure to  
295 participants displaced by the closure.

296 (2) At least 30 days before the day on which the residential, vocational and life skills  
297 program will close, the residential, vocational and life skills program shall provide written  
298 notice to the division of:

299 (a) the intended date of closure; and

300 (b) the plan described in Subsection (1).

301 Section 11. Section **13-53-110** is enacted to read:

302 **13-53-110. Enforcement.**

303 (1) The division may investigate facilities and enforce this chapter under the authority  
304 described in Chapter 2, Division of Consumer Protection.

305 ~~S~~→ **(2) Annually, the department shall perform an on-site inspection of a registered**  
305a **residential, vocational and life skills program to ensure the health and safety of the program**  
305b **participants and transitional graduates, if any.** ~~←S~~

305c ~~S~~→ ~~[(2)]~~ **(3)** ~~←S~~ In addition to penalties established by this chapter and in addition to the  
306 enforcement authority described in Chapter 2, Division of Consumer Protection, the division

307 may:

308 (a) issue a cease and desist order;

309 (b) impose an administrative fine of up to \$2,500 for each violation of this chapter; and

310 (c) seek injunctive relief in a court of competent jurisdiction.

311 (3) All money received from fines imposed under this section shall be deposited into

312 the Consumer Protection Education and Training Fund, created in Section [13-2-8](#).

313 Section 12. Section **62A-2-101** is amended to read:

314 **62A-2-101. Definitions.**

315 As used in this chapter:

316 (1) "Adult day care" means nonresidential care and supervision:

317 (a) for three or more adults for at least four but less than 24 hours a day; and

318 (b) that meets the needs of functionally impaired adults through a comprehensive  
319 program that provides a variety of health, social, recreational, and related support services in a  
320 protective setting.

321 (2) "Applicant" means a person who applies for an initial license or a license renewal  
322 under this chapter.

323 (3) (a) "Associated with the licensee" means that an individual is:

324 (i) affiliated with a licensee as an owner, director, member of the governing body,  
325 employee, agent, provider of care, department contractor, or volunteer; or

326 (ii) applying to become affiliated with a licensee in a capacity described in Subsection  
327 (3)(a)(i).

328 (b) "Associated with the licensee" does not include:

329 (i) service on the following bodies, unless that service includes direct access to a child  
330 or a vulnerable adult:

331 (A) a local mental health authority described in Section [17-43-301](#);

332 (B) a local substance abuse authority described in Section [17-43-201](#); or

333 (C) a board of an organization operating under a contract to provide mental health or  
334 substance abuse programs, or services for the local mental health authority or substance abuse  
335 authority; or

336 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly supervised  
337 at all times.

- 338 (4) (a) "Boarding school" means a private school that:
- 339 (i) uses a regionally accredited education program;
- 340 (ii) provides a residence to the school's students:
- 341 (A) for the purpose of enabling the school's students to attend classes at the school; and
- 342 (B) as an ancillary service to educating the students at the school;
- 343 (iii) has the primary purpose of providing the school's students with an education, as
- 344 defined in Subsection (4)(b)(i); and
- 345 (iv) (A) does not provide the treatment or services described in Subsection (29)(a); or
- 346 (B) provides the treatment or services described in Subsection (29)(a) on a limited
- 347 basis, as described in Subsection (4)(b)(ii).
- 348 (b) (i) For purposes of Subsection (4)(a)(iii), "education" means a course of study for
- 349 one or more of grades kindergarten through 12th grade.
- 350 (ii) For purposes of Subsection (4)(a)(iv)(B), a private school provides the treatment or
- 351 services described in Subsection (29)(a) on a limited basis if:
- 352 (A) the treatment or services described in Subsection (29)(a) are provided only as an
- 353 incidental service to a student; and
- 354 (B) the school does not:
- 355 (I) specifically solicit a student for the purpose of providing the treatment or services
- 356 described in Subsection (29)(a); or
- 357 (II) have a primary purpose of providing the treatment or services described in
- 358 Subsection (29)(a).
- 359 (c) "Boarding school" does not include a therapeutic school.
- 360 (5) "Child" means a person under 18 years of age.
- 361 (6) "Child placing" means receiving, accepting, or providing custody or care for any
- 362 child, temporarily or permanently, for the purpose of:
- 363 (a) finding a person to adopt the child;
- 364 (b) placing the child in a home for adoption; or
- 365 (c) foster home placement.
- 366 (7) "Child-placing agency" means a person that engages in child placing.
- 367 (8) "Client" means an individual who receives or has received services from a licensee.
- 368 (9) "Day treatment" means specialized treatment that is provided to:

- 369 (a) a client less than 24 hours a day; and
- 370 (b) four or more persons who:
  - 371 (i) are unrelated to the owner or provider; and
  - 372 (ii) have emotional, psychological, developmental, physical, or behavioral
  - 373 dysfunctions, impairments, or chemical dependencies.
- 374 (10) "Department" means the Department of Human Services.
- 375 (11) "Department contractor" means an individual who:
  - 376 (a) provides services under a contract with the department; and
  - 377 (b) due to the contract with the department, has or will likely have direct access to a
  - 378 child or vulnerable adult.
- 379 (12) "Direct access" means that an individual has, or likely will have:
  - 380 (a) contact with or access to a child or vulnerable adult that provides the individual
  - 381 with an opportunity for personal communication or touch; or
  - 382 (b) an opportunity to view medical, financial, or other confidential personal identifying
  - 383 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 384 (13) "Directly supervised" means that an individual is being supervised under the
- 385 uninterrupted visual and auditory surveillance of another individual who has a current
- 386 background screening approval issued by the office.
- 387 (14) "Director" means the director of the Office of Licensing.
- 388 (15) "Domestic violence" means the same as that term is defined in Section [77-36-1](#).
- 389 (16) "Domestic violence treatment program" means a nonresidential program designed
- 390 to provide psychological treatment and educational services to perpetrators and victims of
- 391 domestic violence.
- 392 (17) "Elder adult" means a person 65 years of age or older.
- 393 (18) "Executive director" means the executive director of the department.
- 394 (19) "Foster home" means a residence that is licensed or certified by the Office of
- 395 Licensing for the full-time substitute care of a child.
- 396 (20) (a) "Human services program" means a:
  - 397 (i) foster home;
  - 398 (ii) therapeutic school;
  - 399 (iii) youth program;

- 400 (iv) resource family home;
- 401 (v) recovery residence; or
- 402 (vi) facility or program that provides:
- 403 (A) secure treatment;
- 404 (B) inpatient treatment;
- 405 (C) residential treatment;
- 406 (D) residential support;
- 407 (E) adult day care;
- 408 (F) day treatment;
- 409 (G) outpatient treatment;
- 410 (H) domestic violence treatment;
- 411 (I) child-placing services;
- 412 (J) social detoxification; or
- 413 (K) any other human services that are required by contract with the department to be
- 414 licensed with the department.

- 415 (b) "Human services program" does not include:
- 416 (i) a boarding school~~[-];~~ or
- 417 (ii) a residential, vocational and life skills program, as defined in Section [13-53-102](#).

- 418 (21) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 419 (22) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 420 (23) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 421 (24) "Licensee" means an individual or a human services program licensed by the
- 422 office.

- 423 (25) "Local government" means a city, town, metro township, or county.
- 424 (26) "Minor" has the same meaning as "child."
- 425 (27) "Office" means the Office of Licensing within the Department of Human Services.

426 (28) "Outpatient treatment" means individual, family, or group therapy or counseling  
427 designed to improve and enhance social or psychological functioning for those whose physical  
428 and emotional status allows them to continue functioning in their usual living environment.

429 (29) (a) "Recovery residence" means a home, residence, or facility that meets at least  
430 two of the following requirements:

- 431 (i) provides a supervised living environment for individuals recovering from a  
432 substance abuse disorder;
- 433 (ii) provides a living environment in which more than half of the individuals in the  
434 residence are recovering from a substance abuse disorder;
- 435 (iii) provides or arranges for residents to receive services related to their recovery from  
436 a substance abuse disorder, either on or off site;
- 437 (iv) is held out as a living environment in which individuals recovering from substance  
438 abuse disorders live together to encourage continued sobriety; or
- 439 (v) (A) receives public funding; or  
440 (B) is run as a business venture, either for-profit or not-for-profit.
- 441 (b) "Recovery residence" does not mean:
- 442 (i) a residential treatment program;  
443 (ii) residential support; or  
444 (iii) a home, residence, or facility, in which:
- 445 (A) residents, by their majority vote, establish, implement, and enforce policies  
446 governing the living environment, including the manner in which applications for residence are  
447 approved and the manner in which residents are expelled;
- 448 (B) residents equitably share rent and housing-related expenses; and
- 449 (C) a landlord, owner, or operator does not receive compensation, other than fair  
450 market rental income, for establishing, implementing, or enforcing policies governing the  
451 living environment.
- 452 (30) "Regular business hours" means:
- 453 (a) the hours during which services of any kind are provided to a client; or  
454 (b) the hours during which a client is present at the facility of a licensee.
- 455 (31) (a) "Residential support" means arranging for or providing the necessities of life  
456 as a protective service to individuals or families who have a disability or who are experiencing  
457 a dislocation or emergency that prevents them from providing these services for themselves or  
458 their families.
- 459 (b) "Residential support" includes providing a supervised living environment for  
460 persons with dysfunctions or impairments that are:
- 461 (i) emotional;

462 (ii) psychological;

463 (iii) developmental; or

464 (iv) behavioral.

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

466 (d) "Residential support" does not include:

467 (i) a recovery residence; or

468 (ii) residential services that are performed:

469 (A) exclusively under contract with the Division of Services for People with

470 Disabilities; or

471 (B) in a facility that serves fewer than four individuals.

472 (32) (a) "Residential treatment" means a 24-hour group living environment for four or  
473 more individuals unrelated to the owner or provider that offers room or board and specialized  
474 treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation  
475 services for persons with emotional, psychological, developmental, or behavioral dysfunctions,  
476 impairments, or chemical dependencies.

477 (b) "Residential treatment" does not include a:

478 (i) boarding school;

479 (ii) foster home; or

480 (iii) recovery residence.

481 (33) "Residential treatment program" means a human services program that provides:

482 (a) residential treatment; or

483 (b) secure treatment.

484 (34) (a) "Secure treatment" means 24-hour specialized residential treatment or care for  
485 persons whose current functioning is such that they cannot live independently or in a less  
486 restrictive environment.

487 (b) "Secure treatment" differs from residential treatment to the extent that it requires  
488 intensive supervision, locked doors, and other security measures that are imposed on residents  
489 with neither their consent nor control.

490 (35) "Social detoxification" means short-term residential services for persons who are  
491 experiencing or have recently experienced drug or alcohol intoxication, that are provided  
492 outside of a health care facility licensed under Title 26, Chapter 21, Health Care Facility



- 493 Licensing and Inspection Act, and that include:
- 494 (a) room and board for persons who are unrelated to the owner or manager of the
- 495 facility;
- 496 (b) specialized rehabilitation to acquire sobriety; and
- 497 (c) aftercare services.
- 498 (36) "Substance abuse treatment program" means a program:
- 499 (a) designed to provide:
- 500 (i) specialized drug or alcohol treatment;
- 501 (ii) rehabilitation; or
- 502 (iii) habilitation services; and
- 503 (b) that provides the treatment or services described in Subsection (36)(a) to persons
- 504 with:
- 505 (i) a diagnosed substance abuse disorder; or
- 506 (ii) chemical dependency disorder.
- 507 (37) "Therapeutic school" means a residential group living facility:
- 508 (a) for four or more individuals that are not related to:
- 509 (i) the owner of the facility; or
- 510 (ii) the primary service provider of the facility;
- 511 (b) that serves students who have a history of failing to function:
- 512 (i) at home;
- 513 (ii) in a public school; or
- 514 (iii) in a nonresidential private school; and
- 515 (c) that offers:
- 516 (i) room and board; and
- 517 (ii) an academic education integrated with:
- 518 (A) specialized structure and supervision; or
- 519 (B) services or treatment related to:
- 520 (I) a disability;
- 521 (II) emotional development;
- 522 (III) behavioral development;
- 523 (IV) familial development; or

- 524 (V) social development.
- 525 (38) "Unrelated persons" means persons other than parents, legal guardians,  
526 grandparents, brothers, sisters, uncles, or aunts.
- 527 (39) "Vulnerable adult" means an elder adult or an adult who has a temporary or  
528 permanent mental or physical impairment that substantially affects the person's ability to:
- 529 (a) provide personal protection;
- 530 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 531 (c) obtain services necessary for health, safety, or welfare;
- 532 (d) carry out the activities of daily living;
- 533 (e) manage the adult's own resources; or
- 534 (f) comprehend the nature and consequences of remaining in a situation of abuse,  
535 neglect, or exploitation.
- 536 (40) (a) "Youth program" means a nonresidential program designed to provide  
537 behavioral, substance abuse, or mental health services to minors that:
- 538 (i) serves adjudicated or nonadjudicated youth;
- 539 (ii) charges a fee for its services;
- 540 (iii) may or may not provide host homes or other arrangements for overnight  
541 accommodation of the youth;
- 542 (iv) may or may not provide all or part of its services in the outdoors;
- 543 (v) may or may not limit or censor access to parents or guardians; and
- 544 (vi) prohibits or restricts a minor's ability to leave the program at any time of the  
545 minor's own free will.
- 546 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl  
547 Scouts, 4-H, and other such organizations.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**