

398 (II) provide, in the same facility as a child described in Subsection (1)(a)(iii)(B)(I),  
399 residential treatment services to a person who is:

400 (Aa) at least 18 years old, but younger than 21 years old; and

401 (Bb) under the custody of the Department of Human Services, or one of its divisions;

402 (iv) minimum administration and financial requirements for licensees;

403 (v) guidelines for variances from rules established under this Subsection (1);

404 (vi) ethical standards, as described in Subsection 78B-6-106(3), and minimum  
405 responsibilities of a child-placing agency that provides adoption services and that is licensed  
406 under this chapter;

407 (vii) what constitutes an "outpatient treatment program" for purposes of this chapter;

408 (viii) a procedure requiring a licensee to provide an insurer the licensee's records  
409 related to any services or supplies billed to the insurer, and a procedure allowing the licensee  
410 and the insurer to contact the Insurance Department to resolve any disputes;

411 (ix) a protocol for the office to investigate and process complaints about licensees;

412 [~~and~~]

413 (x) a procedure for [~~licensees to report incidents;~~] a licensee to:

413a **§→ (A) report the use of a restraint or seclusion within one business day after the day on**  
413b **which the use of the restraint or seclusion occurs; and ←§**

414 **§→ [(A)] (B) ←§ report a critical incident within one business day after the day on which**  
414a **the**

415 **incident occurs; §→ [and**

416 **— (B) provide a monthly report of all incidents during which the licensee used a restraint**  
417 **or seclusion;] ←§**

418 **(xi) guidelines for the policies and procedures described in Sections 62A-2-123 and**  
419 **62A-2-124;**

420 **(xii) a procedure for the office to review and approve the policies and procedures**  
421 **described in Sections 62A-2-123 and 62A-2-124; and**

422 **(xiii) a requirement that each human services program publicly post information that**  
423 **informs an individual how to submit a complaint about a human services program to the office.**

424 (b) enforce rules relating to the office;

425 (c) issue licenses in accordance with this chapter;

426 (d) if the United States Department of State executes an agreement with the office that  
427 designates the office to act as an accrediting entity in accordance with the Intercountry  
428 Adoption Act of 2000, Pub. L. No. 106-279, accredit one or more agencies and persons to

- 460 (iii) by or against a staff member while the staff member is on duty;
- 461 (b) immediately report to emergency medical services any medical emergency, as
- 462 defined by rule:
- 463 (i) on the premises where the licensee operates its human services program;
- 464 (ii) involving its clients; or
- 465 (iii) involving a staff member while the staff member is on duty; and
- 466 (c) immediately report other emergencies that occur on the premises where the licensee
- 467 operates its human services program to the appropriate emergency services agency.

468 Section 3. Section **62A-2-118** is amended to read:

469 **62A-2-118. Administrative inspections.**

470 (1) ~~(a)~~ [The] Subject to Subsection (1)(b), the office may, for the purpose of

471 ascertaining compliance with this chapter, enter and inspect on a routine basis the facility of a

472 licensee.

473 ~~(b)~~ ~~§→~~ ~~(i)~~ ~~←§~~ The office shall enter and inspect a congregate care program at least once

473a each

474 calendar quarter.

474a ~~§→~~ ~~(ii)~~ At least two of the inspections described in Subsection (1)(b)(i) shall be unannounced.

474b ~~←§~~

475 (c) If another government entity conducts an inspection that is substantially similar to

476 an inspection conducted by the office, the office may conclude the inspection satisfies an

477 inspection described in Subsection (1)(b).

478 (2) Before conducting an inspection under Subsection (1), the office shall, after

479 identifying the person in charge:

- 480 (a) give proper identification;
- 481 (b) request to see the applicable license;
- 482 (c) describe the nature and purpose of the inspection; and
- 483 (d) if necessary, explain the authority of the office to conduct the inspection and the
- 484 penalty for refusing to permit the inspection as provided in Section **62A-2-116**.

485 (3) In conducting an inspection under Subsection (1), the office may, after meeting the

486 requirements of Subsection (2):

- 487 (a) inspect the physical facilities;
- 488 (b) inspect and copy records and documents;
- 489 (c) interview officers, employees, clients, family members of clients, and others; and
- 490 (d) observe the licensee in operation.

- 956 (i) how the congregate care program will respond in the event a child exhibits  
 957 self-injurious, self-harm, or suicidal behavior;  
 958 (ii) warning signs of suicide;  
 959 (iii) emergency protocol and contacts;  
 960 (iv) training requirements for staff, including suicide prevention training;  
 961 (v) procedures for implementing additional supervision precautions and for removing  
 962 any additional supervision precautions;  
 963 (vi) suicide risk assessment procedures;  
 964 (vii) documentation requirements for a child's suicide ideation and self-harm;  
 965 (viii) special observation precautions for a child exhibiting warning signs of suicide;  
 966 (ix) communication procedures to ensure all staff are aware of a child who exhibits  
 967 warning signs of suicide;  
 968 (x) a process for tracking suicide behavioral patterns; and  
 969 (xi) a post-intervention plan with identified resources; and  
 970 (b) based on state law and industry best practices, policies and procedures for  
 971 managing a child's behavior during the child's participation in the congregate care program.

972 (6) A congregate care program:

- 973 (a) when not otherwise prohibited by law, shall facilitate weekly §→ confidential ←§  
 973a communication  
 974 between a child and the child's parents, guardian, foster parents, and siblings, as applicable;  
 975 (b) shall ensure that the communication described in Subsection (6)(a) complies with  
 976 the child's treatment plan, if any; and  
 977 (c) may not use family contact as an incentive for proper behavior or withhold family  
 978 contact as a punishment.

979 Section 6. Section **62A-2-124** is enacted to read:

980 **62A-2-124. Human services program non-discrimination.**

981 A human services program:

- 982 (1) shall perform an individualized assessment when classifying and placing an  
 983 individual in programs and living environments; and  
 984 (2) subject to the office's review and approval, shall create policies and procedures that  
 985 include:  
 986 (a) a description of what constitutes sex and gender based abuse, discrimination, and