

R501. Human Services, Administration, Administrative Services, Licensing.

R501-15. Therapeutic Schools.

R501-15-1. Authority and Purpose.

This rule is authorized under Section 62A-2-106 and establishes basic health and safety standards for therapeutic schools. These rules are intended to supplement the general provisions required of each human services program in Rule R501-1.

R501-15-2. Scope.

- (1) Each therapeutic school shall comply with this rule and Rules R501-1, R501-14, and R710-4.
- (2) Before offering any residential treatment services, each therapeutic school shall comply with Rule R501-19 and obtain a residential treatment license.

R501-15-3. Definitions.

The terms used in this rule are defined in Sections 62A-2-101 and R501-1-3.

R501-15-4. Administration.

(1) Each therapeutic school shall develop, maintain, and follow a current policy and procedure manual which shall include:

(a) except as described in Title 53G, Chapter 9, Part 3, Immunization Requirements, a requirement that a client may not attend a therapeutic school unless the school has been presented a certificate of immunization for the client from a licensed physician or authorized representative of the state or local health department stating that the client has received immunization as required by Rule R396-100;

(b) a procedure for quarterly evaluation and assessment of the needs of each client; and

(c) an emergency transportation plan describing how the therapeutic school shall safely transport each client to the client's legal guardian within 48 hours once the plan has been initiated.

(2) The manual described in this section shall include detailed descriptions of the therapeutic school's client admission, exclusion, and expulsion criteria and procedures, including:

(a) a requirement that the therapeutic school shall not admit or provide services to an individual who:

(i) within the past two years, has attempted suicide or made serious self-harm gestures requiring medical or therapeutic treatment;

(ii) has a mental health diagnosis of psychosis, schizophrenia, severe depression, mental retardation, or a severe mental illness requiring medical or therapeutic treatment;

(iii) is violent, highly combative, or physically or sexually aggressive;

(iv) presents substantial security risks;

(v) requires medical detoxification;

(vi) lacks the ability to engage in a rational decision-making process or exhibits severely impaired judgment; or

(vii) has a history of repeated runaway attempts or incidents;

(b) a requirement that the school shall expel a client who exhibits high risk behavior or conditions, including a client who:

(i) attempts suicide or makes serious self-harm gestures requiring medical or therapeutic treatment;

(ii) has a psychosis, schizophrenia, severe depression, mental retardation, or a severe mental illness requiring medical or therapeutic treatment;

(iii) is violent, highly combative, or physically or sexually aggressive;

(iv) presents substantial security risks;

(v) requires medical detoxification;

(vi) lacks the ability to engage in a rational decision-making process or exhibits severely impaired judgment;

(vii) runs away or has attempted to run away more than two times;

(viii) uses or attempts to use illegal substances more than two times; or

(ix) exhibits any other behavioral or emotional conditions that require more intense supervision and treatment than that permitted in a therapeutic school;

(c) the school's academic accreditation, or disclosure that the school is not accredited;

(d) the school's curriculum;

(e) the school's criteria for awarding course credit, and whether credits are transferable;

(f) the school's policy on grading, progress assessment, and testing;

(g) the academic and career counseling provided by the school;

(h) each school academic activity and method;

(i) each school graduation requirement;

(j) each school post-graduation planning service;

(k) each school method of providing on-site specialized structure and supervision;

(l) each method for providing off-site specialized structure and supervision;

(m) each service or treatment related to a client's disability, emotional development, behavioral development, familial development, or social development;

(n) each behavior management practice;

- (o) each individual, group, or family counseling service;
- (p) each therapeutic school rule;
- (q) each food service and weekly menu;
- (r) each physical education and recreational activity;
- (s) a client rights statement;
- (t) a statement on permitted and prohibited weapons;
- (u) a client grievance policy and appeal process for the grievance policy; and
- (v) contact information for the Office of Licensing.

(3) Each therapeutic school shall provide the client manual described in this section to each client and each client's legal guardian before the therapeutic school may accept any payment or process any application to provide services.

R501-15-5. Financial Requirements.

(1) Each therapeutic school shall provide an itemized accounting of expenditures made on behalf of a client before requiring reimbursement from the client's guardian.

(2) Each therapeutic school shall maintain an accurate log of each fund deposited and each withdrawal made for the personal use of each client.

R501-15-6. Staff Requirements.

(1) Each owner and board member of a therapeutic school shall successfully complete a minimum of eight hours of annual training relating to therapeutic school services.

(2) A therapeutic director or equally qualified acting director shall be immediately available to staff by telephone and able to arrive on-site within one hour after a staff telephone call for assistance and shall:

- (a) be at least 25 years of age;
- (b) have a Bachelor's degree in social work or a related field, or a minimum of three years of documented training or experience in providing therapeutic school or residential treatment services; and
- (c) have a minimum of two years of therapeutic school or residential treatment program supervisory experience.

(3) A therapeutic school shall always have at least one direct care supervisor or supervisor designee on duty. A supervisor or supervisor designee shall:

- (a) have a minimum of six months of experience providing services to children in out-of-home placements;
- (b) meet each requirement for direct care staff as described in Section R501-1-14; and
- (c) meet each qualification, including requirements for education, experience, licensing or certification, and current annual continuing education and training directly related to providing:

(i) specialized structure and supervision of clients; and

(ii) services or treatment related to a client's disability, emotional development, behavioral development, familial development, or social development.

(4) A therapeutic school shall maintain a staff manual, which shall include:

- (a) specific job descriptions for each staff position;
- (b) staff qualifications for each staff position, including requirements for education, experience, and licensing or certification;
- (c) a requirement for continuing education, competency and proficiency, and job-specific training; and
- (d) the required training for staff who will work with clients with a history of failing to function at home or school.

(5) At all times, at least two direct care staff shall provide direct supervision to clients.

(6) Each client who has earned the privilege of unsupervised time off-site shall be required to engage in two-way communication with on duty direct care staff once every four hours. Each therapeutic school shall develop and adhere to a policy that specifies what measures shall be taken if a client fails to check-in with staff as required by this subsection.

(7) Support staff shall not be included in the minimum staff to client ratios.

(8) A therapeutic school shall document and explain, to the satisfaction of the office, any waking hour direct care staff-to client ratio that does not meet the following minimum staffing requirements:

- (a) where eight or fewer clients are present, there shall be at least two direct care staff on duty;
- (b) where there are at least nine, but no more than 24 clients present, there shall be at least three direct care staff on duty;
- (c) where there are at least 25, but no more than 48 clients present, there shall be at least four direct care staff on duty;
- (d) where there are at least 49, but no more than 96 clients present, there shall be at least five direct care staff on duty;

and

(e) where 97 or more clients are present, at least six direct care staff shall be on duty and there shall be a staff to client ratio of one direct care staff per 20 clients.

(9) A therapeutic school shall document and explain, to the satisfaction of the office, any sleeping hour direct care staff to client ratio that does not meet the following minimum requirements:

- (a) where no more than 48 clients are present, there shall be at least two direct care staff on duty; and
- (b) where 49 or more clients are present, there shall be at least three direct care staff on duty and there shall be a staff to client ratio of one direct care staff per 40 clients.

R501-15-7. Client Services.

- (1) Each service plan shall include a quarterly assessment of the adequacy of the therapeutic school's policy, procedure, and practice in providing for each client's needs.
- (2) Each therapeutic school shall provide each client's legal guardian with a copy of each service plan within two weeks after the service plan is developed or updated.
- (3) Each therapeutic school that must travel more than 30 miles to an emergency room or 24-hour urgent care facility shall retain the on-call services of a medical practitioner and a licensed mental health therapist.
- (4) Upon admission, each client shall be informed of the right to consult with a medical practitioner or a licensed mental health therapist.
- (5) Each client who has a serious illness, who sustains a serious injury, or who requests the services of a medical practitioner, shall receive an immediate assessment by a certified wilderness first responder, certified EMT, or medical practitioner.
- (6) Each therapeutic school shall attach the written assessment to an incident report.
- (7) Each monthly schedule of activities shall be posted in the common area and the office and filed and retained for at least one year.
- (8) Each therapeutic school academic curriculum shall either be accredited by an accrediting entity recognized by the Utah State Board of Education or the school shall present an educational service plan and educational funding plan in accordance with Section 62A-2-108.1.
- (9) Each therapeutic school curriculum shall be provided to each client and the client's legal guardian prior to accepting any payment or processing any application to provide services.
- (10) Each therapeutic school curriculum shall be reviewed and updated annually.
- (11) Each modification to the curriculum shall be provided to each client and the client's legal guardian within two weeks of any curriculum change.
- (12) Each therapeutic school shall monitor and document each client's academic progress and communicate the progress to the client's legal guardian each month.

R501-15-8. Physical Environment.

- (1) Each therapeutic school shall provide indoor common areas for group activities such as gymnasiums, recreation areas, cafeterias, classrooms, libraries, and lounges.
- (2) Each common area space in a therapeutic school shall contain at least 30 square feet per client.
- (3) Each therapeutic school shall maintain at least three feet between beds and two feet at the end of each bed.
- (4) Each bedroom ceiling shall be at least 7 feet in height.
- (5) Each multiple occupant bedroom shall contain at least 50 square feet per client and each single occupant bedroom shall contain at least 80 square feet per client.
- (6) Storage space shall not be counted when calculating square footage requirements.
- (7) Each client shall have at least 30 cubic feet of private storage space.
- (8) A therapeutic school shall provide each client with a school desk or table, light, and chair.
- (9) A therapeutic school's client manual shall describe which dangerous weapons are permitted and which dangerous weapons are prohibited.
 - (a) Each determination of permitted and prohibited dangerous weapons shall be made in accordance with the age and behavioral characteristics of the client population to be served.
 - (b) Each therapeutic school's client manual shall describe how dangerous weapons shall be stored and the circumstances under which they may be accessible to clients.

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