



## State of Utah

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## Department of Human Services

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*Deputy Director*

January 27, 2022

Maple Lake Academy  
Nichol Holwege, Owner/Program Director  
6155 S 2400 W  
Spanish Fork, UT 84660

RE: NOTICE OF AGENCY ACTION  
LICENSE(S) PLACED ON CONDITIONAL STATUS  
Maple Lake Academy, Residential Treatment License Number 52503 (RT115005)

This letter serves as notice that the Utah Department of Human Services, Office of Licensing (the "Office") is placing Maple Lake Academy's ("Licensee") license on Conditional Status effective immediately.

This action is taken pursuant to Title 63G, Chapter 4, the Administrative Procedures Act; Utah Code Section 62A-2-112; and Utah Administrative Rule R501-1-12(10). The Office is authorized to deny, place conditions on, suspend, or revoke a human services license if the Office finds the program has failed to comply with the licensing rules, is involved with commission of any illegal act, or fails to meet standards required to provide services and promote public trust, including by enabling the commission of abuse, neglect, exploitation, harm, mistreatment or fraud.

The following conditions are immediately in effect, and must be resolved to the satisfaction of the Office before your program will be removed from conditional status:

1. Licensee shall immediately notify clients and their legal guardians and state agencies that have clients placed in the program of this Notice of Agency Action ("NAA") and submit proof of compliance with this requirement to the Office no later than 5 business days from receipt of this letter.
2. Licensee shall post the NAA on-site, and on the homepage of each of its websites, where it can be easily reviewed by all clients, guardians of clients, and visitors within five business days, and shall remain posted until the resolution of the penalty, unless otherwise instructed by the Office.
3. Licensee shall accept no new clients while this NAA is in effect or until the Office has expressed in writing that admissions may resume.
4. Licensee shall ensure it provides clients with prompt and necessary medical care.
5. Licensee shall adhere to Utah Administrative Rule 501-14 for background screenings and separate former employees within five days of termination.
6. Licensee shall ensure that staff without cleared background screenings shall be directly supervised prior to

receiving conditional or full clearance approval from the Office. Licensee shall clearly document this supervision on the staff schedule.

7. Licensee shall provide weekly staff schedules, with daily client counts, to the Office at least three days before each work week begins in order to demonstrate compliance with staffing requirements.
8. Licensee shall ensure that any licensee or staff member who is aware of or suspects staff misuse of force, clients rights violations, abuse, neglect, mistreatment, fraud, or exploitation shall ensure that a report is made to the Office and applicable investigative agencies.
9. Licensee shall require all staff to read, review, and sign the department code of conduct and Licensee's policy and procedure manual.
10. Licensee shall fully cooperate with all investigations by any investigative authority.

License Number 52503 will remain on conditional status until the Office approves, in writing, removal from conditional status. Failure to meet the terms of the conditions of this NAA may result in a further penalty action of license suspension or revocation per R501-1-12(11). The Office is taking this action because the Licensee has failed to comply with licensing rules noted below.

The Office of Licensing has noted violation of the following Administrative Rules:

- **R501-1-27. Client Rights.**
  - (1) Clients have the right to:
    - (a) be treated with dignity;
    - (c) be free from potential harm or acts of violence;
    - (e) be free from abuse, neglect,<sup>1</sup> mistreatment, exploitation, unusual or unnecessary consequences, and fraud;
- **R495-876-5. Provider Code of Conduct.**
  - (1) Providers and provider staff:
    - (c) may not abuse, neglect, harm, exploit, mistreat, or act in a way that compromises the health and safety of clients through acts or omissions, by encouraging others to act, or by failing to deter others from acting;

**Violation(s) associated with Sections R501-1-27 and R495-876-5:**

1. Licensee failed to provide necessary medical care in an incident that resulted in a client's death on January 16, 2022. Documentation provided by Licensee disclosed that a client reported continually worsening symptoms of illness for at least a week before, after repeated requests from parents, the program took the client to be evaluated by a doctor. After the doctor visit, the client complained of worsening symptoms but was not returned for medical care. The client died early the next morning.
- **R501-19-3. Administration.**
    - (2) Each residential treatment program serving a child shall provide direct supervision that meets supervision and ratio requirements.
    - (3) Each residential treatment program serving a child shall have no less than two direct care staff on duty.

**Violation(s) associated with Section R501-19-3:**

2. Licensee documented that only one staff was on shift through the night and into the morning of the medical emergency mentioned in Violation #1.

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<sup>1</sup> Neglect is defined in Rule R501-1-3 as abandonment or the failure to provide necessary care, including nutrition, education, clothing, shelter, sleep, bedding, supervision, health care, hygiene, treatment, or protection from harm.

- **R501-14-4. Renewal Background Screening Procedure.**

(3) It is a screening agent's responsibility to keep their agency's roster and employee information current in the online system.

(b) A screening agent shall update any names, addresses or other employee information immediately upon becoming aware of changes.

(c) When an employee no longer works for the program, a screening agent must separate that employee from the program's roster in the online system within five days of employee separation from the program.

**Violation(s) associated with Sections R501-14-4:**

3. As of January 24, 2022, Licensee had at least two former staff that had not been removed from the Maple Lakes Academy DACS roster within five days of employee separation from the program.

- **R501-14-3. Initial Background Screening Procedure.**

(5) An applicant applying to work in a youth residential program who has resided outside of the state of Utah within the 5 years immediately preceding the date of the background screening application shall provide a child abuse and neglect registry record for each State in which the applicant has resided within those 5 years.

(d) A renewal clearance will not be issued if the original out of state registry results have not been provided to the Office within the 12 month initial clearance time frame.

**Violation(s) associated with Sections R501-14-3:**

4. As of January 24, 2022, Licensee had at least three staff working with expired provisional eligibility.

- **R501-14-7. Application Processing and Results.**

(2) The Office may conditionally approve an application for background screening in accordance with Subsection 62A-2-120(8).

(f) If the Office does not provide a standard approval before the expiration date of the conditional approval, the applicant shall be directly supervised<sup>2</sup> until such an approval is granted.

- **R501-14-2. Definitions.**

(12) "Directly Supervised" is defined in Section 62A-2-101. The agency is responsible to document and provide upon request how the individual remains supervised for the entirety of their supervised employment term prior to full clearance.

**Violation(s) associated with Sections R501-14-2:**

5. As of January 24, 2022, Licensee has at least three employees that required direct supervision due to expired provisional background screenings that were not receiving direct supervision.

The Office reserves the right to amend this Notice of Agency Action. In accordance with the Department of Human Services Administrative Hearing Procedures (Title 497), you may request an administrative hearing if there is a disputed issue of fact. There is no issue of fact if you present facts that on their face establish the right of the Office to take the action, or if the facts do not conflict with the facts relied upon by the Office in taking its action.

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<sup>2</sup> "Directly supervised" is defined in Utah Code Section 62A-2-101(14) and means that individual is being supervised under the uninterrupted visual and auditory surveillance of another individual who has a current background screening approval issued by the office.

Pursuant to Rule 497-100, if you choose to request an administrative hearing to appeal a disputed issue of fact, you must submit your request of appeal to the Office, in writing, within 10 business days of receipt of this letter. This adjudicative proceeding, if requested and granted, shall be conducted informally.

Pursuant to Rule 501-1-12(20) "If an appeal of a revocation, suspension or conditional license that restricts admission is pending, a licensee shall not accept any new client as outlined on the notice of agency action without prior written authorization from the office."

You can access the 'Request for an Administrative Hearing' form in the Facility Forms section of our website: [www.hslic.utah.gov](http://www.hslic.utah.gov).

All correspondence concerning this action should be addressed to:

Gayle Luciano  
Utah Department of Human Services  
Office of Licensing  
195 North 1950 West  
Salt Lake City, Utah 84116

Please reference the program and site name on all correspondence.

Sincerely,



Amanda Slater  
Director

Cc: Blaine Thomas  
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