



State of Utah

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Department of Human Services

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Deputy Director

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Deputy Director

May 20, 2022

Maple Lake Academy, Girls Home
Nichol Holwege, Owner/Program Director; Patti Hollenbeck-Dial, Owner/Clinical Supervisor
6155 S 2400 W
Spanish Fork, UT 84660

RE: **NOTICE OF AGENCY ACTION**
REVOCATION OF LICENSE
Human Services License Number: RT-115005/RS-109490

Dear Nichol Holwege and Patti Hollenbeck-Dial:

This letter serves as notice that the Utah Department of Human Services Office of Licensing (“Office”) is revoking the residential treatment/residential support license of Maple Lake Academy (“licensee”) Girls’s Home effective 30 business days from receipt of this notice.

The following conditions are immediately in effect. The licensee shall:

1. Not accept new clients;
2. Only provide any service necessary to maintain client health and safety during the clients transition out of the program;
3. Develop and comply with a plan to transition each client out of the program within 30 days and into an equivalent, safe, currently licensed programs or into the custody of the client's legal guardian, in compliance with R501-1-12(13);
4. Closely monitor and ensure all licensee staff comply with Utah Administrative Rule and statute with an emphasis on client health, safety, and rights;
5. Maintain required program staffing and maintain the required health and safety needs of each client until each client is safely and properly transitioned;
6. Immediately notify clients and their legal guardians of this pending revocation and submit proof of compliance with this requirement to the Office of Licensing no later than five business days from receipt of this letter;

7. Immediately post this notice on-site and on the homepage of all program operated websites, including social media pages;
8. Not restrict any investigative agency access to or retroactively alter any client or staff file documentation; and
9. Notify the Office of Licensing of how all files in the licensee's possession will be maintained for at least seven years including a declaration of who will be responsible to maintain the files.

This action is taken pursuant to the Administrative Procedures Act, Title 63G Chapter 4 and Utah Code 62A-2-112. The Office is authorized to deny, place conditions on, suspend, or revoke a license, and restrict or prohibit new admission in a program, if the program fails 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 Office of Licensing is providing notice of violations of the following Administrative Rules and/or Statutes:

- **62A-2-112. Violations -- Penalties.**

(2) The office may deny, place conditions on, suspend, or revoke a human services license, if it finds, related to the human services program:

(c) evidence of conduct adverse to the standards required to provide services and promote public trust, including aiding, abetting, or permitting the commission of abuse, neglect, exploitation, harm, mistreatment, or fraud.

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R501-1-27. Client Rights.

(1) Clients have the right to:

(c) be free from potential harm or acts of violence;

(e) be free from abuse, neglect, mistreatment, exploitation, unusual or unnecessary consequences, and fraud;

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R495-876-5. Provider Code of Conduct.

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:

1. On April 8, 2022, the licensee failed to seek immediate medical attention for a client that was involved in an accident in which they hit their head on the pavement, lost consciousness and had multiple vomiting episodes.
2. On April 9, 2022, the licensee failed to follow emergency room medical orders and permitted a client with a concussion to participate in strenuous activity.

The Office of Licensing is providing notice of violation of the following Administrative Rule and/or Statute:

- **R501-1-11. Investigations of Alleged Violations.**
 - (2) Licensed Program Complaints and Critical Incidents
 - (d) A critical incident that involves a client or on-duty staff that occurs in a licensed setting or under the direct responsibility and supervision of the program shall be reported by the licensee as follows:
 - (i) a report shall be made to the office within one business day;

Violation(s):

3. On April 10, 2022, a client was transported to urgent care with reoccurring symptoms related to a concussion. The licensee did not report this critical incident to the Office of Licensing, as required by rule.

The Office of Licensing is providing notice of violation of the following Administrative Rule and/or Statute:

- **R501-1-13. Program Administrative and Direct Service Requirements**
 - (6) Program administration shall ensure:
 - (h) the program provides trainings and monitors staff to ensure compliance regarding program policy and procedures including:
 - (i) the needs of each client;

Violation(s):

4. The licensee's nurse failed to document ongoing medical services for a client that was involved in an accident and sustained a concussion, as required by rule.

In accordance with Utah Code 62A-2-113: "A human services program that has had its license revoked is prohibited from providing any services to clients until after a new license is issued. The Office may not grant a new license after a revocation unless the following conditions are met:

- (a) the human services program provides satisfactory evidence to the Office that the conditions upon which the revocation was based have been corrected;
- (b) the human services program is inspected by the Office and found to be in compliance with all provisions of this chapter and applicable rules;
- (c) at least five years have passed since the day on which the licensee is served with final notice that the license is revoked; and
- (d) the Office determines that the interests of the public will not be jeopardized by granting the license."

The Office of Licensing 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 of Licensing to take the action, or if the facts do not conflict with the facts relied upon by the Office of Licensing in taking its action.

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 of Licensing, in writing, within 10 working days of receipt of this letter. This adjudicative proceeding, if requested and granted, shall be conducted informally.

Pursuant to Rule 501-1-10 (1) "Pending an appeal of a revocation, suspension or conditional license that restricts admissions, licensee shall not accept any new clients as outlined on the Notice of Agency Action, or while an appeal of a Notice of Agency Action penalty is pending 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.

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, Ut. 84116

Please reference the program and site name on all correspondence.

Sincerely,



Michael McDonald
Director, Office of Licensing
Department of Human Services
195 North 1950 West
Salt Lake City, Ut. 84116

Cc: Brittany Huff
Assistant Attorney General
Department of Health and Human Services
195 North 1950 West
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