

Division of Services for People with Disabilities (DSPD)

Office of Licensing (OL) Certification Requirements (07/16/2024)

DSPD-1. Purpose

- (1) These requirements define the OL procedures for obtaining and renewing a DSPD Certification.
- (2) These requirements establish the foundational standards necessary to protect the health and safety of DSPD clients in DSPD certified facilities.

DSPD-2. Definitions

- (1) “Clients” are those individuals for whom the provider receives direct or indirect compensation for their care.
- (2) “Covered Individual” means the provider and everyone required to submit a background check.
- (3) “DHHS” means the Department of Health and Human Services.
- (4) “DSPD” means the Division of Services for People with Disabilities.
- (5) “Eligible” means there were no findings in a Covered Individual’s DHHS background check that could prohibit that Covered Individual from being involved with care or be at the facility where care is provided.
- (6) “Emotional abuse” means behavior that could impair a client’s emotional development, such as threatening, intimidating, humiliating, or demeaning, constant criticism, rejection, profane language, and inappropriate physical restraint.
- (7) “Facility” means the indoor and outdoor areas approved for care.
- (8) “Good standing with the department” means not being placed on a OL conditional or suspension status, or on a department contractual sanction.
- (9) “Health care provider” means a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician’s assistant.
- (10) “Inaccessible” means:
 - (a) locked, such as in a locked room, cupboard, or drawer;
 - (b) secured with a safety device; or
 - (c) behind a properly secured safety gate.
- (11) “OL” means the Office of Licensing within the Department of Health and Human Services.
- (12) “Provider” means the person approved to be the contract holder.
- (13) “Sexual abuse” means abuse as described in Utah Code, Section 76-5-404-1.

DSPD-3. Certification Details

- (1) DSPD certification for group settings of up to three individuals is required for providers to be eligible to enter into a contract with DHHS.
- (2) DSPD certification is active for two years.
- (3) DSPD certification is for the provider and specific to the approved location and is not assignable or transferable. A new DSPD certification is required for a different provider or for a different location.
- (4) DSPD certification will not be given if there is another active DHHS license or certification at the same location.
- (5) A DSPD certification is not a guarantee of payment from DSPD. The DSPD provider applying for DSPD assistance must be eligible and comply with the DSPD eligibility processes. The DSPD provider has specific application, review, and reporting time frames that may be different from the DSPD certification process. Late verifications may result in a loss of benefits and/or require the DSPD customer to complete a new assistance application. The DSPD customer is responsible for any costs not covered by DSPD.

- (6) In the event of a conflict between these requirements and settings final rule (Utah Administrative Rule R414-519), the settings rule will prevail.
- (7) If the department places a DSPD provider on a conditional, suspension, or contractual sanction status, the provider must comply with each condition before a regular status is granted by the department.
- (8) In addition to complying with all requirements, a DSPD provider must be in good standing with the department to:
 - (a) renew or to enter into a new contract with the department;
 - (b) renew or start a new certification; or
 - (c) be removed from a conditional, suspension, or contractual sanction status issued by the department.

DSPD-4. New and Renewal OL Certification

- (1) To receive a new OL DSPD certification, the applicant must do all of the following:
 - (a) Read the requirements;
 - (b) Submit the following:
 - (i) a completed DSPD Certification Application if only one certified site,
 - (ii) a completed DHHS Background Check for each Covered Individual 18 years old and older providing services or residing at the site; and
 - (c) Have a facility inspection and be in compliance with the requirements.
- (2) A DSPD certification application will be not be processed when:
 - (a) The provider does not complete the background check process within 60 calendar days of submitting the application;
 - (b) Covered Individuals are not eligible;
 - (c) The provider is not there for the home inspection;
 - (d) The provider does not show compliance with the requirements within 60 calendar days of submitting the application; or
 - (e) The office finds that an applicant or provider maintains association with any individual with a license revoked by the office if the application is submitted within five years from the time of the revocation.
- (3) To renew a DSPD certification, the provider must have an announced home inspection and be in compliance with all requirements before the end date of the certification.
- (4) A DSPD certification will not be renewed if the provider fails to demonstrate compliance with all requirements as required by OL.
- (5) A DSPD provider whose certification has been revoked by the office can only reapply for a new certification three months after the closure or revocation.
- (6) If the site receives a DHHS revocation notice, the provider must immediately notify the residents and their legal guardian.

DSPD-5. Inspections

- (1) Before a new certification is issued, the provider will have an OL facility health and safety inspection to assess compliance with all requirements. When noncompliance to any requirement is found during this inspection, the provider will be given a date to come into compliance with the requirement(s).
- (2) The certification will be denied when the provider does not show compliance with the requirement(s) by the required date.
- (3) When noncompliance to any requirement is found during an inspection, the provider will be given a date to come into compliance with the requirement(s). The certification will be renewed by OL only if the provider is in full compliance with the requirements as required by OL.

DSPD-6. Administration and Records

- (1) The provider must serve no more than three people with disabilities. Serving four or more clients requires a license.
- (2) The provider must take all reasonable measures to protect the safety of the clients in care and must not engage in or allow conduct that unreasonably endangers the clients in care or is adverse to the health, welfare, and safety of clients in care.
- (3) The provider must ensure DHHS authorized staff have access to all areas of the facility.
- (4) The provider must make any necessary accommodations to meet the client's needs.
- (5) The provider must notify OL staff any of the following changes within 10 calendar days of the change:
 - (a) their name; or
 - (b) their telephone number or email address.
- (6) The provider must comply with all applicable DHHS contract requirements.

DSPD-7. Personnel and Background Checks

- (1) The provider must:
 - (a) be at least 18 years old; and
 - (b) have knowledge of and comply with all applicable federal, state, and local laws and rules, including fire requirements.
- (2) The provider must ensure all Covered Individuals are eligible before they have unsupervised access to the clients in care. The provider must submit background check forms, required fingerprints, and required fees for new Covered Individuals.
- (3) The provider must submit Background Check forms for household members who live in the home where care is provided when the household member turns 12 years old. These forms must be submitted within 10 working days of the individual's 12th birthday.
- (4) The provider must ensure individuals who are not eligible are not on the premises where care is provided, unless they are in the process of completing their background checks and are directly supervised by an eligible individual.
- (5) Within 48 hours of becoming aware of the conviction, the provider must notify OL staff of any felony or misdemeanor conviction of a Covered Individual.

DSPD-8. Facility, Safety, and Injury Prevention

- (1) The provider must ensure that any appliances, plumbing, electrical, HVAC, and furnishings are maintained in operating order and in a clean and safe condition.
- (2) The provider must ensure there is at least one toilet and a hand washing sink that clients can easily access without having to go through the private room of another individual.
- (3) The provider must ensure the bathroom has at least:
 - (a) way to provide privacy to the user;
 - (b) toilet paper and soap;
 - (c) a working tub or shower; and
 - (d) no mold, visible buildup of dirt, soil, grime, or other substances.
- (4) The provider must ensure that there is a kitchen free from chronic buildup of dirt, soil, food, etc. and equipped with at least:
 - (a) a working stove;
 - (b) a working refrigerator; and
 - (c) a working sink.
- (5) The provider must ensure that bedrooms have a direct source of natural light.

- (6) The provider must keep the facility floors and carpets free from chronic buildup of dirt, soil, food, etc. and tripping hazards due to broken tiles, unrepaired floors, or curled carpets.
- (7) The provider must ensure that any set of three or more stairs are equipped with secured handrails.
- (8) The provider must have a working telephone on-site that is accessible to clients for emergency calls.
- (9) The provider must ensure that any chemicals are stored properly and not left unattended taking into consideration the safety and risk level of the clients served.
- (10) The provider must maintain the home, outdoor area, and equipment in a safe manner to prevent injury to clients in care. This includes the proper handling, storage, and disposal of hazardous materials and bio-contaminants.
- (11) The provider must post the facility's street address and emergency numbers, at least 911, near the telephone in the home or in an area clearly visible to anyone needing the information.
- (12) When there are firearms on the premises, the provider must ensure the firearms are not loaded and are in a cabinet, safe, or area that is locked with a key, combination, or fingerprint lock, unless their use is in accordance with the Utah Concealed Weapons Act as allowed by law.
- (13) The provider must ensure exposed live electrical wires are inaccessible to clients in care.
- (14) The provider must ensure there is no accessible animal that has a history of dangerous, attacking, or aggressive behavior.

DSPD-9. Client Guidance and Interaction

- (1) The provider must ensure clients in care are treated with dignity and respect and not subjected to physical, emotional, or sexual abuse while in care.
- (2) The provider must follow the reporting requirements for the witnessing or suspicion of abuse, neglect, and exploitation found in Section 26B of the Utah Code.
- (3) The provider must not do any of the following to clients in care:
 - (a) use any form of corporal punishment that produces pain or discomfort such as hitting, spanking, shaking, biting, or pinching;
 - (b) restrain their movement by binding, tying, or other form of restraint;
 - (c) shout at them;
 - (d) inflict any form of emotional abuse;
 - (e) force or withhold food, rest, or toileting; or
 - (f) confine them in a closet, locked room, or other enclosure such as a box, cupboard, or cage.

DSPD-10. Emergency Preparedness and Response

- (1) The provider must maintain in the facility and the vehicle used to transport clients a first aid kit that contains at least:
 - (a) bandages of different sizes;
 - (b) tweezers;
 - (c) antiseptic; and
 - (d) disposable sterile gloves.
- (2) The provider must have a working fire extinguisher type 2A:10B:C or of larger capacity on each floor of the facility.
- (3) The provider must ensure that there is a working smoke detector on each floor of the facility.
- (4) The provider must ensure that there is a working carbon monoxide monitor on each floor of the facility.
- (5) The provider must ensure that walk ways, exits, and furnace areas are clear from storage.
- (6) In the case of a life threatening incident or injury or an incident or injury that poses a threat of the loss of vision, hearing, or a limb, the provider must contact emergency personnel immediately and before contacting the department.

- (7) Within 24 hours of its occurrence, the provider must notify department staff of any fatality, hospitalization, emergency medical response, or injury that requires attention from a health care provider, unless the medical treatment was part of the client's medical treatment plan.
- (8) The provider must ensure that there are at least two ways of egress on each level of the facility.

DSPD-11. Health and Infection Control

- (1) The provider must ensure there is a clean and sanitary environment for the clients in care.
- (2) To prevent and control infectious diseases, the provider must ensure there is a way for the provider and clients in care to wash their hands thoroughly with soap and running water.
- (3) The provider must take the necessary measures to prevent and correct any rodent or insect infestation.

DSPD-12. Transportation

- (1) While transporting clients in care, the provider must ensure that individual safety restraints laws are followed.
- (2) While transporting clients in care, the provider must never leave the clients in care unattended in the vehicle.