

NOTICE OF PROPOSED RULE

TYPE OF RULE: Amendment

Rule or Section Number:

R501-11

Filing ID: 55380

Agency Information

1. Department:	Health and Human Services	
Agency:	Human Services Program Licensing	
Building:	MASOB	
Street address:	195 N 1950 W	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Janice Weinman	385-321-5586	jweinman@utah.gov
Jonah Shaw	385-310-2389	jshaw@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R501-11. Social Detoxification Programs
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The purpose of this amendment is to modify and replace outdated language with the Utah Rulewriting Manual standards.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
<p>The revisions include more specific language and formatting consistent with the Utah Rulewriting Manual.</p> <p>Additionally, it removes outdated citations and removes duplicative content that is now reflected in Rule R501-1 General Provisions for Human Services Program licensing. This rule is being submitted for manual compliance only and is currently being discussed with multiple stakeholders to address the gaps between medical and social detoxification services as governed by the Department of Health and Human Services (Department).</p> <p>This hybrid approach to allowing medical detox in a social detox setting is a compromise reached between OSUMH, stakeholders, and the Department until more discussions can produce a more comprehensive social/medical detox continuum under the Office of Licensing.</p>

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
<p>The state government process was thoroughly reviewed. This change will not impact the current process for licensure and re-licensure, now that there is one office for health and human services licensure.</p> <p>No change to the state budget is expected because this amendment modifies and replaces outdated language and citations, most of the stricken content is now located in Rule R501-1.</p>
B) Local governments:
<p>Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments' revenues or expenditures because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.</p>

The Social Detoxification Programs are regulated by the Department and not local governments. There will be no change in local business licensing or any other item(s) with which local government is involved. There are no fiscal impacts to local governments resulting from the nonsubstantive changes in this rule content.

C) Small businesses ("small business" means a business employing 1-49 persons):

Small businesses impacted will be insignificant, as the new rule content was amended to address duplicative content across all rule categories. Rule R501-1 is the streamlined and updated version of the stricken content of this rule as it applies to all license categories. Substantive changes offer licensees an option to provide an additional level of care, do not require it.

There are no fiscal impacts to small businesses resulting from the nonsubstantive changes in this rule content.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

Non-Small businesses impacted will be insignificant, as the new rule content was amended to address duplicative content across all rule categories. Rule R501-1 is the streamlined and updated version of the stricken content of this rule as it applies to all license categories. Substantive changes offer licensees an option to provide an additional level of care, do not require it.

There are no fiscal impacts to non-small businesses resulting from the substantive or non-substantive changes in this rule content.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to any affected persons because this amendment modifies and replaces outdated language with the Utah Rulewriting Manual standards.

The nonsubstantive changes being made clarify and outline existing industry standards and requirements for the protection of clients in social detoxification programs.

The substantive changes allow licensees the option to serve medical clients in social settings and bill Medicaid for the service.

There will be no fiscal impacts on any affected persons as a result of this rule.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

This rule amendment does not introduce any processes that will incur a cost for affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0

Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of Department of Health and Human Services, Tracy Gruber, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 26B-2-104		
-------------------	--	--

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	06/14/2023
--	------------

9. This rule change MAY become effective on:	06/21/2023
---	------------

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	05/01/2023
---	-------------------------------------	--------------	------------

R501. Health and Human Services, ~~[Administration, Administrative Services,]~~Human Services Program Licensing.

R501-11. Social Detoxification Programs.

R501-11-1. Authority.

~~[Pursuant to 62A-2-101 et seq., the Office of Licensing, shall license social detoxification programs according to the following rules.]~~This rule is authorized by Section 26B-2-104.

R501-11-2. Purpose.

~~[A social detoxification program offers room, board and specialized rehabilitation services to persons who are in an intoxicated state, or withdrawing from alcohol or drugs. In social detoxification, individuals are assisted in acquiring the sobriety and a drug free condition necessary for living in the community and the program places an emphasis on helping the individual obtain further care after detoxification.]~~The purpose of this rule is to set foundational health and safety standards for programs providing social detoxification services.

R501-11-3. Definition.

~~[Social detoxification Program means a short term non-medical treatment service for individuals unrelated to the owner or provider in accordance with 62A-2-101(18).]~~Social detoxification is an organized service delivered by trained staff who provide 24-hour supervision, observation, and support for individuals who are intoxicated or experiencing withdrawal. This level of service is characterized by its emphasis on peer and social support rather than nursing or medical care. This level of service provides care for individuals whose intoxication or withdrawal symptoms are sufficiently severe to require 24-hour structure and support, however not in need of the full resources of a medically monitored level of care.

R501-11-4. Administration.

~~[A.]~~In addition to ~~[the following rules, all]~~this rule, each social detoxification program[s] shall comply with Rules R501-~~[2, Core Rules]~~1, General Provisions for Licensing and R501-14 Human Services Background Screening.

~~[B. A current list of enrollment of all registered consumers shall be on-site at all times.]~~

~~[R501-11-5. Staffing.~~

~~A. Each program shall have an employed manager who is responsible for the day to day resident supervision and operation of the facility. The responsibilities of the manager shall be clearly defined. Whenever the manager is absent there shall be a substitute available.~~

~~B. Professional staff shall include at least one of the following individuals who have received training to work with substance abusers:~~

~~1. a licensed physician, or a consulting licensed physician, or~~

~~2. a licensed mental health therapist, or a consulting licensed mental health therapist, or~~
~~3. a licensed psychologist or consulting licensed psychologist, and~~
~~4. a licensed substance abuse counselor or unlicensed staff who work with substance abusers shall be supervised by a licensed clinical professional.~~

~~C. The program shall have a staff person trained, by a certified instructor in standard first aid and CPR, on duty with the consumers at all times. Training shall be updated as required by the certifying agency.~~

~~R501-11-6. Direct Service.~~

~~Program service records shall contain the following:~~

~~A. name, address, telephone number and admission date,~~

~~B. emergency information with names, addresses and telephone number, of a preferred individual and next of kin.~~

~~Services will not be refused if a person is too intoxicated to provide accurate and detailed emergency information. The program shall obtain thorough information as soon as the client is able to report, and~~

~~C. a statement indicating that the consumer meets the admission criteria.~~

~~R501-11-7. Physical Environment.~~

~~A. The program shall maintain appropriate documentation of compliance with the following items as applicable:~~

~~1. local zoning ordinances, for "I" occupancies only,~~

~~2. local business license,~~

~~3. local building codes,~~

~~4. local fire safety regulations, and~~

~~5. local health codes.~~

~~B. The program shall provide written approval from the appropriate local government agency for new program services or increased consumer capacity.~~

~~C. Building and Grounds~~

~~1. The program shall insure that the appearance and cleanliness of the building and grounds are maintained.~~

~~2. The program shall take reasonable measures to ensure a safe physical environment for consumers and staff.]~~

~~R501-11-[8]5. Physical Facility.~~

~~[A.](1) This section supersedes conflicting requirements of Rule R501-1.[Staff Quarters: A 24 hour live-in staff shall have separate living space with a private bathroom.~~

~~B. The program shall have space to serve as an administrative office for records, secretarial work and bookkeeping.~~

~~C. Sleeping Space.]~~

~~(2) Each provider shall ensure that the physical facility is compliant with the following:~~

~~(a) 24 hour live-in staff have a separate living space with a private bathroom;~~

~~[4.](b) a [Large rooms] large room may be used as a dormitory style bedroom[s.];~~

~~[2.](c) [A] a minimum of 50 square feet per [consumer] individual, excluding storage space, [shall be] is provided [in] for a multiple occupant bedroom[-]; [-Storage space shall not be counted.]~~

~~[3.](d) [A] a minimum of 70 square feet per individual, excluding storage space [shall be] is provided [in] for a single occupant bedroom[-]; [-Storage space shall not be counted.]~~

~~[4. Sleeping areas shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens.]~~

~~[5.](e) [There shall be] there is an escape window for each sleeping room unless there are two ways to exit the room[-]; and~~

~~[6. Each bed, none of which shall be portable, shall be solidly constructed and be provided with clean linens after each consumer stay and at least weekly.~~

~~7. Sleeping quarters serving male and female residents shall be structurally separated.~~

~~D. Bathrooms]~~

~~[4.](f) each [B] bathroom[s shall] meets a minimum ratio of one toilet, one [lavatory] sink, and one tub or shower for each eight residents. [-These shall be maintained in good operating order and in a clean and safe condition.~~

~~2. Toilets and baths or showers shall allow for individual privacy. They shall also accommodate consumers with physical disabilities, as required by the state building code.~~

~~3. Bathroom mirrors shall be secured to the walls at convenient heights.~~

~~4. Each bathroom shall be properly equipped with toilet paper, towels, soap and other items required for personal hygiene.~~

~~5. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens.]~~

~~[R501-11-9. Equipment.~~

~~A. Furniture and equipment shall be of sufficient quantity, variety and quality to meet program and consumer needs.~~

~~B. All furniture and equipment shall be maintained in a clean and safe condition.~~

~~R501-11-10. Laundry Service.~~

~~_____ A. Programs which provide for common laundry of linens and clothing, shall provide containers for soiled laundry separate from storage for clean linens and clothing.~~

~~_____ B. Laundry appliances shall be maintained in good operating order and in a clean and safe condition.~~

R501-11-11. Food Service.

~~_____ A. One person shall be responsible for food service. If this person is not a professionally qualified dietician, annual consultation with a qualified dietitian shall be obtained.~~

~~_____ B. The person responsible for food service shall maintain a current list of consumers with special nutritional needs, record in the consumer's service record information relating to special nutritional needs, and provide nutrition counseling where indicated.~~

~~_____ C. Kitchens shall have clean and safe operational equipment for the preparation, storage, serving and clean up of all meals.~~

R501-11-12. Medication.

~~_____ A. The program shall have locked storage for medications.~~

~~_____ B. The program shall have locked storage for hazardous chemicals and materials according to the direction of the local fire authorities. Any flammable or hazardous chemicals or materials shall be stored in appropriate well ventilated storage area.~~

~~_____ C. The program shall have designated qualified staff, who shall be responsible to:~~

~~_____ 1. administer or supervise medication;~~

~~_____ 2. supervise self medication;~~

~~_____ 3. record medication, including time and dosage, according to prescription, and~~

~~_____ 4. record effects of medication.]~~

R501-11-~~13~~6. Specialized Services.

~~[_____ A. The program shall not admit those who are currently experiencing convulsions, in shock, delirium tremens, in a coma, or unconscious.]~~

~~(1) Social detoxification services shall serve clients who require a clinical managed residential withdrawal management level of care only until they can be stabilized and transition to a lower level of care, or medical necessity requires moving the individual to a higher level of care.~~

~~(2) A provider wishing to provide medically monitored inpatient withdrawal management under a social detoxification license may only do so under the following conditions:~~

~~(a) medical and nursing professionals provide 24-hour medically monitored evaluation and withdrawal management under physician-approved policies and physician-monitored procedures and protocols;~~

~~(b) justification is documented for how clients served at this level do not require services at the level of either a higher or lower level of care;~~

~~(c) the individual meets the admission and continued service criteria for medically monitored withdrawal management; and~~

~~(d) the program meets each requirement for medically monitored withdrawal management.~~

~~[B.](3) [—]The [program]provider shall complete a preliminary screening [at the time]when an individual presents for service to determine appropriateness for social model detox[—F] and shall complete the subsequent intake evaluation [is—completed—]within seven days.~~

~~[C. Consumers shall demonstrate](4) The provider shall require a client to provide recent evidence of a Tuberculosis screening or [be]get tested for Tuberculosis within one week[s] of presenting for service.[—Clients who exhibit signs of possible active tuberculosis will be screened immediately with assistance from the local health department. Health department recommendations will be followed. Program staff will be tested every six months.]~~

~~(5) The provider shall ensure:~~

~~(a) a client who exhibits signs of possible active Tuberculosis is screened by the provider immediately with assistance from the local health department; and~~

~~(b) any local health department recommendations are followed.~~

~~[D.](6) Once [the]a client has completed the acute detoxification period as demonstrated by reasonable physical and psychological stability, [case managers will]the provider shall conduct an evaluation to determine the treatment referral.~~

KEY: licensing, human services, substance abuse

Date of Last Change: 2023[January 30, 2003]

Notice of Continuation: October 4, 2022

Authorizing, and Implemented or Interpreted Law: [62A-2-101 et seq.]26B-2-104

!--dar--