

R501. Health and Human Services, Human Services Program Licensing.

R501-3. Inspection and Emergency Enforcement.

R501-3-1. Authority and Purpose.

- (1) Section 26B-2-104 authorizes this rule.
- (2) This rule establishes the standard for an emergency agency action taken by the office following a serious injury or death in a human services program.

R501-3-2. Scope.

Each human services program is subject to this rule.

R501-3-3. Definitions.

The terms used in Title R501 are defined in Section 26B-2-101 and Section R501-1-3. In addition, the following terms are defined:

- (1) "Notice of Emergency Agency Action (NEAA)" means the notice issued by the office which places a program license on immediate conditional status.
- (2) "Serious Injury" means significant disfigurement or loss or impairment of function of a bodily member, organ, or mental faculty.

R501-3-4. Notice of Emergency Agency Actions.

- (1) A human services program that experiences a serious injury or death shall report the critical incident to the office in accordance with Subsection R501-1-11(2).
- (2) The office shall make the determination of whether or not to issue an NEAA with consideration of:
 - (a) any known facts of the event;
 - (b) the human services program's adherence to licensing rules leading up to and during the incident; and
 - (c) the immediate health and safety of the remaining clients.
- (3) The known facts of the event are deemed proof of conduct adverse to the standards required to provide services and promote public trust in accordance with Section 26B-2-112.
- (4)(a) If the office determines that an NEAA is necessary for the protection of clients, it may place emergency conditions on the license to include restricting new admissions and increased monitoring of program operations.
 - (b) An NEAA shall expire 30 days after the date of issuance.
 - (c) The office may dismiss the NEAA at any time before the 30-day expiration.
 - (d) Issuance of an NEAA does not prevent the office from issuing a subsequent notice of agency action or any other sanction.
 - (e) The human services program may appeal an NEAA by filing a written request for an administrative hearing with the office within 5 business days of receipt of the NEAA.
 - (f) NEAA conditions are immediately in effect and the human services program shall adhere to any listed conditions unless reversed by a hearing with the department or under written authorization from the office.

R501-3-5. Compliance.

A human services program found in noncompliance with any part of this rule may be subject to a civil money penalty or other sanctions as authorized by Section 26B-2-104 and as outlined in Section R501-1-12.

KEY: licensing, human services

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