



## State of Utah

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## Department of Human Services

TRACY S. GRUBER  
*Executive Director*

Office of Licensing  
AMANDA SLATER  
*Director*

March 23, 2021

Sorenson's Ranch School

Shane Sorenson, Owner/CEO; Jill Sorenson, Chief Operations Officer; Layne Bagley, Program Director;  
Mindy Talbot, Facilities Director  
410 North 100 East, Koosharem, UT, 84744

RE: NOTICE OF AGENCY ACTION  
LICENSE(S) PLACED ON CONDITIONAL STATUS  
Sorenson's Ranch School (SRS), Residential Treatment License number 52128

This letter serves as notice that the Utah Department of Human Services Office of Licensing (the "Office") is placing Sorenson's Ranch School Residential Treatment Center ("SRS" or "Licensee") licenses on Conditional Status effective immediately.

Pursuant to Utah Administrative Rule 501-1-7-4: "The [Office] may place a license on conditional status. A conditional status allows a program that is in the process of correcting administrative rule violations to continue operations subject to conditions established by the [Office]."

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. 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. Immediately cease programming practices of Mountain Camp, PBI, work hours, and projects where such are used as punishment or inappropriate form of discipline.

5. Immediately cease behavior management policies, procedures, and practices where those practices are not documented in policy and procedure or allowed under licensing rules and where such are contrary to therapeutic treatment of clients served.
6. Develop a time out policy in compliance with Utah Administrative Rule.
7. Retrain all staff in de-escalation skills, physical intervention and behavior management.
8. Retrain all staff on Critical Incident reporting and Incident report writing using the 2020 DHS Incident Reporting Guide.
9. Document and report all critical incidents to the Office within one business day of occurrence. Ensure that any licensee or staff member who is aware of or suspects abuse, neglect, mistreatment, fraud, or exploitation shall ensure that a report is made to the Office and applicable investigative agencies.
10. Write policies in accordance with 62A-4A-403 and rule 501-1-11 that instruct when Protective Services are called.
11. Require all staff to read, review, and sign the DHS Code of Conduct.
12. Licensee will cooperate with any investigative agency and retain any and all documentation that may aid in investigations.

Conditional status on this license will be removed no sooner than 90 days unless approved in writing by the Office. Failure to comply with the terms of this Notice in the specified time frames may result in a further penalty action of license suspension or revocation per R501-1-10(2)(A).

This action is taken pursuant to the Administrative Procedures Act, Title 63 G Chapter 4 and Utah Code 62A-2-112. Licensing 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 has noted violation of the following Administrative Rules:**

**R501-1-11. Licensing Code of Conduct and Client Rights.**

*(1) Licensees and staff shall:*

*(a) transparently represent services, fees, and policies and procedures to clients, guardians, prospective clients, and the public;*

1. **Violation Description:** Client interviews that were conducted revealed a practice in which clients are sent to “Mountain Camp.” Mountain Camp is not documented in Licensee’s policy and procedure, and the activities described by clients are not provided for or allowed by licensing rules.

- October 03, 2019, during an Office investigation, documentation was provided to the Office regarding the discontinuation of the practice of “Mountain Camp,” and that “the term mountain camp” describes “a low level camp out in which a group of students will have the opportunity to haul wood, improve the land in the area of the narrows, and perform service projects for the forest service or BLM, and complete therapy assignments.”
- On February 24, 2021, the Office learned in two client interviews that Mountain Camp is still in practice.

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

**R501-2-7. Behavior Management.**

*F. Programs using time out or seclusion methods shall comply with the following:*

*1. The program will have a written policy and procedure which has been approved by the Office of Licensing to include:*

*a. Time-out or seclusion is only used when a child's behavior is disruptive to the child's ability to learn to participate appropriately, or to function appropriately with other children or the activity. It shall not be used for punishment or as a substitute for other developmentally appropriate positive methods of behavior management.*

*d. Any one time-out or seclusion shall not exceed 4 hours in duration.*

2. **Violation Description:** Sorenson’s Ranch has a program called Positive Behavioral Intervention (PBI), which includes repetitive walking or physical labor as a form of consequence and time out. PBI is to be evaluated throughout the day, each day, by the supervisor and therapist.

In three separate sets of client interviews, a total of 13 out of 14 clients reported the use of PBI, which includes repetitive walking or physical labor as a form of punishment and time out. The clients were not returned to the milieu once their behavior was regulated and the clients were required to continue PBI for much longer than the 4-hour-duration that is allowed for time-out or seclusion.

- On January 25, 2021, DHS Office of Licensing Investigator Nicole Laub met with Sorenson’s Ranch Administration Mindy Talbot and Layne Bagley after conducting client interviews and discussed concerns that their PBI practices violated licensing rules for time out, as they were longer than four hours and being used as a form of physical punishment.
- On February 2, 2021 DHS Office of Licensing Managers Travis Broderick and John Ortiz met with Sorenson’s Ranch Administration Mindy Talbot, Jill Sorenson and Layne Bagley and discussed concerns of their PBI practices which requires youth to engage in manual labor as a punishment. Office staff instructed the SRS Administration that these practices were unacceptable and must stop immediately.

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

**R501-2-3. Governance.**

*A. The program shall have a governing body which is responsible for and has authority over the policies, training and monitoring of staff and consumer activities for all phases of the program. The governing body's responsibilities shall include the following:*

*1. to ensure program policy and procedures compliance[.]*

3. **Violation Description:** SRS failed to follow its policy by implementing a practice not approved in policy, known as "Mountain Camp" (listed above).
4. **Violation Description:** SRS failed to follow its policy by improperly using PBI as a form of punishment and time out (listed above).
5. **Violation Description:** SRS failed to follow its policy (106.3) of only passively restraining clients when they pose a physical threat to staff, other clients, or damage to the facility (listed above). They may only be restrained until they have deescalated, at which time they are to be immediately released.
6. **Violation Description:** Sorensen's Ranch School failed to follow their policy (108.10.4.2) regarding work projects which states that maintenance and small repairs are to be managed by a safety coordinator and performed by maintenance personnel, unless the safety coordinator or facilities director feels the repairs must be outsourced. If a client is responsible for the damage, the client may work alongside the repairperson to make the repairs or to pay for the repair through other various work projects, to learn the skill and understand they need to modify their behavior, or pay for the repair through other various work projects.

Clients are required to participate in work projects/hours, such as hauling hay, shoveling manure, chopping wood, picking rocks, painting, and pulling weeds, as a consequence for actions that do not include damage for which the client is responsible, such as self-harm, refusing to follow staff directions and other behavioral concerns.

- On January 25, 2021, DHS Office of Licensing Investigator Nicole Laub met with Sorensen's Ranch Administration Mindy Talbot and Layne Bagley and informed the program that work projects/hours are a violation of clients rights as physical labor cannot be used as a punishment or disproportionate consequence for negative behaviors.
- On January 28, 2021, DHS Office of Licensing Director Amanda Slater and Manager John Ortiz spoke with Mindy Talbot, Jill Sorensen and Layne Bagley and informed the program that they cannot use manual labor as a punishment.

- On February 2, 2021 DHS Office of Licensing Managers Travis Broderick and John Ortiz met with Sorenson's Ranch Administration Mindy Talbot, Jill Sorenson and Layne Bagley and discussed concerns of SRS using manual labor as a punishment. Office staff instructed SRS Administration that these practices were unacceptable and must stop immediately.
7. **Violation Description:** SRS failed to follow its policy (101.6) of reporting any suspected incident of abuse or neglect as required by licensing rules (the Department Code of Conduct) and state law (listed below).

**The Office of Licensing has noted violation of the following Administrative Rule:**

**R501-1-9. Investigations of Alleged Violations.**

*(2) Licensed Program Complaints and Critical Incidents.*

*(d) Critical incidents that involve one or more clients and/ or on-duty staff in a licensed setting or under the direct responsibility and supervision of the program shall be reported by the licensee as follows:*

*(i) report shall be made to DHS and legal guardians of involved clients within one business day;*

*Critical incidents are defined in R501-1-2(8) as an occurrence that involves*

*(9) "Critical Incident" means an occurrence that involves: (a) abuse; (b) neglect; (c) exploitation; (d) unexpected death; (e) any client injury, including self-harm, requiring medical attention beyond basic first aid; (f) any client injury that is a result of staff or client assault, restraint or intervention; (g) all criminal activity excluding minor infractions; (h) medical emergency or protective service intervention; (i) the unlawful or unauthorized presence or use of alcohol, substances, or harmful contraband items; (j) the unauthorized presence or misuse of dangerous weapons; (k) attempted suicide; (l) any on-duty or client-involved staff sexual misconduct or any client unlawful sexual misconduct; (m) client rights violations; (i) per Office of Licensing code of conduct for all licensed providers; and (ii) per DHS code of conduct for DHS contracted providers; and (iii) per human rights committee approval for DSPD contracted providers; (n) medication errors resulting in impact on client's well being, medical status or functioning; (o) the unauthorized departure of a client from the program; (p) outbreak of a contagious illness or situation requiring notification of or consultation with the local health department; (q) any event compromising the client environment, including roof collapse, fire, flood, weather events, natural disasters and infestations; (r) any other incident that compromises client health and safety shall result in a critical incident report; (i) specific contract language may also exist that requires additional criteria for DHS contracted providers.*

8. **Violation Description:** A review of Licensee's internal reports, employee files and client interviews documented at least twelve critical incidents in the last three years in which Licensee failed to report to the Office.

9. **Violation Description:** A review of Licensee's internal reports, employee files, and client interviews revealed three critical incidents between October 22, 2020 - December 15, 2020 in which the Licensee failed to report to the Office within one business day.

**The Office of Licensing has noted violation of the following Administrative Rule:**

**R501-1-11. Licensing Code of Conduct and Client Rights.**

*(1) Licensees and staff shall:*

*(d) report all criminal activity;*

*(i) significant criminal activity and medical emergencies shall be immediately reported to the appropriate emergency services agency per 62A-2-106-2;*

*(p) require that any licensee or staff member who is aware of, or suspects abuse, neglect, mistreatment, fraud, or exploitation shall ensure that a report is made to the Office and applicable investigative agencies as outlined in R501-1-10-2, and in compliance with mandatory reporting laws, including 62A-4a-403 and 62A-3-305;*

10. **Violation Description:** A review of Licensee's internal reports and employee files shows at least six instances within the past three years of criminal activity such as assault and/or threats where there is no documentation to show that these incidents were reported to law enforcement or applicable investigative agencies as required by office rules and state statute.

11. **Violation Description:** A staff interview revealed that the program does not allow staff members to directly report to applicable investigative agencies.

- On January 25, 2021, DHS Office of Licensing Investigator Nicole Laub met with Sorenson's Ranch Administration Mindy Talbot and Layne Bagley after conducting client interviews and reminded the program of reporting requirements including that incidents of physical, sexual and/or emotional and/or verbal abuse of a client should be reported to Child Protective Services.
- On January 28, 2021, DHS Office of Licensing Director Amanda Slater and Manager John Ortiz spoke with Mindy Talbot, Jill Sorenson and Layne Bagley and reminded SRS that they are required to report critical incidents to the Office and to the applicable investigative agency.

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

**R501-1-11. Licensing Code of Conduct and Client Rights.**

*(2) Clients have the right to:*

*(a) Be treated with dignity;*

*(b) Be free from potential harm or acts of violence;*

*(d) be free from abuse, neglect, mistreatment, exploitation, and fraud;*

*R501-1-2(22) "Mistreatment" means emotional or physical mistreatment:*

*(b) physical mistreatment includes: (i) misuse of work, exercise restraint, or seclusion as a means of coercion, punishment, or retaliation against a client, or for the convenience of the licensee, or when inconsistent with the client's treatment or service plan, health or abilities[.]"*

12. **Violation Description:** A review of internal incident reports, employee files and client interviews documented numerous incidents of mistreatment. In addition to the mistreatment described in the other violations listed in this NAA, 8 of 14 clients interviewed reported staff mistreatment in the form of verbal mistreatment and threatening statements.

**The Office of Licensing has noted violation of the following Administrative Rule:**

**R501-2-2. Program Administration.**

*E. The governing body, program operators, management, employees, consultants, volunteers, and interns shall read, understand, follow and sign a copy of the current Department of Human Services Provider Code of Conduct.*

13. **Violation Description:** A review of internal reports and numerous client and staff interviews were conducted that documented an instance where group consequences were used in violation of the Code of Conduct.

14. **Violation Description:** The use or improper use of Mountain Camp, PBI, work projects/hours, and other violations above are prohibited by the Department of Human Services Provider Code of Conduct.

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 business days of receipt of this letter. This adjudicative proceeding, if requested and granted, shall be conducted informally.

Pursuant to Rule 501-1-10 (I) "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](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

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