



Sequel Talking Points
9 Violations

Bold Print is from the NAA Report
Regular Print is our Talking Points

501-19-5 Staffing. A minimum of two staff on duty and, a staff ratio of no less than one staff to every four consumers shall exist at all times, except nighttime sleeping hours when staff may be reduced.

Violation 1: On several occasions there has not been the required 1 to 4 ratio including on the day of the riot. Understaffing has led to violence within the program, sexual misconduct within the program, and staff and residents feeling unsafe.

Red Rock Response to Violation 1: On the evening of April 28, Red Rock Canyon School ("Red Rock" or "RRCS") was out of ratio on three (3) units due to staff call off which was in direct violation of company procedure. Red Rock has enhanced protocol with our identified hold over staff process for each shift. Red Rock is currently staffing every dorm to ratio. We have had three unannounced spot checks by the state over the past week and have been in compliance each time.

We do not agree that the incident on the evening of April 28, 2019 is a direct result of understaffing. We also disagree with referring to the incident as a "riot."

501-2-2. Core Rules Program Administration. All programs which serve minors or vulnerable adults shall submit identifying information for background screening of all adult persons associated with the licensee and board members who have access to children and vulnerable adults in accordance with R501-14 and R501-18.

Violation 2: Records and documents reviewed indicate on at least two occasions staff have worked on site with youth after expiration of their Background Screenings.

Red Rock Response to Violation 2: All newly hired staff complete the Background Screening as part of the New Hire Onboarding process. An audit identified two staff missed the deadline to meet the annual renewal of their Background Screening requirement. We have since further audited all of our HR files post investigation and have taken additional appropriate measures to be in full compliance.

501-1-9 General Provisions. Investigation of Alleged Violations. 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.

Violation 3: Critical incident was not reported to Office of Licensing until May 1, 2019.

Red Rock Response to Violation 3: Red Rock Canyon School Leadership provided verbal notification of the incident to Utah Licensing within 24 hours of the occurrence. Specifically, we spoke with Kelly Anderson of Utah Department of Licensing within three hours of the incident occurring on the evening of 4/28. A follow-up call made by VP Ryan Santi to Mr. Anderson was made on the evening on April 29th to discuss the incident and the process for support staff. Formal written notification was provided to Utah Licensing on May 1st.

501-2-7 Core Rules. Behavior Management. No management person shall authorize or use, and no staff member shall use, any method designed to humiliate or frighten a consumer.

Violation 4: On April 28, 2019 during the riot, and on several other occasions staff made humiliating and degrading comments to residents of the program which caused behaviors to escalate dangerously in an already tense situation.

Red Rock Response to Violation 4: We have no factual knowledge of Red Rock staff making "humiliating or degrading remarks" during the incident due to conflicting reports from staff and students. Our policies, training and overall company philosophy are meant to prevent such incidents from occurring. However, when Utah Licensing informed us that they learned during their investigation that a staff member making comments to female students after being injured, we placed the staff on administrative leave. This same staff member was cleared by the local police of any wrongdoing.

501-2-9 Core Rules. Personnel Administration. The program shall follow a written staff to consumer ratio, which shall meet specific consumer and program needs. The staff to consumer ratio shall meet or exceed the requirements set forth in the applicable categorical rules as found in R501-3, R501-7, R501-8, R501-11, and R501-16.

Violation 5: As noted above RRCS is in violation of failing to meet the required minimum staffing of 1 staff to every 4 clients. Staff, and middle management, have requested additional staff in order to meet the needs of the program. According to staff and middle management, who deal with the day-to-day operations of the program, these needs require additional staff to maintain safety of the program. Upper management has responded to these requests by offering overtime. This response has been insufficient to address the needs reported by



staff and middle management, and has actually exacerbated the problems arising from these needs. Some staff report working 16 hours a day 7 days a week, leading to staffing ratios that, at times are already insufficient, being filled with staff who are physically, emotionally, and mentally exhausted.

Red Rock Response to Violation 5: Red Rock payroll records do not show any instance of an employee working seven straight days of 16 hour shifts. Licensing has not supplied Red Rock with any information to support this assertion. In any event, we will not increase census post full licensure unless staffed for the increased population and we have taken several actions (reassignment, support staff) to reduce the need for overtime. Red Rock is staffing to meet or exceed ratio and has been in compliance during recent unannounced state spot checks.

501-2-7 Core Rules. Behavior Management. No management person shall authorize or use, and no staff member shall use nor permit the use of physical restraint with the exception of passive physical restraint. Passive physical restraint shall be used only as a temporary means of physical containment to protect the consumer, other persons, or property from harm. Passive physical restraint shall not be associated with punishment in any way.

Violation 6: Residents have been permitted to physically restrain other residents. Specifically, on April 28, 2019, during the riot, a resident was engaging a staff member in a physical altercation. Another resident physically restrained the resident engaged in the altercation by putting him in a choke hold. The staff member who was engaged in the physical altercation authorized the restraint by doing nothing to intervene after the resident was restrained in his presence. The resident who was restrained eventually dropped to his knees and lost consciousness as a result of the restraint. Interviews conducted with residents indicate that this type of resident-on-resident restraint is a common occurrence.

Red Rock Response to Violation 6: We do not allow students to engage in disciplinary actions against other students including physical restraints. Our internal weekly camera reviews of each shift have not indicated any incidents of students restraining each other in the past. During the incident that occurred on the night of April 28, in an attempt to protect a staff member, a student took it upon himself to engage inappropriately with another student. We do not have any evidence that supports the conclusion that the restrained student lost consciousness. We did review video footage.

501-1-11 General Provisions for Licensing. Licensing Code of Conduct and Client Rights. Clients have the right to: (a) be treated with dignity; (b) be free from potential harm or acts of violence; (c) be free from discrimination; (d) be free from abuse, neglect, mistreatment, exploitation, and fraud; (e) privacy of current



and closed records; (f) communicate and visit with family, attorney, clergy, physician, counselor, or case manager, unless therapeutically contraindicated or court restricted; (g) be informed of agency policies and procedures that affect client or guardian's ability to make informed decisions regarding client care, to include: (i) program expectations, requirements, mandatory or voluntary aspects of the program; (ii) consequences for non-compliance; (iii) reasons for involuntary termination from the program and criteria for re-admission; (iv) program service fees and billing; and (v) safety and characteristics of the physical environment where services will be provided.

Violation 7: Throughout the course of the investigation, Licensing Investigators observed through video footage, incident reports and interviews conducted with residents, numerous accounts of mistreatment, abuse, acts of violence and overall disrespect toward residents.

Red Rock Response to Violation 7: Our program does not support, condone or allow mistreatment, abuse, violence and/or disrespect of students. We immediately review and address incidents when they occur through additional training and coaching as well as employee disciplinary actions including up to termination of employee. When indicated, we notify the Department of Licensing, CPS and local Law Enforcement. We are actively involved in culture change initiatives including the hiring of a new Group Living Director and revised training programs.

501-19-7 Residential Treatment Programs. Physical Facilities. Building and Grounds 1. The program shall ensure 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.

Violation 8: Licensing Investigators toured the grounds and buildings and found numerous items that could be used as weapons. Items included pieces of block, rocks, pavers, sticks, broken tile, plastic air conditioner covers easily removed, windows easily broken and glass used as weapon to harm others or oneself. Investigators also observed cigarette butts and garbage strewn across the recreation yard. In addition, investigators observed harmful chemicals in aerosol cans which clients were huffing to get high.

Red Rock Response to Violation 8: On the night of the incident, items were strewn about and broken which we corrected as soon as possible. All cleaning products, including aerosols cans, have been either removed or placed in a secure, locked setting. Prior to the incident, Red Rock's landscaping had not been an area of concern.



501-2-2 H. Interstate Compact Laws The program shall comply with all applicable National Interstate Compact Laws.

Violation 9: RRCS has failed to follow Interstate Compact Laws by allowing residents into their program without having an approved ICPC.

Red Rock Response to Violation 9: The citation of ICPC compliance is specifically related to privately placed students. We are working with Utah to ensure we are in compliance moving forward. We are working with the state to clarify if there are alternative actions outside of discharging the privately placed students.