



July 25, 2018

Blake Tingey Utah Department of Human Services Office of Licensing

Re: Havenwood Acadmey Corrective Action Plan

Dear Mr. Tingey:

Havenwood Academy received the Corrective Action Plan requirement from your office on July 16, 2018. We are always seeking to improve our program and the treatment we provide to our clients. We appreciate the time you have taken to assist us in this process. Set forth below you will find our proposed Corrective Action Plan. We have included some footnotes throughout the Corrective Action Plan for clarification purposes. Again, thanks for your assistance in this matter.

CORRECTIVE ACTION PLAN

VIOLATION 1:

An incident occurred on June 21, 2018 that resulted in a client being physically abused by Havenwood staff. The client was then zip-tied on the hands and feet and placed in a horse's water trough until law enforcement arrived.¹

CORRECTIVE ACTION:

Steps to be Taken: Havenwood shall take the following steps to correct this issue:

1. All staff will be re-trained in the proper use of restraints using AEGIS and all staff will be re-trained that physical ("mechanical") restraints may not be used at any time for any reason;

We are not aware of our staff "physically abus[ing]" a client during this or any other incident. It is our understanding that Havenwood staff attempted to properly restrain the client and that they were acting properly within their AEGIS training. We are aware that one of our staff members was blindsided by the client with a fist to the side of the face and at least one of the witness's reports indicates that the injured staff member struck back at the client although it is not clear whether the client was actually struck. We are therefore concerned about language that indicates that Havenwood staff members "physically abused" a client as that has never happened at Havenwood and such would result in the immediate termination of the staff member(s) involved as well as necessitate a report to the Division of Licensing. Additionally, the way that the Violation reads is that there were two incidents—one where Havenwood staff "abused" a client and then one where the client was zip-tied and placed in a trough. Our research indicates that the zip-tie incident was as a result of trying to restrain, albeit improperly, a client who was out of control and was a threat to herself, other clients and staff members. We are aware, nevertheless, that during this incident, Havenwood staff allowed an independent contractor to zip-tie the client. It should also be noted that it is our understanding that the client was not placed in the trough but voluntarily placed herself in the trough. We understand that by allowing the independent contractor to take these actions said staff was complicit in the zip-tie and trough incident and that corrective action is appropriate and accepted in this regard.



- 2. AEGIS trainings will continue and be increased as follows:
 - a. When a new employee is hired (this is currently protocol);
 - b. Yearly (this is currently protocol);
 - c. Quarterly review/refresher trainings (this is not currently protocol and will be implemented);
- 3. All independent contractors who are interacting with clients will be required to participate in all the above referenced AEGIS trainings and will execute a form indicating that they understand that physical ("mechanical") restraints may not be used at any time;
- 4. All independent contractors, including the current equine contractor, shall be supervised by a representative of Program and/or Clinical at all times that the independent contractor is interacting with clients;
- 5. The Program and/or Clinical representative shall be in control of all events occurring within an activity and shall have the authority to override any action taken or proposed to be taken by the independent contractor;
- 6. All activities of an independent contractor shall be reviewed and approved by the appropriate treatment team before the same are implemented by the independent contractor;
- 7. Any use of the "trough" shall be discontinued and other appropriate and approved methods of teaching shall be implemented that comply with all rules and regulations of the Division of Licensing.

Date Havenwood will achieve compliance with administrative rules and statutes:

Immediately.

VIOLATION 2:

During the June 21st incident, 2 Havenwood staff allowed the use of physical restraint to be associated with punishment by placing the client in the horse water trough while zip-tied.²

Steps to be Taken: Havenwood shall take the following steps to correct this issue:

- 1. All corrective action steps identified in response to Violation 1 shall also apply to Violation 2;
- 2. Additionally, proper employee discipline shall be applied to the two staff members involved;

² As it is understood by Havenwood, the zip-ties were not intended to be used or in fact used as a form of punishment. It appears that the zip-ties were used, albeit improperly, to restrain a client who had become a threat to herself, other clients and staff members. Our research also indicates that the trough was never used as a form of punishment or humiliation. Insofar as the Division of Licensing considers the trough at this point to be inappropriate, its use is and will be discontinued.



- 3. Staff will also be trained that not only are they not to use physical restraints or punishments but that they are to prevent any independent contractor or other party from doing the same;
- 4. The use of the trough for any reason shall be completely discontinued.

Date Havenwood will achieve compliance with administrative rules and statutes:

Immediately.

VIOLATION 3:

Linda Reeves (Clinical Director for Havenwood Academy) disclosed to the Office of Licensing and to Child Protective Services that for over the past 3 years she has allowed a horse water trough to be used for therapeutic discipline. This practice was never approved by the Office of Licensing and was not disclosed to the Office of Licensing, parents, and/or legal guardians of the consumers.³

Steps to be Taken: Havenwood shall take the following steps to correct this issue:

- 1. Linda Reeves shall review all rules and regulations of the Department of Licensing to ensure that she is aware of them and that the clinical program and overall program at Havenwood is and remains in compliance therewith;
- 2. Havenwood has recently retained the services of Ken Stettler as an advisor and auditor for the program. All clinical and program methodologies that involve "discipline" or "client correction" shall be presented to Ms. Stettler and will not be implemented without notifying the Division of Licensing.

Date Havenwood will achieve compliance with administrative rules and statutes:

Immediately.

Very Truly Yours,

Blaine T. Hofeling CEO Havenwood Academy, Inc.

³ Linda Reeves was aware of the use of the trough. It is Havenwood's understanding that parents and/or legal guardians were also aware of the use of the trough and to Havenwood's knowledge no parent and/or guardian had ever objected to or asked that it be discontinued. This issue was raised with parents during Parent Weekend (June 28, 29 and 30, 2018) and no parent expressed any concern regarding the use of the trough. We have included hereafter some statements and testimonials from parents about equine specifically and the program generally so that the record can reflect the great success we have had utilizing equine services. Nevertheless, Havenwood understands the concerns of the Division of Licensing with respect thereto and its use is and will be discontinued.